L.N. 135 of 1993

EDUCATION ACT
(CAP. 327)

School Council Regulations, 1993

IN exercise of the powers conferred by section 47(h) of the Education Act, the Minister of Education and Human Resources, with the concurrence of the Minister of Finance, has made the following regulations:—

1. These regulations may be cited as the School Council Regulations, 1993. Citation.

2. All State Schools, even those which are not included in Schedule I of the Education Act, shall be administered by a school council. School councils for State schools.

3. Sections 23, 24, 25 and 26 of the Education Act are to be deemed applicable to all State Schools including those not included in the schedule. Composition, functions and elections of councils.

4. Without prejudice to the preceding regulations, the Minister of Education may exempt a particular school, which is not a school included in the schedule, from administration by a council. Power of the Minister to exempt a school from administration by a council.

5. All councils in State schools should be administered according to the Guidelines in Schedule I to these regulations. Council guidelines.

6. All councils in State schools shall administer their funds according to the financial rules in Schedule II to these regulations. Financial rules.

SCHEDULE I

(Regulation 5)

Guidelines on the Work and Administration of School Councils

1. THE COUNCIL

1.1. The Council shall meet in the school once a month on a date and at a time convenient to the members. The first meeting of the Council is to be called by the Council President.

1.2. If the members agree, and the need is felt, the Council may meet more than once a month but such meetings shall be considered as extraordinary meetings, or meetings intended to continue a discussion which had been started during the monthly meeting.

1.3. There shall be an agenda for each Council meeting. Such agenda, together with the date and time of the next Council meeting, is to be communicated to the members by the Secretary/Treasurer.

1.4. Two Council members, besides the President and the Secretary/Treasurer, will form a quorum.

1.5. The Secretary/Treasurer shall keep the minutes of each Council meeting.

1.6. The decisions of the Council shall be reached, as far as possible, by consensus of all attending members.

2. COUNCIL MEMBERS

2.1. If, for any reason, the President is absent from a Council meeting, a President can be provisionally elected for that meeting from among the members present, if these are not less than four in number, and not including the Secretary/ Treasurer.

2.2. If a Council member resigns from the Council, this should be communicated in writing to the Council President. The Secretary/Treasurer shall, as soon as possible, also inform the Minister of Education in writing, who shall order the election of the next runner-up from the side where the resignation originated in the preceding election. If there are no runners-up, the Council may continue with its work provided there is a quorum regularly constituted. When a Council President resigns, the resignation should be sent to the Minister.

2.3. Where there is a Council for more than one school:—

(i) the Council and its members shall look after the interests of all schools and not only those of part of or of one school;

(ii) the functions of the Secretary/Treasurer will be performed by the Head of school who is the most senior in the Department of Education;

(iii) the Head of the other school shall attend all Council meetings, taking full part in all discussions as an observer and working hand in hand with the Council Secretary/Treasurer;

(iv) both schools are to benefit equally or according to the size of the school and the number of students, from any funds and assets administered by the Council;

(v) in the absence of the Senior Head of School, the duties of Secretary/ Treasurer are to devolve on the Junior Head.

2.4. The Council members are to be given all help and recognition in the exercise of their duties in the school.

3. THE PRESIDENT

3.1. The President sall regulate Council procedures and lead the Council to reach the right decision which should reflect the consensus of the Council members present for the meeting.

3.2. In the case of a serious disagreement among the Council members on a point under discussion, a vote can be taken; however the decision should not be taken in a

way to increase, rather than eliminate, the existing differences among the Council Members.

3.3. The President should see that all decisions taken by the Council shall conform with that part of the Education Act that regulates the workings and functions of the Council.

3.4. The President and Secretary/Treasurer shall see that all decisions taken by the Council be performed and implemented.

3.5. The President and the Head/Heads of school shall work hand in hand:—

(i) so that the best use is made of the assets and funds of the school which are administered by the Council;

(ii) in establishing the agenda to be discussed by the Council.

3.6. The President shall have access to the school at all times in agreement with the Head of school in order to discuss points on the implementation of Council work.

3.7. The President is to be given all the relevant information he requests regarding the school so that he might be in a better position to guide the Council.

3.8. The President shall collaborate with the Head/Heads of school and other Heads if it be the case, in order to implement Council decisions, decide on the needs of the school or schools administered by them, examine, control and verify the accounts books, bills and expenditure of the Council, study new projects that the Council might embark upon as well as new methods that would help the Council function better (always according to the terms of the relevant articles of the Education Act).

