

LAERSKOOL

CHARLO

PRIMARY



NOTICE FROM THE SCHOOL GOVERNING BODY – COVID-19

It is a little-appreciated fact that the office of a school principal carries with it, a responsibility with few parallels in a community. Hundreds of parents entrust the safety of their children daily to their school's principal. She is expected to nurture them, educate them with her team of educators and hopefully to love them too. We, at Charlo Primary School, are fortunate that our principal does just that.

But as if that were not enough, the Department of Education determined that all principals assume yet a further responsibility. In an instruction issued on 17 April 2020, the Department stipulated an UPSCALING (OF) HYGIENIC CONDITIONS IN SCHOOLS AFTER LOCKDOWN PERIOD, in preventing the spread of the COVID-19 pandemic, that the school's governing body (presumably at parent's expense), provide sanitation, cleaning and disinfectant for daily cleansing of the school and that-

"Principals, as leaders, are expected to take care of their health and those of educators, administrative staff and learners."

Your governing body's concern was that the Department was imposing a form of legal liability upon principals which the law does not impose. It should be remembered that section 60 of the South African Schools Act provides that liability for claims against schools lies against the Department and not against the schools themselves.

" 60 (1) "The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such public school would have been liable but for the provisions of this section.

(2)...

(3) Any claim for damage or loss contemplated in subsection (1) must be instituted against the Member of the Executive Council concerned."

Since liability cannot in law lie against our principal, the SGB requested the school's attorneys to seek a full explanation of the Department's instructions especially as to the extent and standard of care which the principal was being instructed to provide. At that point, the Department withdrew the instruction.

I must especially express the deep gratitude of the SGB to our entire educator staff for stepping up during the lock-down period, catering for the tuition needs of our children during these difficult times which are beyond our control.

For the protection of our principal, your SGB is requesting that parents demonstrate their support and solidarity by providing her with the peace of mind that she will not personally be held liable in any way should any person connected to the school, be unfortunate enough to contract COVID-19.

MILESWEG / ROAD, CHARLO, PORT ELIZABETH

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By signing the indemnity below, you will greatly assist in providing our principal with the confidence that she need not expose herself to risk simply by faithfully discharging her duties. Although the school governing body members also cannot in law be held accountable (because of the provisions of section 60), provision has been made for them in the indemnity as well, erring on the side of caution.

COVID-19 DISCLAIMER AND INDEMNITY – CHARLO PRIMARY SCHOOL

I, _____ (full name and surname), the

parent/guardian, recognises and understand that the COVID-19 pandemic has created an unusual and unprecedented risk to all persons, which could result in serious ill-health or death, and that I should make an informed decision and expressly consent to and accept the risks attendant on my, my child's or family member attending the school's premises which other learners, staff and parents will attend.

I therefore hereby indemnify, hold harmless and absolve the principal, her staff and the school governing body against and from any or all claims whatsoever that may arise in connection with any loss, injury or damages arising out of any person contracting the COVID-19 virus during the course of and tenure of my child's attendance as a learner at the school, disclaiming any entitlement which I, my child or any other person may otherwise have had, to make claims for such loss, injury or damages, but for the terms hereof. I fully understand and accept that contact with any person attending the school shall be undertaken at the risk of such person, in the knowledge however, that the principal, and her staff will, nevertheless, continue to take the same reasonable precautions for the safety and welfare of my child as previously obtained.

Name (full name and surname) Designation

Date:

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