

**WESTERING PRIMARY SCHOOL
CODE OF CONDUCT FOR LEARNERS**



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1. CODE OF CONDUCT FOR LEARNERS

2. EFFECTIVE DATE	01/11/2024	3. DATE OF NEXT REVIEW	01/11/2025
4. REVISION HISTORY	* Schools SMT, Deputy and Principal 2024/11/01		
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	*		

5. PREAMBLE

In terms of the South African Schools Act (Act No. 84 of 1996) hereafter referred to as SASA, it is the duty and responsibility of the School Governing Body to develop and adopt a Code of Conduct for learners. Such policy must be in line with the provision of the Provincial Gazette, relevant National Education Legislation as well as the Constitution of the Country. In a case where the Code of Conduct is in contrast with any provincial or national legislation then such legislation shall take precedence.

6. PURPOSE OF THE POLICY

The purpose of the policy is to set out the parameters within which learners should behave in order to protect and promote the integrity and security of each learner and all members of the school community.

Objectives

- a) To ensure that no learner is unlawfully and unfairly treated;
- b) To foster mutual respect and establish a culture of tolerance and peace amongst learners and educators in the school.
- c) To ensure that the administrative procedures are clearly defined;

7. DEFINITIONS AND ACRONYMS

7.1. Definitions

No	Term	Definition
1	District Director	Is the officer of the department responsible for the administration of education in a particular educational district.
2	Educator	Means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services at school.
3	Expulsion	Means the permanent removal of a learner from a school.
4	Grade	Means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto.
5	Head of Department	Refers to the head of a provincial department of education.
6	Learner	Means any person receiving education or obliged to receive education in terms of relevant legislation.
7	Parent	means – a) the parent or guardian of a learner; b) the person legally entitled to custody of a learner; or c) the person who undertakes to fulfil the obligations of a person referred to in

No	Term	Definition
		paragraph (a) and (b) towards the learner's education at school.
8	Principal	Refers to an educator appointed or acting as the head of a school.
9	School	Refers to the school.
10	School Governing Body	Is the body responsible for governance issues at the school.
11	Suspension	Means the temporary refusal of admission to a learner to a school, usually suspension precedes expulsion.

7.2. Acronyms

No.	Acronyms	Explanation
1.	DC	Disciplinary Committee
2.	MEC	Member of Executive Council of a province who is responsible for education in the province.
3.	RCL	Representative Council for Learners
4.	SASA	South African Schools Act
5.	SGB	School Governing Body
6.	SMT	School Management Team

8. APPLICATION AND SCOPE OF THE CONSTITUTION

The policy shall apply to all learners registered in a school.

9. LEGISLATIVE FRAMEWORK

- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended.
- South African Schools Act, 1996(Act No. 84 of 1996), as amended.
- National Education Policy Act, 1996 (Act No. 27 of 1996), as amended.
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- Regulations for Misconduct of Learners at Public Schools and Disciplinary Proceedings, 2001 (General Notice 2591 of 2001).
- Regulations for Safety Measures at Public Schools Government Notice No. 1040, October 2001, as amended.
- Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners, General Notice 776 of 1998.

10.POLICY STATEMENTS

The Principle and Values: The Rights of the Learners

- a) At the School all learners shall have the democratic right to due process, participation in decision - making on matters affecting them and a method of appeal. The school prides itself on its record of allowing learners to express and resolve school-related grievances together with the SMT and SGB.
- b) Any form of discipline embarked upon by the school is underpinned by dignity and respect.
- c) Corporal punishment is prohibited at the school.
- d) The school will endeavour to provide learners with a clean, safe, healthy environment with access to clean running water and toilets and an environment that protects them from harassment and intimidation from attending classes and writing tests and examinations thereby creating an atmosphere conducive for teaching and learning.
- e) Learners have the right to expect educators to maintain high standard of professional ethics.

The Legal Authority for the Control and Discipline of Learners

- a) The South African Schools' Act empowers a governing body of a school to maintain discipline in a school. The Code of Conduct must prescribe behaviour that respects the rights of learners and educators.

