

## **DISCIPLINARY POLICY**

### **A. PURPOSE OF THE DISCIPLINARY POLICY.**

1. To define acceptable and unacceptable behaviour.
2. To direct appropriate punitive measures and procedures.
3. To establish a positive image of the school in the community.
4. To identify the role-players in the management of the school's discipline.
5. To ensure an ideal learning environment for quality teaching and learning.

### **B. GRADING OF INFRINGEMENTS.**

#### **1. Category A – Infringements:**

- Walking around, talking and eating in the classroom without permission.
- Disregarding class rules in general.
- In possession of a switched-on cellphone during school hours.
- Neglect of duty regarding homework and reasonable instructions.
- Littering.
- Untidy appearance and untidiness in general.
- Being late to line up after the second bell.
- Disruptive behaviour in the classroom and during assemblies.
- Playing in prohibited / out of bounds areas during breaks.

#### **Procedure for dealing with Category A-Infringements:**

The educator in whose presence the infringement is committed, will be responsible for taking action. If not the class educator, the class educator must be notified for recording purposes. If found necessary the educator will bring repeated Category A-infringements to the attention of the infringer's parents.

#### **2. Category B - Infringements:**

- Repeated Category A-Infringements, despite warnings and interventions.
- Disrespectful behaviour towards educators and fellow-learners.
- Use of foul, degrading and suggestive language.
- Showing obscene, indecent and suggestive signs.
- Leaving the school premises during school hours without permission.
- Inciting fighting and bully behaviour.
- Misconduct on buses to and from school activities.
- Repeated late coming without valid reasons. (Reasons will be verified).
- Damaging of school property : Parents of learners found guilty of deliberate damaging, will be held liable for reparation costs.
- Misuse and unauthorised use of school equipment, eg. Fire extinguishers; computers; taps; alarm system; laboratory apparatus etc.
- Disrupting the classroom so that it becomes difficult to teach.
- Truancy : Being absent from school without parents' permission.

#### **Procedure for dealing with Category B – infringements:**

1. At the beginning of each year the class educator will teach and discuss the code of conduct and grading of infringements with the learners to ensure that the learners know what behaviour is expected of them as well as the consequences of their behaviour.
2. After three recorded incidents of misconduct, action will be taken.
3. The learner will be referred to the punishment room for the breaks of 5 days.
4. Parents will be informed telephonically or by an appointment with the parents.
5. Learners will spend their breaks under the supervision of an educator, completing appropriate activities.
6. Learners will be excused for the last five minutes of each break in order to eat or / and to visit the cloakroom.
7. If a learner makes himself / herself guilty of 3 infringements for a second time, the punishment will be extended to spending the breaks of 10 days in the punishment room.

8. If a learner needs to be referred to the punishment room for a third time, a meeting with his/her parents will be arranged.

**3. Category C : Fighting and injuring a fellow-learner:**

- This infringement is regarded as very serious.
- Infringers will be deprived of the breaks of ten days without warnings.
- The educator who refers the learner, will complete the referral form and notify the infringer's parents.
- Parents will also be notified telephonically of the nature of the injury if found necessary.
- If a learner has attended the punishment room twice and makes himself or herself guilty of this infringement for a third time, an appointment will be arranged with his/her parents.

**4. Category D – Infringements : Serious misconduct: (Regulation 3 (1) – Provincial Gazette Extraordinary 6939 of 15 December 2011)**

- Subject to the provisions of the Act, a learner at a school who-
  - ✓ Used or had in his or her possession or sells or distributes a dangerous object, alcoholic liquor, cigarettes or illegal drugs;
  - ✓ Commits an act of bullying, assault, theft, arson or malicious damage to property;
  - ✓ Commits an act of gross insubordination or engages in immoral conduct;
  - ✓ Is in possession or uses unauthorised copy of a test or examination question paper, or cheats, distributes, trades, bribes or attempts to bribe any person in respect of any test or examination, with the intention of enabling himself or herself, or any other person, to gain an unfair advantage;
  - ✓ Uses hate speech, makes himself or herself guilty of racism, sexism, sexual harrassment, possesses or distributes pornographic material or engages in any act of public indecency;
  - ✓ Endangers the safety or threatens fellow learners or educators, disrupts the school programme or violates the rights of others;
  - ✓ Falsely identifies himself or herself, or knowingly and wilfully supplies false information or falsifies documentation to gain an unfair advantage at school;
  - ✓ Has repeatedly been found guilty of transgressing the learner's code of conduct; or
  - ✓ Conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner,  
May be guilty of serious misconduct.
- Subject to the provisions of the Act, a learner at a school may be suspended by the governing body or expelled by the Head of Department if, after a fair hearing, he or she is found guilty of serious misconduct as contemplated in sub-regulation (1).

