




<b>SUBJECT</b>	CODE OF CONDUCT - LEARNERS	<b>PAGES</b>	11
<b>DEPARTMENT</b>		<b>DATE</b>	AUGUST 2023
<b>REVIEWED AND APPROVED:</b>			
	GOVERNING BODY		

### 1. Opening remarks

The purpose of this religion policy is to:

- 1.1 The performance and conduct of learners of Gene Louw Primary School ("the School") is controlled by the following rules as well as the unwritten rules and customs that have developed over the years and make up the traditions, customs and ethos of the School.
- 1.2 It is the responsibility of all learners to ensure that they are up to date with both the written and unwritten customs and traditions of the School.
- 1.3 In the interpretation of the written rules and the determining of the question whether conduct is in accordance with the traditions and customs of the School, the Governing Body is the final arbitrator, and the decision of this body is final.

### 2. Definitions and acronyms

Unless listed below, words and terms are used with the same meaning as defined in the South African Schools Act.

Code	refers to the Code of Conduct for Learners at Gene Louw Primary School.
School	refers to Gene Louw Primary School.
School community	includes all learners, all members of staff, all parents and visitors to the school, and residents in the school neighbourhood.
WCED	Western Cape Education Department
HOD	the Head of Department of the WCED
MEC	Member of the Executive Council
SMT	School Management Team

### 3. Purpose

- 3.1 This Code is aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process (SASA s. 8(2)).
- 3.2 This Code seeks to make clear to all members of the school community the expectations of Gene Louw Primary School regarding the conduct of learners and the rights and responsibilities of parents, the principal, Representative Council of Learners, SGB members and educators.
- 3.3 The Code informs all members of the school community of the principles, policy and procedures which will inform all matters related to the Code and processes conducted in terms of the Code.

### 4. The ground rule

All rules as set out hereafter are laid down and interpreted against the background of the embracing rule that the learner's appearance, behaviour and performance should at all times be in line with the written and unwritten rules of the School, and whether in uniform or out, should be a credit to their school.

Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

- 4.1 The school values are to be respected in all conduct and rules.
- 4.2 Corporal punishment and initiation practices are not permitted by law.
- 4.3 The school has adopted a restorative approach to discipline that might include counselling.
- 4.4 Punishment, when necessary, will be corrective and not punitive as far as possible.
- 4.5 In all disciplinary matters, due process must be followed.
- 4.6 Incidents of serious misconduct will be managed using the processes prescribed in the provincial department of education regulations on Learner Misconduct.
- 4.7 The SGB may suspend a learner as a precaution and/or as a sanction subject to conditions and fair process. The SGB does not have the right to expel a learner. The SGB may recommend expulsion, but the HOD will make the decision and inform the learner and school. A learner who disputes the decision/finding of the HOD has the right of appeal to the MEC.
- 4.8 Serious misconduct that also constitutes a criminal offence will be referred to the police for investigation and thereafter to the courts if necessary.
- 4.9 All learners, parents and educators will have access to the Code and all changes will be brought to their attention using an appropriate method. Younger learners will be assisted to understand the content of the Code.

## 5. Applicable legislation

This Code is compiled in accordance with relevant sections of the following legislation and amendments:

- 5.1 Constitution of the Republic of South Africa Act 108 of 1996
- 5.2 The South African Schools Act 84 of 1996, as amended (SASA)
- 5.3 National Education Policy Act 27 of 1996
- 5.4 The Employment of Educators Act 76 of 1998
- 5.5 The Personnel Administration Measures (GN 170 in GG 39684 of 2016)
- 5.6 Promotion of Access to Information Act 2 of 2000
- 5.7 Promotion of Administrative Justice Act 3 of 2000
- 5.8 Regulations for Safety Measures at Public Schools (GN 1040 in GG22754, 2001, as amended by GN R1128 in GG 29376 of 2006)
- 5.9 National Policy on Management of Drug Abuse, and Devices to be used for drug testing (GN 3427 in GG 24172, 2002)
- 5.10 Devices to be used and procedure to be followed for drug testing (GN 1140 in GG 31417, 2008)
- 5.11 Policy on Learner Attendance (GN 361 in GG 33150, 2010)
- 5.12 Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (GN 776 in GG 18900 of 15 May 1998) (Guidelines for a Code of Conduct)
- 5.13 National strategy on discipline in schools (DBE, 2015)
- 5.14 Western Cape Province School Education Act

