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Circular: 0005/2024
Expiry date: None

To: Deputy Directors-General, Chief Directors, Directors, Deputy Directors: District Corporate Services, Circuit Managers, Heads: Management and Governance and Principals and Chairpersons of governing bodies at public schools

Short summary: *To provide clarity to principals and governing bodies about their legal duties in respect of political activities during school time.*

Subject: Prohibition of political activities during school time

1. The purpose of this circular is to assist and provide clarity to principals, staff members and governing body members at public schools on: (a) how to manage political activities during school time and/or on school premises; and (b) their legal duties to comply with the applicable legislation. This circular is also aimed at ensuring that party-political activities do not encroach on teaching time, that school time is used for educational activities only and that teaching aligns with the legal duties of political impartiality according to existing statutory requirements.
2. The relevant provisions of the South African Schools Act (SASA), 1996 (Act 84 of 1996), which prohibit political activities during school time on school property are contained in section 33A of the SASA. Similar provisions are contained in section 46(B) of the Western Cape Provincial School Education Act (Provincial Act), 1997 (Act 12 of 1997).
3. Section 46B(5) of the Provincial Act defines **school time** as “*the times of the school day determined by the governing body under section 21A(1)(g), and any other time during which curricular or extra-curricular activities are taking place on the school premises*”, and section 21A(1)(g) of the Provincial Act provides that “*the governing body of a public school shall determine times of the school day consistent with any applicable conditions of employment of members of staff at the school*”.

4. Section 33A of the SASA states that no party-political activities may be conducted at a school during school time. Party-political activities include, but are not limited to—
 - (a) campaigning;
 - (b) the conducting of rallies;
 - (c) the distribution of pamphlets and flyers;
 - (d) the hanging or putting up of posters and banners;
 - (e) a member of a political party canvassing for votes or visiting a school for reasons related to party-political activities;
 - (f) the displaying of material of a party-political nature on the school premises, unless such party-political material is related to the curriculum at the school;
 - (g) the wearing of any political regalia or attire containing partisan political messages;
 - (h) party-political speeches; and
 - (i) the use of school equipment for the copying of political flyers or sending and receiving emails with party-political content from school computers.

5. The provisions in the legislation referenced in this circular imply that when teaching about politics and political issues as part of the curriculum or civic education programmes:
 - 5.1 Educators must remain impartial and neutral when political issues are discussed in the classroom and at the school.
 - 5.2 An educator is prohibited from sharing his or her personal political viewpoints with learners during school time.
 - 5.3 Learning material should be reviewed to assess whether it is age appropriate, offers balanced viewpoints and is not politically biased.
 - 5.4 The shared democratic values which underpin our society, as reflected in the Bill of Rights contained in the Constitution of the Republic of South Africa, 1996, should be reinforced by schools.

6. Since the SASA and the Provincial Act prohibit party-political activities during school time only, it implies that these activities may take place outside of school time. Governing bodies may decide whether they will allow political activities to be conducted on the school premises outside of school time. However, once permission is granted the school may not advertise these party-political activities and must take care, in a reasonable manner, to ensure that it does not create the impression that the school has sponsored or endorsed the activities. The governing body may accordingly only allow party-political activities on the following conditions:
 - (a) Permission must be granted in writing and an agreement must be signed with the organisers of activities.
 - (b) Political activities must not affect the academic or co-curricular programmes conducted at the school during that time.
 - (c) The relevant by-laws, including those relating to permits for events, safety requirements and limits on noise levels, must be followed by the organisers.

- (d) The school must make every effort to ensure that there is enough parking space on the school premises for the attendees of any political activity, so as to limit people from parking outside the school premises and thereby disrupting the traffic flow in the neighbourhood.
 - (e) The political party arranging an activity must have marshals and security guards to ensure order and discipline is maintained before, during and after the activity.
 - (f) No alcohol may be consumed on the school premises before, during or after an activity.
 - (g) No drugs may be used on the school premises before, during or after an activity.
 - (h) No singing and dancing must be allowed outside the school premises before, during or after an activity.
 - (i) The organisers must ensure that no person who is visibly intoxicated attends an activity.
 - (j) The organisers must ensure that the prescribed health and safety standards are complied with and maintained.
 - (k) The organisers must ensure that the capacity of all the venues used is not exceeded.
 - (l) The organisers must be informed which parts of the school may not be entered and signage must be put up to ensure the compliance of attendants.
 - (m) The organisers must ensure that all party-political materials related to activities are removed from the premises directly after the activities.
7. Parliamentary oversight visits by members of the national and/or provincial parliament to schools are allowed. However, it is important to note that no members of the national and/or provincial parliament may wear party-political regalia or make party-political speeches during school time.
8. Party-political speeches or campaign material are also not permissible in school newsletters or on school websites or social media platforms, because this may be perceived as having been approved by the school. This also applies to the messages on any billboards or hoardings that are placed, erected or located on school premises for advertising purposes.
9. The provisions in the legislation referenced in this circular place a responsibility on governing bodies to ensure that the use of school property, including for commercial purposes, is done in a manner that complies with all the applicable laws.
10. Failure to ensure that the requirements in this circular are fulfilled could result in disciplinary measures being instituted against transgressors employed by the Western Cape Education Department or those employed by the governing body of the school concerned.
11. This circular repeals and replaces Circular 0047/2013 in its entirety.

SIGNED: B WALTERS

HEAD: EDUCATION

DATE: 2024-02-29