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GENERAL NOTICE

NOTICE 876 OF 2006

DEPARTMENT OF EDUCATION

CALL FOR COMMENT ON REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS: AMENDMENT

The Regulations for Safety Measures at Public Schools: Amendment is hereby published for comment.

All interested persons and organisations are invited to comment on the Regulations in writing and to direct their comments to:

The Director-General, Private Bag X895, Pretoria, 0001,

For attention: Mr VL Rikhotso, fax no. (012) 312-5902, tel. no. (012) 312-5930, email rikhotso.v@doe.gov.za.

Kindly provide the name, address, telephone and fax numbers and email address of the person or organisation submitting the comments.

The comments must reach the Department by **31 July 2006**.

The Regulations may also be obtained on www.education.gov.za.


GRACE NALEDI MANDISA PANDOR, MP
MINISTER OF EDUCATION

SCHEDULE

Definitions

1. In these Regulations, “the Regulations” means the regulations published by Government Notice No. 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 reasonable management and control of learners at school and during tours or sporting activities.”.

Amendment of Regulation 4

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

“(4) No educator, parent or learners may possess or use-

- (a) alcohol;
- (b) drugs;
- (c) any illegal substance containing alcohol;
- (d) dangerous weapons;

during any school activity or tour.”.

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 take reasonable measures to ensure that -

- (a) it completes the application form contemplated in Schedule 1 of the Regulations, which must be approved by an official representing the province, before undertaking any tour; and
- (b) if a sporting activity involves the transporting of learners, such application is completed.

(2) A public school must take reasonable measures to ensure the safety of learners during tours and sporting activities, including -

- (a) insuring against accidents, injuries, general medical expenses, hospitalisation and theft that may occur, depending on the availability of resources;
- (b) ensuring, where reasonably practicable, that learners are under the supervision of an accompanying educator or parent at all times;
- (c) requesting parents to assist in the supervision of learners;
- (d) ensuring that the adult-learner ratio regarding supervision is at least -
 - (i) one adult for every 20 learners in primary schools; and
 - (ii) one adult for every 30 learners in secondary schools.

(3) An insurer of a school as contemplated in regulation 8(A)(2), 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) A public school must take reasonable measures to ensure that -

- (a) if a learner is on medication and will require medication while on tour or during the course of sporting activities, the parent has to see to it that the learner has sufficient quantities of medication for the duration of the tour or sporting 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 the tour or sporting activity, the principal provides a supervising educator with a file of 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 tour.
- (5) A public school must take reasonable measures to ensure that, if a learner is injured or falls ill during the course of a tour or sporting activities and requires medical treatment, the supervising educator -
- (a) takes reasonable measures to contact the parent of the learner concerned in order to obtain consent for such medical treatment; and
 - (d) determines whether or not to consent to such medical treatment if he or she is unable to contact the parent of the learners.

Organisation of a tour

- 8B (1) A public school must, in writing, notify the parent of the learner who will undertake the tour of the following -
- (a) the purpose of the tour;
 - (b) the nature of the activities to be undertaken during the tour;
 - (c) the full itinerary of the tour, 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 information.
- (2) Immediately on the return from a tour or sporting activity, the supervising educator must submit a report to the principal or member of the school governing body if any of the following has occurred:
 - (a) accident;
 - (b) injury to a learner; or
 - (c) any act of misconduct on the part of a learner.
- (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 tour.

Consent

- 8C (1) A public school must obtain a written consent from the parent of the learner who will be undertaking the tour.
- (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 tour or sporting 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 driver's licences and professional driving permits;
 - (c) the transport company or the owner of the vehicles provides the following to the school:
 - (i) insurance and roadworthy certificates for the vehicles; and
 - (ii) valid driver's licence and professional driving permit of the driver;
 - (d) the transport company or owner of the vehicles provides substitute drivers or a support system en route.
- (2) The supervising educator or member of the school governing body must intervene if there is any doubt regarding the roadworthiness of the vehicle or the competence of the driver of the vehicle.
- (3) The supervising educator or member of the school governing body must liaise with the driver in connection with reporting any accident to the police, and must report the accident himself or herself, within 48 hours, if the driver fails to report the accident.