## 6. Application and scope of the code

- 6.1 This Code applies to all learners of the school without exception (SASA s. 8(4)).
- 6.2 Application for exemption from a particular item in the Code must be made according to the procedure specified.
- 6.3 Educators, other staff, the SGB and parents must perform the functions and responsibilities assigned to them, respectively, in this Code.
- 6.4 This Code is applicable
  - 6.4.1 on school property.
  - 6.4.2 on a school outing/excursion/tour.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

- 6.4.3 at extra-curricular activities off the school property.
- 6.4.4 on or in any mode of transport while the learner is in school uniform.
- 6.4.5 at any time or place where the learner can be identified with the school

## 7. Rights and Responsibilities

### 7.1 SGB

- 7.1.1 The SGB is responsible for maintaining discipline in the school.
- 7.1.2 The SGB must adopt a Code of Conduct for Learners after consultation with the learners, parents, and educators of the school which should set moral values, norms, and principles, directed at a culture of mutual respect, tolerance, and peace. The code of conduct will be reviewed every three years by the new SGB.
- 7.1.3 Following referral to them by the principal, the SGB must conduct disciplinary hearings for learners charged with serious misconduct. The SGB must follow the process prescribed in the provincial regulations.

### 7.2 Principal

- 7.2.1 The principal must ensure that good discipline in a safe learning environment is maintained in the school.
- 7.2.2 The principal must ensure that all learners and their parents will be notified of the Code of Conduct.
- 7.2.3 The principal must ensure that the Code is implemented and take disciplinary action where it is breached.
- 7.2.4 The principal will determine whether a breach of the code constitutes serious misconduct that must be referred to the SGB for their action.
- 7.2.5 The principal (or his/her delegate) may conduct random searches of groups of learners or the property of a group of learners for any dangerous object or illegal drug if there is fair and reasonable suspicion. Any object found, may be seized.
- 7.2.6 The search and seizure process will be conducted as provided for in the SASA and policy and notices in terms thereof.

### 7.3 Educators

- 7.3.1 Every educator is responsible for discipline at all times at the school and at school related activities. They have the responsibility in terms of the Personnel Administrative Measures of the Employment of Educators Act “to assist the principal in overseeing learner counselling and guidance, careers, discipline and the general welfare of all learners.”
- 7.3.2 An educator at the school shall have locus parentis to control and discipline a learner according to the Code during the time the learner is in attendance at the school, any classroom, school function, school excursion or school related activities.
- 7.3.3 Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary in terms of this Code.
- 7.3.4 Serious misconduct must be referred to the principal of the school.

### 7.4 Parents

- 7.4.1 The ultimate responsibility for learners’ behaviors rests with parents.
- 7.4.2 It is expected that parents will support the school and require learners to observe school rules and accept responsibility for any misbehaviors on the part of their children.
- 7.4.3 Parents are expected to cooperate with the school and attend meetings and/or disciplinary hearings concerning the conduct of their children when required to do so.

### 7.5 Learners

- 7.5.1 Learners are required to adhere to this Code.
- 7.5.2 Learners enjoy the protection of this Code.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

- 7.5.3 Learners are expected to respect the authority of those entitled to take disciplinary action in terms of this Code.
- 7.5.4 Learners have the right to due process in all disciplinary matters.

## 8. School rules

Every learner is an ambassador of the school and he/she will not do anything that will damage the reputation of the school.

### 8.1 School attendance

- 8.1.1 Official school times must be adhered to strictly;
- 8.1.2 All learners who arrive late for school must report at the office to be registered before going to class;
- 8.1.3 When a learner returns to school after having been absent, he/she must bring a letter from his/her parents/guardian stating the period of his/her absence and the reason for his/her absence. This letter must be handed to his/her class educator on his/her return;
- 8.1.4 Learners who have been absent are personally responsible for finding out and completing the work missed during the period of his/her absence;
- 8.1.5 The class teacher/principal must be informed timeously of any dental or doctor's appointment that has been made for during school hours. Learners must fill in the register when leaving and/or returning to and from school.

