

GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION**No. R. 1128****10 November 2006****SOUTH AFRICAN SCHOOLS ACT 84 OF 1996****AMENDMENT: REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS**

I, Grace Naledi Mandisa Pandor, Minister of Education, after consultation with the Council of Education Ministers and in terms of section 61(a) of the South African Schools Act 84 of 1996, hereby publish the Regulations in the Schedule for general information.


GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION

SCHEDULE**Definitions**

1. In these Regulations, “the Regulations” means the regulations published by Government Notice No. R. 1040 of 12 October 2001.

Amendment of regulation 1 of the Regulations

2. Regulation 1 is hereby amended by the addition, after the definition of “public school premises”, of the following definitions:

“school activity” means any educational, cultural, sporting or social activity of the school within or outside the premises;

“supervision” means the management and control of learners at school and during school activities.”.

Amendment of Regulation 4

3. Regulation 4 is hereby amended by the addition of the following subregulation:

“(4) No educator, parent or learner, and no other person, may possess or use –

- (a) alcohol;
- (b) illegal drugs;
- (c) any illegal substance; **or**
- (d) dangerous objects,

during any school activity.”.

Insertion of Regulations

4. The Regulations are hereby amended by the insertion, after regulation 8, of the following regulations:

“School activities

8A (1) A public school must ensure that –

- (a) it completes the application form contemplated in Schedule 1 to the Regulations in duplicate if the school activity involves transporting of learners;
- (b) the application is approved by an official representing the provincial education department before such school activity is undertaken; and
- (c) a copy of the approved application form is handed to the school and the original is kept by the official representing the provincial education department.

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- (2) A public school must take measures to ensure the safety of learners during any school activity, including –
- (a) insuring against accidents, injuries, general medical expenses, hospitalisation and theft that may occur, depending on the availability of funds;
 - (b) ensuring, where reasonably practicable, that learners are under the supervision of an accompanying educator at all times;
 - (c) requesting parents or other adults to assist in the supervision of learners;
 - (d) ensuring that the educator-learnerratio is at least –
 - (i) one educator, parent or other adult for every 20 learners in primary schools; or
 - (ii) one educator, parent or other adult for every 30 learners in secondary schools; and
 - (e) ensuring that, in respect of the adult-learner ratio, gender is taken into account.
- (3) **An** insurer of a school as contemplated in regulation 8(A)(2)(a) may not rely on section 60 of the South African Schools Act 84 of 1996 to avoid liability in terms of the Insurance Policy.
- (4) If **an** insurer is liable in the event of injury suffered **by** a learner, the school must assist the parent in claiming from the insurer on behalf of the learner.
- (5) If the Road Accident Fund is liable in the event of injury suffered by a learner, the school must assist the parent in claiming from the Fund on behalf of the learner.
- (6) A public school must assist a parent in any claim made in terms of section 60 of the South African Schools Act 84 of 1996.
- (7) A public school must take measures to ensure that –

- (a) if a learner is on medication and will require medication during the course of school activities, the parent has seen to it that the learner has sufficient quantities of the medication for the duration of the school activities;
 - (b) if it is necessary for a learner to *carry* a doctor's prescription for medication, the parent has provided the learner and the supervising educator with certified copies of such prescription;
 - (c) a parent is advised to report to the school, in writing, the medical condition of a learner;
 - (d) before a school activity, the principal provides a supervising educator with a report on the medical condition of a learner;
and
 - (e) a parent is informed about any travelling to or through a high-risk disease area during the course of the school activity.
- (8) **A** public school must take measures to ensure that, if a learner is injured or falls ill during the course of a school activity and requires medical treatment, the supervising educator –
- (a) takes measures to contact the parent of the learner concerned in order to obtain consent for such medical treatment; and
 - (b) determines whether or not to consent to such medical treatment if he or she is unable to contact the parent of the learner.

Organisation of a school activity

- 8B(1) **A** public school must, in writing, supply the following information to the parent of the learner who will undertake the school activity:
- (a) The purpose of the school activity;
 - (b) the nature of the activities to be undertaken during the school activity;
 - (c) the full itinerary of the school activity, with contact details of the hosts and of the supervising educators;
 - (d) the nature of transport, accommodation and catering arrangements;

- (e) where applicable, the fact that the learner will need to acquire travelling documents and an inoculation certificate, and where they can be obtained;
 - (f) the fact that the travelling documents must be obtained at least seven days prior to the date of departure; and
 - (g) any other relevant details.
- (2) Immediately after returning from a school activity, the supervising educator must submit a report to the principal if any of the following has occurred:
- (a) accident;
 - (b) injury to a learner, educator or driver or to any other person; or
 - (c) any act of misconduct on the part of a learner, educator or driver or of any other person.
- (3) The report must include the following information:
- (a) The nature of the incident;
 - (b) the nature of the injury, if applicable;
 - (c) the time, date **and** place of the incident;
 - (d) procedures that were followed in dealing with the incident; and
 - (e) the name of the supervising educator.
- (4) The principal must submit the report to the official who approved the school activity and to the chairperson of the school governing body.

Consent

- 8C(1)** A public school must obtain written consent from the parent of the learner who will be undertaking the school activity.
- (2) A public school may not request a parent to sign an indemnity form that indemnifies the school against any legal action that may arise as a result of the school activity.

