

(10 November 2006 – to date)

SOUTH AFRICAN SCHOOLS ACT 84 OF 1996

*Government Notice 1867 in Government Gazette 17579 dated 15 November 1996. Commencement date:
1 January 1997 [Proc. No.R77 in Government Gazette 17690 dated 27 December 1996]*

REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS

*Government Notice 1040 in Government Gazette 22754 dated 12 October 2001.
Commencement date: 12 October 2001*

as amended by:

*Government Notice R1128 in Government Gazette 29376 dated 10 November 2006.
Commencement date: 10 November 2006*

The Minister of Education, after consultation with the Council of Education Ministers, hereby gives notice in terms of section 61 of the South African Schools Act, 1996 of the regulations relating to safety measures at public schools as set out in the Schedule.

PROFESSOR KADER ASMAL, MP
MINISTER OF EDUCATION

SCHEDULE

TABLE OF CONTENTS

1. Definitions
2. Scope of applicability
3. Application of other laws
4. Violence and drug free public schools
5. Access to public schools premises
6. Exemption of certain persons
7. Visits to public schools by public and political office bearers
8. Visits to public schools by parents
- 8A. School activities
- 8B. Organisation of a school activity
- 8C. Consent
- 8D. Transport
- 8E. Physical activities
- 8F. Emergency and fire procedures

Prepared by:

- 8G. Early release from school
- 9. General
- 10. Delegation of powers
- 11. Short title and commencement

Schedule

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context indicates otherwise –

“dangerous object” means –

- (a) any explosive material or device;
- (b) any firearm or gas weapon;
- (c) any article, object or instrument which may be employed to cause bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property; or
- (d) any object which the Minister may by notice in the Gazette declare to be a dangerous object for the purposes of these regulations;

unless such objects are used for education purposes;

"HOD" means the Head of Education Department in a province.

"illegal drug" means any unlawful intoxicating or stupefying substance;

"public school premises" includes a building, structure, hall, room, office, convenience, land, enclosure, which is under the control of a public school, to which a member of the public has a right of access, or is usually admitted, or to which he or she may be admitted;

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

(Definition of “school activity” added by regulation 2 of GN R1128 of 2006)

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

(Definition of “supervision” added by regulation 2 of GN R1128 of 2006)

2. Scope of applicability

Prepared by:

These regulations apply to all public schools.

3. Application of other laws

Notwithstanding the provisions of these Regulations, a public school is not exempted from complying with the provisions of any other applicable law and these Regulations are intended to support such applicable laws.

4. Violence and drug free public schools

- (1) All public schools are hereby declared drug free and dangerous object free zones.
- (2) No person may –
 - (a) allow any dangerous object in the public school premises;
 - (b) carry any dangerous object in the public school premises;
 - (c) store any dangerous object in the public school premises except in officially designated places identified by the principal;
 - (d) possess illegal drugs on public school premises;
 - (e) enter public school premises while under the influence of an illegal drug or alcohol;
 - (f) cause any form of violence or disturbances which can negatively impact on any public school activities;
 - (g) wittingly condone, connive, hide, abet, encourage possession of dangerous objects or refuse, fail, neglect to report the sighting or presence of any dangerous objects to the departmental authorities or the police as soon as possible;
 - (h) directly or indirectly cause harm to anyone, who exposes another person who makes an attempt to frustrate the prevention of the dangerous objects and activities.
- (3) A police official or in his absence, the principal or delegate may, without warrant –
 - (a) search any public school premises if he or she has a reasonable suspicion that a dangerous object or illegal drugs may be present in the public school premises in contravention of the regulations;
 - (b) search any person present on the public school premises; and

- (c) seize any dangerous object or illegal drugs present on public school premises or on the person in contravention of these regulations.

(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.

(Regulation 4(4) added by regulation 3 of GN R1128 of 2006)

5. Access to public schools premises

- (1) Subject to the Constitution, laws and national and provincial policies, the HOD or principal of any public school may and for such timeframes as may be necessary –
 - (a) take such steps as he or she may consider necessary for the safeguarding of the public school premises, as well as for the protection of the people therein; and
 - (b) direct that the school may only be entered in accordance with the provisions of subregulation (2).
- (2) No person shall without the permission of the principal or HOD enter into any public school premises in respect of which a direction has been issued under subregulation (1)(a), and for the purpose of the granting of that permission the principal or HOD may require of the person concerned to –
 - (a) furnish his or her name, address and any other relevant information required by the principal or HOD;
 - (b) produce proof of his or her identity to the satisfaction of the principal or HOD if necessary;
 - (c) declare whether he or she has any dangerous object or illegal drugs in his or her possession or custody or under his or her control;

