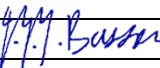




|                               |                                                                                   |              |           |
|-------------------------------|-----------------------------------------------------------------------------------|--------------|-----------|
| <b>SUBJECT</b>                | CODE OF CONDUCT – LEARNERS                                                        | <b>PAGES</b> | 12        |
| <b>DEPARTMENT</b>             |                                                                                   | <b>DATE</b>  | JUNE 2025 |
| <b>REVIEWED AND APPROVED:</b> |  |              |           |
|                               | GOVERNING BODY                                                                    |              |           |

### 1. Opening remarks

The purpose of this 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 not, should be a credit to their school.

- 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 the 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.
  - 6.4.3 at extracurricular activities off the school property.
  - 6.4.4 on or in any mode of transport while the learner is in school uniform.



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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, that 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 at 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 serve *in loco parentis* to control and discipline a learner according to the Code during the time the learner is in attendance at the School, in any classroom, at any school function, on any school excursion or other 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’ behaviour rests with parents.
- 7.4.2 It is expected that parents will support the School, require learners to observe school rules and accept responsibility for any misbehaviour 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.
- 7.4.4 Parents and guardians are expected to conduct themselves in a respectful, cooperative and appropriate manner at all times while taking part in school-related activities, including academic, cultural, sporting and social events. They must familiarise themselves with the relevant rules, procedures and expectations applicable to any school activity they attend. Negative commentary, public disputes, inappropriate language or accusations, criticism of staff or learners or any other



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behaviour that could harm the dignity of others or the reputation of the School are not acceptable. Should a parent or guardian behave in a manner deemed inappropriate, they may be asked to leave the premises by a staff member or event organiser. The matter will be reported to the relevant school authority, such as the principal or the chairperson of the SGB, and followed up in accordance with the procedures outlined in this Code of Conduct.

- 7.4.5 Parents and guardians are expected to respect boundaries during school activities and refrain from interfering with the duties of educators, coaches or facilitators. This includes maintaining a suitable distance during instructional time, practice sessions, rehearsals or meetings to avoid unnecessary distractions or disruptions. Parents should not approach or engage learners, staff members or officials during formal school proceedings (e.g. assemblies, performances, meetings or assessments) unless invited to do so or under exceptional circumstances.
- 7.4.6 Parents are only allowed on the school premises when they have a scheduled appointment. Additionally, access to the school grounds for the purpose of attending sports or culture practice sessions is permitted only from 13:30 (Foundation Phase) and 14:05 (Intersen Phase).
- 7.4.7 Any disagreements or disputes that occur between parents outside the school premises and that are not deemed part of any school-sanctioned activity are considered private matters between those parents. The School will not intervene, mediate or be held responsible for resolving such disputes.

## 7.5 Learners

- 7.5.1 Learners are required to adhere to this Code.
- 7.5.2 Learners enjoy the protection of this Code.
- 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 supply a letter from his/her parents/guardians or a doctor's note stating the period of his/her absence and the reason for his/her absence. This letter/note must be handed or emailed 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 educator/principal must be informed timeously of any dental or doctor's appointment that has been made for during hours. Learners must fill in the register when leaving and/or returning to and from school.
- 8.1.6 Learners must leave the school premises promptly at the end of the school day unless they are participating in supervised extracurricular activities. Loitering on school grounds after hours is strictly prohibited.

### 8.2 General appearance and dress of learners

#### 8.2.1 Hair

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

##### 8.2.1.1 Boys

- 8.2.1.1.1 Hair must be cut neatly, (gradually) shorter around the ears so that no ridge is evident;



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- 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, 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 extending beyond the collar must be tied;
- 8.2.1.2.3 Fringes may not touch the eyebrows – if so, they need to be pinned back;
- 8.2.1.2.4 Short hair must be cut neatly;
- 8.2.1.2.5 Hair may not be dyed;
- 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 earrings be allowed.

##### 8.2.2.2 Girls

- 8.2.2.2.1 Only ONE earring per ear lobe;
- 8.2.2.2.2 Only thin sleepers or small solid studs (without stones) are allowed.