- b) The school will make every effort to ensure that learners understand that action may be taken against them if they contravene the Code of Conduct. In cases where action has to be taken the school will inform the learners why:
 - (i) Their conduct is considered as misbehaviour or misconduct.
 - (ii) They are to be disciplined or punished.
- c) All learners at the school are subject to the Code of Conduct without exception. The learners will be informed about its contents on enrolment at the school.
- d) An educator at the school shall have the same rights as a parent to control and discipline the learner in accordance with the Code of Conduct during the time the learner is in attendance at the school or school related activities.
- e) The Principal or an educator, upon reasonable suspicion, has the legal authority to conduct a search of any learner or property in possession of a learner for a dangerous weapon, firearm, drugs, or harmful dangerous substance, stolen property or pornographic material brought onto the school property.

School Rules

While it is a learner's right to receive an education and while Westering Primary School will strive to provide the educational opportunities this community has come to expect, it is important that learners acknowledge their responsibilities to themselves, their fellow learners, their teachers and the school.

The following rules apply not only during school hours, but whenever and wherever a learner may be identified as a learner of Westering Primary School.

Personal appearance

- Learners who wear inappropriate clothing will have the offending items confiscated or be sent home to change into proper school uniform.
- Refer to Code of Conduct and Class of Offences in the diary.
- **Hair – Girls and Boys (NO EXTREME STYLES ALLOWED)**
- Refer to uniform code

If in doubt, hair to be checked by the Deputy Principal or Head of Discipline

Uniform Requirements

Summer Uniform requirements

Girls

- Royal blue school skirt
- Short sleeve shirt with school badge on pocket
- Short white socks
- Black flat lace-up or T-bar shoes
- Optional: Short navy-blue tights under skirt
- Optional: Navy-blue school jersey with badge

Boys

- Short grey pants
- Short sleeve shirt with school badge on pocket
- Long grey regulation socks with stripes
- Black school shoes (no Grasshoppers)
- Optional: Navy blue school jersey with badge

Winter Uniform requirements

Girls

- Royal blue school skirt
- Long sleeve shirt – no badge
- School tie
- Navy-blue school socks OR black opaque stockings (no knitted/woollen tights)
- Regulation navy-blue school jersey with badge
- Black flat lace-up or T-bar shoes
- Blazer: ONLY Grade 4 – 7

Boys

- Long grey pants OR short grey pants
- Long sleeve shirt – no badge
- School tie
- Long grey regulation socks with stripes
- Regulation navy-blue school jersey with badge
- Black school shoes (no Grasshoppers)
- Blazer: ONLY Grade 4 – 7

Phys Ed Uniform requirements

Girls

- Phys Ed golf shirt
- Navy-blue quantec / taslon shorts
- Short white anklet socks (no secret socks) or WPS fun socks
- White school takkies
- Navy-blue school tracksuit (Winter)

Boys

- Phys Ed golf shirt
- Navy-blue quantec / taslon shorts
- Short white anklet socks (no secret socks) or WPS fun socks
- White school takkies
- Navy-blue school tracksuit (Winter)

Other

Girls' hair

- Hair must be tidy and well-groomed
- Hair reaching the bottom of the collar must be tied up
- Fringes may not touch the eyebrows
- Hair hanging in the face must be clipped back
- Only navy-blue and black ribbons, alic bands, scrunchies or clips may be worn

Jewellery

- No jewellery is allowed except wrist watches
- Watches must be small faced – only metal, navy-blue, black or white will be allowed
- No smart watches
- Regulation plain gold or silver stud earrings may be worn. No studs with precious stones and no sleepers may be worn / no hoops
- Medic alert bracelets may be worn
- Fingernails must be short and neat – palms facing forward, fingernails may not be seen
- No make-up or nail polish may be worn
- No lip gloss or colour lip balms

Boys' hair

- Hair must be tidy and well-groomed
- Hair may not hang over ears
- No distinct step, parting or cut-ins may be evident
- When the fringe is combed forward it may not touch the eyebrows

Jewellery

- No jewellery is allowed except wrist watches
- Watches must be small faced – only metal, navy-blue, black or white will be allowed
- No smart watched
- Medic alert bracelets may be worn
- Fingernails must be short and neat – palms facing forward, fingernails may not be seen

Our school shop, **Westeringware**, is open Monday to Friday during the following times:
07:30 – 09:30 and 12:00 – 15:00.