- (d) declare what the contents are of any vehicle, suitcase, attaché case, bag, handbag, folder, envelope, parcel or container of any nature which he or she has in his or her possession or custody or under his or her control, and show those contents to him or her;
 - (e) subject himself or herself and anything which he or she has in his or her possession or custody or under his or her control to a search by a person of the same gender, an examination by an electronic device, sniffer dogs or other apparatus in order to determine the presence of any dangerous object or illegal drug; and
 - (f) hand to the principal or HOD anything which he or she has in his or her possession or custody or under his or her control for examination or custody until he or she leaves the premises.
- (3) Without derogation of the provisions of the Trespass Act, 1959 (Act No. 6 of 1959), the principal or HOD may at any time remove any person from any public school premises if –
- (i) that person enters the public school premises concerned without the permission contemplated in subregulation (2);
 - (ii) that person refuses or fails to observe any steps contemplated in subregulation (1)(a); and
 - (iii) the principal or HOD considers it necessary for the safeguarding of the public school premises concerned or for the protection of the people thereon.
- (4) If it is not practicable to examine or keep in custody, on or in the public school premises concerned, anything which may be examined, or kept in custody under subregulation (2), it may be removed to a suitable place for that purpose.

6. Exemption of certain persons

The provisions of regulation 5 do not apply in respect of any member of a police service established by or under any law, a member of the South African Defence Force, the Minister of Education, the Member of the Executive Council responsible for education in a province or an official of the Department or provincial departments of Education who is required in the performance of his or her functions to enter or enters upon any public school premises and who produces proof of his or her identity to the satisfaction of the principal or HOD concerned.

7. Visits to public schools by public and political office bearers

- (1) Members of the public and political office bearers, public representatives and the media have a right to visit public schools in the interests of public accountability, but this right must be regulated to ensure that schools are not disrupted by such visits, and to avoid the politicisation of such visits. This right is subjected to reasonable controls to ensure the proper functioning of education.

- (2) If such visits are desired, the person intending to visit must request and obtain written permission from the principal or HOD prior to the visit. The request must be made at least thirty days before the intended visit, unless there are sound reasons for a shorter notification period. This request must clearly indicate the date, time and purpose of the visit, the names of all participants, and the aspects which are intended to be looked at. The principal of the public school shall not refuse reasonable access to a person who has such written permission.
- (3) In cases where the written permission is granted by the HOD, the HOD, before granting such permission must consult the principal of the public school to be visited, to determine whether it is feasible for them to receive such a visit, and whether or not the school programme is likely to be seriously affected thereby.
- (4) Wherever possible a Departmental office-based representative should accompany such visitors.

8. Visits to public schools by parents

- (1) Parents have the right to visit the public school where their children have been admitted but such visits may not disrupt any of the school activities.
- (2) Parents are required to make an appointment with the principal of the school for a personal appointment with him or her prior to the visit and must state the reason for the visit and the persons who may be involved during the visit.

8A. School activities

- (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.
- (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-learner ratio 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.

(Regulation 8A added by regulation 4 of GN R1128 of 2006)

8B. Organisation of a school activity

- (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.

(Regulation 8B added by regulation 4 of GN R1128 of 2006)

8C. Consent

- (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.

(Regulation 8C added by regulation 4 of GN R1128 of 2006)

8D. Transport

- (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.

(Regulation 8D added by regulation 4 of GN R1128 of 2006)

8E. Physical activities

- (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.

(Regulation 8E added by regulation 4 of GN R1128 of 2006)

8F. Emergency and fire procedures

- (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.

(Regulation 8F added by regulation 4 of GN R1128 of 2006)

8G. Early release from school

- (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.

(Regulation 8G added by regulation 4 of GN R1128 of 2006)

9. General

- (1) All public schools must display clear signs at the entrance that any person who enters the school may be subjected to a search.
- (2) Any person who contravenes these regulations may be removed from the public school premises.
- (3) Public schools must cooperate with police stations to ensure that visible policing is present during all sporting and cultural events at the school.
- (4) Public schools must encourage governing body members and parents to participate in community policing forums.
- (5) Public schools must develop action plans to counter threats of violence which have the potential to have a negative impact on school activities and to implement regulation 4(1).
- (6) The plans in subregulation (5) must ensure the safety of all learners, staff members and parents during school activities.
- (7) Public schools must engage in advocacy campaigns to communicate to the public the status of the schools concerning the regulations and the right to protection against violence.

- (8) The HOD must provide guidelines to assist the public schools in developing the action plans contemplated in subregulations (5) to (7).
- (9) The HOD must be provided with action plans contemplated in subregulations (5) to (7) within 6 months after the commencement of the Regulations.

10. Delegation of powers

The HOD may, on such conditions as he or she may determine, delegate the exercise of any of his or her powers under this regulations and the performance of any of his or her duties in terms of these regulations to any employee in the Provincial Department of Education.

11. Short title and commencement

These regulations may be cited as the Regulations for Safety Measures at Public Schools and come into operation on the date of publication thereof.

SCHEDULE 1

(Schedule 1 added by GN R1128 of 2006)

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

Prepared by:

Objective:	
Curriculum linkage:	
Overnight or day visit	No. of days
If overnight: Type of accommodation:	
Catering arrangements:	

4. Activities of learners during school activity

5. Composition of school activity party

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: _____

Prepared by:

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: _____ Signature: _____ Date: _____

(Print name)

Chairperson of Governing Body: _____ Signature: _____ Date: _____

(Print name)

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): _____