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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF EDUCATION

NO. R. 4445

28 February 2024

REGULATIONS RELATING

TO

2024 REPRESENTATIVE COUNCIL OF LEARNERS

OF PUBLIC SCHOOLS IN THE NORTH WEST PROVINCE

2024

I, Ntshozo Motswagole, Member of the Executive Council responsible for Education, hereby give notice in terms of section 11(2) of the South African Schools Act, 1996 (Act No. 84 of 1996) as amended, determining minimum functions and the procedures for the establishment and election of representative councils of learners in the Province of North West.



Member of the Executive Council for Education

**Table of Contents**

<b>Title</b>	<b>Page</b>
Abbreviations and Acronyms	
1.Introduction	1
2. Legal Framework	1
3. RCL Code of Conduct	1
4. RCL within a school	2
5. Eligibility	2
6. Goals and Objectives of the RCL	2
7.Organizational Structure of RCL's in the education system	3
8.School RCL Structure	3
9.The Circuit RCL Structure	3 - 4
10. The LEO RCL Structure	4
11.The District RCL Structure	4
12.The Provincial RCL Structure	5
13.The National RCL Structure	5
14.RCL Roles and Responsibilities	5 - 6
15.Communication Protocol	6
16.Teacher Liaison Officer	6 - 7
17.Election of Class Representatives	7 - 8
18.Election of the RCL Executive Committee	8 - 9
19.Roles and Responsibilities of the Executive Committee	9
20.RCL Committees	9 - 10
21.The RCL Constitution	10 - 11
22.Learner Representation in SGB	11 - 12
23. Discharge of members of RCL	12
24. Vacancies	12
25. Dispute resolution and discipline	13
26. Amendment	13
ANNEXURE A	14
ANNEXURE B	15
APPENDICES	16

Abbreviations and Acronyms

PRO: Public Relations Officer

– QLTC: Quality Learning and Teaching Campaign

RCL: Representative Council of Learners

SASA: The South African Schools Act 84 of 1996

SGB: School Governing Body

SMT: School Management Team

TLO: Teacher Liaison Officer

LEO: Local Education Office

CES: Chief Education Specialist

IGSS: Institutional Governance Support Services

## 1. Introduction

A Representative Council of Learners (RCL) is an organized learner body that represents the interests of learners in schools. It is a democratic structure established to ensure that learners have a voice in the decision-making processes within their schools. It is a platform that allows learners to express their opinions, contribute to school policies, and actively participate in shaping their educational experiences. It aims to foster student leadership, empowerment, and a sense of ownership among learners.

## 2. Legal Framework

According to the South African Schools Act (84 of 1996) every public school in South Africa with learners from Grade 8 – 12 (that is, all secondary schools) must establish an RCL. Every year, each grade must elect at least two representatives of different genders to serve on the RCL. Together these learners comprise the only official council of learners that represents all the learners in the school. Three learners from this council are then chosen to serve on the School Governing Body (SGB) together with parents and staff, and these elected learners have full voting rights on the SGB. The RCL works with the SGB and the School Management Team (SMT) to meet the aims of the school. It is important that the other members of the SGB pay attention to what the learners say and allow them the opportunity to voice issues, problems and challenges on behalf of the learners they represent.

## 3. RCL Code of Conduct

**RCL code of conduct must comply with the following minimum requirements:**

The RCL is expected to produce business plans for its term of office. First and foremost, RCL members have to lead and manage in the classroom as Class Representatives. As a collective in the RCL structure they have to lead learners while liaising with the SGB, SMT, departmental officials and other stakeholders. They have to communicate effectively among themselves, with other school structures in the school and forge relations with many others who have an interest in education.

The structure will assist in creating a platform from which general issues affecting RCL's are discussed, and good practice shared.

#### 4. Representative Council of Learners within a School

The RCL is the only official and only legitimate learner representative structure that must be democratically elected by learners at both classroom and school level to represent all learners in secondary and intermediate/combined public schools (Grade 8 to Grade 12). School managers and governors are therefore expected by law to discourage the establishment and existence of any other learner structures or formations in public schools.