Last Wednesday of every month, 07:30 – 09:30 and 14:00 – 17:00.

Telephone: 041 360 7818 Option 3

- **Civvies' Day:**
 - No bare midriff
 - No jewellery
 - Hair tied up
 - No high heels
 - No **mini's** or **short** shorts (No shorter than 5cm above the knee)
 - No make-up
 - No see-through clothing
 - No nail polish
 - No caps/beanies/fancy hair adornments
 - No revealing necklines
 - No strapless or spaghetti strap tops
 - No **torn clothing** or revealing cut outs
 - Clothing must be comfortable

- **Tracksuits**

If a learner is wearing a tracksuit, a FULL school tracksuit must be worn to and from school. Predominantly white takkies must be worn with the tracksuit. (No tommy takkies to be worn). School golf shirt and shorts to be worn under the tracksuit. Only plain white socks, no secret socks. No jersey to be worn with the tracksuit.

Tracksuits may NOT be worn in place of the uniform without the permission of the Principal.

- **Westering Primary Bags**

The school bag must be navy and offer support for the carrying of books.

Kitbags must be the Westering kitbag.

All schoolbags are available from the school shop.

All bags must be clearly marked on the outside and the inside.

No additional writing permitted on bags (i.e. tipex, pens, etc.).

- **Cell Phones and Social Media**

Cell phones, tablets, smart watches and other electronic devices are not allowed and will be confiscated if brought to school without permission.

- **Absenteeism**

Parents must provide a written explanation for their child's absence from school, sport or Phys Ed. A medical certificate is to be provided should a learner miss a formal assessment.

Behaviour

Parents/guardians are requested to discuss the following rules with their children:

- **Punctuality** - School hours should be strictly observed. Should a learner arrive late they are to enter the main front entrance and report to the office. After being late 3 times parents will be phoned. The fourth time the child will be required to attend Detention.
- No gathering around the gate, entrances, braai area or garages.
- No learners may leave the school grounds during school hours without permission.
- No learner is allowed in the school building during break, before or after school, without permission.
- No learner is allowed to move about the school building while lessons are in progress unless they have permission from a teacher.
- After each lesson, learners should leave desks and classrooms neat and tidy.
- Learners should at all times move briskly, on the **LEFT HAND SIDE** of the corridors, in the second block. No running and shouting is permitted in the school building.
- There is no eating in classrooms, foyer, library, hall or computer room.
- There is to be no running, climbing onto the railings or furniture or any such irregular behaviour.
- Learners are not permitted to talk or make a noise along the office corridors.
- Learners may not deposit their cases or bags outside their class before school or outside the next class before break.
- No learner will fight or play unofficial games liable to cause injury or damage to property; no learner will behave in a rowdy manner or in such a way as to provoke other learners. No knives or sharp objects and no hard balls allowed at school.
- No litter is to be dropped by any learner. Littering will not be tolerated.
- Learners are not to walk over newly planted grass or any grassed area being cultivated.
- Chewing gum is not allowed in this school.
- No learner will be allowed to climb trees.
- Smoking and vaping in any form (e-cigarettes included), the use of alcohol; and abuse of habit-forming drugs by learners, is strictly prohibited on the school premises at all times.
- Learners may not sit on, climb over or handle any boundary fences, gates or railings.
- Cyclists
 - May not ride in the school grounds;
 - Must park their bicycles in the slots provided and lock them securely.
- Adults and fellow learners will be treated with respect at all times.
- Learners who take ill must report to the office with a note from a teacher. The secretary will then contact the parents/guardians.
- Learners leaving school during the day for medical and other appointments must obtain prior permission.
- Nothing may be purchased from vendors or the public over the school fence or through the gates.

- All learners will be given a homework diary in which homework is written down daily. A signature in the diary by the parent means that the parent has checked their child's homework.
- If a diary gets lost the learner will be required to purchase another.
- **NO running** on the tarmac at all.
- Learners must move straight to lines after the break bell. They must be in place by the time the second bell rings.

Medication

- No medication to accompany a learner without the educator being informed

Sport rules

- All learners are expected to participate in at least one summer and one winter sport.
- It is compulsory to attend all practices and matches and a learner should not withdraw from the sport until the end of the season.
- All learners must wear the correct uniform to matches and practices.