### 8.2 General appearance and dress of learners

#### 8.2.1 Hair

No styling gel or other substitute may be used to make hair stand up.

##### 8.2.1.1 Boys

- 8.2.1.1.1 Hair must be neat cut (gradually), shorter around the ears so that no ridge is evident;
- 8.2.1.1.2 Hair may not hang over the top edge of the ear;
- 8.2.1.1.3 Fringes, when combed forward, may not touch the eyebrows;
- 8.2.1.1.4 When the head is in an upright position, the hair may not touch the collar of the shirt or blazer;
- 8.2.1.1.5 No exotic hairstyles (too short or dyed hair, etc.) are allowed.

##### 8.2.1.2 Girls

- 8.2.1.2.1 Long hair must be plaited or tied back neatly;
- 8.2.1.2.2 Hair over the collar must be tied;
- 8.2.1.2.3 Fringes may not touch the eyebrows – clip fringes back;
- 8.2.1.2.4 Short hair must be neatly cut;
- 8.2.1.2.5 Hair may not be coloured;
- 8.2.1.2.6 Hair accessories may only be in the following colours:
  - 8.2.1.2.6.1 Maroon
  - 8.2.1.2.6.2 White
  - 8.2.1.2.6.3 Navy
  - 8.2.1.2.6.4 Black

#### 8.2.2 Earrings

##### 8.2.2.1 Boys

- 8.2.2.1.1 Under NO circumstances will this be allowed.

##### 8.2.2.2 Girls

- 8.2.2.2.1 Only ONE earring per ear lobe;
- 8.2.2.2.2 Only a thin sleeper or solid (no stone) stud.

### 8.3 In school building and on school grounds: Neatness and behaviour

It is expected of every learner to ensure that the building and school grounds are kept free of litter.

#### 8.3.1 Toilets and change rooms



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

- 8.3.1.1 No learners are allowed to play or loiter in the toilets or change rooms;
  - 8.3.1.2 No foreign object may be thrown in the toilets and urinals;
  - 8.3.1.3 Vandalism is prohibited;
  - 8.3.1.4 Close all taps after use;
  - 8.3.1.5 Gr. 1 and Gr. 2 learners are not allowed in the passages between 13:15 and 14:15;
  - 8.3.1.6 At 14:15 learners must change and then leave the building immediately.
- 8.3.2 School grounds
- 8.3.2.1 Learners may not leave the school grounds during school hours without the principal's permission and then only under adult supervision through the main entrance;
  - 8.3.2.2 Trees, plants, shrubs and flowers may not be damaged under any circumstances;
  - 8.3.2.3 During break no rough or dangerous games may be played and all dangerous sport activities are prohibited;
  - 8.3.2.4 No learner is allowed to bully, smoke, use any prohibited substances or use bad or foul language on the school grounds nor may any learner refer to another learner's religion, race or social background in such a manner that that person is belittled or humiliated;
  - 8.3.2.5 Sandwich wrappings, pieces of bread, cold drink tins, etc. must be disposed of in the rubbish bins;
  - 8.3.2.6 No hard objects, of any nature, including stones, may be thrown on the school grounds;
  - 8.3.2.7 Ball games are only allowed on the lower sport fields;
  - 8.3.2.8 It is forbidden for any learner to carry, possess or take any dangerous objects such as knives, darts, etc.;
  - 8.3.2.9 Bicycles must be pushed to the cycle racks and locked;
    - 8.3.2.9.1 nobody is allowed to ride a bicycle on the school grounds;
    - 8.3.2.9.2 nobody is allowed to tamper with the bicycles;
    - 8.3.2.9.3 The parking area is a restricted area and no interference with the cars will be allowed;
- 8.3.3 School hall
- 8.3.3.1 No learners are allowed on the stage without the permission and supervision of a teacher;
  - 8.3.3.2 Nobody is allowed to eat in the school hall.
- 8.3.4 Media Centre
- 8.3.4.1 The rule of silence must be adhered to at all times;
  - 8.3.4.2 No learner is allowed in the Media Centre office;
  - 8.3.4.3 No eating is allowed;
  - 8.3.4.4 Only library monitors on duty may operate the photocopy machine in the Media Centre.
- 8.3.5 Photocopy machine
- 8.3.5.1 No learner is allowed to make copies in the copying room.
- 8.3.6 Entrance, classrooms and passages
- 8.3.6.1 Unless it is raining, learners are not allowed into the building before 07:45;
  - 8.3.6.2 Learners may not use the main gate or front door to gain entrance or to exit the school;
  - 8.3.6.3 No learner is allowed into a classroom without the permission or supervision of a teacher;
  - 8.3.6.4 Classrooms and passages must be kept clean and tidy;
  - 8.3.6.5 It is forbidden to scribble on classroom or passage walls or doors;
  - 8.3.6.6 Money, watches and other valuable articles may not be left unattended in the classrooms;
  - 8.3.6.7 Toys may not be brought to school, unless asked by the educator.
  - 8.3.6.8 When moving from one point to another, irrespective whether they are under supervision or not, learners must always walk quietly in single file;
  - 8.3.6.9 Notice boards and reading racks may only be visited during breaks;
  - 8.3.6.10 Learners must leave the school building and grounds immediately after school and not loiter around in the vicinity of the school;
  - 8.3.6.11 In the afternoons, learners are not allowed in the school buildings;
  - 8.3.6.12 Learners are not allowed in the foyer without permission.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