Transport

- 8D (1) A public school must ensure that –
- (a) if it owns vehicles for transporting learners, such vehicles have insurance and roadworthy certificates;
 - (b) the drivers of such vehicles are in possession of valid driving licences and professional driving permits;
 - (c) the transport company or the owner of the vehicles provides the school with the following:
 - (i) insurance and roadworthy certificates for each vehicle;
 - (ii) passenger liability insurance; and
 - (iii) valid driving licence and professional driving permit of the driver;
 - (d) the transport company or the owner of the vehicle provides a substitute driver and a transport support system en route; and
 - (e) the vehicle transporting learners has a fire extinguisher.
- (2) The principal, supervising educator or member of the school governing body must intervene if there is any doubt about the roadworthiness of the vehicle or the competence of the driver of the vehicle.
- (3) The principal, supervising educator or member of the school governing body must liaise with the driver or the owner **of** the vehicle in connection with reporting any accident to the police, **and** must report the accident himself or herself, within **48** hours, if the driver or the owner of the vehicle fails to do so.

Physical activities

- 8E (1) No learner may be allowed to participate in physical activities, including sports, games or gymnastics, if –
- (a) the principal has reason to believe that such activity will be detrimental to the learner's health; or

- (b) the parent has provided a medical certificate that prevents the learner from participating in such activity.
- (2) The principal must ensure that learners are informed about the dangers of, and safety measures regarding, water.
- (3) The safety measures regarding water contemplated in subregulation (2) apply to any swimming or water sports activities at –
- (a) a swimming pool;
 - (b) a river;
 - (c) a dam; or
 - (d) the ocean.
- (4) The principal must ensure that learners are supervised during all swimming activities, during visits to the sea, rivers and dams, and when they are taking part in water sports.
- (5) If a public school has a swimming pool, the principal must ensure that notices regarding safety measures are displayed around the swimming pool.

Emergency and fire procedures

- 8F (1) A public school must ensure that –
- (a) it establishes emergency evacuation procedures;
 - (b) the emergency evacuation procedures are displayed in all offices, classrooms and amenities; and
 - (c) where reasonably practicable, the local fire chief assesses and reviews all fire evacuation procedures every year.
- (2) A public school must take measures to install –
- (a) fire extinguishers, which the principal must ensure are checked regularly; and
 - (b) fire alarms that are audible in all parts of the school premises, depending on the availability of funds.

- (3) The principal must ensure that staff members and, where applicable, learners who are in grades 8 or higher are trained to use the fire extinguishers.
- (4) If a bomb threat is received or a suspicious object is discovered –
 - (a) the principal must immediately report it to the police;
 - (b) the object, or anything related to the bomb threat, must be left untouched; and
 - (c) the public school must apply emergency evacuation procedures.

Early release from school

- 8(G)** (1) A public school must have **an** early release procedure that allows parents or designated persons to collect learners from school early.
- (2) A public school must keep a written record to be used in cases of early release that indicates –
 - (a) the name of the learner;
 - (b) the grade of the learner;
 - (c) the name of the person collecting the learner; and
 - (d) the time, date and purpose of the early release.
 - (3) If the learner is to be collected by a person designated by a parent –
 - (a) that person must produce proof of such designation;
 - (b) the public school must ensure that the designated person is known to the learner; and
 - (c) the public school must take measures to contact the parent of a learner if there is any doubt about the identity of the person collecting the learner.
 - (4) A public school must inform the parents in advance if the learners are going to be released from school early.”.

Short title and commencement

5. These regulations may be cited as the Amendment Regulations for Safety Measures at Public Schools and come into operation on the date of publication in the *Government Gazette*.

SCHEDULE 1**Application for approval for undertaking a school activity where transport is involved**

The principal of the applicant public school must complete this application form.

1. Details of school

1.1	Province	
1.2	District or region	
1.3	Name of school	
1.4	School EMIS number	
1.5	Name of principal	

2. Governing body contact details

	SGB official	Full names	ID number	Contact telephone number	Expiry date of term of office
2.1	Chairperson				
2.2	Secretary				
2.3	Treasurer				

3. Purpose of school activity

Objective:
Curriculum linkage:

Overnight or day visit:	No. of days:
Catering arrangements:	

4. Activities of learners during school activity

Number of learners		Total	Number of educators		Total	Number of parents or other adults		Total
Boys	Girls		Male	Female		Male	Female	

6. Names of educators and parents or other adults who will accompany the learners

7. Details of funding arrangements for the school activity

Cost of the school activity, per person:
Support strategy for learners whose parents cannot afford to pay for their participation in the school activity:

8. Transport details

8.1 Name of company providing transport or of owner of vehicle: _____

8.2 Address: _____

8.3 Roadworthy certificate:

Date of issue: _____ Expiry date: _____

8.4 Details of the driver:

Name of the driver _____

Driving licence and code _____

Expiry date _____

Expiry date of professional driving permit _____

Company's or vehicle owner's insurance (name and policy number) _____

8.5 Details of the substitute driver:

Name of the substitute driver _____

Driving licence and code _____

Expiry date _____

Expiry date of professional driving permit _____

Company's or vehicle owner's insurance (name and policy number) _____

8.6 Details of transport support system en route _____

9. Accommodation arrangements

Type of accommodation: _____

No. of persons per room: _____

10. Documents to be submitted with application

Copies of the following documents must be submitted with the application:

10.1 A full itinerary;

10.2 if the school activity is taking place on invitation, a letter confirming such invitation; and

10.3 any other documentation that will support the application.

11. Date and signature

Principal: _____ (Print name)	Signature: _____	Date: _____
Chairperson of Governing Body: _____ (Print name)	Signature: _____	Date: _____

For official use:

Head of Provincial Education Department or his or her delegate:	
Date:	

Tour approved:

Yes

No

Reasons for refusal of the application: _____

Signature (HOD or his or her delegate): _____

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