School buses

- No eating or drinking on the school bus.
- No shouting, fighting or distracting behaviour on the bus.
- No learner may stick any part of his/her body outside of the bus windows.
- No learner will pull faces, annoy or show disrespect to other motorists.
- Upon arrival, all learners will ensure the bus is left neat and all belongings collected.

Tuck shop rules

- All learners must line up in an orderly fashion behind the painted line. No hitting, pushing in or threatening of other learners in the queue.
- Only one person at a time from each line will be attended to.
- Food orders, including pies, must be ordered in the tuck boxes. No food on plates may be ordered from the tuckshop by a pupil.
- No child may take their food to the tuckshop or staffroom kitchen to be warmed up.
- The school and tuck shop staff will not be held liable for any loss or theft of money. All money should be kept in a purse for safekeeping.

Aftercare

- An aftercare facility is available at an additional fee should parents wish to make use of the service.
- Parents are required to register their children and pay aftercare fees in addition to school fees.

Using school facilities and equipment

- No pupil may use any item or school equipment without permission.
- No pupil shall wilfully misuse any item of school equipment, or mark or deface it.
- No notices may be put up without permission from the Principal or the responsible member of staff.
- Learners shall not loiter in the toilets.
- No child will be allowed in the following areas without being accompanied by a teacher:
 - The hall
 - The turf
 - The cricket nets
 - Staff room/kitchen
- At break time, no children allowed past the front of the braai area and the A & B field scoreboards
- All sporting equipment must be handled with due care, and may not be removed or handled without the express permission of the teacher in charge.

Outside school

No child identifiable as a Westering Primary learner will bring discredit on the school by any unseemly behaviour in any public place, at any other school or on a social media platform.

Any violation of these school rules may result in an appropriate consequence.

School Attendance

- a) All learners are expected to attend school regularly and punctually.
- b) All learners are required to assemble in designated areas daily.
- c) Should a learner be absent from school, his/her parent is required to notify the school in writing.
- d) Learner truancy/absence from class/bunking will not be tolerated.

Classroom Rules

It is expected that each educator will together with the learners develop their own classroom rules. The following rules are applicable to all classes:

- a) Every educator is responsible for discipline at all times at the school and at school related activities. Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary at the school. Serious misconduct must be referred to the Principal of the school.
- b) Learners must commit themselves to do their school work during classes, complete assigned homework and catch up on work missed because of absence.
- c) An educator's instruction must be followed at all times. Under no circumstances will the undermining/disregard of an educator be tolerated.

- d) Classrooms may only be left with the permission of an educator.

Care of the School Property

- a) Every learner is expected to protect and use all school equipment and facilities with care.
- b) Vandalism will not be tolerated.
- c) Any learner who intentionally misuses, damages or defaces any school property should replace it or pay for the damage to property.

Drug, Alcohol and Weapon Free Zone

- a) Smoking, alcohol, drug use is not permissible at the school. This includes e-cigarettes and vapes or any other smoking device.
- b) Possession of cigarettes, cigarette lighters, matches, drugs, alcoholic drinks, pornographic material, firearms, knives and other dangerous weapons is prohibited at the school (this includes fireworks).

Violence, Bullying and Foul language

- a) No violence, bullying, intimidation or threatening of any kind is allowed at the school.
- b) Learners are not allowed to swear or use foul language.

Property of learners

- a) Learners are not allowed to bring computer games, CD players, radios, cell phones, iPods, tablets and iPad etc to school unless permission to do so has been obtained from the Principal.
- b) Learners are encouraged not to bring valuable items to school. In cases where such items must be brought to school they should be handed in to the office for safekeeping.
- c) Stealing/Theft is prohibited at the school.

Early Departure from School

- a) No learner may leave the school premises without permission from the office during school hours.
- b) The school prefers that appointments to e.g. doctors, dentists, etc be made after school hours or over the holidays.
- c) A learner who needs leave during school hours must supply the office with a letter from the parent requesting permission for leave.
- d) A learner who falls sick during school hours must report to the class teacher, who will contact the parent.

11. DISCIPLINARY PROCESS

We shall be using the **Class Dojo Application**.

