

The effect of Covid-19 on schools: Focus on core business – a practical approach

Jaco Deacon

There is currently a great deal of uncertainty in the education sector. In fact, the only certainty is that things are uncertain! We do not know when the schools will reopen (just look at all the different dates that are already out there), we do not know how lost time will be made up, we do not know what the dates of the next terms will be, etc. We do know that the rest of 2020 will be a disrupted school year, parents and businesses will suffer financial losses and may struggle to pay school and hostel fees. We know that many sports, cultural, social and fundraising activities have been postponed or cancelled.

However, it remains important to stay positive and to avoid panic which can lead to poor decisions within the education sector. We are still guided by the Constitution and the rule of law still applies. The right to education is a constitutional right (s 29) and education is always high on government's agenda. The pressure on the Minister of Basic Education

is therefore understandably high! Likewise, at school level – governing bodies must now think and plan pragmatically so that plans are in place if schools do not reopen within a reasonable time and also if schools do not operate in the 'traditional' way.

Good governance is not under lockdown – not for government and not for school governing bodies. The good principles of the different King Codes on Governance are now even more important to guide decision-making during uncertain and troubled times.

Where does Covid-19 leave school governing bodies?

The governing body controls the school and the school's assets (South African Schools Act (SchoolsAct)s20(1)(g)) and the governing body must therefore make the important decisions about how the assets can be best utilised to ensure that the school's core business can be continued successfully.

Five hours before the first lockdown restrictions came into operation on 27 March, my neighbour and I were standing on the sidewalk talking about the impact of Covid-19 on schools – classroom education, sports, culture and finances. He then said all he would like to see at the school at the end of the year is a school report that says his daughter has passed and is being promoted to the next grade – if we get

nothing other than that, he will be satisfied. That's core business in a nutshell!

The Schools Act determines the functions of the governing body in s 20 and begins with an academic focus:

(1) Subject to this Act, the governing body of a public school must—

(a) promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;

...

(e) support the principal, educators and other staff of the school in the performance of their professional functions;

Schools' core business is academia – providing quality education to every learner. Of course, sports, culture and social activities are part of normal schooling, but when we operate under pressure, we must prioritise and make sure that we as members of governing bodies do everything possible to ensure that education can continue. Abnormal circumstances require abnormal solutions.

Most governing bodies in the country have s 21 allocated functions that stipulate, among other things, that the governing body determines the school's extramural curriculum. It also means adjustment or even cancellation. With the information that is currently available and the regulations that are now in place (wearing of masks and social distancing), it is unlikely that any normal sport, cultural or social activities will take place for the foreseeable future.

What forms part of core business?

Everything directly related to the academic life of the school is part of the core business and includes the following:

1. staff appointed by the governing body (s 20(4) educators and 20(5) non-educators);
2. the purchase of textbooks, educational materials or equipment for the school (s 21(1)(c));
3. payment for services to the school (s 21(1)(d)).

Governing bodies must therefore ensure that the above accounts can be paid to ensure the provision of quality instruction to each learner. It is part of a governing body's task to support teaching (s 20(1)(e)).

A good educator is the greatest asset in education and governing bodies also have a duty to their staff in terms of labour legislation to do everything possible to retain these positions and pay the staff. Governing bodies should now start 'pragmatic brainstorming' – look at all the factors in your school and use the official information (there is unfortunately a lot of fake news and half-truths about education in circulation) that is currently available in the sector. Keep your staff at all costs. Teachers, especially educators in governing body positions, cannot work effectively if they are unsure of their work or income.

Financial realities

The right to education is a constitutional right and education must therefore continue – with or without money!

All governing bodies will have to look at their budgets and projections for 2020 again.

Parents at fee-paying schools who are struggling financially have the right to apply for exemption from paying school fees (there is no cut-off date in the regulations) or parents who may have already been granted partial exemption may be eligible for more. Governing bodies should handle the applications with compassion and be aware of vulnerable families. Bad debts are going to increase and therefore have a direct impact on income. Governing bodies should manage this carefully and follow the legal process prescribed by the Schools Act for these collections. Fundraising opportunities may have been missed during this time or had to be postponed, or parents in no-fees schools may not have the finances to make voluntary contributions. Governing bodies should therefore look at feasible alternatives within the school community, but remember that Covid-19 affects everyone. Now is the time to collaborate with community organisations, faith-based organisations and businesses in your community.

Take another look at the school's financial practices – what is money being spent on? Are all expenses necessary and legal?

It is important to communicate honestly and clearly with the school community about the school's finances. If parents (and the broader school community) know what is being done with their money or what will happen if there are not enough funds available, understanding and support are usually better.

Prioritise spending under core business and scale down that which cannot be afforded or cannot be justified under core business. Surplus funds are precisely for difficult times like this and should be used wisely. Again, ask if

each item on the budget is essential or a luxury (need to have vs nice to have). If the school's 2019 budget resolution (taken by the parents at the budget meeting) makes provision that the governing body can move funds within the budget and make adjustments, then the governing body can proceed to re-budget within this framework. If it is not specified in the resolution, it could mean that a new budget should be drawn up and submitted for approval by the parents. This will be difficult during restrictions on gatherings and the governing body will have to make decisions and then request ratification when possible. Good communication is once again very important.

There may be some new expenses at this time in the budget such as:

- new technologies or programs;
- more data for the school or educators to do online work;
- laptops or a good camera to make recordings;
- overtime payment for extra classes and work;
- educating educators, parents and learners to use new technology and programs;
- material, social or emotional support for learners and staff;
- technological support.

Where do we want to be at the end of 2020?

It should be the goal of every school to successfully complete the 2020 academic year and give every learner a fair chance to pass his or her grade.

Use all available resources to make this happen. Work with facts and not with fear and make the decisions circumstances require. Get the correct and official information from

the Education Department and don't rely on all the messages on various platforms to make informed decisions.

Leaders communicate – they communicate regularly, clearly, and honestly. Now is the time for school leaders to communicate! I have received the following quote on the WhatsApp group of the school governing body where I serve:



In conclusion

... all I would like to see at the school at the end of the year is a school report that says my child has passed the grade and is being promoted to the next grade – if we achieve nothing but that, I will be satisfied...

Stay safe!

Dr Jaco Deacon
Deputy CEO – FEDSAS

Jaco Deacon is Deputy Chief Executive of the Federation of Governing Bodies of South African Schools (FEDSAS) and trustee of the South African Educational Development Trust. He holds an LLB, LLM and a doctorate (LLD) in labour law and is an admitted attorney. Jaco also serves on the South African Council for Educators and the Ethics Committee. He is the editor of *Juta's Education Law and Policy Handbook* (JELPH), the *Case Law Handbook on Education and Financial Management in Public Schools*. He is also the author of *School governance: Common issues and how to deal with them*, *Human Resources Management in Public Schools* and the compiler of Juta's Pocket Statutes edition *Schools: Law and Governance*. Jaco is a regular speaker at national and international events and has published various research papers in accredited journals. He is the current President of the South African Education Law Association (SAELA), member of the Board of the Interuniversity Centre for Education Law and Education Policy (CELP) and member of the Advisory Board of the World Education Congress. He is also the chairperson of an SGB.

Disclaimer:

This article is provided for informational purposes only and not for the purpose of providing legal advice. The views expressed herein do not necessarily reflect the views of Juta & Company (Pty) Ltd. Juta and Company (Pty) Ltd are not liable for any damage arising should the information be followed without proper due process being undertaken by the reader. Before making any decision or taking any action based on the information contained herein, which decision or action might affect your personal finances or business, you should consult a qualified professional advisor.