



WESTVILLE SENIOR PRIMARY SCHOOL

Code of Conduct For Learners

WESTVILLE SENIOR PRIMARY SCHOOL

CODE OF CONDUCT

INTRODUCTION

THE PURPOSE OF OUR CODE OF CONDUCT

In all things, use your common sense.

The School's Code of Conduct is aimed at establishing a disciplined and purposeful environment at Westville Senior Primary School ("the School"), dedicated to the values which the School espouses and to the improvement and maintenance of the quality of the learning process in the classroom, in extramural, cultural activities and on the playing field. All learners accepted and enrolled by the School are expected to be conversant with this Code of Conduct, and to abide by it.

As this code governs conduct both in the School and out of the School, it will be an aggravating factor if a learner breaches the Code in the School and its environs or while representing the School or in a context where their act or omission brings the School, staff members or learners into disrepute.

MOTTO

Ut Prosim (We shall Serve)

MISSION STATEMENT

School Mission Statement: Our mission is to foster a nurturing, disciplined and intellectually stimulating environment where students are empowered to become caring, confident, and creative individuals. By cultivating a culture of intellectual growth, independence of mind and physical and spiritual development, we empower our students to honour all humanity and make a positive impact on the world.

VISION

Learners Today. Leaders Tomorrow.

SECTION 1: RIGHTS OF OUR LEARNERS

**The Constitution of the Republic of South Africa states that
all Learners have the right to education.**

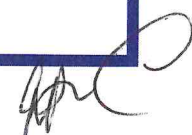
Our Learners have the right:

- 1.1** to be educated in a controlled and structured academic environment as expressed in the Classroom Code of Conduct;
- 1.2** to be educated following the appropriate curriculum;
- 1.3** to be respected by other members of the school community, regardless of personal, religious or cultural differences;
- 1.4** to receive regular feedback / reports reflecting academic progress;
- 1.5** to be treated with fairness;
- 1.6** to have security of person and property;
- 1.7** to make use of available School facilities and property;
- 1.8** to have the moral support of the School in their participation in cultural, sporting or academic activities;
- 1.9** to work in a clean and litter-free school environment;
- 1.10** to ask for help, advice or counselling;
- 1.11** to have School activities begin punctually;
- 1.12** to be able to utilise certain books and appropriate texts where available and which are in a serviceable, usable condition;
- 1.13** to attend a School free of drugs, weapons, drunkenness, bullying, victimisation or intimidation;
- 1.14** to attend a School free of sexual harassment or criminal behaviour.

SECTION 2: RESPONSIBILITIES OF OUR LEARNERS

**Our Learners' rights go hand in hand with responsibilities,
and on enrolment to the school,**

Learners undertake:

- 2.1** to create the opportunity for others to work without hindrance and to pay full attention to their lessons;
 - 2.2** to provide the appropriate learning materials, stationery and equipment necessary to participate fully in lessons;
 - 2.3** to respect and listen to the opinions and individuality of others;
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- 2.4 to treat others in a fair and just manner;
- 2.5 to uphold honest behaviour and security of persons and property in the School;
- 2.6 to respect any decisions made within the School and react to them in a mature fashion;
- 2.7 to respect and maintain the School property, facilities and materials;
- 2.8 to uphold School spirit by participation in and support of cultural, sporting and academic activities;
- 2.9 to maintain a clean and litter-free school environment;
- 2.10 to request help, advice or counselling at an appropriate time and in an appropriate manner, and to give advice and develop self- responsibility;
- 2.11 to be punctual in every facet of their School life by arriving at school and at lessons on time;
- 2.12 to care for their books and return them as they receive them;
- 2.13 to cause no embarrassment to the School in any way;
- 2.14 to refrain from disruptive, undisciplined or uncooperative behaviour both inside and outside the classroom;
- 2.15 to do all academic assignments, including homework, to the very best of their ability;
- 2.16 to refrain from the use of drugs, assault, carrying of dangerous weapons, criminal or illegal activities, intimidation, bullying, sexual harassment, victimisation, smoking, vaping or being in the possession of pornographic material;
- 2.17 to abide by all School rules and any / all amendments thereto.

SECTION 3: RULES, REGULATIONS, AND EXPECTATIONS

Although there are a number of regulations which help in the smooth running of the School, there is really only one guiding principle:

"At all times Learners should use their common sense and not do anything that will discredit themselves, their families or their School".

3.1 ATTITUDE, MANNERS AND RESPECT FOR OTHERS:

It is our belief that our Learners should treat others as they themselves would wish to be treated. With this in mind, Learners are obliged:

- 3.1.1 to develop a positive attitude towards their School, their studies and involvement in activities;

- 3.1.2 to develop self-discipline and responsibility for their own academic progress;
- 3.1.3 to identify with the traditions of the School;
- 3.1.4 to have good manners, courtesy and to respect others, both their peers and adults, at all times;
- 3.1.5 to refrain from bullying in any form;
- 3.1.6 to refrain from using offensive or foul language at all times.
- 3.1.7 to be respectful and helpful to both visitors to the school and the staff.
- 3.1.8 to behave in a manner that is a good example to others.
- 3.1.9 to behave in a manner which reflects the excellent reputation the school enjoys.

Rationale: To uphold the prestige image of the school.

3.2 SCHOOL UNIFORM AND APPEARANCE:

Our School uniform is very important in that it gives our School its own particular identify. Therefore, Learners are obliged to:

- 3.2.1 be correctly and neatly dressed in the specified school uniform or sport kit at all times. Exceptions to this dress code are prohibited. Should any deviation from the official school uniform be sought, a request (with supporting documentation) in writing, should be sent to the Principal. Such exceptions will be considered on individual merit by Senior Management and the Governing Body.
- 3.2.2 use the official school and sports bag.
- 3.2.3 show pride in their School by ensuring that their uniform is always clean and neat
- 3.2.4 wear full uniform at all times between School and home, at all functions and on excursions.
- 3.2.5 wear full uniform or the School tracksuit, or the official sports kit after sports practices with shoes on.
- 3.2.6 wear the official tracksuit top or jersey in cooler weather. Coloured anoraks or coloured tops are not permitted.
- 3.2.7 wear no jewellery (except medical identification), lapel badges, unrelated to the School, or any other adornments. Religious adornments are at the discretion of the Principal.
- 3.2.8 ensure that boys' hair is short, and kept neat and well-groomed.
It must be off the ears, off the collar (3cm), above the eyebrows, and not have any step, or shaved sides. To ensure that boys start shaving when facial hair is seen on their face, no matter their age or grade (see specific Girls' and Boys' Profiles: Sections 4.1.9; 4.2.8);
- 3.2.9 girls' hair must be tied back if long, (once it touches the collar of a shirt) and fringes must be above the eyes.
- 3.2.10 refrain from wearing nail polish on hands or feet. No gel nails, no varnish or



acrylic nails. Fingernails neatly clipped at clean.

3.2.11 not chew gum.

3.2.12 adhere to the details of the correct uniform and special sports kits as found in Section 4.

3.2.14 ensure that all items of clothing are clearly marked with the Learner's name.

Rationale: to instill self-respect, self-discipline and a sense of shared identity.

3.3 PUNCTUALITY, OUT OF BOUND AREAS, AND MOVEMENT AROUND THE SCHOOL:

3.3.1 Learners may not run on the corridors, stairs or quadrangles. Learners must walk in single file, keeping to the left;

At Westville Senior Primary School, we are aware of how important punctuality is in everyday life. With this in mind, our learners are obliged:

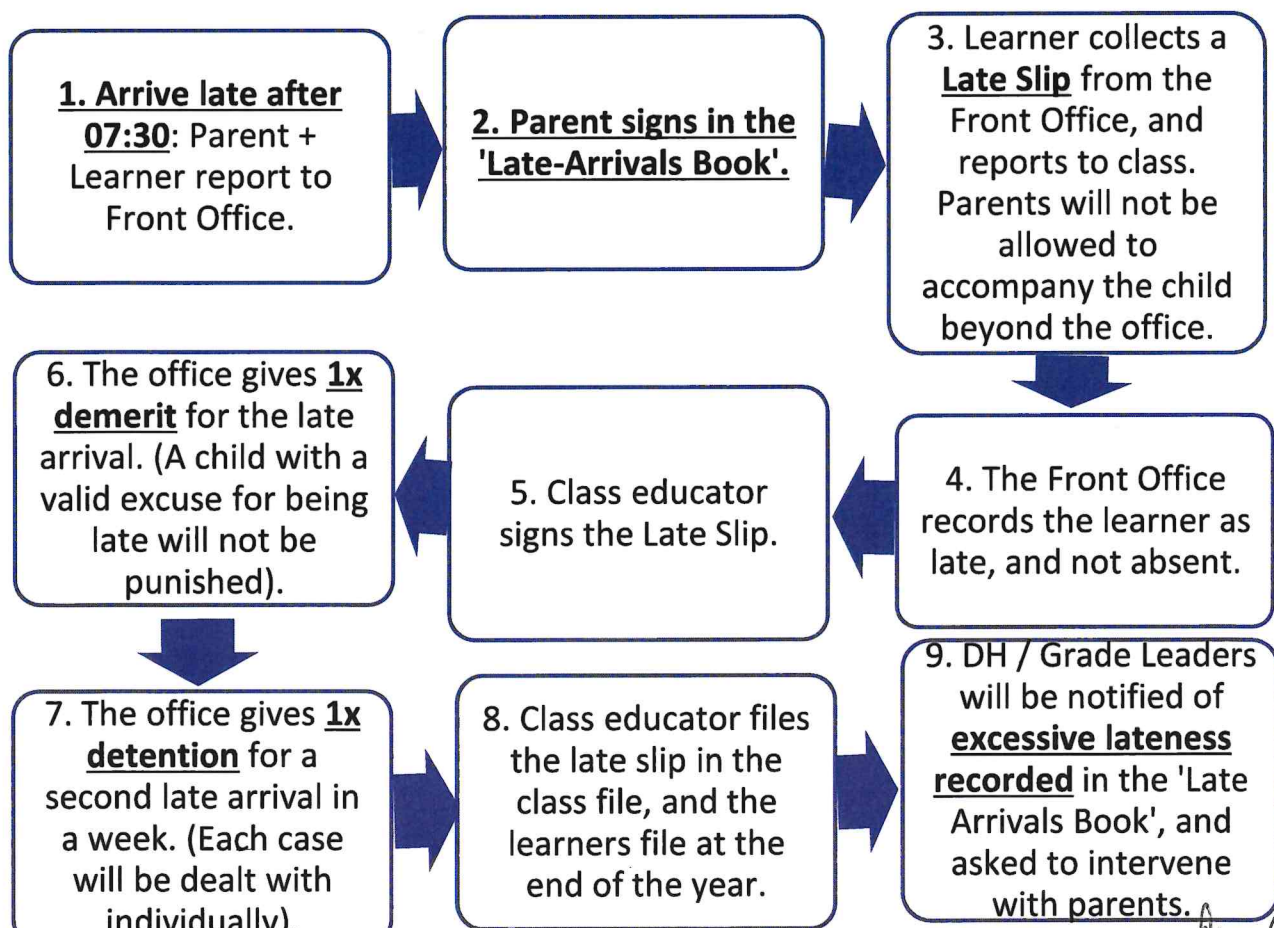
3.3.2 to be punctual to School and to all classes;

Learners are expected to be present in the school grounds by 07h20, and seated in their allocated area by the 07h30.

THE SCHOOL DAY OFFICIALLY BEGINS AT 07h40.

Arrival after the 07h30 bell, for any reason whatsoever, is deemed to be an infringement, and deemed as 'Late', and will be sanctioned accordingly;

3.3.3 to follow Westville Senior Primary School's '**LATE POLICY**', which is as follows:



- 3.3.4 to observe all regulations which specify areas that are out of bounds, or where access is restricted to certain times;
- 3.3.5 to remain at School for the duration of the School day, unless permission has been granted by the **Principal or Deputy Principal** or (in their absence) the Department Head of the relevant phase;
- 3.3.6 to bring written notification from their parents if they wish to leave School early for doctors' appointments, etc. or when they arrive late for whatever reason. **An Early Departure Register is to be completed and signed: either at Reception or the Sick Bay if your child is removed before the end of the School Day.**
- 3.3.7 to swim only when the educator-in-charge is present, and to keep away from the swimming pool at all other times.

3.4 AREAS OUT OF BOUNDS DURING OFFICIAL SCHOOL TIME

- 3.4.1 Entrance foyer and office block, unless on official business
- 3.4.2 School hall
- 3.4.3 The Staff room
- 3.4.4 All areas where cars are parked, fences and banks
- 3.4.5 Classrooms during breaks, before and after school
- 3.4.6 Undercover storeroom area
- 3.4.7 Pavilion area

Rationale: Protection of property and self-discipline

3.5 RESPECT FOR PROPERTY, LITTER AND ENVIRONMENTAL RESPONSIBILITY:

- 3.5.1 All litter must be dropped in the bins provided in an effort to make the school a totally litter-free environment.
- 3.5.2 All gardens and maintained areas like the school fields should be kept litter free and undamaged as far as is reasonable.
- 3.5.3 All learners are encouraged to take pride in the appearance of their school.

Rationale: To promote environmental awareness, pride in school and to alleviate the responsibility of others having to clean up.

It is our belief that children should learn not only to respect themselves and others, but also to respect the property of others and to have their property respected. With this in mind, our Learners are obliged:

- 3.5.4 to ensure that all personal belongings are clearly marked;
- 3.5.5 to take care of their own belongings, and show respect for the property of others;
- 3.5.6 to refrain from bringing valuables, electronics (cell-phones, smart-watches, tablets etc.) to School / Aftercare unnecessarily. Any large sums of money, and/or valuables should be handed in at the Front Office for



safekeeping immediately when the learner enters the school, and before 07h20;

- 3.5.7 Cellphones, I-pads, cameras, camera-phones, MP3 Players, I-pods, smart watches and cellphones, etc. may not be brought to school, and if found at school they will be confiscated for a full school term. However:
- 3.5.8 Should parents deem it necessary for their child to bring a cellphone to school, **WRITTEN** permission should be sought from the Principal and a copy of this permission should be carried by the child, at all times, as a permit.
- 3.5.9 Permission for cellphones will be reviewed on an individual basis, but is strongly not recommended. If permission is granted the cell phone must be locked away in the Principals office before school, and collected at the end of school. The school will not be held liable or responsible for any damage, theft, or loss during this time; before, during, and after collection.
- 3.5.10 A learner understands that the use of a cell-phone during any part of the school day or supervised Aftercare session will lead to the confiscation of the cell-phone including the *sim* card until the end of the term. This cellphone and the *sim* card will be placed in separate marked envelopes in the School Safe. A cell-phone confiscated in the last two weeks of any given term will only be returned on a date to be specified the following term. Generally, cellphones are confiscated for the length of a school term. A learner with a cell-phone which is visible and/or switched on, or whose alarm goes off, or who is using it for any purpose is considered to be 'using the phone';
- 3.5.11 Learners who are in any school buildings / on the school campus after official school hours (14h00) and during weekends/holidays may not use their cell phone, **NEITHER MAY IT BE VISIBLE;**
- 3.5.12 Learners and their parents/guardians understand that the School Governing Body and employees of Westville Senior Primary School do not accept any responsibility or liability for any confiscated cell phones;
- 3.5.13 Learners and their parents/guardians understand that the use and/or activation of a cell-phone in any way during any form of assessment process i.e. examinations, class tests, etc. will not only lead to the confiscation of the cell-phone but will also result in the learner being given zero for the work being assessed;
- 3.5.14 All the regulations of any external assessment, laid down either by the Department of Education or any designated body will be observed and the learner will accept the consequences of any breach of these rules. Learners must not be in possession of a cell phone during an official examination;
- 3.5.15 If a cellphone is covertly brought to school, the safety of cell-phones brought to school is entirely the learner's responsibility and the School Governing Body and the staff members of Westville Senior Primary School will not be held responsible or liable for any theft, damage or

Handwritten signature

confiscation of the cellphone.

3.5.16 Learners and their parents/guardians should note:

- In the event of an extreme emergency, the Receptionist may be approached, with written permission of an educator, for the learner to make a telephone call;
- Urgent messages can be relayed through the Front Office from 07:30-14:30.