Harmful physical activities

- 8E (1) No learner may be allowed to participate in physical training, 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 parents have provided a medical certificate that prevents the learner from participating in such activity.
- (2) Learners must be informed about the dangers of and safety measures regarding water, including -
- (a) swimming pools;
 - (b) rivers;

- (c) dams; and
 - (d) the sea.
- (3) Learners must be provided with supervision during all swimming activities and during visits to the sea, rivers and dams.
- (4) Notices regarding the safety measures must be displayed around the swimming pool.

Emergencies

- 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) the local fire chief assesses and reviews all fire evacuation procedures every year.
- (2) All public schools must have -
- (a) fire alarms that must be audible in all parts of the school premises; and
 - (b) fire extinguishers, which the principal must check regularly.
- (3) The principal must train the staff members and learners on how 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 emergency procedures must apply.

Early release from school

- 8G (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, that person must produce proof of such designation.
- (4) A public school must inform the parents in advance if learners are going to be released from school early.”.

Short title and commencement .

- 8H 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 tour**

This application form must be completed by the Principal of the applicant public school.

1. Details of school

1.1	Province	
1.2	District	
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	Term of office expiry date
2.1	Chairperson				
2.2	Secretary				
2.3	Treasurer				

3. Purpose of tour

Objective:
Curriculum linkage:

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

4. Activities of learners on tour

5. Composition of tour party

Number of Learners		Total	Numbers of educators		Total	Number of parents		Total
Boys	Girls		Male	Female		Male	Female	

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

7. Details of funding arrangements for the tour

Cost of the tour, per person:

Support strategy for learners who cannot afford to pay for themselves:

8. Transport details

8.1 Name of company or owner: _____

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: _____

Professional driving permit expiry date: _____

Name and policy number of Insurance: _____

Substitute driver or support system en route: _____

9. Accommodation arrangements:

Type: _____

No. per room: _____

MEMORANDUM ON THE OBJECTS OF THE REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS: AMENDMENT

1. Main object

- 1.1 The Regulations for Safety Measures at Public Schools, as published in *Government Gazette* No. 22754 of 12 October 2001, focuses on the safety of learners on the school premises. In terms of section 15 of the South African Schools Act, No. 84 of 1996, a public school is a juristic person, with legal capacity to perform its functions in terms of the Act. By implication, a school is not restricted to its buildings and premises.
- 1.2 Learners who undertake a school tour are deemed to be at school and, therefore, Regulations for Safety Measures at Public Schools ought to apply to them as well. Learners who are on a school tour may not have with them drugs or dangerous weapons, any more than learners who are on school premises may do so. If there is reasonable suspicion that learners on a school tour have dangerous objects or illegal drugs in their possession, the principal or his or her delegate may search such children and seize those items.
- 1.3 Given that educators and parents who accompany the learners are on official duty, they may not possess or use alcohol, drugs or any illegal substance containing alcohol. The same applies to learners since they are involved in an official school activity.
- 1.4 The safety of learners during school tours does not relate only to the absence of dangerous objects and drugs but also to, amongst others, the safety of the means of transport that the school uses to transport the learners from one area to another.
- 1.5 In the light of the aforesaid, it was necessary to amend the Regulations for Safety Measures at Public Schools so as to cover all safety measures that a school must take.

2. Main features of the Amendment

- 2.1 The Amendment covers a variety of topics – namely, school tours and sporting activities, organisation of a tour, consent, transport, harmful physical activities and emergencies, and an application form for approval for undertaking a tour.
- 2.2 A public school must ensure that a vehicle that is used for transporting learners has valid insurance and is roadworthy and that its driver has both a valid driver's license and a professional driving permit.
- 2.3 A public school may not undertake any tour without the approval of the Head of Department or his or her delegate. The Head of Department will consider applications for approval in cases where full details of the tour are given. The most important details relate to the purpose of the tour, names of learners undertaking the tour, names of educators and governing body members who will be accompanying the learners and the type of transport that is used.

3. Financial implications

No additional costs are foreseen in this regard.

4. Legislative procedure

- 4.1 Amendment Regulations must be referred to Senior Management, the Heads of Education Departments Committee, the Council of Education Ministers and the Minister for approval before publication in the *Government Gazette* for public comment.
- 4.2 Comments from the public are incorporated into the Regulations on merit.
- 4.3 The final version of the Regulations is referred to Senior Management, the Heads of Educations Departments Committee, the Council of Education Ministers and the Minister for approval.
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