#### 5. Eligibility

A learner in the eighth grade or higher shall be entitled to stand for and vote in the election of the RCL. A learner may only serve on the RCL of the school he/she attends.

The following learners will not be eligible to serve on the RCL:

- (a) A learner who has committed misconduct either in terms of the code of conduct of the school or the code of conduct for RCL members and has been suspended and expelled from school or the RCL, after conducting a fair disciplinary hearing.
- (b) If a member resigns.
- (c) If a member absents him/herself from three executive meetings with the RCL or SGB without permission.

#### 6. Goals and Objectives of the RCL

- (a) The Department's main objective for establishing RCL's is in line with upholding democracy in our schools. The RCL structure and operation provide a platform for learners' voices to find expression in a school.
- (b) As learners are represented in the SGB structure, they get to participate in decision-making processes regarding the school.
- (c) RCL members assist in the organisation of extra - curricular activities and encourage other learners to participate in activities such as sports, drama, dance, debate, arts and other cultural activities.
- (d) They act as catalysts for creating sound and healthy relationships among all stakeholders within the schooling community.

### 7 Organisational Structure of RCL's in the education system

- (a) The school level RCL must be established from two learners per class to form the basic structure of the Representative Councils of Learners in the education system.
- (b) The Representative Councils of Learners have to be coordinated and supported within schools, across the circuits, districts, province and at national levels to ensure their development and the sharing of good practices across all provinces.
- (c) Managers at every level of the system must ensure that RCL's are properly established, legally constituted and supported.

### 8 School RCL Structure

- (a) A learner doing grade 8 or higher at a public school is the basic unit of the RCL organisational structure and forms the elective group for the RCL.
- (b) The size of the RCL is determined by the number of classes in a school.
- (c) Learners in each class elect two representatives to serve in the Council.
- (d) The executive committee is democratically elected from members of the council according to provincial regulations.
- (e) Members of the executive committee and additional members will be composed and function as per RCL constitution.
- (f) The Executive Committee shall have the executive powers and will account to the Council.
- (g) Members may not hold more than one portfolio.

### 9 The Circuit RCL Structure

- (a) The Circuit Office will be responsible for the establishment, coordination and functioning of the Circuit RCL.
- (b) Each school RCL will delegate its President and/or Secretary to sit in the Circuit Council.
- (c) Circuit Council members will elect from among themselves the Executive Committee (Office Bearers).
- (d) The primary aim of this structure will be to provide a platform for school RCL's within the circuit to engage and interact on common issues of learner interests. This will also afford RCL's opportunities to liaise with education authorities and other relevant stakeholders within the circuit/cluster.

- (e) The size of the Circuit Council will be determined by the number of schools offering Grade 8 and higher in the circuit.
- (f) The Circuit Manager is expected to assist and support circuit RCL's with the necessary operational resources and logistical support.

#### 10. The Local Education Office RCL Level Structure (LEO)

- (a) The LEO Office will be responsible for the establishment, coordination and functioning of the LEO RCL.
- (b) Circuit RCL will delegate its President and/or Secretary to sit in the LEO Council.
- (c) LEO Council members will elect from among themselves the Executive Committee (Office Bearers).
- (d) The primary aim of this structure will be to provide a platform for school RCL's within the LEO to engage and interact on common issues of learner interests. This will also afford RCL's opportunities to liaise with education authorities and other relevant stakeholders within the LEO.
- (e) The size of the LEO Council will be determined by the number of Circuits with schools offering Grade 8 and higher.
- (f) The IGSS Coordinator is expected to assist and support LEO RCL's with the necessary operational resources and logistical support.

#### 11. The District RCL Structure

- (a) The District Director (Senior Manager) will delegate the responsibility to establish and coordinate the functioning of the District RCL to a district official dealing with governance issues. The CES for circuit coordination is recommended for this task.
- (b) The objectives of the District RCL will be to allow a coordinated functioning of all RCL's in the District as well as developing a uniform approach to matters of common interest for RCL's in the district.
- (c) The President and/or Secretary of each LEO RCL will sit in the District Council and from among themselves elect an Executive Committee (Office Bearers) with the duties and organisational structure determined in the provincial RCL Regulations.