### 8.3.7 Extra-mural activities

- 8.3.7.1 It is expected of every learner to participate in sport and exhibit good sportsmanship.
- 8.3.7.2 Physically able learners should take part in at least one summer and one winter sport.
- 8.3.7.3 Learners must be punctual for all activities and must personally advise the teacher if he/she is unable to attend.
- 8.3.7.4 Learners who take part in school sport must be dressed correctly in the full school sport uniform when representing the school.
- 8.3.7.5 Entrance to the tennis courts may only be gained through the tennis courts' gate.
- 8.3.7.6 Litter is not allowed on the courts and fields.
- 8.3.7.7 Learners may not use school equipment, including sport equipment, after school hours without the permission of the principal/coach and they may not use school facilities after school hours.

### 8.3.8 Use and/or possession of illegal drugs (including cannabis), alcohol and weapons

- 8.3.8.1 Refer to Search and Seizure and Drug and Alcohol use policies.

### 8.3.9 Use and/or possession of cigarettes, cigarette lighters, matches and e-cigarettes

- 8.3.9.1 Refer to Smoking policy

### 8.3.10 Cellphone and electronic devices

- 8.3.10.1 Learners need to urgently phone must report to the secretaries. This, however, must be kept to the minimum;
- 8.3.10.2 Learners are not allowed to bring cell phones or smart watches to school. If they, however, transgress this rule, we do not take responsibility for a cell phone or smart watch that goes missing. If used during school hours, the cell phone or smart watch will be taken away and will be handed back according to the prescribed procedure;
- 8.3.10.3 If a learner does not feel well, the following procedure must be followed: The learner must report to his/her Grade educator who will complete a memo to be taken to the secretary and who will phone the parent concerned. No learner may contact his/her parents directly during school hours and ask to be fetched. A register is kept of every learner leaving the school premises.

### 8.3.11 Anti-bullying, including cyber-bullying

- 8.3.11.1 **Cyber-bullying:** It is bullying carried out using information and communication technologies such as text, social network sites, e-mail, instant messaging (IM), apps, gaming sites, chatrooms, and other online technologies. The school does not allow any form of communication technology between learners on the school premises. These activities happen after school under the supervision of parents and can therefore not become the responsibility of the school.
- 8.3.11.2 Gene Louw encourages Cyber Wellness that refers to the positive well-being of Internet users and a healthy culture for the community. The school will present an annual talk with the Grade 6 – 7 learners about the use of Cyber.