3.9. All Council correspondence must have prior approval of the Council. Such correspondence shall always carry the same signature in order to eliminate confusion.

3.10. The Council President is to have access to the Minister of Education, the Director of Education, or any officials in the Ministry or the Department of Education nominated by the Minister for this end, in order to discuss any problem or issue concerning the school or the Council.

3.11. Voting in Council shall always be secret, and the President shall have a casting vote.

3.12. The School Council President should be shown due respect in the school and should be invited to all functions and official meetings of the school.

4. THE SECRETARY / TREASURER

4.1. The Secretary/Treasurer shall keep the minutes, correspondence and accounts books of the School Council.

4.2. He shall also take care of the Council funds and use them as decided and directed by the Council.

4.3. He is accountable to the President for the implementation of the decisions reached by the Council and entrusted upon him.

4.4. He is responsible for incomes and expenditures.

4.5. Together with the President he can open a Council bank account and can deposit or withdraw money as directed by the President and decided by the Council.

4.6. He should keep the Council informed of all funds and assets being administered by the Council.

4.7. He shall advise the President on matters regarding the school administration, Department regulations and other related matters. In case of difficulty, as Head of school, he can ask to be advised by the Department.

4.8. He should help and keep the Council Members informed on the way the school is administered and on its needs.

4.9. By not later than the 31st July of each scholastic year, the Secretary/ Treasurer together with the Council President, is to submit an Annual Report to the Minister of Education, according to paragraph (c) of section 24 of the Education Act. This report shall first be read to and approved by the Council, and a copy kept in the Council minutes.

4.10. This report shall cover:—

(a) the number of meetings held during the year;

(b) the principal matters discussed during Council Meetings;

(c) activities and works promoted by the Council;

(d) recommendations.

4.11. A financial report should also be attached and this should cover the income, expenditure and balance of moneys up to the last meeting of the Council.

5. COUNCIL ACTIVITY: A. Administration of Funds and Assets

5.1. One of the aims of the School Council is to administer the funds and assets of the school.

5.2. The school funds could be:—

(i) those passed on to the school and the Council for this end by the Department of Education;

(ii) other funds that the Council might acquire from other sources or through activities it organizes.

5.3. The Council shall first and foremost be aware of the available funds and assets of the school and plan:—

(i) on the needs of the school;

(ii) on ways and means by which the Council itself, without any outside help, may improve those funds and assets.

5.4. By making use of the available funds, the Council may:—

(i) embark upon minor repairs to the school assets;

(ii) supply the school with adequate equipment;

(iii) ameliorate the physical and natural environment of the school;

(iv) enlarge the school Library by the donation of books and library equipment.

5.5. The Council may not embark upon projects which change the physical layout of the school except with the permission of the Department of Education.

5.6. The Council may not rent out the school for any political party activities.

5.7. The School Council may request the Minister of Education to certify to the Minister of Finance the educational use of imported articles for such particular school, so that these may be exempted from the payment of duty.

5.8. The Council is permitted to organize an annual sale of articles made of materials paid for from Council Funds, and made by the students at school. This should serve both as an extension of the education provided by the school as well as to increase school funds.

5.9. The Council may organize activities, such as concerts or dramatic, musical or literary soirees or any other form of entertainment with the participation of the students, and for which the audience may be asked an entrance fee or donation. In such cases the prior permission of the Minister of Education has to be sought.

5.10. All correspondence, receipts and accounts of income, expenditure and Council funds are to be kept for the Council by the Secretary/Treasurer. Whilst these might be inspected by Education Department officials nominated by the Minister of Education, it would be appropriate for the Council to nominate two auditors each year from among the school teachers and the parents or students in order to examine the accounts and certify their correctness.

6. COUNCIL ACTIVITY: B. Contact With Parents

6.1. The Council, together with the Head of school, shall study ways and means of increasing parent participation and contribution.

6.2. The Council may organize educational, cultural or social activities for parents.

6.3. The Council may discuss and implement ways of how parents may practically help the school in its physical and material aspects.

6.4. The Council shall keep parents regularly informed of its work and activities.

6.5. Every parent (or student over 16 years of age entitled to vote for the Council) is entitled to write to the School Council submitting suggestions or complaints on any matter which he or she may deem fit. The President and the Secretary/Treasury

(as Head of school) shall examine all correspondence received from the parents (or students) and decide which of these fall within the competence of the Council and which others within that of the school administration. All correspondence addressed to the Council shall be read during a Council meeting and the President should explain which correspondence would be dealt with by the Council and which by the Head of school.