- (d) An official delegated by the District Director will be expected to provide support to the District Council in the form of capacity building, intervention, problem solving, logistics and material resources.

#### 12. The Provincial RCL Structure

- (a) The Presidents and Secretaries of each District RCL structure will form part of the Provincial Council.
- (b) Members of the Provincial Council will elect from among themselves office bearers, whose composition will be
- President
  - Deputy President
  - Secretary
  - Deputy Secretary
  - Treasurer
  - Public Relations Officer.
- (c) It is envisaged that the RCL will be able to liaise with education authorities and other stakeholders at this level on matters concerning learners in particular and their education in general.

#### 13. The National Level RCL Structure

- (a) The structural composition of the National RCL will be made up of provincial presidents and secretaries and they will from among themselves elect office bearers as may be decided by the DBE.
- (b) The structure will assist in creating a platform from which general issues affecting RCL's are discussed and good practice shared.

#### 14. RCL Roles and Responsibilities

The RCL is a representative body given authority and mandate by learners to speak and make decisions on their behalf. The Structure is therefore accountable to the learners and must constantly liaise with education authorities at appropriate levels of the system. An RCL as a

representative structure will among others have the following roles and responsibilities. The RCL must:

- (a) Acknowledge and embrace diversity within their schools and foster unity among learners within that diversity.
- (b) Promote the culture of learning while addressing the needs of all learners.
- (c) Encourage good relationships within the school: between learners and educators; between learners and non-educator members of staff as well as between educators and parents of learners where necessary.
- (d) Represent learners in the School Governing Body and keep learners informed of events at the school and in the community.
- (e) Establish links with RCL's of other schools as well as with youth organisations for the benefit of all learners in the school.
- (f) Promote sport, arts, and cultural activities in conjunction with the school management and governing body.
- (g) Participate in a liaison role with all internal and external stake holders.

### 14. Communication Protocol

14.1 In terms of the RCL constitution, the learners' code of conduct and education policies, the protocol on communication must be adhered to in a manner that observes and respects authority. The line of communication and information flow must observe the structural hierarchy of the RCL and the education system at large. As a capacity building measure, relevant authorities are expected to empower RCL's on the observation of given protocols.

14.2 The liaison role of RCL must be in relation to the decision-making ability on issues at hand. This will assist in the creation of an environment where roles are clearly defined, and unnecessary collusions minimised. The RCL is expected to make learners aware of the importance of understanding due processes and procedures when dealing with issues affecting them.

### 15. The Teacher Liaison Officer (TLO)

15.1 According to the Personnel Administration Measures (PAM) found in the Employment of Educators Act 76 of 1998 (Chapter A, Section 4.3. (v)), the Deputy Principal shall supervise and or advise the RCL. In the case where the Deputy Principal delegates this responsibility, he/she must advise and supervise the TLO.

Page | 6

15.2 The Deputy Principal becomes the Electoral Officer for the TLO Elections. The TLO reports to the Deputy Principal. In effect the TLO shall be accountable to the Deputy Principal on assumption of responsibility. To ensure and facilitate the smooth running of the election the Deputy Principal shall form an Electoral Team that shall assist him/her during the elections.

15.3 An ideal TLO must display the following qualities:

- (a) Commitment and reliability:
- (b) Responsibility and accountability:
- (c) Benevolence and empathy:
- (d) Keen interest in learner affairs:
- (e) Sincerity and trustworthiness
- (f) Ability and preparedness to work after hours
- (g) Ability to support, guide, mentor and organize the RCL; and
- (h) Ability to develop leadership capacity in the members of the RCL.

15.4 The Deputy Principal or the Teacher Liaison Officer (TLO) shall be the Electoral Officer for the RCL Elections.

#### 17 Election of Class Representatives

16.1 Elections of class representatives at school level must be held in the first two to three weeks of the first quarter of the school academic year. Election of class representatives takes place annually in line with RCL term of office (January-December) as informed by the public school calendar. Classes will democratically elect two members to serve in the council under the supervision of the Deputy Principal/TLO.