By implementing this system, we create:

- an efficient communication tool with parents (automatic/instant notification)
- a centralised and digital system that all staff have access to
- a disciplinary record is established

KEY ASPECTS: Class Dojo

1. Class one offence - The learner will receive demerits using **Class Dojo**. For repeated transgressions of class one offences (8 demerits), learners will receive detention.

Parents will be requested to sign a detention letter.

2. Class two offence - The learner will receive -32 Points on Dojo and learners will receive detention. Parents will be requested to sign a detention letter.

3. Class three offence - Immediately refer to the Head of Discipline/Principal as well as - 32 points on Dojo.

- Should a teacher issue demerits to a learner using **Class Dojo**, the parents of the learner will be notified of the transgression.
- Should a learner receive detention, parents will be requested to sign a detention letter.
- Should a learner receive a second detention, the learner and his/her parents are to meet with the Head of Discipline/Principal.
- Should there still be disciplinary issues after a meeting with the Head of Discipline, a disciplinary hearing with an internally elected committee will take place. Further interventions, recommendations and sanctions will then be implemented.
- Should the interventions, recommendations and sanctions mentioned above not improve matters, a disciplinary hearing with an externally elected committee (School Governing Body) will take place. Further interventions, recommendations and sanctions will then be implemented.

4. Class four offence - Immediately refer to the Principal.

CLASS 1 OFFENCES:

MINOR VIOLATIONS OF CLASS AND SCHOOL RULES

PLEASE NOTE:

Before following the set of guidelines, the educator must use his/her **own discretion** eg. writing out, verbal warning, demerits, community service, own detention, letter to parents/guardians, phone parents etc. **NO CORPORAL PUNISHMENT.**

A violation in this category will lead to the learner receiving a -4 Demerit on the Dojo points system.

OFFENCES:

- Bad manners/impolite behaviour towards teachers, maintenance staff, peers, and visitors
- Inappropriate behaviour in the class
- Late arrival to the class without a valid excuse
- Negligent behaviour (not completing homework/incomplete classwork/ formative assessments, tests and exams not signed/not returning reply slips/ forgetting work at home/ forgetting diary at home)
- Eating/drinking in classrooms (except plain water)
- Disrespect to others (hitting, kicking, tripping, pinching, pushing, name calling, intimidation, spreading rumours, humiliating, fighting)
- School uniform infringement (too short, frayed or torn, visible embroidery of names on school uniform and wearing a school tracksuit without permission of the Principal)
- Uniform incorrect for Phys Ed
- Uniform incorrect for matches
- Not participating in Phys Ed without a valid reason (e.g., doctor's letter, letter from parent/guardian)
- Misconduct or poor sportsmanship during an extra-mural activity practice, intra- or inter-school competition or league fixture
- Failure to attend an extra-mural/academic extra lesson without excusing oneself
- Disobeying uniform rules (including hair/nails/jewellery/watches/shaving)
- Failure to wear a mask when required.
- Failure to adhere to social distancing rules when required to
- Littering
- Spitting on the ground or on an object
- Chewing gum in uniform
- Library book overdue
- Talking when silence is required e.g., ringing of the bells, tests, exams
- Inappropriate displays of affection (holding hands, cuddling, hugging, kissing)
- Disobeying teacher's instructions
- Going to the Tuck Shop during lesson time or between periods
- Misconduct on school premises/in school uniform/during assembly
- Absence from compulsory school events, e.g. Formal School Sports / Functions
- Interfering with another person's possessions/property/locker without the owner's consent.

A copy of all correspondence must be kept in the learners' profile or homework diary, so that a record of misdemeanours may be compiled.

CLASS 2 OFFENCES:

A violation in this category will lead to the learner receiving a -32 on the Dojo points system and a detention (issued by teacher).

SERIOUS OFFENCES

- Truancy/bunking (leaving the classroom/school premises without permission)
- Disruption of learning
- Misuse of cell phone and other electronic devices as per cell phone policy. Cell phones need to be handed in to the class teacher before school begins.
- Lying and deceitfulness
- Dishonesty (including cheating in tests and examinations)
- Offensive language used
- On-going harassment of fellow learners e.g., aggressive pressure, intimidation, pushing, damaging other learners' belongings
- Inappropriate dress on civvies day/not following the specified dress code
- Urinating outside in public; outside the classroom/school property
- Minor vandalism – misuse/abuse of school property e.g., school desks
- Deliberate disrespect towards a teacher/staff member/visitor

A copy of all correspondence must be kept in the learners' profile or homework diary, so that a record of misdemeanours may be compiled.

CLASS 3 OFFENCES:

A violation in this category will lead to the learner receiving a -32 on the Dojo points system and a detention or extended detention (issued by the Deputy Principal).

- Dishonesty (cheating in tests and examinations/fraud/plagiarism)
Any learner who copies work from another learner (or any other source), will receive 1 and an immediate detention. A learner aware that their work is being copied and permits it, will receive the same punishment.
- Persistent bullying/harassment (verbal, virtual, physical, cyberbullying)
- Intimidation/threatening behaviour.
- Major vandalism – misuse / abuse of school property.
- Intentionally conducting oneself in a manner which is or could be seriously detrimental to the maintenance of order or discipline at the school.
- Violating the rights of other learners to receive education by disrupting classes, preventing other learners from attending classes or preventing teachers from teaching adequately, or in any other manner.
- Fighting (physical/verbal)
- Using a cell phone to make a recording of other learners' behaviour and sharing of recordings.
- Persistent, repeated inappropriate behaviour (including offensive language/swearing/racism/urinating on school property).
- Smoking / Vaping

POSSIBLE DISCIPLINARY ACTIONS AS DECIDED BY THE DEPUTY:

- 3 hour detention
- Loss of privileges e.g. no outings
- Removal of badges

CLASS 4 OFFENCES:

OFFENCES THAT MAY LEAD TO SUSPENSION:

A violation in this category will be referred to the Principal.

Provincial regulations must be consulted in the compilation of a list of offences which may lead to suspension of a learner. Offences that may lead to such suspension include, but are not limited to the following:

- a. conduct which endangers the safety and violates the rights of others;
- b. possession, threat or use of a dangerous weapon;
- c. possession, use, transmission or visible evidence of narcotic or unauthorised drugs, alcohol or intoxicants of any kind;
- d. fighting of a serious nature, assault or battery;
- e. immoral behaviour or profanity;
- f. falsely identifying oneself;
- g. harmful graffiti, hate speech, sexism, racism;
- h. theft or possession of stolen property including test or examination papers prior to the writing of tests or examinations;
- i. unlawful action, vandalism, or destroying or defacing school property,
- j. disrespect, objectionable behaviour and verbal abuse directed at educators or other school employees or learners;
- k. repeated violations of school rules or the Code of Conduct;
- l. criminal and oppressive behaviour such as rape and gender-based harassment;
- m. victimisation, bullying and intimidation of other learners;
- n. infringement of examination rules; and knowingly and wilfully supplying false information or falsifying documentation to gain an unfair advantage at school.

STEPS TO BE TAKEN:

These offenders are to be brought straight to the Principal. The procedures are as follows:

- an investigator is appointed to conduct an enquiry into the allegation(s)
The appointed investigator is normally the Head of Discipline.
- the offender(s) meets with the investigating officer
- the teacher involved meets with the investigating officer if necessary
- parents/guardians are informed of the offence and that further investigation may take place
- parents may be present with regards to an investigation that could lead to suspension or expulsion
- the investigating officer meets with the disciplinary committee to discuss the action to be taken
- the matter may be referred to the School Governing Body
- inform parents/guardians of the action to be taken

POSSIBLE DISCIPLINARY ACTIONS AS DECIDED BY THE DISCIPLINARY COMMITTEE:

- 3 hour detention
- Loss of privileges e.g. no outings
- Removal of badges
- Suspension
- Expulsion

A copy of all correspondence must be kept in the learners' profile so that a record of the child's misdemeanours can be built up.

12. POSSIBLE DISCIPLINARY ACTIONS BY DISCIPLINARY COMMITTEE

- A sanction as determined by the disciplinary committee
- Suspension
- Expulsion

Important - A copy of all correspondence must be kept so that a record of the child's misdemeanours may be built up. (Both parties are to receive copies of all correspondence.)

Responsibilities of Learners

- a) On acceptance of the Code of Conduct by parents, learners must implement the Code of Conduct.

Responsibilities of Parents Regarding the Code of Conduct

- a) The ultimate responsibility for learner behaviour rests with the parent who is expected to support the school and ensure that learners observe the school rules and regulations and accept responsibility for their misbehaviour.
- b) Parents/Guardians should attend meeting convened by the School Governing Body/SMT for them.

Due Process in the Event of Serious Misconduct

- a) In accordance with Government Gazette 189 of 1990 and Provincial Gazette 236 of 1997, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The penalties of suspension or expulsion can only be imposed after the due process described below has been followed:
 - i) Any learner alleged to have violated any rule that may require suspension or expulsion must be brought to the principal. The principal shall hear the evidence and then decide on the action to be taken.

- ii) In the event that the learner is to be charged with serious misconduct, the principal must inform the learner's parents in writing of the proposed action and arrange for a fair hearing by a small disciplinary committee consisting of members designated by the SGB.
- iii) The principal must write a written report of the case to the District Director explaining the decision to charge the learner.
- iv) A copy of written charges shall be delivered to the learner concerned and his/her parents/guardians by handing it over to him/her personally; and forward it by prepaid registered post to the parents or guardians last known residential address.
- v) If the learner admits the charge, either in writing or orally in person before the principal, he or she shall be deemed guilty of serious misconduct as charged.
- vi) At the hearing, the principal of a Public School which a learner attends or an official appointed in writing by the Head of Department shall be the presiding officer.
- vii) In the case where a learner admits his or her guilt on a charge of serious misconduct, the principal or the appointed official should make recommendation/s on the correctional measures to be imposed, to the District Director, or in the event that expulsion of such learner is recommended to the Head of Department, or the presiding officer shall in writing appoint an educator at the school concerned, to act as prosecuting officer in the hearing.
- viii) In the case where the learner denies his/her guilt on a charge of serious misconduct, hears the charge in the set out below and, upon a finding of guilty, makes a recommendation on the correctional measures to be imposed.
- ix) For the hearing learners must be informed and understand the charge, with five (5) days notice, indicating time, place and date.
- x) At the hearing the prosecuting officer may present facts by the way of adducing oral written statements or documentary evidence.

- xi) At the hearing the learner shall have the right to be personally present and to be represented by his/her parents/guardians or a person nominated by the learner or his/her parents/guardian who shall have the right:
- to be heard by impartial persons
 - to be treated with dignity during the process
 - to present facts from the learner by adducing his/her statement, either in writing or orally or documentary evidence in defence of the learner.
 - to question any witness called in support of the charge.
 - to have access to documentary evidence produced in support of the charge.
 - be informed in writing of the decision if it is suspension or expulsion
- xii) The School Governing Body is obliged to keep a complete record of proceedings and outcome of the disciplinary hearing.
- xiii) In the event of the learner being found guilty, the presiding officer may impose the following correctional measure upon the learner found guilty or deemed to be guilty of the charge:
- caution or reprimand the learner
 - direct his/her detention after school hours for a specific period of time.
 - Suspension of up to one week or for a reasonable period while awaiting the approval of the Head of Department for expulsion.
- xiv) The disciplinary proceedings contemplated here shall be conducted in a fair, equitable, open and transparent manner.

Suspension of a Learner for Serious Misconduct

- a) According to Section 9(1) of SASA, a School Governing Body (SGB) may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but

may only enforce such suspension, after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension.

- b) If a learner is suspended, the governing body must conduct the disciplinary proceedings within 7 (seven) days of the suspension, failing which, the governing body must obtain the approval of the HOD for the continuation of the suspension of such a learner.
- c) According to Section 9(1)(C) of SASA, a governing body may, after a fair hearing, suspend a learner from attending school, as a sanction for a period not longer than 7 (seven) school days.
- d) According to Section 9(1)(E) of SASA, a governing body may suspend or extend the suspension of a learner for a period not longer than 14 days, pending a decision as to whether the learner is to be expelled from the school by the HOD.

Serious Misconduct and the Law

- a) Serious misconduct which may include offences according to the law must be investigated by the police and referred to the Court if necessary.