## 9. Misconduct and disciplinary procedure

- 9.1 Every teacher is responsible for discipline and has the full authority and responsibility to correct the behaviour of learners whenever such correction is necessary. Any correctivemeasure or disciplinary action will correspond with and be appropriate to the offence.
- 9.2 All learners will abide by the discipline system that has been developed to assist and guide learner behaviour in the School.
- 9.3 All infringements are recorded in the Discipline file which is in the Educator's possession.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

## 10. Level of Offences

### 10.1 Level 1

- 10.1.1 Handling of Level 1 infringements stays with that of Level 1.
- 10.1.2 All Level 1 offences will be dealt with by the staff member concerned.
- 10.1.3 The staff member must keep a written record of such offences and the disciplinary measure taken.
- 10.1.4 When a Level 1 offence occurs three times in a 2-week period, a detention letter is issued by the class educator and the learner will attend a detention class. A signed copy of acknowledgement of the detention letter will be kept on record by the class educator.
- 10.1.5 After 3 detentions the learner will receive a notice to appear before the Grade Committee in the grade. A signed copy of acknowledgement of the detention letter be kept on record by the class educator.
- 10.1.6 If the infringements continue, the learner will receive a notice to appear before the Management Team (excluding the Principal). A signed copy of acknowledgement of the detention letter be kept on record by the class educator.

### 10.2 Level 2

- 10.2.1 Committee issues a detention notice with first infringement. (Committee = Principal, class teacher)
- 10.2.2 A detention letter is issued by the class educator and the learner will attend a detention class. A signed copy of acknowledgement of the detention letter will be kept on record by the class educator.
- 10.2.3 After 3 detentions the learner will receive a notice to appear before the Grade Committee in the grade. A signed copy of acknowledgement of the notice will be kept on record by the class educator.
- 10.2.4 If the infringements continue, the learner will receive a notice to appear before the Management Team (excluding the Principal). A signed copy of acknowledgement of the notice be kept on record by the class educator.

### 10.3 Level 3

- 10.3.1 Infringement is dealt with as soon as possible.
- 10.3.2 Principal contacts the parents. This can be done telephonically.
- 10.3.3 Depending on the seriousness of the infringement, expulsion pending a Disciplinary hearing can be levied or expulsion after completion of a Disciplinary Hearing may be considered.

## 11. List of offences

### 11.1 Level 1 (After repeated verbal warnings)

#### 11.1.1 In the classroom

- 11.1.1.1 Talking – disturbance, affects tuition negatively
- 11.1.1.2 Eating – without permission
- 11.1.1.3 Bumping
- 11.1.1.4 Fidgeting – disturbance
- 11.1.1.5 Sleeping
- 11.1.1.6 Inattentiveness – continuously
- 11.1.1.7 Dawdling between lessons
- 11.1.1.8 Reading/playing during tuition time
- 11.1.1.9 Lack of respect

#### 11.1.2 Academic offences

- 11.1.2.1 Homework not done / incomplete
- 11.1.2.2 Books left at home
- 11.1.2.3 Tests not signed



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

- 11.1.2.4 Copying of work
- 11.1.3 General
  - 11.1.3.1 Non-arrival for appointment (e.g. Sport; culture)
  - 11.1.3.2 Disparaging names / conversations / negative remarks
  - 11.1.3.3 Back chatting
  - 11.1.3.4 Untidiness re. Appearance
  - 11.1.3.5 Disorderly behaviour in passages
  - 11.1.3.6 Littering
  - 11.1.3.7 Late to lines
  - 11.1.3.8 Illegally in classroom / building / on stage
  - 11.1.3.9 Chewing gum
  - 11.1.3.10 Poor behaviour in hall
  - 11.1.3.11 Jewellery
  - 11.1.3.12 Make-up
  - 11.1.3.13 Hairstyles
  - 11.1.3.14 Bullying – negative remarks towards others to belittle them
  - 11.1.3.15 Pushing and shoving
  - 11.1.3.16 Repeated offences

## 11.2 Level 2 (Serious transgressions)

- 11.2.1 Classroom and sport fields
  - 11.2.1.1 Vandalism – parents are responsible for the repair of damages
  - 11.2.1.2 Graffiti
  - 11.2.1.3 Foul language
  - 11.2.1.4 Fighting with the aim to cause bodily harm.
  - 11.2.1.5 Bullying - continuous verbal abuse which causes anxiety
  - 11.2.1.6 Forgery (signature of parent/guardian)
  - 11.2.1.7 Telling lies / dishonesty / cheating during tests / exams
  - 11.2.1.8 Racist remarks
  - 11.2.1.9 Colouring of hair
  - 11.2.1.10 Truancy
  - 11.2.1.11 Provoking / belittling
  - 11.2.1.12 Not turning up for a match / choir
  - 11.2.1.13 Not attending detention (educator to follow up)
  - 11.2.1.14 Petty theft
  - 11.2.1.15 Poor behaviour in public in school uniform
  - 11.2.1.16 Immoral conduct
  - 11.2.1.17 Being late for school more than twice in a term