3.5.17 to desist from bringing any animal (e.g. snake, rodent) to School at any time, without permission;

3.5.18 to take pride in the School grounds and buildings;

3.5.19 to report any accidental breakage or damage to property to their Educator immediately;

3.5.20 to refrain from defacing or willfully changing School property in any way. The School may request that damaged property be replaced or charge the learner for the replacement or repair of the damaged property;

3.6 TRANSPORT/AFTER SCHOOL AND ALL CO-CURRICULAR ACTIVITIES:

Learners who use public transport both to and from School, and/or visit any other area/place or space besides their own house before or after school must realise that this places them in the public eye. Thus, our Learners are obliged to:

3.6.1 practice correct discipline on all public transport to and from School; 3.5.2 wear the correct uniform or kit with no other additional clothes;

3.5.2 wear shoes in public

3.7 CO-CURRICULAR PROGRAMME:

At Westville Senior Primary School, we are aware of the need for learners to participate fully in all aspects of School life and that this is important to their development. Our Learners are obliged to:

3.7.1 participate fully in the academic, cultural and sporting life of their School;

3.7.2 wear the correct kit for all activities;

3.7.3 uphold sportsmanship and teamwork as values the School strives for;

3.7.4 attend all practices and games/events once they have made a commitment to a sport or cultural activity, unless they have a letter of excuse.

3.7.5 participate in at least one (1) sporting extramural activity per term.

3.8 CLASSROOM CODE OF CONDUCT:

For effective education to take place, our classrooms need to be controlled and disciplined. Our Learners also need to be receptive to the teaching process, and therefore, our Learners are obliged to:

3.8.1 listen to their educator, the first time;

- 3.8.2 allow everyone the right to learn without interference from themselves or others;
- 3.8.3 be punctual and prepared for the lesson (books/files/equipment);
- 3.8.4 use appropriate language and to encourage effective communication;
- 3.8.5 show politeness and consideration and to exercise self-discipline;
- 3.8.6 take care of furniture, books and equipment;
- 3.8.7 respect the property of others;
- 3.8.8 refrain from taking anything that does not belong to them;
- 3.8.9 Cheating and copying is dishonest and is the equivalent of theft of intellectual property. Learners are required to work independently and honestly. Copying homework is as serious as cheating in a test or an exam;
- 3.8.10 Cheating in class (level 2 of disciplinary code)
- 3.8.11 Cheating in tests/exams (level 3 of disciplinary code)

3.9 ATTENDANCE:

Regular attendance at School and of all lessons is vital if our Learners are to be effectively educated. With this in mind, our learners undertake to note the following:

- 3.9.1 In terms of Section 3(i) of the South African School's Act (No 84 of 1996), attendance is compulsory.
- 3.9.2 Timeously **written** notice of the intention to remove a learner from the School, for whatever reason, must be given. This does not apply to Grade 7 Learners at the end of their final year at Westville Senior Primary School.
- 3.9.3 Attendance is compulsory for all Learners registered at the school and absences must be supported by a doctor's certificate or a written explanation from the parent.
- 3.9.4 Such supporting documents are to be presented on the first day back at school after their absence.
- 3.9.5 Failure to provide the above-mentioned supporting document (formally signed letter from a parent and/or guardian, or doctor's certificate) will result in a demerit on the day of returning, and a detention for every day no supporting document is provided thereafter.
- 3.9.6 Absence for a test, assignment and / or exam will require a formal doctor's certificate, with a valid reason to be submitted. Failure to do so will result in a 'zero' mark given, as per the Department of Education regulations. If a test, exam, or assignment is missed it will be written or handed in on the day of return.

3.10 IN UPHOLDING THE VALUES OF THE SCHOOL, OUR LEARNERS ARE OBLIGED TO NEVER:

- 3.10.1 break a law of the land;
- 3.10.2 gamble;

- 3.10.3 steal;
- 3.10.4 cheat;
- 3.10.5 vandalise;
- 3.10.6 smoke, vape or be in the possession of cigarette or tobacco products, including any smoking/vaping device such as a vape/e-cigarette, etc.;
- 3.10.7 abuse substances/drugs, or be in the possession of illegal substances;
- 3.10.8 possess any weapon, pornographic material, or anything which endangers the physical or moral well-being of the School and its learners.

3.11 GENERAL:

- 3.11.1 No fighting, bullying, intimidation, swearing or thieving will be tolerated.
- 3.11.2 Skateboards and roller blades may not be brought to school.
- 3.11.3 Learners may only go to the sickroom with their teacher's permission. This includes break times.
- 3.11.4 Playing cards are not to be brought to school. Sports cards, social cards or swapping cards are not to be brought to school. These activities must take place at home.
- 3.11.5 All Learners should have suitable protection for wet weather, i.e. a school tracksuit and an umbrella.

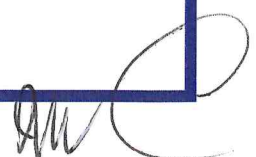
The official School Academic bag, the PE bag and the Lunch Box bag must be purchased from the school shop. Any other branded bags will not be permitted

All points within this Code of Conduct are to be followed in any and all after school-programmes, extra-curriculars, tours, day-trips, aftercare / Edu-Care, and in all aspects and times when at school or representing the school, or an affiliation to the school is visible.

The School has the right not to allow any additional deviations pertaining to the school uniform and learner's appearance. An application must be made and this is at the and approval at the discretion of the Principal and / or Deputy Principal in consultation with the SGB of the School

3.12 DISCIPLINARY SANCTIONS:

The transgression of any of these rules will result in disciplinary action being instituted, and this may include suspension from the School, or expulsion, if the learner is found guilty. Please refer to Section 6 of this document for further information.



SECTION 4: REGULATIONS WITH REGARDS TO SCHOOL UNIFORM, SPORTS UNIFORM, AND GROOMING/APPEARANCE

School uniform is helpful both to the learners and to the school, for it can foster a strong sense of unity and pride in the individual for his/her school.

Parents are asked to co-operate with the school in ensuring uniformity of dress by purchasing clothing from recognized official stockists and by encouraging learners to take a pride in their uniform and general appearance.

All items of clothing should be clearly marked.

4.1 BOYS

4.1.1 Summer:

White shirt, half sleeves with French cuffs, left-hand breast pocket with school badge. Grey serge shorts with crimped elastic side panels, metal zip fly, flap catch and two side pockets. Grey socks with school colours, Black lace-up shoes.

4.1.2 Winter

The above, with a school tracksuit/tracksuit top and / or navy school jersey

4.1.3 **P.E.:** All-purpose shorts and all-purpose shirt.

4.1.4 **Athletics:** All-purpose shorts and all-purpose shirt.

4.1.5 **Cricket:** White shorts, cricket shirt, school sports socks. School cap.

4.1.6 **Tennis:** All-purpose shorts, all-purpose shirt.

4.1.7 **Rugby:** Rugby boots multi-stud, white shorts. School rugby jersey and rugby socks.

4.1.8 **Hockey:** All-purpose shorts, all-purpose shirt and sports socks.

4.1.9 **Swimming:** School swimming costume.

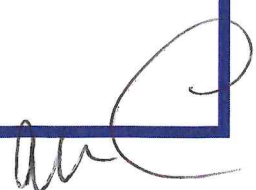
4.1.10 **Aftercare / Edu-Care:** PE kit with shoes, or white aftercare / Edu-Care shirt with PE Shorts.

4.1.11 HAIR, SHAVING, AND GENERAL APPEARANCE

Hair must be neatly groomed and kept tidy. Hair must be short, cut well away from the collar, ears and eyebrows and may not be bushy at the back or on top. To ensure that boys start shaving when facial hair is seen on their face no matter their age or grade.

For both boys and girls, bleaching, highlighting or colouring of hair, hair extensions; dreadlocks; shaved heads / shaved bald (maximum a "number 2"; use of gel / oils / any product; undercut; bleached or dyed; or exotic styles, such as a "step", "shaved sides", or "middle partings", are not permitted. Included in this is: no tattoos, tongue studs, and prescription glasses are to be as close to black frames as possible (it is understood that this rule will be implemented differently in different age phases due to the selection of glasses available. We ask that no designer frames are purchased). No sunglasses are to be worn at any time.

4.1.12 JEWELLERY



- 4.1.12.1 Jewellery may not be worn, except for a plain black or silver/steel or gold watch with a face, in size, less than the wrist of the learner and/or a metal medical bracelet.
- 4.1.12.2 Items pertaining to a religious custom may not be worn unless permission has been sought from the Principal.
- 4.1.13 NAME BADGES are to be worn every day.
- 4.1.14 The School has a right to not allow and / or add any additional rules to do with the school uniform and learner's appearance. This is at the discretion of the Principal and / or Deputy Principal of the School.

