

CREATING SAFE AND CARING SCHOOLS

Schools are responsible for ensuring the safety of their learners

Ms Naledi Pandor, MP, the Minister of Education, has been concerned about the unacceptably high levels of violence and crime experienced in schools throughout the country.

This violence impacts negatively on learners' right to basic education, leaving them unable to concentrate, which results in poor performance, and even causes them to drop out of school.

In a statement from Cape Town on 23 October 2006 Minister Pandor said: "Listening to the outpourings of anger and frustration on talk radio over the past two weeks, it has become clear to me that most principals and parents do not know that a range of powers are available for schools to instill discipline and appropriate behaviour in schools."

The Regulations for Safety in Public Schools, published in October 2001 and in the process of being updated, can be summarised as follows:

Violence and drug-free public schools

No one is allowed to carry or store any dangerous objects on school premises, and no one can possess, or enter school premises under the influence of, alcohol or illegal drugs. No one can cause disturbance, behave violently or directly or indirectly harm anyone.

If they have a reasonable suspicion that there are drugs or weapons on school premises, a police officer or the principal (or if they are not present, their delegates), may, without a warrant, search the premises or any person on the premises for weapons or drugs, and seize them.

Access to public school premises

Taking the Constitution and other laws into consideration, the principal may take steps to safeguard the premises and the people on them, and forbid anyone to enter school premises without the principal's permission. People entering the premises will have to provide proof of identity and allow themselves to be searched if requested. If they do not, principals have the right to remove them from the premises.

Exemption of certain persons

Obviously, this does not apply to police or education officials who need to enter the school to carry out their duties. Schools must display clear signs warning people that they may be searched or removed from the premises.

Visits to public schools by parents

Even parents are not allowed to enter the school if this will disrupt school activities.

Cooperation with SAPS

Visible policing should be present at all sporting or cultural events at schools, and parents should be encouraged to participate in community policing forums.

Action plans

Public schools should have action plans to counter threats of violence and ensure the safety of all learners, staff and parents. They must also make sure that learners, staff and parents are aware of the regulations and their right to protection against violence.

The Regulations for Safety in Public Schools can be found on the Department of Education's website, www.education.gov.za, or from the Chief Directorate: Communications.

Further information and relevant documents can be obtained from Mr Jack Mithileni at 012 312 5464 or 072 730 0128.



education

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GOVERNMENT NOTICE

DEPARTMENT OF EDUCATION

No. 1040

12 October 2001

**SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT NO. 84 OF 1996)
REGULATIONS FOR SAFETY MEASURES AT PUBLIC SCHOOLS**

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**Definitions**

1. 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;

Scope of applicability

2. These regulations apply to all public schools.

Application of other laws

3. 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.

Violence and drug free public schools

4. (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.

Access to public schools premises

5. (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.

Exemption of certain persons

6. 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.

Visits to public schools by public and political office bearers

7. (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.

Visits to public schools by parents

8. (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.

General

9. (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.

Delegation of powers

10. 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.

Short title and commencement

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