## 11.3 Level 3 (Very serious transgressions)

- 11.3.1 Smoking on grounds – possession of / use of / distribution of
- 11.3.2 Weapons
- 11.3.3 Pornography
- 11.3.4 Illegal substance - possession of / use of / distribution of
- 11.3.5 Alcohol - possession of / use of / distribution of
- 11.3.6 Theft (serious)
- 11.3.7 Arson



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551



- 11.3.8 Malicious damage to property
- 11.3.9 Conducts himself / herself in a disgraceful, improper or unbecoming manner
- 11.3.10 Assault on a teacher
- 11.3.11 Sexual harassment

## 12. Suspension and Expulsion

### 12.1 Suspension

- 12.1.1 Suspension is the temporary exclusion from school / school activities.
- 12.1.2 A learner can be suspended pending a Disciplinary Hearing. A learner may be suspended as part of a sanction after a Disciplinary Hearing was conducted.
- 12.1.3 This entails temporary exclusion for all school activities for a maximum of 7 days.

### 12.2 Expulsion

- 12.2.1 The expulsion of a learner has far-reaching consequences for his or her future.
- 12.2.2 The Governing Body therefore does not lightly recommend the expulsion of a learner to the Head of the WCED. Such a step is considered as a last resort only after all other disciplinary measures have failed, or if the misconduct of the learner is of such a nature that his or her immediate removal from the school is deemed necessary and in the interest of the school.

### 12.3 Suspension of a learner by the Principal or Deputy Principal as a precautionary measure

- 12.3.1 The SGB authorises the Principal or Deputy Principals to institute suspension, as precautionary measure, with regard to a learner who is charged with a serious misconduct offence as contemplated in Section 8 of the SA Schools Act (84 of 1996).
- 12.3.2 Before a learner is suspended, the learner and his/her parents must be given an opportunity to indicate why the suspension should not be considered.
- 12.3.3 The disciplinary proceedings must commence within one (1) week after the suspension. If the proceedings do not commence within one (1) week, approval for the continuation of the suspension must be obtained from the Department (WCED).
- 12.3.4 This suspension will be applicable until a finding of not guilty is made or, in the case of a finding of guilty, until the appropriate sanction is announced.

## 13. Disciplinary hearings

### 13.1 The following official forms will be used for misconduct and disciplinary hearings:

- 13.1.1 Written warning (disciplinary warning form)
- 13.1.2 Final written warning
- 13.1.3 Notice of disciplinary hearing
- 13.1.4 Record of disciplinary hearing
- 13.1.5 Review form (lodging of appeal)

### 13.2 Written notice of a disciplinary hearing will be given at least five (5) school days before the hearing, which could provide for temporary suspension from classes, including formal scheduled tests and examinations which count towards the year mark.

### 13.3 When a notice is issued to a learner, the parent/guardian must acknowledge receipt of notice by signing for it. **This is not an admission of guilt.**

### 13.4 If a learner and parent/s/guardian do not appear at a hearing, the hearing will be conducted in their absence.

### 13.5 The written finding of the hearing will be issued to the parent/guardian. The parent/guardian must acknowledge the content by signing the document.

### 13.6 A learner has the right to request a review of the disciplinary action taken against him/her if sufficient grounds exist. Disregard of punishment of the Disciplinary Committee will lead to temporary suspension pending a hearing.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

13.7 The Disciplinary Committee will consist of the following members:

- a) SGB Chairman
- b) At least two other parent members of the SGB
- c) SGB member who is not a parent
- d) Member of SMT
- e) Prosecutor – Deputy Principal or HOD

13.8 The hearing will also be attended by the teacher witness, and any other learner she/he may need for his/her defence.