4.2 GIRLS

4.2.1 Summer:

Summer: WSPS blue pinafore dress with the school badge on the breast pocket.

4.2.2 Winter

WSPS blue pinafore dress with the school badge on the breast pocket. White shirt is compulsory, half sleeves with French cuffs underneath the pinafore dress. School tracksuit/tracksuit top and/or navy button up jersey.

4.2.3 **P.E.:** All-purpose shorts and all-purpose shirt. Girls may wear skorts/shorts for practices. BUT for matches skorts must be worn the WSPS multipurpose shirt.

4.2.4 **Athletics:** All-purpose shorts and all-purpose shirt.

4.2.5 **Netball:** All-purpose shorts/skorts and all-purpose shirt

4.2.6 **Cricket:** White shorts, cricket shirt, school sports socks. School cap.

4.2.7 **Tennis:** All-purpose shorts, all-purpose shirt.

4.2.8 **Touch Rugby:** Rugby boots multi-stud, white shorts. School rugby jersey and rugby socks / PE kit for training with multi-stud boots

4.2.9 **Hockey:** All-purpose shorts, all-purpose shirt and sports socks.

4.2.10 **Swimming:** School swimming costume.

4.2.11 **Aftercare / Edu-Care:** PE kit with shoes, or white aftercare / Edu-Care shirt with PE Skorts.

4.2.12 HAIR AND GENERAL APPEARANCE

Hair must be worn away from the face and, if necessary, tied back, with no "high tops" or "fountains" of any kind. If braids are used, they need to strictly not be styled in anyway, and are only allowed to be thin and shoulder length. No thick or extra-length braids will be allowed.

Navy or White: Ribbon, Alice Band, or "Scrunchies" only. No fancy hair accessories are allowed. Metal Clips should be also used if the hair could fall into the face.

4.2.12 JEWELLERY

4.2.12.1 ONE PAIR of plain silver or gold: sleepers or studs.

4.2.12.2 A plain black or silver/steel or gold watch with a face, in size, less than the wrist of the learner and/or a metal medical bracelet may be worn.

4.2.12.3 items pertaining to a religious custom may not be worn unless permission has been sought from the Principal.

4.2.12.4 No other jewellery may be worn. No smart watches are allowed

4.2.13 NAME BADGES are to be worn every day.

4.3. SPORT DRESS CODE

PLEASE NOTE: Learners may not practice or play in a match if the appropriate dress code is not followed.

- Boys may not participate in PE lessons, practices or matches wearing boxer shorts underneath their sports shorts.
- All learners are encouraged to wear predominantly white trainers for codes that require trainers.
- Specific shoes / trainer colours are strictly adhered to in different codes.
- All clothing is to be marked with clearly visible labels. Please check regularly that clothing is still marked and that your child is wearing his/her own clothing.
- Learners are to be neatly dressed at all times and are to take pride in their appearance.
- All learners must arrive and leave school with their shoes and socks on after a practice or match.
- No "skins" are allowed in any sporting code; "tights / medacs" may be used but must be the length of the shorts, and in specific codes where they are required.
- Uniform must be worn to all school events, academic, cultural or sporting, irrespective of the time or day of week.

5.1 CONSEQUENCES

When a learner in Grades 4 through 7 violates a classroom or school rule, these steps should be followed:

5.1.1 **Step 1:** First reminder of the rule will be a demerit recorded.

5.1.2 **Step 2:** After a child has accumulated a delegated set of demerits per grade, a detention will be given.

5.1.3 **Step 3:** Learners are issued a detention immediately for serious breaches in behavior as per the levels of offences. This detention is to be signed by the issuing staff member. *Grade specific consequences may be explained at the first Parent Information Evening of the Academic Year.*

5.1.4 **Step 4: Celebrations of Positive Behaviour (Merits)**

Learners will be positively rewarded regularly in a variety of ways in order to maintain a safe and caring learning environment that enforces the five core characteristics of positive behaviour.

Celebrations will include a Grade specific system.



SECTION 6: DISCIPLINE AT WESTVILLE SENIOR PRIMARY

6.1 OVERVIEW

There are 2 broad categories of misconduct, **ordinary misconduct** which is dealt with internally by the school and **serious misconduct** which involves a disciplinary hearing convened by the SGB

Ordinary misconduct

Ordinary misconduct is categorized as misconduct which can be addressed internally using sanctions such as:

- Demerits
- Detention
- Revocation of privileges (e.g. breaktime detention)
- Verbal warning
- Written warning sent to the parents of the learner

Depending on the severity, and according to the graded list of misconduct, this will be dealt with either by the class teacher, the department head or the head of discipline, deputy principal or principal. Repeated or aggravated incidents of ordinary misconduct may result in an offence being upgraded to serious misconduct.

Serious misconduct

Serious misconduct is misconduct which could result in suspension or expulsion. Any case of serious misconduct must be reported immediately to the SGB by informing the chairperson and deputy chairperson.

In the case of serious misconduct, the principal in collaboration with the head of discipline and the deputy head is required to determine the level of the offence. A first time or low level of offence could result in one of the sanctions listed under ordinary misconduct.

If the level is determined to be one which could result in suspension or expulsion then the SGB will convene a tribunal which, if the learner is found guilty after following the required process, may impose one or more of the following penalties:

- warn the learner;
- impose a penalty provided for in the code of conduct;
- require a written undertaking of good conduct from the learner;
- suspend the learner from school for a period not exceeding one week;
- recommend the expulsion of the learner from the school to the Secretary;
- recommend to the Secretary to suspend a learner in terms of sub-regulation 3(5) pending the outcome of the Secretary's decision on expulsion of the learner.

The SGB, on the recommendation of the principal, may institute a temporary



suspension of between 1 and 5 days in cases where it is undesirable for the learner to be at school either

- while a disciplinary hearing is being convened or
- while a decision is being made as to whether a hearing is required.

6.2 PROCEDURE

The Class Educator is solely responsible for the maintenance, control and execution of discipline within their respective classes and also in whichever class they are teaching or batting at the time.

The entire staff team are also responsible for the maintenance of discipline outside of the classroom; including the school fields, playground areas and out of the school itself, wherever the needs arise.

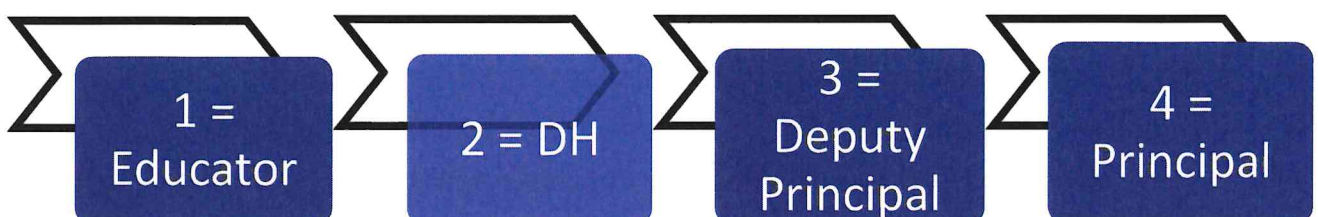
As in this document (Section 3, number 7 – Classroom Code of Conduct), the Class Educators are responsible to ensure that the learners uphold these learner obligations and in so doing ensure that classroom discipline is maintained.

In the event of any member of the Management Team being unavailable or especially in the case of that member being absent from school when the offence for which they are responsible, is committed, the onus falls on the person directly under (or above) that Management person. The dealing with an offence must not be delayed unnecessarily and action must be taken by the person(s) responsible.

At Westville Senior Primary School, the **Discipline Policy** is as follows:

GENERAL SCHOOL DISCIPLINARY PROCESSES & ORGANOGRAM HIERARCHY OF SCHOOL DISCIPLINE

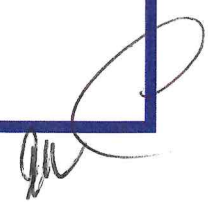
SCHOOL DISCIPLINE COMMUNICATION STEPS



PHILOSOPHY OF SCHOOL DISCIPLINE

- The purpose of discipline is to constructively modify the behaviour of a learner, and punishment must be seen in this light, not as a form of retribution but as a tool for correction and growth.
- Discipline, while it may not be pleasant for the learner, should consider their well-being and emotional safety and should not be done in anger, or in a manner which belittles or threatens. It is not retribution or payback.
- Be proactive, not reactive about discipline. Don't wait for it to happen – pre-empt the behaviour or incident.
- Take care of the small things, and the big things take care of themselves. Being strict on appearance and manners WILL lessen the number of serious incidents / reports.
- The discipline standard is created as a group, and not by individuals.
- Discipline must be handled on different levels, and not unilaterally.
- Discipline is everybody's responsibility or it won't work. Shifting responsibility for an incident empowers the culprit and undermines the whole disciplinary process.