16.2 The process must have all democratic attributes such that learners learn to appreciate the values and ethics enshrined in the Constitution of RSA. The election should be so democratic that all the learners who belong to that particular class have an equal opportunity to elect and to be elected. Particular considerations should be given to the following:

- (a) Equitable participation of both girl and boy learners. That is, each class should elect a boy and girl learner to the RCL in mixed gender schools.
- (b) Equitable representation of the different racial groups should be reflected in racially integrated schools.
- (c) Elected learners should be potential positive role models.

Page | 7

(d) Learners must be available to attend meetings and to attend to learner grievances.

(e) Elected learners must be available to offer their service long after school.

**NB: No other system should be built into the election process of class representatives by the management of the school.** The outcomes of the election process in each class must be regarded as final unless compelling reasons that prevent a learner from serving in the RCL exist.

#### **18. Election of the RCL Executive Committee**

17.1 RCL elections at school level must be held in the first two to three weeks of the first quarter of the school academic year.

17.2 After the Class Representatives are elected and the RCL constituted, members of the RCL must then elect an Executive Committee from amongst themselves by means of a secret ballot.

17.3 The Deputy Principal /TLO must convene this first RCL meeting wherein the Executive Committee is elected. The Executive Committee must be composed as follows:

##### **The President who:**

- (a) Leads the RCL and gives overall direction of the structure.
- (b) Chairs the Executive Committee as well as Council meetings.
- (c) Coordinates the Council to ensure that appropriate policies and procedures stipulated in the School Code of Conduct and the RCL Constitution are in place and adhered to.
- (d) Provides support and supervision to committee conveners.
- (e) Represents the council as its figure head.

##### **Deputy President:**

The Deputy President will deputise for the President in his/her absence or as and when delegated to do so by the president.

##### **Secretary:**

The secretary will be the administrative head of the RCL. He/she must keep all RCL records, minutes and provide reports on programmes and decisions of the RCL. In addition to the above duties, the secretary will manage the RCL management plan and serve as a communication link with other stake holders.

##### **Treasurer:**

The school shall make a budget provision for RCL activities. The treasurer leads fundraising, financial planning, and budgeting for the RCL's programmes. In executing his/her duties, the treasurer will:

- (a) Keep records of funds (paper budget) allocated and donated to the RCL.
- (b) Keep records of all funds spent and present financial reports to the executive committee and the Council as a whole.
- (c) Lead the budgeting process within the financial management context of the RCL.
- (d) Remain responsible for the financial oversight assisted by the TLO.

NB: It is not the responsibility of the RCL to authorise school spending. The only time the RCL can be influential in school financial matters is during SGB meetings. The SGB should encourage the RCL to actively participate in all matters of school governance.

#### 19. Roles and Responsibilities of the RCL Executive Committee

The Executive-Committee:

- (a) Performs the executive functions of the RCL mandated to them by the learner population as outlined in the RCL constitution.
- (b) Ensures that the RCL runs smoothly and that its work is carried out. It should be noted that the office bearers cannot work by themselves. They must be supported by other learners.
- (c) Meets regularly to deal with matters affecting the learner population.
- (d) Acts as a link between educators and learners.
- (e) Exercises its judgment to act in what is reasonably believed to be in the best interest of the RCL and the general learner population.

#### 20. RCL Committees

19.1 One of the roles of the RCL is to establish committees which need to be aligned to the SGB as learner representation at the SGB is through the RCL.

19.2 The committees established must address the needs and interests of the RCL and the school. Examples of such committees are:

- Education Committee
- Entertainment Committee
- Arts and Culture Committee

Page | 9

- Health and Wellness Committee
- Fundraising Committee
- Sport Committee
- Safety Committee
- Social Awareness & Campaigns Committee

19.3 It is important that all learners in the school participate in learner affairs. Part of the task of the RCL is to ensure involvement of the body of learners in issues that affect them.

19.4 The Chairperson of the RCL can encourage learners to form interest groups and clubs that reflect their interests and passions. These groups are required to submit their plans, activities and budgets to the Executive. The Executive will table them at an SGB meeting for approval and once approved, will announce the plans at assembly for whole school participation and support.