### 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

- 8.3.1.1 No learners are allowed to play or loiter in the toilets or change rooms;
- 8.3.1.2 Foreign objects may not be thrown in the toilets and urinals;
- 8.3.1.3 Vandalism is prohibited;
- 8.3.1.4 Taps should be closed 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 Learners who need to change, must do so at 14:15 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 others, 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 rugby field;
- 8.3.2.8 It is forbidden for any learner to carry, possess or bring any dangerous objects such as knives, darts and so forth to school;
- 8.3.2.9 **Bicycles**
  - 8.3.2.9.1 Bicycles must be pushed to the cycle racks and locked.
  - 8.3.2.9.2 Nobody is allowed to ride a bicycle on the school grounds;
  - 8.3.2.9.3 Nobody is allowed to tamper with the bicycles.
- 8.3.2.10 The parking area is a restricted area and no interference with the cars will be allowed.



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### 8.3.3 School hall

- 8.3.3.1 No learners are allowed on the stage without the permission and supervision of an educator;
- 8.3.3.2 Nobody is allowed to eat in the school hall.

### 8.3.4 Genie-Us Hub

- 8.3.4.1 No learner is allowed in the hub office;
- 8.3.4.2 No eating is allowed in the hub;
- 8.3.4.3 Only library monitors on duty may operate the photocopy machine in the hub.

### 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 to or to exit the School;
- 8.3.6.3 No learner is allowed in a classroom without the permission or supervision of an educator;
- 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 requested 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 may 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.

### 8.3.7 Extramural activities

- 8.3.7.1 It is expected of every learner to participate in sport and to 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 educator 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 Littering 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 outside of the permitted 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 who need to make urgent phone calls must report to the secretaries. This, however, must be kept to the minimum;
- 8.3.10.2 Learners are not allowed to bring cellphones or smartwatches to school. If they, however, transgress this rule, we do not take responsibility for a cellphone or smartwatch that goes missing. If used during school hours, the cellphone or smartwatch will be taken away and 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 class educator, who will complete a memo to be taken to the school nurse, who will phone the parent concerned if necessary. No learner may contact his/her parents



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directly during school hours and ask to be fetched. A register is kept of every learner leaving the school premises.

#### 8.3.11 Cyberbullying

8.3.11.1 **Cyberbullying:** This refers to bullying carried out using information and communication technologies such as text, social network platforms, email, 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. After school, such communication takes place under the supervision of parents and therefore cannot become the responsibility of the School.

8.3.11.2 Gene Louw Primary encourages cyberwellness, which refers to the positive wellbeing of Internet users and a healthy culture within the community. The School will present an annual talk with the Grade 6-7 learners about cyberwellness.

### 9. Misconduct and disciplinary procedure

- 9.1 Every educator is responsible for discipline and has full authority and the responsibility to correct the behaviour of learners whenever such correction is necessary. Any corrective measure 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 at the School.
- 9.3 All infringements are recorded in the discipline file that is in the class educator's possession.
- 9.4 At each of the levels of the transgressions, the class educator will engage with the learner in restorative dialogue/conversations/programmes according to the script (see Annexure B).

### 10. Levels 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 two-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 three detentions the learner will receive a notice to appear before the grade committee in the grade. A signed copy of acknowledgement of the notice 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 SMT (excluding the principal). A signed copy of acknowledgement of the notice be kept on record by the class educator.
- 10.1.7 At each of the levels of the transgressions, the educator will engage with the learner in restorative dialogue/conversations/programmes according to the script (see Annexure B).

#### 10.1.8 Level 1 offences (after repeated verbal warnings)

##### 10.1.8.1 In the classroom

- 10.1.8.1.1 Talking – disturbance, affecting tuition negatively
- 10.1.8.1.2 Eating – without permission
- 10.1.8.1.3 Bumping
- 10.1.8.1.4 Fidgeting – disturbance
- 10.1.8.1.5 Sleeping
- 10.1.8.1.6 Inattentiveness – continuous
- 10.1.8.1.7 Dawdling between lessons
- 10.1.8.1.8 Reading/playing during tuition time
- 10.1.8.1.9 Disrespectful or disruptive behaviour in class



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- 10.1.8.2 Academic offences
  - 10.1.8.2.1 Homework not done or incomplete
  - 10.1.8.2.2 Books left at home
  - 10.1.8.2.3 Tests not signed
  - 10.1.8.2.4 Copying of work
- 10.1.8.3 General
  - 10.1.8.3.1 Non-arrival for appointment (e.g. sport; culture)
  - 10.1.8.3.2 Disparaging name-calling or conversations/negative remarks
  - 10.1.8.3.3 Backchatting
  - 10.1.8.3.4 Untidiness regarding appearance
  - 10.1.8.3.5 Disorderly behaviour in passages
  - 10.1.8.3.6 Littering
  - 10.1.8.3.7 Late to lines
  - 10.1.8.3.8 Illegally in classroom/building/on stage
  - 10.1.8.3.9 Chewing gum
  - 10.1.8.3.10 Poor behaviour in hall
  - 10.1.8.3.11 Jewellery
  - 10.1.8.3.12 Make-up
  - 10.1.8.3.13 Hairstyles
  - 10.1.8.3.14 Bullying – negative remarks towards others to belittle them
  - 10.1.8.3.15 Pushing and shoving
  - 10.1.8.3.16 Repeated offences