SCHOOL DEMERITS + SCHOOL DETENTIONS

- Level 1 offences should only receive 1 demerit, or 2-3 if serious / repetitive.
 - Level 1 offences should only receive a detention when serious / repetitive.
 - Detention should be given **for 5 accumulated demerits**.
 - A serious misdemeanour form should be completed when a learner accumulates more than 5 detentions per week.
 - Educator: Level 1 offences – gives out demerits and detentions.
- 

FLOW-CHART OF THE SCHOOL DISCIPLINE PROCESS

Process / Step One: Educator

EDUCATOR

- **SOLELY RESPONSIBLE FOR LEVEL 1 OFFENCES:**
- **Areas** = Classroom + play-ground + break + duty areas + where ever the need arises etc.
- General Classroom Management / Playground Management / All General Discipline Issues
- **EG:** Late coming, bunking, homework not done, 1st time misdemeanours etc.
- Punished through demerits and detentions
- **ALSO RESPONSIBLE FOR THE REPORTING OF LEVEL 2, 3, 4 AND 5 OFFENCES**
- **PROCESS** = 1 - Diffuse the situation, ask for help from another educator if need be. 2 - Gain basic evidence of the offence (witnesses to write a short statement of what they see / take a statement from the witnesses with their names recorded). 3 - Fill out a **SERIOUS MISDEMEANOUR FORM**. 4 - Hand over all the relevant documentation named above to the next level of discipline.

Process / Step Two: Management

DH / Grade
Leader

- **SOLELY RESPONSIBLE FOR LEVEL 2 OFFENCES:**
- **Areas** = Reported to you via the class educator with evidence and Serious Misdemeanour form attached.
- Deals with the offender / s accordingly.
- Completes the Serious Misdemeanour Form and signs off.
- Gives the Serious Misdemeanour Form to the Disciplinary Committee for review and filing
- **EG:** Repeated infringements of level 1 offences , bunking school, swearing, disrespect, dishonesty, minor graffiti / vandalism / disrespect etc.
- **ALSO RESPONSIBLE FOR THE REPORTING OF LEVEL 3, 4 AND 5 OFFENCES GIVEN TO THE HOD / GRADE LEADER BY THE CLASS EDUCATOR / DUTY EDUCATOR AND PASSING IT ONTO THE DEPUTY PRINCIPAL / DISCIPLINE COMMITTEE.**
- **PROCESS** = 1 - Retrieve the information from the class educator / duty educator. 2 - Check the information includes: witnesses + their statements, Educator / Duty Educator Statement , **SERIOUS MISDEMEANOUR FORM**. 3 - Hand over all the relevant documentation named above to the next level of discipline.

Process / Step Three: Deputy Principal and Principal

DEPUTY
PRINCIPAL

- **SOLELY RESPONSIBLE FOR LEVEL 3, 4 AND 5 OFFENCES:**
- **Areas** = Reported to you via the HOD / Grade Leader with evidence and Serious Misdemeanour Form attached.
- Deals with the offender / s accordingly.
- Completes the Serious Misdemeanour Form and signs off.
- Convenes the DISCIPLINARY COMMITTEE for an internal enquiry with relevant paper work required.
- Discusses the Serious Misdemeanour Form with the Disciplinary Committee for review and filing.
- Chairs the internal inquiry and subsequent punishment of the perpetrator / s.
- **DISCIPLINARY COMMITTEE** = Deputy Principal, HOD / Grade Leader / s of the perpetrator / s, + 1/2 allocated staff.
- **EG:** Deal with any issues deemed serious / deal with issues that the class educator + HOD / Grade Leader do not feel comfortable dealing with / deal with issues that may have / have legal ramifications.
- **ALSO RESPONSIBLE FOR THE REPORTING OF LEVEL 3, 4 AND 5 OFFENCES TO THE PRINCIPAL**

Process / Step Four: Principal

PRINCIPAL

- **ADVISES ABOUT LEVEL 3, 4 AND 5 OFFENCES.**
- **ASSISTS THE DISCIPLINARY COMMITTEE WHEN AN INTERNAL ENQUIRY INTO THE OFFENCE IS DEEMED TO HAVE LEGAL RAMIFICATIONS / IS BELIEVED TO BE NEEDED TO BE ESCALATED TO A GOVERNING BODY TRIBUNAL.**



The National Department of Education has produced a graded list of misconduct that we can use as a guideline in the areas of discipline.

There are 5 Levels of Misconduct:

6.2.1 Level 1 Misconduct (Teacher / DH)

Sanction = Demerit and / or Detention

Level 1 Misconduct is regarded as minor offences and also **MUST BE HANDLED BY THE CLASSROOM EDUCATOR**. These include:

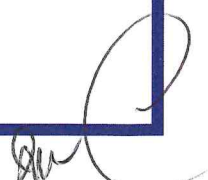
- Failure to be in class on time.
- Failing to finish homework.
- Failing to respond to reasonable instructions.
- Being dishonest with minor consequences.
- Basic misdemeanors.
- General uniform untidiness / Appearance untidiness.
- Horseplay.
- Littering.
- No PE Kit.

6.2.2 Level 2 Misconduct (Teacher / DH)

Sanction = Detention/s

Level 2 Misconduct is regarded as a more serious offences and also **MUST BE HANDLED BY THE CLASSROOM EDUCATOR**, with the aid of the Grade Leader and / or the Phase HOD. These include:

These are regarded as somewhat more serious and include:

- Frequently repeated Level 1 misconduct.
 - Bunking class.
 - Using abusive language / swearing.
 - Spitting.
 - Disobedience.
 - Late to class / loitering in corridor and/or any other part of the school property.
 - Boisterous Behaviour.
 - Disobeying an instruction.
 - Interrupting education in the classroom.
 - Showing disrespect for another person.
 - Engaging in minor vandalism, like graffiti.
 - Being dishonest with more serious consequences.
 - Not participating in an extra-mural per term.
 - Dropping out of an extra-mural commitment.
 - Not attending extra-mural practices.
- 

6.2.3 Level 3 Misconduct (DH / Deputy Principal)

Sanction = Detention / Warning letter /Suspensions

Level 3 Misconduct is regarded as a serious offence and also MUST BE HANDLED BY THE CLASSROOM EDUCATOR, with the aid of the Grade Leader and / or the Phase HOD, with discussion with the Deputy Principal on the sanction. These are regarded as serious and include:

- Frequently repeating Level 2 misconduct where action taken by school authorities is considered ineffective.
- Leaving school without permission.
- Inflicting minor injury on another person.
- Gambling.
- Being severely disruptive of classes.
- Forging documents or signatures with minor consequences.
- Minor Theft / Vandalism.
- Minor bullying
- Cheating during examinations.
- Not arriving for an extra-mural fixture / game without a valid reason
- Bringing the schools name into disrepute on / off the field / court, or while involved in an extra-mural commitment.
- Fighting / arguing that does not involve any contact with another learner.
- Learner offences that are more serious, directed at others.
- Minor discriminatory behaviour
- Bringing electronic equipment to school and/or aftercare (E.G.: cell-phones).

In all or any of the above level 1, 2, or 3 offences, should the educator need to elicit the assistance of another person they are to, depending on their Grade, report the matter to the relevant member of the School Management Team. Here the Class Educator in conjunction with the relevant DH / Grade Leader will then decide on the appropriate action to be taken and deal with this particular situation up to and including the decided sanction and appropriate completion of the necessary letters and documentation required on the learner's file.

Should it be necessary to elicit the assistance of the 3rd party to assist with the disciplining of a child for Level 1, 2, or 3 offences, the following people are to be approached:

Grade 4 & 5: Intermediate Phase Teacher / Intermediate Phase Grade Leader / Intermediate Phase DH.

Grade 6 & 7 Senior Phase Teacher / Senior Phase Grade Leader / Senior Phase DH.