13.9 Disciplinary measures that a Disciplinary Committee may impose include:

13.9.1 Suspension from School for a minimum of two days up to a maximum of five (5) school days, ratified by the SGB, to be effective immediately. This will be put in writing and a copy kept on record.

13.9.2 Recommendation with respect to counselling.

13.9.3 Progress monitoring process initiated for a minimum of two (2) weeks, followed up with a progress report.

13.9.4 If a written conduct and behaviour warning is issued, a signed copy of acknowledgement will be kept on record.

13.9.5 Payment to cover the cost of repair or replacement of the damaged, lost or stolen item.

13.9.6 "Time-out" period at school – determined by Disciplinary Committee.

13.9.7 Minutes of the proceedings of the hearing must be kept in detail.

**14. Procedure during hearings**

14.1 The Chairperson of the Committee must lead the proceedings and:

14.1.1 Introduce those present and state their functions.

14.1.2 Ensure that witnesses are present only while giving their evidence.

14.2 The Chairperson must inform the learner of his/her rights:

14.2.1 The right to a formal hearing.

14.2.2 The right to be present at the hearing.

14.2.3 The right to be given advance notice of the charges and thus time to prepare for the hearing.

14.2.4 The right to be accompanied at the hearing by parents/guardian if the learner is a minor.

14.2.5 The right to ask questions on any evidence, or on statements of witnesses.

14.2.6 The right to call witnesses to testify on his/her behalf.

14.2.7 The right to an interpreter, to be requested 24 hours prior to the hearing.

14.2.8 The right to appeal within five (5) school days against any penalty imposed by the Disciplinary Committee.

14.2.9 If the learner and parent/guardian do not attend, the hearing will be conducted in his/her absence.

14.3 The Chairperson is to explain the nature of the alleged breach or misconduct to those present at the hearing.

14.4 The prosecutor will read the charge.

14.5 Plea of guilty or not, if not guilty plea;

14.6 The procedure of enquiry is that the complainant and his/her witnesses will be heard first. The learner and panel may ask questions to them. The learner and his/her witnesses may then give evidence and the complainant and Committee may ask them questions.

14.7 When all the evidence has been heard, The Chairperson must close the enquiry, dismiss the complainant, the learner, their representatives, the parent/guardian and all the witnesses.

14.8 The Disciplinary Committee must discuss and weigh the evidence and come to a decision.

14.9 The Chairperson must reconvene all interested parties.

14.10 The Chairperson is to communicate the decision to all the interested parties.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551

- 14.11 If the learner is found guilty or pleads guilty, both parties will be granted an opportunity to make submissions to the Committee regarding the penalty imposed.
- 14.12 The Chairperson must explain the decision of the Committee and the reasons for the penalty (if any) that has been imposed.
- 14.13 The learner must be advised of his right to appeal.
- 14.14 The complainant and parent/guardian must sign the disciplinary form and a copy must be handed to the parent/guardian. (If the parent/guardian refuses, a witness must sign in the presence of the learner).
- 14.15 The signing of the document by the parent/guardian is not an acknowledgement of guilt.

## 15. Appeal procedure

- 15.1 If a learner or parent is dissatisfied with an internal disciplinary decision, excluding expulsion, he/she may appeal in writing to the principal.
- 15.2 The principal or SGB shall appoint a board of appeal and arrange for the appeal to be heard within fourteen (14) days, unless otherwise agreed to by the parties.
- 15.3 The learner will have the right to be represented or assisted by an adult.
- 15.4 No person who was involved in the disciplinary process which found the learner guilty may serve on the board of appeal.
- 15.5 The hearing of an appeal shall be conducted according to fair administrative practice.

## 16. Amendment

- 16.1 This Code will be amended annually, or when required because of a change in legislation or circumstances, by the SGB after consultation with the learners, parents, and educators.
- 16.2 Learners, parents, and school staff will be notified of amendments in writing via the school newsletter, announcement in assembly, publication of the amended Code on the school website, D 6 communicator and any other suitable means.



Ons Strewe - na liefde, geloof en kennis. We Strive - for love, faith and knowledge.



(021) 976-8144/5



postmaster@genelouw.co.za

genelouw.co.za

Tulipstraat/street, Amanda Glen, Durbanville, 7550 | Privaatsak/Private Bag 14, Durbanville, 7551