7. COUNCIL ACTIVITY: C. The Council and Local Organizations

7.1. Although the School Council is bound to send in a report of its activity to the Minister of Education and is accountable to him, it should foster good relations with the Local Council where the school is situated.

7.2. It would be appropriate if the School Council were to identify which local, or national, organizations, excluding political ones, would be disposed to help in the further advancement of the Council in its activities and those of the school.

7.3. The Council may, on the advice of or through the Head of school, invite these organizations to organize an educational activity among the students such as the delivery of an educational talk to students, or the invitation of the school to a cultural evening, or the organization of a cultural and/or educational competition.

7.4. The Council can help local cultural organizations by lending or renting them the school for any of their activities which the Council considers to be culturally enriching to the people of that locality.

7.5. The Council may, on the advice or suggestion of the Head of school, enter into contact and relations with local factories and enterprises so that these may give their contribution towards the education, vocational training and co-operation between the school and the enterprise.

8. COUNCIL ACTIVITY: D. The Council and the School Staff, including the Teachers and the Head/Heads of School

8.1. The Council may discuss the school environment and the amenities enjoyed by all the staff employed in the school and try to ameliorate both to the best of its abilities.

8.2. The Council may discuss how further to improve relations between teachers and parents, and between teachers and the Council itself.

8.3. Any teacher in a particular school may write to the School Council. The same rule applicable to parents as explained in paragraph 6.5 applies here.

8.4. The Council may not interfere in matters of teaching, discipline or school administration, these being areas which are explicitly reserved in the Education Act.

9. COUNCIL ACTIVITY: E. The Council and the Running of the School

9.1. It is the duty of the Council to be aware of the services offered by the school and what amenities are available to perform these services.

9.2. The Council may discuss the curriculum and the educational services offered by the school, without interfering in individual student or teacher cases, as well as in matters of classification of students or other matters that fall under the discipline or teaching of the school academic staff. It can, however, make suggestions to the Department of Education regarding changes or additions to the curriculum.

9.3. The Council is in duty bound to alert the Minister of Education, or any official nominated by him, to any shortcomings existing in the school, or any other matters related to the school. The Minister of Education, or the official nominated by him, should acknowledge the Council recommendations and communicate to the Council any action deemed fit.

10. COUNCIL ACTIVITY: F. The Council and the School Environment

10.1. The Council shall also consider imrpoving the physical, cultural, aesthetic and moral aspects of the school and of the surrounding environment.

10.2. The Council shall also discuss and monitor any environmental problems encountered by the students and report them immediately, through the Secretary-Treasurer/Head of school, to the officers responsible therefor at the Department of Education, for any necessary action.

10.3. The Council may also discuss any transport or departmental problems related to students and make its suggestions thereon.

SCHEDULE II

(Regulation 6)

Financial Rules for School Councils

Administration of Funds and Assets

1. Property

1.1. All items of a permanent nature are to appear on the school inventory, which is to be kept in accordance with the *Revised Inventory Control Regulations* dated 19th May, 1977.

1.2. According to paragraph 8.3. of these regulations, the inventory should already exist in each school and be kept up to date under the responsibility of the Head of School. The Councils should see that the inventory actually exists and is kept up to date.

1.3. Such control shall be done in the following manner:—

(i) A sub-committee consisting of at least three members of the Council (one of whom to be the Secretary/Treasurer) is to perform a complete stock-taking of all items existing in the school against the school inventory. In cases where the actual items found tally exactly with the inventory ledger, the balance shown thereon is to be initialled by all three members of the sub-committee as proof of checking. Where a discrepancy (either over or under) results, such discrepancy shall be reported on a list as described hereunder.

(ii) At the end of such exercise a report on the result, accompanied by a list of all discrepancies, is to be forwarded to the Director General of Education. Such lists shall be in the following form:

Description of Item	Ledger Fol.	On Inventory	As found	Quantity Over	Under

(iii) Items found over the ledger balance shall be immediately taken on charge, unless it is clearly to the contrary.

1.4. Following the "stock-taking exercise" described in paragraph 1.3 (i) and (ii) above, the School Council shall continue to be responsible for the school's immovable property and shall ensure that the inventory shall continue to be kept in accordance with Regulations.

1.5. Should it result, from the stock-taking exercise, that the inventory is out of date, the Director General of Education shall be informed accordingly. Subject to his agreement, the procedure for "out of date inventories" (paragraph 12.2 of the Regulations) shall be followed. Inventories shall only be considered out of date after an inspection by the Director General of Education or his authorised representative.