6.2.4 **Level 4 Misconduct (DH / Grade Leader / Deputy Principal / Principal)**

Sanction = Warning letter / Suspension / Expulsion

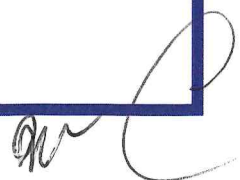
These are regarded as very serious and include:

- Repetition of Level 3 misconduct.
- Verbally threatening the safety of another person.
- Forging documents or signatures with serious consequences.
- Fighting / arguing that involves any type of contact with another learner.
- Bullying (physical, verbal or cyber).
- Insolence.
- Dishonesty.
- Truancy from school or class.
- Not attending detention without a valid excuse.
- Disobeying an instruction from a senior staff member
- Discriminatory behaviour

6.2.5 **Level 5 Misconduct (Deputy Principal / Principal)**

Sanction = Suspension / Expulsion

These are regarded as very serious and include:

- Repetition of Level 4 acts.
 - Intending to inflict major physical injury on another person (assault).
 - Intentionally using a dangerous weapon.
 - Sexual abuse and rape.
 - Taking part in sexual acts.
 - Major theft.
 - Breaking and entering locked premises.
 - Murder.
 - Selling drugs/narcotics/or any type of banned / illegal object/ substance (EG: Vape, E-Cigarette, CBD products, etc.).
 - Possession, usage, or under the influence of any type of drugs / narcotics / or any type of banned/illegal object/substance (EG: Vape, E-Cigarette, CBD products, etc.).
 - Threatening another person with a dangerous weapon.
 - Causing intentional limited injury to another person.
 - Engaging in sexual activity.
 - Possession, usage, or under the influence of alcohol.
 - Disrupting the entire school (e.g. boycotting or picketing without consent).
- 

- Aggravated racist, sexist or other discriminatory behavior.
- Possessing or distributing pornographic, racist or sexist materials.
- Possessing dangerous weapons.
- Smoking or carrying tobacco.

Should it be necessary to elicit the assistance of the 3rd party to assist with the disciplining of a child for level 4 and 5 offences, the following people are to be approached:

Grade 4 & 5: Intermediate Phase Grade Leader / Intermediate Primary DH / Deputy Principal

Grade 6 & 7 Senior Phase Grade Leader / Senior Primary DH / Deputy Principal

6.3 DISCIPLINARY PROCEDURES

- 6.3.1 In all instances learners are to be given the opportunity to explain or defend their actions. For higher level offences it is required that parents form part of this process.
- 6.3.2 No person shall administer corporal punishment to any learner.
- 6.3.3 Levels 1 to 3 are considered ordinary misconduct and are dealt with by the school internally
- 6.3.4 Levels 4 and 5 may constitute serious misconduct and will be investigated by the Principal and/or the members of the school's management team.
- 6.3.5 The chairperson and/or deputy chairperson of the SGB will be informed of all level 4 and 5 offences as soon as possible and, if the offence is deemed to be at a level which may require suspension or expulsion, the SGB will form a tribunal in line with legislation. A decision may also be made to apply a lower level sanction at this point if appropriate. Parents of learners will be informed of level 4 and 5 offences and should be involved in the disciplinary process
- 6.3.6 Serious breaches of levels 4 and 5 above may lead to suspension or expulsion. In each of these cases a full investigation of the incident(s) will be undertaken and all appropriate processes will be followed before a final decision is made.

Legal Framework for DISCIPLINARY PROCEDURES.

The following Acts and Regulations of Parliament and the National and /or Provincial Departments of Education have been used in their relevance to disciplinary procedures.

- Control of Access to Public Premises and Vehicles Act No. 1985 (Act 53 of 1985)
- Drugs and Drug Trafficking (Act 140 of 1992).
- Arms and Ammunition Act 1969 (Act No. 75 of 1969).
- KZN Provincial Regulations No. 285 1997. (KZN Cir No. 61 of 1998)
- KZN School Education Act 3/1996.
- Government Gazette 15 May 1998 Vol 395 No. 18900,
- Department of Education Notice 776 of 1998, Section 3, (i.e. Legal Authority for the Control and Discipline of Learners) Sub- Section 3.8
- South African Schools' Act 84 of 1996
- Amendment of section 9 of Act 84 of 1996 as amended by section 7 of Act 48 of 1999
- Education Laws Amendment Act, 2005.

6.3.7 Searches

Random, group, or individual searches of any or all property can take place without parent/guardian permission with permission from the Principal / Deputy Principal.

The Principal or an Educator, upon reasonable suspicion (sufficient information), has the legal authority to conduct a search of any learner or property in possession of the learners for a dangerous weapon, firearm, drugs or harmful dangerous substances, stolen property, pornographic material brought onto the school property, or anything deemed necessary. This does not have to be done in the presence, or with permission, from a parent and / or guardian.

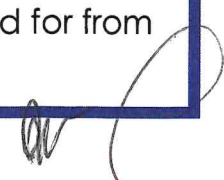
During a search, human dignity shall be observed and learners shall be searched in private by persons of their own gender, preferably in the presence of at least one other person.

A record must be kept of the search proceedings and the outcome.

Should parental presence be requested during the search, a short period of time can be allocated to wait for the said parent to be present at the search. It is not required for the parent to be present; it may be a courtesy extended to the parent at the discretion of the School Management.

6.3.8 Written Accounts of Incidents from Learners and / or Educators.

When an incident has occurred that falls into any of the Discipline Levels named above, a written account of the incident / s may be asked for from



any / all learners / educators involved, witnesses, or any person who can provide insight into the incident. These written accounts do not need to be taken in the presence of a parent and / or guardian, and can be used as evidence during the sanction of a learner.

During the time of writing these written accounts, the school assures that no coercion, threatening, or prompting shall be used that can be seen to defame or alter the eligibility of the written account.

6.4 SUSPENSION AND EXPULSION FROM A PUBLIC SCHOOL

6.4.1 Referring to the Section 9 of Act 84 of 1996 as amended by section 7 of Act 48 of 1999:

9.(1) Subject to this Act and any applicable provincial law, the governing body of a public school may, after a fair hearing on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school

(a) as a correctional measure for a period not longer than one week;

or

(b) in consultation with the Head of Department, pending a decision as to whether the learner is to be expelled from the school by the Head of Department, 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.

(1A) A governing body must conduct disciplinary proceedings in the manner contemplated in section 8 against a learner within seven days after the suspension of such learner.

(1B) If disciplinary proceedings are not conducted within seven days after the suspension of a learner, the governing body must obtain the approval of the Head of Department for the continuation of the suspension of such learner.

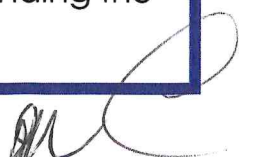
(1C) A governing body may, if a learner is found guilty of serious misconduct during the disciplinary proceedings contemplated in section 8 [Act 84 of 1996 (as amended)]

(a) impose the suspension of such learner for a period not longer than one week or any other sanction contemplated in the code of conduct of the public school; or

(b) make a recommendation to the Head of Department to expel such learner from the public school.

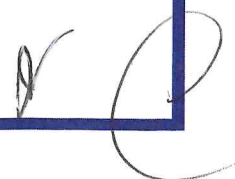
(1D) A Head of Department must consider the recommendation by the governing body referred to in *subsection (1C) (b)* and must decide whether or not to expel a learner **within 14 days** of receiving such recommendation.

(1E) A governing body may extend the suspension of a learner pending the




decision by the Head of Department whether or not to expel such learner from the public school only if the Head of Department has agreed to such an extension.;

- (2) Subject to any applicable provincial law, a learner at a public school may be expelled only—
 - (a) by the Head of Department; and
 - (b) if found guilty of serious misconduct after a fair hearing, disciplinary proceedings contemplated in section 8 were conducted.
- (3) The Member of the Executive Council must determine by notice in the Provincial Gazette -
 - (a) the behaviour by the learner at a public school which may constitute serious misconduct;
 - (b) disciplinary proceedings to be followed in such cases;
 - (c) provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.
- (4) A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council within 14 days of receiving the notice of expulsion;
- (5) If a learner who is subject to compulsory attendance in terms of section 3 (1) is expelled from a public school, the Head of the Education Department must make an alternative arrangement for his or her placement at a public school.
- (6) A learner who has appealed in the manner contemplated in subsection (4), must, pending the outcome of the appeal, be given access to education in the manner determined by the Head of Department.
- (7) The Head of Department, in determining the manner of attendance contemplated in subsection (6).
 - (a) must take reasonable measures to protect the rights of other learners at the public school; and
 - (b) may consider an alternative method of providing education to the learner contemplated in subsection (6).
- (8) If the Head of Department decides not to expel a learner as contemplated in subsection (2), the Head of Department may impose a suitable sanction on the learner.
- (9) If the Head of Department decides not to impose a sanction on the learner, the Head of Department must refer the matter back to the governing body for an alternative sanction in terms of the code of conduct contemplated in section 8, other than expulsion.
- (10) The governing body must implement the sanction contemplated in subsection (8).