**Procedure to deal with Catogory D-offences : Serious Misconduct:**

**1. Investigation of possible serious misconduct:**

- 1.1 Where it is alleged that the conduct of a learner may constitute serious misconduct in terms of regulation 3(1), the allegation must be brought to the attention of the principal who must-
  - Investigate or cause an investigation to be carried out to determine whether there are grounds for a disciplinary hearing;
  - Decide whether there is sufficient evidence to institute disciplinary action against the learner in respect of the serious misconduct and whether or not to report the matter to the governing body.
- 1.2 The governing body may, on reasonable grounds, and as a precautionary measure, suspend the learner suspected of seious misconduct from attending school for a period not longer than seven school days.
- 1.3 The governing body must-
  - Inform the learner and the parents of the learner of the intention to suspend and the reasons therefore;
  - Afford the learner and the parents of the learner a reasonable opportunity to make representations to the governing body in relation to such suspension; and
  - Report the decision of the suspension of the learner to the District Director, who must keep a register of all such suspensions.

- 1.4 The governing body must conduct disciplinary proceedings in the manner contemplated in section 8 of the Act against the learner within seven school days after the suspension of such learner.
- 1.5 If disciplinary proceedings are not conducted within seven school days after the suspension of the learner, the governing body must obtain the approval of the Head of Department for the continuation of the suspension of such learner.
2. Suspension of Learner:
  - 2.1 The governing body may only suspend a learner-
    - As a precautionary measure and in the manner contemplated in regulation 2(2) for a period not longer than seven school days;
    - As a correctional measure, after the learner has been found guilty of serious misconduct as contemplated in regulation 7(4)(e)(i), for a period not longer than seven school days; or
    - Pending the decision of the head of Department as contemplated in regulation 8(2), for a period not longer than 14 school days.
  - 2.2 The total period of suspension of a learner from school shall not be longer than 21 school days.
  - 2.3 The governing body must report all the decisions to suspend and the nature of the suspension of the learners to the District Director, who shall keep a register of all such suspensions.
3. Notice to learner and parent of disciplinary hearing (Addendum A).
  - 3.1 The governing body must notify the learner as well as the parents of the learner, in writing, that disciplinary proceedings will be instituted against the learner. The notice must-
    - Provide at least five school days' notice of the disciplinary hearing;
    - Inform the learner and the parents of the learner that disciplinary proceedings will be instituted against the learner;
    - Contain sufficient particulars of the date, time, place and the nature of the alleged serious misconduct to enable the learner to identify the incident and to respond thereto at the disciplinary hearing;
    - Contain the date, time and venue of the disciplinary hearing;
    - Advise the learner of his or her right to-
      - Be accompanied and represented at the hearing, by his or her parents, or by a representative chosen by the parents;
      - Request access to documents or information produced in evidence; and
      - Ask questions, cross-examine, lead evidence, call witnesses and produce documentary evidence to clarify issues pertaining to the allegation.
    - Inform the learner, where applicable, of the precautionary suspension and the nature of academic support to be provided by the school before the disciplinary hearing and during the period of suspension contemplated in regulation 2(2).
  - 3.2 The principal must give the notice contemplated in sub-regulation (1) to the learner, and deliver a copy thereof to the parents of the learner at the address of the learner indicate in the school admission register or the learner profile.
4. Appointment and composition of disciplinary committee:  
The governing body will preside as the disciplinary committee, excluding the principal, the prosecutor and the co-opted members. The chairperson of the governing body will act as chairperson during the disciplinary proceedings. The disciplinary committee must be impartial, fair and act without favour or prejudice.

### **C. DISCIPLINARY HEARING:**

1. At the disciplinary hearing the learner has the right to be present, to be represented, to give evidence and either personally or through a representative, to-
  - state his or her case;
  - call witnesses;
  - put questions to any person called as a witness in support of a charge; and
  - inspect documents submitted in evidence.
2. If the learner or his or her parents fail to attend the disciplinary hearing without just cause, and after due notice contemplated in regulation 5, and after such hearing has been convened for the second time, the hearing may be conducted in their absence.
3. The chairperson must, upon the commencement of the disciplinary hearing, explain the reasons for the disciplinary hearing, request the charge or charges to be read, and ask the learner to plead to the charge.
4. If the learner pleads guilty, the chairperson must –

- Ensure that the learner knows and understands what he or she is pleading guilty to;
  - Ask the learner, representative, or parents of the learner whether anybody wishes to make representations before a suitable sanction is imposed;
  - Ask the learner, representative and parents of the learner and any other parties, except the members of the disciplinary committee, to leave the room while the committee deliberates on a suitable sanction;
  - Ensure that the disciplinary committee decides on an appropriate sanction;
  - Ensure that the disciplinary committee, after finding the learner guilty of serious misconduct, decide if-
    - The learner should be suspended for a period not longer than seven school days;
    - Any other sanction contemplated for serious misconduct in the code of conduct of that school should be imposed on the learner; or
    - The expulsion of the learner should be recommended to the Head of Department; and
  - Recall the learner, representative or parents of the learner and inform them of the outcome of the recommendations to be submitted to the governing body.
5. If the learner pleads not guilty, the chairperson must-
- Request the investigation report to be read and evidence adduced in support of the charge, including the calling of the complainant and witnesses;
  - Give the learner, representative or parents of the learner the opportunity to put questions to the complainant and witnesses with the purpose of refuting evidence;
  - Afford the committee members an opportunity to ask questions of clarity, where applicable;
  - Afford the learner an opportunity to state his or her case and to call witnesses;
  - Allow committee members to ask questions of clarity;
  - Excuse the learner, representative or parents of the learner while the committee reviews evidence and decides on the verdict; and
  - Recall the learner, representative and parents of the learner and inform them of the disciplinary committee's decision.
6. If the disciplinary committee finds the learner guilty, the chairperson must-
- Ask him or her, or his or her representative or parents, if they wish to make representations before a decision is made on the appropriate sanction; and
  - Ask the learner, representative or parents of the learner and any other parties except the members of the disciplinary committee, to leave the room while the committee deliberates on a suitable sanction.
7. The disciplinary committee must then decide on an appropriate sanction taking all the evidence and representations into account and decide if-
- The learner should be suspended for a period not longer than seven school days;
  - Any other sanction contemplated for serious misconduct in the code of conduct of that school should be imposed on the learner; or
  - The expulsion of the learner should be recommended to the head of Department.
8. Recall the learner, representative or parents of the learner and inform them of the outcome of the recommendations to be submitted to the governing body.
9. The learner and his or her parents must be informed, in writing, of the decision of the governing body on whether or not the learner is guilty of serious misconduct, and the sanction imposed - Addendum B or C.

#### **D. POSSIBLE INTERVENTIONS:**

1. A verbal warning/reprimand to express disapproval.
2. Written warning.
3. Final written warning.
4. Referral to punishment room (detention).
5. Attendance of a relevant life skills programme.
6. Fines to compensate for damages.
7. Exclusion from school activities and functions.
8. Withdrawal of recognition.
9. Temporary suspension.
10. Suspension pending the reaction of the SG to a verdict of expulsion of the learner.

#### **E. DECIDING THE MOST APPROPRIATE PUNISHMENT:**

(Factors that must be taken into consideration in considering the most appropriate punishment):

##### The learner

- Age and development phase (an 8-year-old and a 15-year-old cannot be dealt with in the same manner).
- Attitude with regard to school work and fellow learners.
- Disciplinary record and willingness to change.

- The learner's reasons for the offence.
- The learner's regret and willingness to put the offence right.

Type of offence and the scope thereof

- Relevant circumstances.
- The effect that the offence had on others.
- The frequency of the offences.
- The scope of damage and loss.

The responsibility of the school community

- Take responsibility for the guidance of the learner in that the following considerations are built into corrective actions:  
Compensation, restoration, deterrence and prevention.

**F. DISCIPLINARY REVIEW LIST:**

To ensure that the disciplinary actions have been fair, the following questions can be asked:

- Is the reason for disciplining valid? (Has the school's code of conduct or any other legislation been violated?)
- Does the learner know the rules?
- Did he/she receive sufficient warning?
- Was the nature of the offence explained to the learner?
- Is there sufficient proof of the offence? Is the proof valid and acceptable?
- Was the hearing held in accordance with the proper procedure in the event of serious misconduct?
- Is the punishment consistent for similar offences, but with consideration of the circumstances?
- Were the learner and the parents informed about the reasons for the punishment?
- Is the punishment justified – were there good reasons?