## 10.2 Level 2

- 10.2.1 Committee issues a detention notice with first infringement. (Committee = principal, class educator)
- 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 three detentions the learner will receive a notice to appear before the grade committee. 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 SMT (excluding the principal). A signed copy of acknowledgement of the notice be kept on record by the class educator.
- 10.2.5 **Level 2 offences (serious transgressions)**
  - 10.2.5.1 Vandalism – parents are responsible for the repair of damages
  - 10.2.5.2 Graffiti
  - 10.2.5.3 Foul language
  - 10.2.5.4 Fighting with the aim to cause bodily harm
  - 10.2.5.5 Bullying – continuous verbal abuse that causes anxiety
  - 10.2.5.6 Forgery (signature of parent/guardian)
  - 10.2.5.7 Telling lies/dishonesty/cheating during tests or exams
  - 10.2.5.8 Racist remarks
  - 10.2.5.9 Dyeing of hair
  - 10.2.5.10 Truancy
  - 10.2.5.11 Provoking/belittling
  - 10.2.5.12 Not turning up for a match/choir activity
  - 10.2.5.13 Not attending detention (educator to follow up)



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- 10.2.5.14 Petty theft
- 10.2.5.15 Poor behaviour in public in school uniform
- 10.2.5.16 Immoral conduct
- 10.2.5.17 Being late for school more than twice in a term

### 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, suspension pending a disciplinary hearing can be levied or expulsion after completion of a disciplinary hearing may be considered.
- 10.3.4 **Level 3 offences (very serious transgressions)**
  - 10.3.4.1 Smoking on grounds – possession/use of, or distribution of tobacco products/vape
  - 10.3.4.2 Weapons
  - 10.3.4.3 Pornography
  - 10.3.4.4 Illegal substance – possession/use of, or distribution of
  - 10.3.4.5 Alcohol – possession/use of, or distribution of
  - 10.3.4.6 Theft (serious)
  - 10.3.4.7 Arson
  - 10.3.4.8 Malicious damage to property
  - 10.3.4.9 Conducts himself/herself in a disgraceful, improper or unbecoming manner
  - 10.3.4.10 Assault of a staff member
  - 10.3.4.11 Sexual harassment

### 10.4 Level 4

- 10.4.1 Infringement is dealt with as soon as possible.
- 10.4.2 Principal contacts the parents. This can be done telephonically.
- 10.4.3 Depending on the seriousness of the infringement, suspension pending a disciplinary hearing can be levied or expulsion after completion of a disciplinary hearing may be considered.
- 10.4.4 **Level 4 offences (very serious transgressions)**
  - 10.4.4.1 Repeated Level 3 infringements
  - 10.4.4.2 Refusal to attend development-orientated programmes
  - 10.4.4.3 Dangerous weapons: bringing a weapon onto school grounds, threatening people with a weapon, deliberate assault of persons with a weapon
  - 10.4.4.4 Possession of drugs on school grounds
  - 10.4.4.5 Serious assault
  - 10.4.4.6 Learner is found guilty in a criminal court (immediate expulsion)
  - 10.4.4.7 Sexual assault (including rape)
  - 10.4.4.8 Refusing of sanctions

### 10.5 Foundation Phase

The following disciplinary procedures apply to Foundation Phase learners in particular:

- 10.5.1 Learners are given two chances in a two-week cycle for a Level 1 transgression. (The educator and or councillor makes a note of it on his/her motivating system). Restorative dialogue takes place according to the script (individually or in a group).
- 10.5.2 With the third Level 1 transgression, the learner will receive a red letter addressed to his/her parents/guardians. (The letter is printed on red paper.) This letter notifies the parent/guardian that the learner's behaviour is unacceptable and that he/she has already had two chances to improve it.
- 10.5.3 Should the learner receive two red letters, he/she will be given one detention. The detention letter is sent to the parent/guardian, who needs to confirm receipt by signing it and returning it to school.