6.5 SUSPENSION PENDING EXPULSION

- 6.5.1 A temporary suspension of between one and five days may be instituted by the SGB, on the recommendation of the principal, in cases where it is undesirable for the learner to be at school either while a disciplinary hearing is being convened or while a decision is being made as to whether one is required.
- 6.5.2 The Governing Body may, after consultation with the Superintendent of Education, order the suspension pending expulsion of a learner, if:
- a in the opinion of the Governing Body, the language and conduct of such a learner is of such a nature as to endanger the maintenance of a proper standard of moral conduct, discipline or social well-being in the school; OR
 - b in the opinion of the Governing Body, such a learner has committed a reprehensible act.
- 6.5.3 Whenever a Governing Body considers the suspension pending expulsion of a learner, all the material facts which are relevant, shall be put to such learner and his/her parent during an interview in order to enable them to make representations why the learner should not be suspended pending expulsion, provided that in urgent cases the Governing Body may summarily suspend the learner without interviewing the learner and his/her parent beforehand.
- 6.5.4 If the Governing Body, after consideration of the representations referred to in paragraph 6.4.2 decides to order the suspension pending expulsion, the Governing Body shall include those representations in its report to the Head of (the Education) Department.
- 6.5.5 Whenever the Governing Body decides to order the suspension pending expulsion of a learner, it shall:
- a inform the learner and notify the parent in writing of its decision, and,
 - b submit a full report on the matter to the Head of (the Education) Department.
- 6.5.6 All action taken must be subject to Section 9 of Act 84 of 1996 as amended by Section 7 of Act 48 of 1999
- 6.5.7 Offences that may lead to suspension pending expulsion 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 unauthorized drugs, alcohol or intoxicants of any kind;
 - (d) fighting, 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 tests 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 the School Rules or the Code of Conduct;
- (l) victimisation, bullying and intimidation of other learners;
- (m) infringement of examination rules; and
- (n) knowingly and willfully supplying false information or falsifying documentation to gain an unfair advantage at school.
- (o) Committing a Level 5, or repeated Level 4 Offence stated above, or deemed to be in those categories.

6.6 EXPULSION

A learner may be expelled from a school if he/she -

- (a) intentionally violates any regulation in terms of the Act or any provision of the code of conduct framed and which may be grounds for expulsion;
- (b) in or outside of the buildings or on or off the premises of the school and whilst under the control of school authorities, intentionally conducts himself / herself in a manner which is or could be seriously detrimental to the maintenance of order or discipline at the school;
- (c) intentionally damages, destroys, or appropriates property of the school or any other person or body;
- (d) intentionally contravenes any regulation or instruction pertaining to examinations;
- (e) willfully disobeys a legitimate instruction given by the principal or by an educator authorised to do so by the principal;
- (f) intentionally gives false information to the principal or any educator;
- (g) has been convicted in a court of law of a serious offence;
- (h) incites or instigates or procures a fellow learner to contravene or to fail to comply with any regulation or instruction made in terms of this Act, or any rule of such school;
- (i) violates the rights of other learners to receive education by disrupting classes, preventing other learners from attending classes, preventing educators from providing classes or in any other manner;
- (j) refuses, without good reason, to attend classes or to receive tuition, or without sound reason deliberately absents him or herself from school or classes;
- (k) commits an act of insubordination towards an educator or other person who occupies a position of authority over him/her at such school;

- (l) prevents or attempts to prevent any educator or member of staff from carrying out his/her normal duties;
conducts him- or herself in a disgraceful, improper or unbecoming manner; and
- (m) possesses or uses a habit-forming drug without a prescription from a registered medical practitioner.
- (n) Committing a Level 5, or repeated Level 4 Offence stated above, or deemed to be in those categories.

6.7 DISCIPLINARY HEARING

Extract from: South African Schools' Act, 1996 (as amended)

Chapter 2: Learners, Section 8: Code of conduct;

- 4) Nothing contained in this Act exempts a learner from the obligation to comply with the code of conduct of the school attended by such learner;
- 5) a) A code of conduct must contain provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.
b) The code of conduct must also provide for support measures or structures for counseling a learner involved in disciplinary proceedings.
- 6) A learner must, be accompanied by his or her parent or a person designated by the parent at disciplinary proceedings, unless good cause is shown by the governing body for the continuation of the proceedings in the absence of the parent or the person designated by the parent;
- 7) Whenever disciplinary proceedings are pending before any governing body, and it appears to such governing body that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the governing body may, if practicable, appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary;
- 8) a) An examination, cross-examination or re-examination of a witness in respect of whom a governing body has appointed an intermediary under subsection (7), except examination by the governing body, must not take place in any manner other than through that intermediary.
b) Such intermediary may, unless the governing body directs otherwise, convey the general purport of any question to the relevant witness;
- 9) If a governing body, appoints an intermediary under subsection (7) the governing body may direct that the relevant witness must give his or her evidence at any place which -
 - a) is informally arranged to put that witness at ease;
 - b) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and
 - c) enables the governing body and any person whose presence is necessary

at the relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.

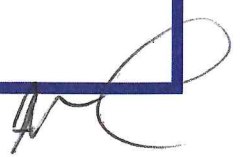
6.8 DISCIPLINARY PROCEEDINGS

- (1) The governing body must appoint a tribunal consisting of three persons to conduct an enquiry into allegations of misconduct against a learner.
- (2) The tribunal must -
 - (a) give the learner and his/her parent at least 5 days' written notification of the time, day and place of the hearing and the charges brought against the learner.
 - (b) warn the learner and his/her parent that the hearing could result in the expulsion of the learner from the school, and
 - (c) inform the learner and his/her parent of their right to place evidence before it to make representations why the learner should not be expelled from the school.
- (3) A learner who is suspended in terms of the regulations may accelerate the day of the hearing.
- (4) The tribunal may proceed with the enquiry in the manner it sees fit but always in such a manner that the accused learner is informed of the allegations made against him/her and is given an opportunity to refute the allegations.
- (5) The tribunal must keep an accurate record of the proceedings and submit same together with its report and recommendations to the governing body.
- (6) The governing body may make one of the following decisions on receipt of the report and recommendations referred to in the previous sub-regulation:
 - (a) the learner is not guilty of misconduct and may resume his/ her position in the school;
 - (b) the learner is guilty of misconduct.
- (7) If a learner is found guilty by the governing body, it may impose one or more of the following penalties -
 - (a) warn the learner;
 - (b) impose a penalty provided for in the code of conduct;
 - (c) require a written undertaking of good conduct from the learner;
 - (d) suspend the learner from school for a period not exceeding one week;
 - (e) recommend the expulsion of the learner from the school to the Secretary;
 - (f) recommend to the Secretary to suspend a learner in terms of sub-regulation 3(5) pending the outcome of the Secretary's decision
 - (g) regulation 3(5) pending the outcome of the Secretary's decision

on expulsion of the learner.

6.9 APPEAL

A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council within 14 days of receiving the notice of expulsion



DISCIPLINARY PROCEEDINGS IN PUBLIC SCHOOLS

1. WHAT IS A CODE OF CONDUCT?



- The School Governing Body ("SGB") must adopt a code of conduct.
- This code of conduct must be adopted after consultation with learners, educators and parents of the school.
- The code of conduct must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process.
- When a learner is enrolled in a school, the learner and his / her parent(s) or guardian or person responsible for the learner, must be informed of the school's code of conduct.
- The code of conduct must include due process mechanisms to safeguard the interest of learners and any other party involved in a disciplinary hearing
- The code of conduct must have support measures or structures for counselling of the learner involved in the disciplinary hearing.
- All learners at the school must comply with the school's code of conduct. A school's code of conduct must be in line with the Constitution, the South African Schools Act and all other relevant laws.
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2. WHAT HAPPENS WHEN A LEARNER DOES NOT COMPLY WITH THE SCHOOL'S CODE OF CONDUCT?