**G. SUSPENSION AND EXPULSION OF LEARNERS:**

The latest, relevant information is applicable.

**H. SCHOOL RULES:**

See prospectus.

**DISCIPLINARY PROCEDURES FOR RANDOM SEARCH AND SEIZURE AND DRUG TESTING:**

1. Unless authorised by the principal for legitimate educational purposes, no person may bring a dangerous object or illegal drug onto school premises or have such object or drug in his or her possession on school premises or during any school activity.
2. Subject to subsection (3), the principal or his or her delegate may, at random, search any group of learners, or the property of a group of learners, for any dangerous object or illegal drug, if a fair and reasonable suspicion has been established-
  - (a) that a dangerous object or an illegal drug may be found on school premises or during a school activity; or
  - (b) that one or more learners on school premises or during a school activity are in possession of dangerous objects or illegal drugs.
3. (a) A search contemplated in subsection (2) may only be conducted after taking into account all relevant factors, including –
  - (i) the best interest of the learners in question or of any other learner.
  - (ii) The safety and health of the learners in question or of any other learner at the school;
  - (iii) Reasonable evidence of illegal activity; and
  - (iv) All relevant evidence received.

(b)When conducting a search contemplated in subsection (2), the principal or his or her delegate must do so in a manner that is reasonable and proportional to the suspected illegal activity.
4. Where a search contemplated in subsection (2) entails a body search of the learners in question, such search may only-
  - (a) Be conducted by-
    - (i) The principal, if he or she is of the same gender as the learner; or
    - (ii) By the principal's delegate, who must be of the same gender as the learner.

- (b) Be done in a private area, and not in view of another learner;
  - (c) Be done if one adult witness, of the same gender as the learner, is present; and
  - (d) Be done if it does not extend to a search of a body cavity of the learner.
5. Any dangerous object or illegal drug that has been seized must be-
- (a) Clearly and correctly labelled with full particulars, including-
    - (i) The name of learner in whose possession it was found;
    - (ii) The time and date of search and seizure;
    - (iii) An incident reference number;
    - (iv) The name of person who searched the learner;
    - (v) The name of the witness; and
    - (vi) Any other details that may be necessary to identify the item and incident;
  - (b) Recorded in the school record book; and
  - (c) Handed over to the police immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
6. If the police cannot collect the dangerous object or illegal drug from the school immediately, the principal or his or her delegate must-
- (a) Take the dangerous object or illegal drug to the nearest police station; and
  - (b) Hand the dangerous object or illegal drug over to the police to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)
7. The police officer who receives the dangerous object or illegal drug must issue an official receipt for it to the principal or to his or her delegate.
8. The principal or his or her delegate may at random administer a urine or other non-invasive test to any group of learners that is on fair and reasonable grounds suspected of using illegal drugs. After taking into account all relevant factors contemplated in subsection (3).
9. A learner contemplated in subsection (8) may be subjected to a urine or other non-invasive test for illegal drugs only if-
- (a) The test is conducted by a person of the same gender;
  - (b) It is done in a private area and not in view of another learner;
  - (c) One adult witness, of the same gender as the learner, is present;
  - (d) The sample is clearly and correctly labelled with full particulars as contemplated in subsection (5), with the necessary changes; and
  - (e) A device contemplated in subsection 91) is used.
10. The principal or his or her delegate must-
- (a) Within one working day, if practicable, inform the parent that a random test or search and seizure was done in respect of his or her child; and
  - (b) Inform the learner and his or her parent of the result of the test immediately after it becomes available.
11. The Minister must-
- (a) Identify the device with which the test contemplated in subsection (8) is to be done and the procedure to be followed; and
  - (b) Publish the name of this device, and any other relevant information about it, in the Gazette.
12. A learner may be subjected to disciplinary proceedings if-
- (a) A dangerous object or illegal drug is found in his or her possession; or
  - (b) His or her sample tested positive for an illegal drug.
13. Any disciplinary proceedings in respect of a learner must be conducted in terms of the code of conduct contemplated in section 8.
14. No criminal proceedings may be instituted by the school against a learner in respect of whom-
- (a) A search contemplated in subsection (2) was conducted and dangerous object or illegal drug was found; or
  - (b) A test contemplated in subsection (8) was conducted, which proved to be positive.  
(taken from "Government Gazette 31.12.2007 No. 30637")