

GAUTENG DEPARTMENT OF EDUCATION



Code of Conduct for Learners Erasmia Primary School 2021 - 2024

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1. TITLE OF THE POLICY: CODE OF CONDUCT FOR LEARNERS

2. EFFECTIVE DATE: 1 September 2021

3. DATE OF NEXT REVIEW: 1 August 2024

4. REVISION HISTORY

As amended on: (Specify dates)	
4.1.	28 August 2021
4.2.	28 September 2021

5. PREAMBLE

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

6. PURPOSE OF THE POLICY

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

6.1 Objectives

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

7. DEFINITIONS AND ACRONYMS

7.1 Definitions

No	Term	Definition
1	District Director	Is the officer of the department responsible for the administration of education in a particular educational district
2	Educator	Means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services at school.
3	Expulsion	Means the permanent removal of a learner from a school.
4	Grade	Means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the Executive Council may deem to be equivalent thereto
5	Head of Department	Refers to the head of a provincial department of education.
6	Learner	Means any person receiving education or obliged to receive education in terms of relevant legislation.
7	Parent	means – a) the parent or guardian of a learner; b) the person legally entitled to custody of a learner; or c) the person who undertakes to fulfil the obligations of a person referred to in paragraph (a) and (b) towards the learner's education at school.
8	Principal	Refers to an educator appointed or acting as the head of a school.
9	School	Refers to Erasmia Primary School
10	School Governing Body	Is the body responsible for Governance issues at Erasmia Primary School.
11	Suspension	Means the temporary refusal of admission to a learner to a school, usually suspension precedes expulsion.

7.2 Acronyms

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

8. APPLICATION AND SCOPE OF THE CONSTITUTION

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

9. LEGISLATIVE FRAMEWORK

- 9.1 Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended.
- 9.2 South African Schools Act, 1996 (Act No. 84 of 1996), as amended.
- 9.3 National Education Policy Act, 1996 (Act No. 27 of 1996), as amended.
- 9.4 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 9.5 Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- 9.6 The Gauteng Schools Education Act, 1995 (Act No.6 of 1995).
- 9.7 Regulations for Misconduct of Learners at Public Schools and Disciplinary Proceedings, 2001 (General Notice 2591 of 2001).
- 9.8 Regulations for Safety Measures at Public Schools Government Notice No. 1040, October 2001, as amended.
- 9.9 Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners, General Notice 776 of 1998.

10. RELEVANT POLICIES AND PROVINCIAL CIRCULARS

Circular 74/2007

11. POLICY STATEMENTS

11.1 The Principle and Values: The Rights of the Learners

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

11.2 The Legal Authority for the Control and Discipline of Learners

- a) The South African Schools' Act empowers a governing body of a school to maintain discipline in a school. The Code of Conduct must prescribe behaviour that respects the rights of learners and educators.
- b) The school will make every effort to ensure that learners understand that action may be taken against them if they contravene the Code of Conduct. In cases where action has to be taken the school will inform the learners why:
 - (i) Their conduct is considered as misbehaviour or misconduct.
 - (ii) They are to be disciplined or punished.
- c) All learners at the school are subject to the Code of Conduct without exception. The learners will be informed about its contents on enrolment at the school.
- d) An educator at the school shall have the same rights as a parent to control and discipline the learner in accordance with the Code of Conduct during the time the learner is in attendance at the school or school related activities.

- e) The Principal or an educator, upon reasonable suspicion, has the legal authority to conduct a search of any learner or property in possession of a learner for a dangerous weapon, firearm, drugs, or harmful dangerous substance, stolen property or pornographic material brought onto the school property.

11.3 School Rules

11.3.1 School Wear and General Appearance

- a) Learners should be neatly dressed in their school uniforms daily, unless otherwise determined by the Principal.
- b) Learner's hair
 - i) Girl's hair must have a neat appearance. If long, the hair must be neatly tied with the approved accessories.
 - ii) Boy's hair must be short and evenly cut.
 - iii) Highlights and coloured hair are not allowed.
- c) Jewellery
 - i) All learners are allowed to wear a wristwatch
 - ii) Earrings, necklaces and bangles are prohibited.
 - iii) An exception is made for girls to wear a simple stud earring
- d) Learner's nails
 - i) Nails of both boys and girls must be short and well cared for.
 - ii) Polished nails are not allowed.
- e) No additions to the uniform that are not in accordance with the regulations will be allowed. Beanies are only allowed in the winter, and may not be worn in the classroom
- f) During events that allow the wearing of casual wear, learners should wear neat, presentable clothes. Beachwear, tight-fitting clothes, clothes that are see-through and/or too revealing are not allowed. Hair, shoes and accessories should be neat at all times.
- g) Only learners that have applied submitted relevant supporting documents and received the necessary permission from the School Governing Body may deviate from official School uniform for religious and cultural reasons as contemplated in part 1 paragraph 1 of the Code of Conduct.
- h) Pupils must at all times be dressed in their school uniform. The only exception to the rule is when it is the pupil's birthday, or if it is announced that pupils may on a special day (e.g. sportday) wear a denim and casual shirt.

11.3.2 School Attendance

- a) All learners are expected to attend school regularly and punctually
- b) All learners are required to assemble in designated areas by 7h30 daily.
- c) Should a learner be absent from school for a period of 3 days or longer, this leave of absence must be supported by a letter from a medical doctor/traditional doctor or registered herbalist.
- d) Learner truancy/absence from class/bunking will not be tolerated.

11.3.3 Classroom Rules

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

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

11.3.4 Care of the School Property

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

11.3.5 Drug, Alcohol and Weapon Free Zone

- a) Smoking, alcohol, drug use is not permissible at the school.
- b) Possession of cigarettes, cigarette lighters, matches, drugs, alcoholic drinks, pornographic material, firearms, knives and other dangerous weapons is prohibited at the school.

11.3.6 Violence, Bullying and Foul language

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

11.3.7 Property of learners

- a) Learners are not allowed to bring computer games, CD players, radios, cell phones, iPods, etc to school unless permission to do so has been obtained from the Principal.
- b) Cell phone may be confiscated if it is visible
- c) Learners are encouraged not to bring valuable items to school. In cases where such items must be brought to school they should be handed in to the office for safekeeping.
- d) Stealing/Theft is prohibited at the school.
- e) If parent request a learner to pay School fees on his/ her behalf, such School fees should be paid before the start of the School day or during register period.

11.3.8 Early Departure from School

- a) No learner may leave the school premises without permission from the office during school hours without a letter from a parent/guardian requesting the release of their child in their personal care and the permission of the Principal/ Deputy Principal from whom an exit note must be obtained.
- b) The school prefers that appointments to e.g. doctors, dentists, etc be made after school hours or over the holidays.
- c) A learner who needs leave during school hours must supply the office with a letter from the parent requesting permission for leave.
- d) A learner who falls sick during school hours must report to the class teacher, who will contact the parent.

11.3.9 School Enrichment programme

Involvement in activities making up the School Enrichment Programme forms a valuable and integral part of the holistic education of every learner. All learners are, therefore, expected to become actively involved in at least one (1) sport, cultural and/ or service activity per term.

- a) The learner is expected to adopt the correct etiquette pertaining to the specific activity at alltimes.
- b) Once a learner has committed him/ herself to an activity, she/ he will be bound to meet the rules and obligations related to that activity.
- c) Involvement in a particular activity will span the entire season/ duration in which that activitytakes place.
- d) Attendance of all practices is compulsory. Missing a practice without a valid excuse in writing from the learner's parents may result in the learner being suspended from participation in the one (1) inter-school league fixture.
- e) Appropriate kit/ uniform will be worn to their practices
- f) Appropriate match kit/ uniform will be worn to inter-school league fixtures.

- g) Learners traveling to an away fixture will travel in full School uniform, unless other arrangements have been made
- h) Sports and other kit must be carried in the appropriate bag

11.3.10 Accommodation of Religious or Cultural Rights:

Religious practices, conduct or obligations that relate to the core values and beliefs of a recognized religion and that are in conflict with any rule contained in this Code of Conduct will be accommodated by a deviation from the Code of Conduct by the Governing Body under the following conditions:

- a) The learner, assisted by the parent/ guardian, must apply for a deviation from the standard School rules if such rules are in conflict with or infringe on any religious right of the learner.
- b) This application must be in writing and must identify the specific rule/s that is/ are offensive to the learner's religious right/s as contained in the Constitution of the Republic of South Africa.
- c) This application must include a reasonable interpretation of the religious rights that the learner feels are offended and a suggestion on how the rules may be supplemented by the Governing Body to accommodate such religious rights.
- d) The learner must provide proof that she/ he belongs to that religion and that the religious practices, rules and obligations that are in conflict with the School's Code of Conduct are his/her true beliefs and commitments.
- e) The religious conduct or practice must be lawful.
- f) The Governing Body must consider the application and, if it is satisfied that the application is justified in terms of Constitutional principles, the application will be granted in writing.
- g) When the Government Body allows for deviations from the standard rules, such deviations must be based on core religious beliefs inherent to the religion, and it must be compulsory for the learner to comply with such beliefs.
- h) The deviation must specify the extent of the exemption from the normal rules and must clearly identify the conduct that will be allowed -e.g. the wearing of a head scarf, including colours and details of design; the growing of a beard; or the wearing of specific hairstyle or jewellery-and the conditions under which such deviation will be applicable to the learner.
- i) Cultural rights will be considered in the event that they do not relate to a religion, if such cultural rights manifest in conduct of a permanent nature that is compulsory for the cultural group. This refers to cases where the removal of the cultural jewellery or mark will cause considerable pain to the learner. Normally cultural rights are exercised through marks and expressions of a temporary nature that are justified for a specific cultural gathering. The learner

must convince the Governing Body that his/ her cultural rights can be exercised only through a permanent intervention.