- If a learner contravenes the school's code of conduct, the SGB may institute disciplinary proceedings against such a learner, in accordance with the provisions of due process set out in the code of conduct, as well as other relevant laws and policies.
- Depending on the seriousness of the learner's offence, and upon being found guilty during a disciplinary hearing, the learner could either be suspended or expelled permanently from the school.

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3. THE DISCIPLINARY PROCESS EXPLAINED:

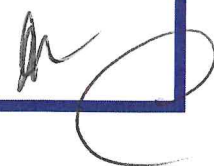
- When a learner contravenes the code of conduct the school disciplinary committee or SGB may start disciplinary proceedings.
- The code of conduct sets out the proceedings that must be followed when disciplining a learner for both serious or minor offences. The different sanctions for each offence are also set out in the code of conduct.
- A sanction may only be implemented against a learner once a disciplinary hearing has been conducted and after a guilty finding.

PRECAUTIONARY SUSPENSION

- The SGB may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct. The learner must be afforded an opportunity to make representations before such precautionary suspension is imposed.
- What is serious misconduct? This should be defined in the school's code of conduct.
- What is representation? It is when the learner / parent or someone designated by the parent provides the SGB with reasons as to why the learner should not be suspended from attending school.
- The precautionary suspension may only be enforced for a period of up to 7 (seven) school days.

THE DISCIPLINARY HEARING

- A disciplinary hearing must occur within seven school days after the suspension of a learner.
- If this is not done, the SGB must obtain approval from the HOD for the continuation of the suspension.
- A written notice must be given to the learner's parent(s) / person(s) responsible for the learner, setting out the offence that the learner will be charged with as well as the date of the disciplinary hearing and the process that will be followed.
- A learner must be accompanied by his/her parent or a person designated by the parent at a disciplinary proceeding. This means that a learner has the right to be represented at the hearing either by his/her parent or by a representative of the parents' choice.



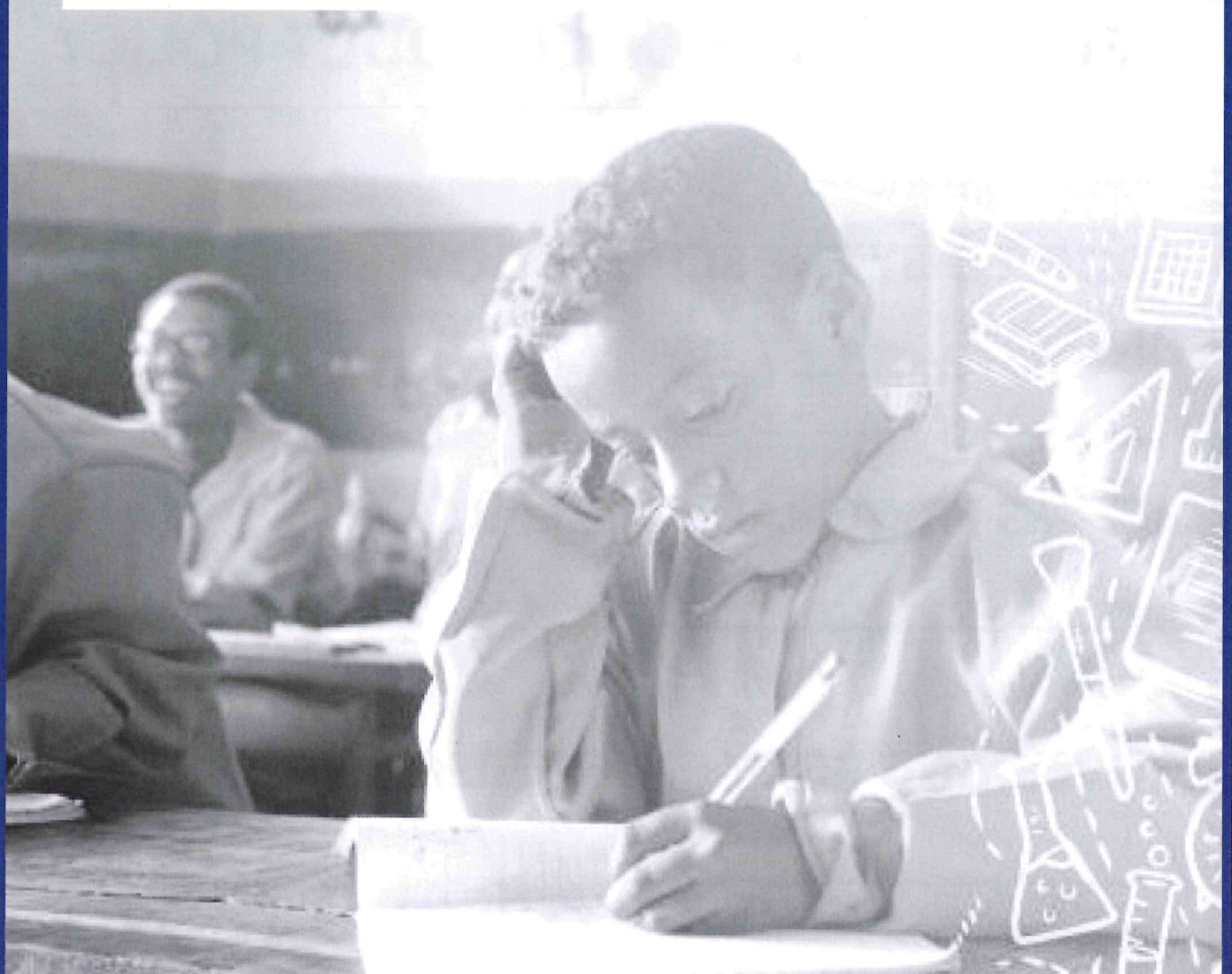
- Under certain circumstances, should the SGB be able to show good cause, the disciplinary proceeding can continue without the parents or designated representation.
- During the disciplinary proceeding the learner as well as the school will be afforded the opportunity to present their side of the story and to produce evidence and witness statements.
- Should a witness that is under 18 need to testify during the disciplinary proceedings, the SGB may appoint a competent person to act as an intermediary who will then facilitate the giving of evidence. This is done when the SGB believes that testifying in the proceeding would expose the witness to undue mental stress or suffering.
- Should an intermediary be appointed, all examination, cross examination and re-examination will be conducted through the intermediary.

SUSPENSION OR RECOMMENDATION FOR EXPULSION

- If a learner is found guilty of serious misconduct at the conclusion of a disciplinary hearing, the SGB may:
 - suspend the learner for up to seven days; or
 - make a recommendation to the Head of Department to expel the learner from the public school.
- In a case of minor misconduct, the code of conduct could provide, upon a guilty finding, for sanctions other than suspension or a recommendation for expulsion. Examples of such sanctions include, detention, community service etc.
- If a recommendation for expulsion is made to the HOD, he/she has 14 days from receiving the recommendation to decide on whether to expel the learner or not.
- During this 14-day period, the SGB may elect to suspend or extend the existing suspension of a learner for not more than 14 days pending the decision of the HOD.
- It must be noted that a learner in a public school may only be expelled by the HOD and only if found guilty of serious misconduct after proper disciplinary processes were conducted.
- If a learner who is expelled from school is subject to compulsory schooling, the HOD must make an alternative arrangement for his/her placement at a public school.
- If the HOD decides not to expel a learner, the HOD may, in consultation with the school SGB, impose a suitable sanction on the learner; alternatively, the HOD may refer the matter back to the SGB for them to impose an appropriate sanction on the learner.

APPEAL

- If a learner has been expelled from school, either the learner or their parent may appeal against the decision of the HOD.
- An appeal of this nature must be done within 14 days of receiving the notice of expulsion and must be made to the MEC.
- Where an appeal is pending, the learner must be given access to education by the HOD.
- This access can take the form of attendance at school, but when deciding this the HOD must take reasonable measures to protect the rights of the other learners at the school and consider alternative methods of providing education to the learner.
- Should the MEC overturn the decision of the HOD, the MEC must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.



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WESTVILLE SENIOR PRIMARY SCHOOL Code of Conduct For Learners



WESTVILLE SENIOR PRIMARY SCHOOL

LEARNER CODE OF CONDUCT POLICY

ADOPTED BY THE SCHOOL GOVERNING BODY
ON 07 / NOVEMBER / 2024

ACTING PRINCIPAL: MRS I PILLAY



GOVERNING BODY CHAIRPERSON:

