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# GENERAL NOTICE

## NOTICE 3398 OF 2008

### NOTICE REGARDING THE CRITERIA TO ALLOCATE AND WITHDRAW OF SECTION 21 FUNCTIONS IN TERMS OF THE SOUTH AFRICAN SCHOOLS ACT 84 of 1996

I, Angelina Motshekga, Member of the Executive Council for Education in Gauteng, after consulting with the stakeholders representing Governing Bodies and the public, hereby publish this Notice to give effect to sections 21 and 22 of the South African Schools Act 1996 (Act 84 of 1996), as amended, and sections 125 to 130 of the National Norms and Standards for School Funding as amended.

Angelina Motshekga  
Member of the Executive Council for Education

**Date** -----

#### Schedule

#### Preamble

The functions contemplated in section 21 of the South African Schools Act (SASA) 84 of 1996 and sections 125 to 130 of the National Norms and Standards for School Funding (NNSF) 2006 as amended are distinguishable from those listed in section 20. These are functions with direct financial implications and are only conferred to a public school if such a school has applied for them or if one or more functions have been allocated to the school by the Member of the Executive Council (MEC) by notice in the Provincial Gazette.

The contemplated functions will only be conferred to public schools, which according to the set criteria show capacity to perform and manage such functions. Schools must ensure that there is adequate expenditure on educational items and that section 21 (c) function is not under funded.

The department will at present only allocate functions (a); (c) and (d). A process to allocate the remaining functions (b) and (e) will take place once all processes pertaining to curriculum and other functions consistent with this Act are in place.

## 1. Definitions

- "Governing Body"** means any governing body contemplated in section 16(1) of SASA;
- "Head of Department"** means the head of the Education Department;
- "Member of the Executive Council"** means the Member of the Executive Council of a province who is responsible for education in that province;
- "Officer"** means an employee of an education department appointed in terms of the Educators Employment Act, 76(1998), or the Public Service Act, 1994 (Proclamation 103 of 1994);
- "A Functional school"** means a school that has a development plan that is simple, manageable, achievable, relevant and with specific time frames. A school with a management structure and SGB that can manage and govern effectively, efficiently and in a transparent manner;
- "Whole School Development Plan"** means a school plan with, medium term objectives for three years in line with the term of office of the SGB;
- "School Improvement Plan"** means a plan developed from the annual review of the whole school development plan addressing activities that were not achieved and aligning the plans with the needs and budget of the school annually.

## 2. PURPOSE

To provide the criteria/measure to determine the capacity and capability of the School Governing Bodies (SGBs) to perform the section 21 functions applied for and allocated, effectively and efficiently.

## 3. LEGISLATIVE FRAMEWORK

The following legislative framework informs these criteria:

- (1) The South African Schools Act 84 of 1996 as amended;
- (2) The National Norms and Standards for School Funding of 2006 as amended.

## 4. CRITERIA FOR ALLOCATING SECTION 21 FUNCTIONS TO SCHOOLS

**(1) In determining the application by the school governing body for approval, the Head of Department will take the following into consideration:**

- (a) Capacity and capability to carry out and manage the function(s) applied for;
- (b) A finance committee, conversant with budgeting and accounting procedures as outlined in SASA;
- (c) Show the ability to govern with efficiency, effectiveness and in a transparent manner;

- (d) Demonstrate improved service delivery in terms of financial management, good governance and quality teaching and learning;
- (e) Ensure that information is at all times supplied as required by the Head of Department;
- (f) Evidence that the school has a well defined budget plan,
- (g) Evidence that the SGB submit an income and expenditure report based on the WSDP, School Improvement Plan (SIP) and Budget Plans quarterly;
- (h) Evidence that the SGB submit School Development Plans(SDP) to the district office for ratification by the District Director
- (i) Evidence that the school has developed and submitted an annual report that reflects how plans were managed together with an achievable School Improvement Plan;
- (j) Evidence that the SGB submit an audited financial statement by the 30<sup>th</sup> June of each year;

**(2) Section 21 (a): to maintain and improve the school's property, a functional school must:**

- (a) Have written plans for maintenance and improvements infused in the School Development Plan and School Improvement Plan;
- (b) Ensure that improvements or and additions are carried out only after architectural plans have been submitted and approved by the District Director and the GDE's Chief Architect;
- (c) Ensure that funds allocated for maintenance are utilised according to plans.

**(3) Section 21 (c) To purchase textbooks, educational materials or equipment for the school; a functional school must:**

- (a) Develop a policy document that reflects factors outlined in 3. (b) to (g);
- (b) Establish a Learning Support Material Committee (LSMC) consisting of relevant staff members including SGB representatives;
- (c) Have guidelines for the selection, distribution, retrieval of Learning Support Materials (LSM);
- (d) Ensure that LTSM procurement procedures and processes are followed in compliance with the departmental policies;
- (e) Show competence in prioritising Educational / curricular needs in line with WSDP, SIP and IQMS and allocate adequate funds to their realisation;
- (f) Keep an updated LTSM asset/stock register;
- (g) Keep a good recording and filing system of all source documents.

**(4) Section 21 (d) to pay for services, a functional school must:**

- (a) Develop guidelines for the usage of equipment/facilities in the school e.g. usage of facilities after hours and week-ends;

- (b) Have systems to manage leaking pipes and dysfunctional taps and toilets;
- (c) Have a system to manage electricity usage;
- (d) Have in place a management system that will ensure proper safekeeping of all records, e.g. invoices, receipts, etc pertaining to bills and payment of services;

**(5) Financial planning, management and accountability, a functional school must:-**

- (a) Have a Finance committee;
- (b) Develop a budget forecast for the term of office (three years) of the SGB;
- (c) Prepare a budget each year, according to guidelines determined by the MEC, which shows the estimated income and expenditure of the school for the following year including plans on how the school will management school fee exemptions;
- (d) Report on their expenditure on a quarterly basis to the District Office and parents through the IDSO;
- (e) Submit an audited financial statement annually to Head Office by the 30 June for the previous year to ensure that schools follow proper financial management and accounting procedures;
- (f) Show how school funds will be managed to prevent fraud and corruption;
- (g) Indicate the plans of the school to actively raise funds to supplement state funds for self reliance;
- (h) Keep records of all transactions in a file.

**5. The Head of department must:**

- (a) Approve or disapprove applications from the SGB unconditionally or with conditions subject to the capacity of the SGB to perform such functions as outlined in the report;
- (b) allocate one, two or all functions based on the recommendations in the assessment report;
- (c) sanction a re-assessment process where necessary or where the SGB is in contestation of his/her final decision;
- (d) withdraw allocated functions in cases where the HOD is not satisfied with how the SBG manages the functions allocated;
- (e) communicate his/her final decisions with reasons to the relevant parties;
- (f) Provide the MEC with the final report indicating the level of functionality of schools in the province.

6. The MEC may, by notice in the Provincial Gazette, assign one or more functions to an SGB without subjecting them to an application as contemplated in section 21 SASA if-

- (a) He/she is satisfied that the governing bodies concerned have the capacity to perform such functions effectively and meets the criteria.

## **7. Definition of ratings**

Functionality ratings are determined on the basis of the responses and evidence provided to the questions outlined in the tool.

High functionality: refers to scores between 70 and 100 points

Medium functionality refers to scores between 31 to 69 points

Low functionality refers to scores between 0 to 30 points

## **8. Withdrawal of allocated functions**

(1) The HOD may withdraw functions of the SGB in terms of section 22 of SASA.

(2) The Department will review the capacity of schools annually and submit to the HOD reports indicating schools where section 21 functions must be withdrawn and the reasons for such withdrawal.

(3) The financial audits will be used to confirm the reports submitted by districts where schools do not demonstrate the capacity to manage.

(4) The HOD will therefore:

- (a) inform the governing body of his or her intention to so act and the reasons therefore;
- (b) grant the governing body a reasonable opportunity to make representations to him or her relating to such intention;
- (c) give due consideration to any such representations received;
- (d) in cases of urgency, withdraw the functions in terms of section 22 (3).

## Annexure A:

**MONITORING TOOL****1. Function A: Maintenance (Total score = 11)**

<b>1.1. OBSERVE: The students' toilet</b>							
The toilets (including pit system or mobile toilets) are in a poor state, dirty, broken, no flush mechanisms and no toilet paper OR there are no toilets	0	Some of the toilets are broken, or the toilets are dirty with no toilet paper	1	Are in average condition, either being a bit dirty, or with some of the flushes not working, or no toilet paper	2	Are in good condition, clean, flush mechanisms work and there is a supply of toilet paper	3

<b>1.2. OBSERVE: The school buildings (especially walls and windows &amp; doors)</b>							
Are in a bad state of disrepair with more than five broken windows and doors, and dirty walls.	0	Are in a state of some disrepair – there are three to five broken windows and doors. Some of the walls are dirty.	1	Are in average condition. Some of the walls are dirty, and there are one or two signs of broken property	2	Are in excellent condition. Walls are clean with no graffiti. There are no broken windows or doors.	3

<b>1.3 OBSERVE: The school grounds</b>							
Are very littered with no gardens or gardens that are poorly cared for.	0	Are quite littered with gardens which are clearly not very well kept	1	Have gardens which are quite well kept. Very little litter.	2	Have gardens, which are neat and well kept. Grass is mown. No litter.	3

<b>1.4. Does the school has adequate security systems / facilities in place to protect the buildings and facilities of the school?</b>							
Nothing	0	Partial	1	Adequate	2		



**Function C: LTSM (Total score = 15)**

<b>2.1 Does the school have Learning and Teaching Support Material committee?</b>			
No	0	Yes	1

<b>2.2 Does the school have LTSM distribution and retrieval policy?</b>			
No	0	Yes	1

<b>2.3 Approximately what percentage of LTSM were retrieved in the previous year?</b>							
About 30% or less	0	About 60%	1	About 80%	2	About 90 – 100%	3

<b>2.4 Was all the LTSM ordered for the year delivered in the school?</b>			
No	0	Yes	2

<b>2.5 OBSERVE: What is the condition of the stock register for LTSM (i.e. what the school has)?</b>							
Very untidy and unclear. Not up to date. No entries for the year, OR cannot produce register.	0	Not very clear or neat. Entries for the year haphazard.	1	Neat and quite organized. Entries for the year mostly entered.	2	Up to date, neat, organized. Clear. Complete entries for the year inputted.	3

<b>2.6 OBSERVE: Can the school show records of what LTSM have been delivered and what is outstanding?</b>			
No	0	Yes	1

<b>2.7 OBSERVE: Does the school have a safe storage place for stock (books, radio, etc)</b>			
No	0	Yes	1

<b>2.8 OBSERVE: The condition of five learners' LTSM (especially textbooks) in a single grade</b>							
Learners do not have any textbooks or subject relevant materials, or few are available in a poor condition.	0	Textbooks and materials are available for some learners. These are kept at school and/or about half are in satisfactory condition	1	Learners have textbooks and materials that are in a satisfactory state for some learning areas.	2	Learners have textbooks and materials for all learning areas in good condition in their possession.	3

**3. Function D: Services (Total score = 9)**

3.1. Which of the following services were up to date in terms of payments of accounts?					
3.1.1	Electricity	Yes	1	No	0
3.1.2	Telephone	Yes	1	No	0
3.1.3	Rates and taxes; Water, Sewerage	Yes	1	No	0

3.2. OBSERVE: What is the state of the filing system for invoices and receipts for services?							
Very untidy and unclear. Not up to date. Few or no invoices and receipts for the year filed; OR cannot produce file.	0	Not very clear or neat. Accounts and receipts for the year haphazard.	1	Neat and quite organized. Some invoices and receipts for the year missing.	2	Up to date, neat, organized. Clear. Complete set of invoices and receipts for the year filed.	3

3.3. The school is able to specify strategies for conserving the use of					
Electricity	Yes	1	No	0	
Water	Yes	1	No	0	
Telephone	Yes	1	No	0	

**4. Financial management ( Total Score = 50)**

4.1. Did the school submit an audited financial statement for the year?			
No	0	Yes	5

4.2. Was the school liquid and solvent at the end of the last financial year			
No	0	Yes	5

4.3. Did the audit demonstrate compliance with Generally Accepted Accounting Practices (GAAP)?			
No	0	Yes	5

4.4. Was the audit conducted using registered accountants and auditors?			
No	0	Yes	10

4.5. Indicate the type of audit report provided by the auditor(s) (tick in the appropriate space below)			
Unqualified	Qualified	Adverse	Emphasis of matter

4.6. Does the audit indicate SGB approval of the annual financial statement?			
No	0	Yes	5

4.7. Was the budget used for the specific allocated function(s)?			
No	0	Yes	5

**4.7.1. Indicate the area of deviation with reference to 4.7 above.**

**4.8 Does the school have a procurement policy?**

No	0	Yes	5
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**4.9. Rate the following procurement processes between 0 = non-compliance; 1 = partial compliance; 2 = full compliance**

Compliance level of the school procurement policy with the procurement Act?	
Compliance level regarding acquisition of three quotations prior to allocating tenders to service providers?	
evidence of minutes where procurement decisions are taken	
Procured services in line with the school plans (SDP/SIP)?	
Signed copy of a formal contract or service level agreement with the service providers prior to commencement of required services?	
	/ 10

## 5. SCHOOL PLANNING (TOTAL SCORE = 15 )

**5.1. Does the school have a School Development Plan outlining the mid-term goals of the SGB for the term of office?**

No	0	Yes	5
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**5.2. Did the school submit School Development Plan/ School Improvement Plan (that is goal oriented and show progress on achievements) to the District Director for ratification?**

No	0	Yes	5
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**5.3. Did the school submit the annual report reflecting how plans were managed?**

No	0	Yes	5
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## 6. Additional criteria ( narrative with no scores)

Item	Comments
1. Is in a bad state of disrepair with parts of fences / walls missing, or with holes in them. No security.	
2. Walled or fenced but in places shows signs of disrepair, and in a few places is broken. No security.	
Has a fence / wall which appears to be adequately maintained. No security system apart from a locked gate.	
Is well maintained with a fence or a wall. It has an intercom / security guard / system.	
3. Does the school have a Finance committee	
4. List the qualifications of each member of the finance committee	

5. The involvement of the finance committee members in financial matters in a place of employment or elsewhere	
6. Did the school receive guidance or training regarding the section 21 functions and the expectations to manage such functions	
7. Did the SMT/SGB receive training on the following: <ul style="list-style-type: none"> <li>▪ procedures and systems for conducting section 21 functions</li> <li>▪ Financial management,</li> <li>▪ Planning and Budgeting</li> <li>▪ SGB roles and responsibilities</li> </ul>	
8. What systems are in place to manage the schools budget?	
9. For the no fee schools: what systems are in place to manage the allocation provided for the day to day operations of the school?	
10. Does the school have plans for fund raising?	
11. How is the school accounting for the use of funds raised by the school?	

	Print Name	Signature	Date
Principal			
SGB chairperson			
IDSO			

**NB: The HOD and MEC will not process incomplete forms.**

## Annexure B

### 1. MONITORING AND REPORTING TOOLS FOR SCHOOLS

The tools will be used to assess all public ordinary schools annually to determine the level of functionality and capacity to manage section 21 functions.

The monitoring and reporting tools consists of a set of indicators with a scoring system for each of the three functions allocated by the GDE currently. It is envisaged that the monitoring tool be used once a year in order to determine whether schools have the capacity to perform its function or the HOD should consider withdrawing functions applied for due to non-functionality of the SGB.

Schools achieve a rating on each of the indicators, and cumulatively this gives a capacity score (out of 100). The monitoring tool also includes criteria for the analysis of the school's annual financial audited statement, which in conjunction with the functions score, should give a clear indication to the HOD whether the school has or has no capacity to discharge functions allocated to the SGB. This would also give the Department an indication of the kind of capacity building needed in particular schools.

### REPORTING TOOL

1.2 NAME OF SCHOOL								
1.3 NAME OF IDSO								
1.4 DISTRICT								
1.5 DATE OF MONITORING (dd/mm/yyyy)	D	d	m	m	y	y	y	y

TOTAL SCORE FUNCTION A: MAINTENANCE		/11
TOTAL SCORE FUNCTION C: LTSM		/15
TOTAL SCORE FUNCTION D: SERVICES		/9
TOTAL SCORE FINANCIAL AUDIT		/50
TOTAL SCORE PLANNING		/15
<b>TOTAL SCORE</b>		<b>/100</b>

**Assessment outcome:**

HIGH CAPACITY SCHOOL (70-100 points)	
MEDIUM CAPACITY SCHOOL (31 – 69 points)	
LOW CAPACITY SCHOOL (0 –30 points)	

**Recommendation:**

	Specify functions eg. (a); (c) or (d)
SECTION 21 FUNCTIONS MAINTAINED BY SCHOOL	
SECTION 21 FUNCTIONS WITHDRAWN FROM SCHOOL	

RECOMMENDATION: CAPACITY DEVELOPMENT

(DSO)

Date

CES (DS)

Date

(District Director)

Date



**ANNEXURE C (1)**  
**SUMMARY OF SCHOOLS WITH CAPACITY OF 70 – 100 POINTS**

District \_\_\_\_\_

Name of school	Cumulative Score	Function(s) recommended (eg. A,B or D as in SASA)	Functions not recommended (eg. A,B or D as in SASA)	Comments

\_\_\_\_\_  
**CES: IDS**

\_\_\_\_\_  
**DATE:**

\_\_\_\_\_  
**DISTRICT DIRECTOR**

\_\_\_\_\_  
**DATE**

*NB: A summary per school in terms of levels of functionality must be provided on annexure C.*



ANNEXURE C (2)  
SUMMARY OF SCHOOLS WITH CAPACITY OF 31 - 69 POINTS

District \_\_\_\_\_

Name of school	Cumulative Score	Function(s) recommended (eg. A,B or D as in SASA)	Functions not recommended (eg. A,B or D as in SASA)	Comments

\_\_\_\_\_  
CES: IDS

\_\_\_\_\_  
DATE:

\_\_\_\_\_  
DISTRICT DIRECTOR

\_\_\_\_\_  
DATE

*NB: A summary per school in terms of levels of functionality must be provided on annexure C.*

**ANNEXURE C (3)**  
**SUMMARY OF SCHOOLS WITH CAPACITY OF 0 - 30 POINTS**

District \_\_\_\_\_

Name of school	Cumulative Score	Function(s) recommended (eg. A,B or D as in SASA)	Functions not recommended (eg. A,B or D as in SASA)	Comments

\_\_\_\_\_  
**CES: IDS**

\_\_\_\_\_  
**DATE:**

\_\_\_\_\_  
**DISTRICT DIRECTOR**

\_\_\_\_\_  
**DATE**

*NB: A summary per school in terms of levels of functionality must be provided on annexure C.*