1.6. All items acquired by the school, irrespective of the method of acquisition (such like a purchase, donation, transfer, etc) are to be taken on charge on the school inventory. Adequate substantiating documents for all such entries are to be kept easily available for inspection as and when may be required.

1.7. All inventory records, including necessary supporting documents about each item, are to be available for scrutiny at all times by the Director of Audit or his representative.

1.8. In the case of items which had not been acquired through the Education Department, such acquisitions should be reported to the Director General of Education in order to ensure that a corresponding entry is made in the main inventory kept at Head Office (vide Inventory Regulations 5.1). The method of acquisitions, too, has to be clearly indicated. In the case of donations to the school this should be regulated according to paragraph 11 of the regulations.

1.9. When a particular item in the inventory is considered by the Head of School to have become unserviceable or obsolete, he shall notify this fact to the Director General of Education and thereafter, he shall ask the Council during the following monthly meeting for authorisation to destroy or otherwise dispose of the item. The Council decision authorising such destruction or disposal shall be minuted and notified to the Director General of Education. Should no counter-order be received from the Director General within ten days, such item shall be destroyed or otherwise disposed of. An appropriate transfer note shall thereupon be entered in the inventory.

2. Finance

2.1. The School Council shall receive annually from the Director General of Education a sum equivalent to the amount paid by the relative contractor for that year in respect of the tuck shop concession, less a proportion which will be retained for the purpose of providing a subvention to schools with non-lucrative tuck shops or no tuck shop.

2.2. It shall be within the discretion of the School Council to organise fund-raising activities for the purpose of improving its resources, provided that such activities are compatible with the dignity of an educational institution.

2.3. The Secretary/Treasurer of the School Council shall ensure that appropriate records are kept of all financial transactions. Such records should basically consist of —

(i) A Cash Book in which all payments and receipts are immediately entered;

(ii) A Ledger, in which counter entries are made in the different accounts for the purpose of expenditure classification. (Examples of classification: Prize Books, maintenance, special equipment, school functions, etc).

2.4. While the above records are mentioned as they are felt to be the minimum required to enable the School Council to render proper accounts to the Minister of Education each year as contemplated in Section 24 (c) of the Education Act, the Council may, at its discretion, vary such arrangements provided that:—

(i) the records kept are adequate to satisfy the requirements of the Education Act, and

(ii) they are suitable to show, at any time, the financial position of the School Council.

It should also be noted that official receipt books which are supplied by the Department of Education and which are used in the collection of public funds (such as refunds for lost books) should in no way be used for School Council transactions. Public funds, as a rule, shall not be deposited in the School Council's Bank Account. The only prevailing exception refers to Imprest funds received from the Department of Education for ordinary maintenance of the school. These funds are deposited in the Council's Bank Account for security purposes only and accounted for as public funds.

2.5. The Secretary/Treasurer shall ensure that cash on the premises shall be kept to the barest minimum in the interests of security. As soon as funds are made available, arrangements for the opening of an account in the name of the School Council shall be made with the nearest Bank Branch and all payments (except for very small amounts) shall be made by cheque under the joint signatures of:

(i) The President and
(ii) the Secretary/Treasurer.

2.6. The financial records of the School Council shall, at all times, be available for inspection by the Minister of Education or his representatives.

2.7. The report to be submitted to the Minister of Education in terms of section 24(c) of the Education Act shall include:

(i) the income and expenditure account and balance sheet;

(ii) the Bank statements covering the whole period under review and supporting the bank balances on the accounts;

(iii) a list of all donations received by the school from outside sources during the year under review.

3. Procurement

3.1. All procurement of goods and/or services by the School Council from the funds at its disposal shall be made subject to conformity with the following rules:

(i) The School Council can spend up to Lm100 without a call for quotations.

(ii) Expenses over Lm100 up to Lm500 may be incurred by the School Council following formal calls for quotations, which shall be opened and adjudicated by the Council or at least by three members of the Council delegated for the purpose, one of whom is to be the Secretary/Treasurer.

(iii) Expenses over Lm500 up to Lm1,000 shall be made following the same procedure as in (ii) above; however, the decision must be submitted for endorsement by the Director General of Education before any commitment is incurred.

(iv) For expenses over Lm1,000 full specifications of the goods/services required are to be submitted to the Director General of Education who will arrange for the issue of a departmental or Treasury call for tenders.

3.2. All documentation relevant to the award of quotations is to be carefully preserved and be available for inspection at any time as stipulated in Rule 2.6. above for accounts records.

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