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- 10.5.4 During detention, which takes place on a Friday afternoon, the learner would complete restorative tasks pertaining to his/her transgression.
- 10.5.5 Should a learner be given detention twice, the learner and his/her parents/guardians would need to appear before a grade committee. If the learner's conduct still does not improve, a management meeting and an SGB hearing would follow.
- 10.5.6 **Level 2 transgressions:** The learner receives a red letter immediately, after which the process would be followed as above.

## 11. Suspension and expulsion

### 11.1 Suspension

- 11.1.1 Suspension is the temporary exclusion from school/school activities.
- 11.1.2 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.
- 11.1.3 This entails temporary exclusion for all school activities for a maximum of seven (7) days.

### 11.2 Expulsion

- 11.2.1 The expulsion of a learner has far-reaching consequences for his or her future.
- 11.2.2 The Governing Body therefore does not lightly recommend the expulsion of a learner to the HOD 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/ her immediate removal from the School is deemed necessary and in the interest of the School.

### 11.3 Suspension of a learner by the principal or a deputy principal as a precautionary measure:

- 11.3.1 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 SASA (84 of 1996).
- 11.3.2 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.
- 11.3.3 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).
- 11.3.4 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.

## 12. Disciplinary hearings

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

- 12.1.1 Written warning (disciplinary warning form)
- 12.1.2 Final written warning
- 12.1.3 Notice of disciplinary hearing
- 12.1.4 Record of disciplinary hearing
- 12.1.5 Review form (lodging of appeal)

### 12.2 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.

### 12.3 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.**

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

### 12.5 The written finding of the hearing will be issued to the parent/guardian. The parent/guardian must



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acknowledge the content by signing the document.

12.6 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.

12.7 The disciplinary committee will consist of the following members:

12.7.1 SGB chairperson

12.7.2 At least two other parent members of the SGB

12.7.3 SGB member who is not a parent

12.7.4 Member of SMT

12.7.5 Prosecutor – deputy principal or departmental head

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

12.9 Disciplinary measures that a disciplinary committee may impose include:

12.9.1 Suspension from school for a minimum of two (2) 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.

12.9.2 Recommendation with respect to counselling.

12.9.3 Progress monitoring process initiated for a minimum of two (2) weeks, followed by a progress report.

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

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

12.9.6 "Time-out" period at school – determined by disciplinary committee.

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

### 13. Procedure during hearings

13.1 The chairperson of the committee must lead the proceedings and:

13.1.1 Introduce those present and state their functions.

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

13.2 The chairperson must inform the learner of his/her rights:

13.2.1 The right to a formal hearing

13.2.2 The right to be present at the hearing

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

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

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

13.2.6 The right to call witnesses to testify on his/her behalf

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

13.2.8 The right to appeal within five (5) school days against any penalty imposed by the disciplinary committee

13.2.9 If the learner and parent/guardian do not attend, the hearing will be conducted in their absence.

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

13.4 The prosecutor will read the charge.

13.5 In response, the learner will be given the opportunity to plead guilty or not guilty.

13.6 If a learner pleads guilty, the committee will proceed to formulate a suitable sanction after mitigating evidence has been presented.

13.7 If the learner pleads not guilty, the procedure of enquiry is that the complainant and his/her witnesses will be heard first. The learner and panel may ask questions of them. The learner and his/her witnesses may then give evidence and the complainant and committee may ask questions of them.

13.8 When all the evidence has been heard, the chairperson must close the enquiry and dismiss the



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complainant, the learner, their representatives, the parent/guardian and all the witnesses.

13.9 The disciplinary committee must discuss and weigh the evidence and come to a decision.

13.10 The chairperson must reconvene all interested parties.

13.11 The chairperson is to communicate the decision to all the interested parties.

13.12 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.

13.13 The chairperson must explain the decision of the committee and the reasons for the penalty (if any) that has been imposed.

13.14 The learner must be advised of his/her right to appeal.

13.15 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).

13.16 The signing of the document by the parent/guardian is not an acknowledgement of guilt.

#### **14. Appeal procedure**

14.1 If a learner or parent is dissatisfied with an internal disciplinary decision, excluding expulsion, he/she may appeal in writing to the principal.

14.2 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.

14.3 The learner will have the right to be represented or assisted by an adult.

14.4 No person who was involved in the disciplinary process during which the learner was found guilty may serve on the board of appeal.

14.5 The hearing of an appeal shall be conducted according to fair administrative practice.

#### **15. Possible disciplinary sanctions**

15.1 Annexure B of the Code of Conduct of DBE schools will be used as guideline to determine an appropriate sanction.

#### **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 by way of announcement in assembly, publication of the amended Code on the school website, on d6 and any other suitable means.



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