Institution of which may Lead to Suspension or Expulsion

- a) The learner must be questioned by the principal.
- b) On the basis of evidence collected, the principal may institute a disciplinary hearing.
- c) Only the principal may institute disciplinary action against a learner in respect of serious misconduct.
- d) The principal may institute disciplinary action against a learner in respect of serious misconduct only if:
 - i) There is sufficient evidence to institute such proceedings; and
 - ii) the principal considers it to be the interest of the school and its community that such disciplinary action should be instituted.

Disciplinary Committee (DC) for Serious Misconduct

- a) Upon the advice of the principal, the SGB must appoint a DC to adjudicate the allegation of serious misconduct.
- b) The DC appointed by the SGB must comprise of three persons who are members of the SGB or are nominated by the SGB.
- c) The DC is subjected to the following conditions:

- i) The chairperson of DC must be a parent member or community member of the SGB.
 - ii) The two remaining members of the disciplinary committee may not be the principal or a learner at the school.
 - iii) No person may be appointed to the disciplinary committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.
- d) In appointing members of the disciplinary committee, issues of representivity in terms of gender and race must be reflected in the composition of the panel.
- e) Only Grade 12 members of the RCL may be allowed to observe the disciplinary proceedings.

Procedure for Hearing of Serious Misconduct

- a) Regulation 5 of the Notice outlines the procedures for hearing of serious misconduct and other steps to be followed to ensure that the process is fair and transparent.
- b) The principle of FAIRNESS is expected to apply during the disciplinary proceedings:
 - i) The principles of fairness require that the accused person understands all the allegations against him or her, and is given a fair opportunity to respond to those allegations.
 - ii) This would therefore require that an opportunity be provided for the cross-examination of a person making allegations by the person against whom the allegations are made.
 - iii) The learner has the right to be represented by the legal representative.
 - iv) The evidence before the DC must be fairly evaluated and considered, and a decision must be taken without bias, malice or prejudice against anyone.
 - v) The circumstance of the accused person must be considered, and mitigating factors (such as the matter being a first offence) should be taken into account.

- vi) Equality before the law requires that there be no unfair discrimination, directly or indirectly, on the basis of *inter alia* race, gender, age or religion.
- vii) It also requires that like cases should be treated alike.
- c) The SGB makes a recommendation for expulsion to the HOD after a fair hearing.
- d) This recommendation of the DC must be forwarded to the HOD in writing.
- e) The parents of the learner must be notified in writing of their right to forward an accompanying letter with the recommendation, stating their position on the incident, if they so wish. This letter may serve as a part of the appeal process.
- f) The HOD then investigates the procedural and substantive aspects of the guilty verdict and the sanction recommended.
- g) The HOD's decision, after due consideration of the reports and the record of proceedings from the DC, together with the optional letter from parent, is final.
- h) If the HOD expels a learner who is of compulsory school age, he/she must ensure that the learner is admitted to another school.
- i) If the HOD decides to impose on the learner a lesser punishment, other than expulsion, he/she may, after consultation with the SGB, impose a suitable sanction on the learner, or if he/she decides not to impose a sanction on the learner, he/she will refer the matter back to the SGB for an alternative sanction.

Appeal Procedures

- a) A learner or the parent(s) of a learner who has been expelled or a representative designated by him/her may appeal against the decision of the HOD to the MEC, within 14 (fourteen) days.
- b) Alternative arrangements for the continued education of the learner who has appealed must be made by the HOD, until the appeal has been finalised.
- c) The MEC must, within 5 (five) days, notify the HOD and SGB that the appeal has been lodged and furnish them with a copy thereof, and request them, within 5 (five) days after receipt of the appeal, to make

comments with regard to the appellant's reasons for the appeal and any other information relevant to the appeal.

- d) After consideration of all the information, the MEC must, within 5 (five) days of receipt of the documentation, provide the learner with the decision regarding the appeal.
- e) If an appeal by a learner who has been expelled from a public school is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.

13. PROMOTION OF CODE OF CONDUCT

- a) This policy will be displayed openly in the school.
- b) This policy will be made available to each learner in the official language of teaching and learning on registration.
- c) This policy shall clarify in positive terms what the expectations of the school are.
- d) The following actions shall be taken to clarify the expectation of the school to learners:
 - i) Each learner to be given a copy of the code of conduct at the beginning of each year, younger learners to be informed verbally.
 - ii) Classroom rules and the consequences for breaking these rules must be displayed in the class.