19.5 The RCL committees must:

- (a) Consist of the other members of the RCL (i.e. non-executive members) and members of the general learner body. In this way, the RCL will have enough people to perform its duties and also increase the participation of other learners in RCL activities;
- (b) Have a chairperson who will direct, guide and report on all activities. The chairperson must always be an RCL member;
- (c) Be given specific activities and functions to perform;
- (d) Report regularly and be accountable to the RCL;
- (e) Have a link with and understand what each one is doing so as to avoid duplication and confusion of roles; and
- (f) Support and complement one another as they pursue the objectives of the RCL and utilize the resources.

## 21 The RCL Constitution

20.1 Every school must have constitution in place which governs how the RCL functions. The constitution sets out the rules, principles and duties of the RCL and should be developed in consultation with learners and the SGB.

20.2 The following should be included in the constitution:

- Aims and objectives of the RCL
- The process for the election of RCL members
- When RCL elections take place
- The process for the election of office bearers
- The duties of the members
- The duties of the office bearers
- Procedures for meetings of the RCL and its Executive, including how often they take place
- Processes and rules regarding the formation of RCL committees
- Processes and rules regarding the finances of the RCL
- Processes regarding the attendance of SGB meetings
- General stipulations or rules, such as:
  - Members may not hold office for more than a year
  - Member must be in Grade 8 or higher
  - Any changes to the constitution must be agreed by a two thirds majority
  - Members must give up their positions if they leave the school; bring the school into disrepute; is guilty of repeated misconduct

## 22. Learner Representation in SGB

21.1 RCL will elect members who will serve in the SGB guided by schedule A of Regulations Relating to the Elections of School Governing Bodies.

21.2 The TLO as Election Officer will help the RCL hold an election to vote learner representatives onto the SGB. This should take place as soon as possible after the RCL elections and must be by secret ballot.

21.3 Only members of the Executive may be elected onto the SGB. Elected RCL members of an SGB have the right and duty to attend all SGB meetings and have equal voting rights. However, these will not be exercised when the SGB wishes to enter into a contract with a third party. If elected learners are excluded from any other of the formal proceedings of the SGB then the results of these proceedings are not only invalid, but are, according to the law, illegal. This provides learners with a legitimate role in the governance of the school.

Page | 11

21.4 Section 32 of the South African Schools Act says that learners can be excluded from decision making in the following circumstances:

- (i) A member of a governing body who is a minor may not contract on behalf of a public school.
- (ii) A member of a governing body who is a minor may not vote on resolutions of a governing body which impose liabilities on third parties or on the school.
- (ii) A member of a governing body who is a minor incurs no personal liability for any consequence of his or her membership of the governing body.

21.5 The Head of Department may dissolve RCL if the principal of the school concerned, after consultation with the TLO, SGB and the RCL requests the Head of Department in writing to dissolve a representative council of learners, if the RCL has failed to perform its functions satisfactorily or has acted in a manner which is not in the best interests of the school.

21.6 A RCL dissolved shall be recomposed in accordance with election processes.

21.7 RCL must be allocated a portion from School Budget

### 23. Discharge of members of representative council of learners

The principal may, after consultation with the TLO, SGB and the chairperson of the RCL, discharge a learner member from the council if the learner member—

- (a) commits an act which undermines the administration of the school, or encourages such an act to be committed by others;
- (b) is disobedient or refuses to carry out a routine instruction given to him or her by any educator or a person in authority;
- (c) is reluctant or refuses to fulfil duties;
- (d) conducts himself or herself in an unbecoming or improper manner or is guilty of gross discourtesy towards another person; or
- (e) has been found guilty of serious misconduct in terms of the school's code of conduct.

### 24. Vacancies

A vacancy that occurs shall be filled by means of a by-election. A learner member elected to fill a vacancy by means of a by-election serves for the unexpired period of the term of office of his or her predecessor.

Page | 12



## 25 Dispute Resolution and Discipline

### 24.1 Procedure on dispute Resolution

24.1.1 Any dispute that arises amongst members of the RCL regarding its functions and operations will be resolved by the school principal.

24.1.2 Should the RCL be unable to resolve the dispute with the assistance of the principal, the dispute will be referred to the Circuit for resolution.

24.1.3 If the Circuit fails to resolve the dispute, the matter should be referred to the Local Education Office.

24.1.4 If the Local Education Office fails to resolve the dispute, the matter should be referred to the District.

24.1.5 If conciliation attempts by the district fail, the district should refer the matter to the Province for resolution and final decision.

24.1.6 Attempts should be made to resolve disputes within thirty-day period to ensure that no depute or impasse derails the RCL from fulfilling its mandate.

24.1.7 No member or party within RCL structures may opt for court litigation based on a dispute in the functions or execution thereof of by the RCL or impasse in relation to operation or interpretation of this constitution without having exhausted the aforesaid procedure.

24.1.8 If the dispute is amongst members of the RCL and has consequently weakened all structures of the RCL the MEC may dissolve the RCL and in accordance with the recommendations of the principal, circuit, district or/and province.

### 24.2 Discipline

24.2.1 All learners whose conduct during the election process or in the operations of any structures of learners' governance including national, provincial, district, circuit and school are destructive or obstructive, are guilty of misconduct and will be subject to the RCL Code of conduct.

24.2.2 All acts of misconducts within the ranks of RCL structures must be submitted to the circuit and district.

## 25 Amendment

These Regulations may be amended from time to time, and in consultation with SGB's in the North West Province.

**ANNEXURE A****Acceptance and Commitment by RCL Members**

1. I appreciate the legitimate role entrusted to me through the South African Schools Act. I understand that my primary goal for being at school is to learn; I also understand that in pursuit of education I have been given a mandate of building my leadership skills through representing fellow learners in the classroom and beyond.
2. My role will be to represent the interests of learners by bridging the gap between educators, the non-teaching staff, the School Management Team, the School Governing Body and learners. My interest will be the learner, who is at the centre of it all and the reason why schools exist.
3. My task is that of creating and maintaining a conducive atmosphere of teaching and learning in the classroom and the school.
4. As a young visionary I commit myself to upholding the spirit of Botho/Ubuntu in the manner in which I will represent learners and assist the management of the school in running the school.
5. I am committed to act as a role model to my peers through respect and diligence.
6. I am passionate about my role and committed to bearing fruit in all that I do within the RCL, the statutory body representing learners in our school.

**SIGNED:**

1. Name: \_\_\_\_\_ Portfolio: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## ANNEXURE B

### Meetings Procedures

Critical to the functioning of the RCL will be how meetings are conducted. Two important aspects to acceptable meetings procedures are the agenda of the meeting and how the minutes of such a meeting are captured as a true reflection of what happened in the meeting.

- An agenda is a list of meetings activities in the order in which they are to be taken up by the attendees, and as led by the Chairperson of the meeting. The Chairperson should guide and direct all discussions as per the agenda items while sticking to the times allocated for each item and the meeting.
- An agenda usually has a title, and contains the date, time and venue of the meeting followed by a series of points outlining the business of the meeting.
- Any Other Business (AOB). This allows participants to discuss points or matters raised before the adoption of the agenda. The chairperson may rule that such matters be deferred to the next meeting for thorough preparation.
- Announcements (Details of the next meeting and any other announcements that are relevant to the committee or the participants may be presented)
- Closure (Meeting is closed when it has concluded its business. If the meeting is to end before its business is concluded due to unforeseen circumstances, that is called adjournment)

A full representation of an agenda or programme for a meeting could look like this

<p>..... School Representative Council of Learners Meeting Agenda</p>
<p><b>Venue:</b></p>
<p><b>Date:</b></p>
<p><b>Time:</b></p>
<p><b>Objectives of the Meeting:</b></p>
<p><b>Agenda Points</b></p>
<p>22 Opening and Welcome</p>
<p>23 Attendance Register/Apologies</p>
<p>24 Adoption of the Agenda ;This is the session when the agenda points are discussed, agreed upon and finalized depending on the time at the committee's disposal;</p>
<p>25 Minutes ;Minutes of the previous meetings are approved at this item as a true reflection of the said meeting;</p>
<p>26 Matters Arising ;An issue that arises from the minutes;</p>
<p>27 Business of the Day ;This is where the real meeting of the day begins with the discussion of the bulk of matters that address the objectives of the meeting;</p>
<p>28 Any Other Business</p>
<p>29 Announcements</p>
<p>30 Closure.</p>