- j) Any request for a deviation from the Code of Conduct based on cultural rights must be in writing and must be based on a process similar to that contained in subparagraphs 1 to 8 above.

11.3.11 General behaviour

- a) Under no circumstances will learners be allowed to sell anything at the school, unless it relates to school fundraising or a project for which a teacher has sought the necessary permission.
- b) Dishonesty, telling of lies, indecency or an act which in the opinion of the principal is condemnable will be acted upon by the Principal or a staff member with the delegated duties.
- c) Disrespect towards the national symbols (national flag, anthem, etc) of the Republic of South Africa as well as the school flag and anthem will not be tolerated.
- d) Any ill-disciplined behaviour in the classroom, on the school premises, during school trips/excursions or any school function, including any action that brings the school into disrepute will not be tolerated.
- e) All litter must be thrown in the bins provided and not thrown around the class or school.
- f) Learners must not disregard/undermine the authority of the Principal or staff of the school.
- g) Disruption of classes or school by learners is unacceptable.
Learners are not allowed to enter areas restricted by the Principal/SMT.
- h) Loitering and/ or playing in and around corridors, stairwell and toilets is forbidden.
- i) Any act of cheating in class work, homework, informal and formal tests or internal or external examination is prohibited. Furthermore, copying of and/ or borrowing another learner's work is forbidden.
- j) The timeous handing in of work is the responsibility of each learner.
- k) Learners who fail to produce a medical certificate on absenteeism during formal examinations/test/ assessment tasks will obtain a mark of "O" (naught) for the particular examination/ test/ assessment task.
- l) The learner will respect the beliefs, culture, dignity and rights of other learners, as well as their right to privacy and confidentiality.
- m) Language that is seen as pejorative, discriminatory or racist is prohibited.
- n) Any act that belittles, demeans or humiliates another learner's culture, race or religion is prohibited.
- o) All learners have the right to an education free of interference, intimidation and/ or physical abuse. The learner will respect the property and safety of other learners. Fighting or threatening of other learners is forbidden.
- p) The carrying, copying and/ or reading of offensive material is prohibited.

- q) Learners must keep clear of areas that are indicated as out of bounds. These include:
- i) Parking area of teachers.
 - ii) Electrical mains distribution boxes, fire extinguishers and hoses.
 - r) The chewing of gum is not allowed.

11.4 Disciplinary Rules

In an effort to maintain discipline at the school and ensure that teaching and learning is not disrupted through behavioural problems, the SGB puts forwards the disciplinary rules described below.

11.4.1 Ordinary Offences

- a) The following acts are considered as Ordinary offences:
- i) Late coming
 - ii) Failure to complete schoolwork (class work and homework) given.
 - iii) Playing truant or bunking periods.
 - iv) Littering anywhere on the school premises.
 - v) Use of foul language.
 - vi) Incorrect uniform
 - vii) Minor disruptive behaviour
- b) Educators will resolve the above stated offences and keep records of the date of offence, type of offence, name of learner and how the matter was resolved. The educator may counsel the learner, use verbal warnings or written reprimand to resolve the problem.
- c) After three ordinary offences have been recorded against a learner the matter must be referred to the Deputy and Principal who together with the educator shall implement one of the following measures:
- i) Give the learner supervised schoolwork, ensuring that parents are informed timeously
 - ii) Suspend the learner from some school activities e.g. sport, cultural activities.
- d) Should the learner continue to commit ordinary offences, a warning letter will be sent to the parent, if the behaviour persists the parent will be called to school to discuss the matter and the likelihood of serious action being taken by the school.

e) Below is a list of the Merit and Demerit system

DEMERITS:

LEVEL (1-10)

1. Stay away from extra curriculum activities/extra classes
2. Forgot books
3. Eating in the classroom
4. Throwing of objects in class
5. Late for school/class/after break
6. Keeps on talking in class
7. Trying to be funny/making noise
8. Riding on chair
9. Shouting out
10. Playing in classroom/disturbing
11. Disruptive during assembly
12. Disruptive during school functions
13. Disruptive in line up
14. Test not signed
15. Appearance: Jewellery/Armbands
16. Appearance: Hair/Nails/Uniform
17. Leave class without permission
18. Running on passages
19. Bad manners
20. Copy homework
21. Corrections not done
22. Littering
23. Beanie/cap on after 07:30
24. Gambling
25. Tear slips not returned
26. Class work not done
27. Homework incomplete/not done (first offender)
28. Assessment not handed in/not done
29. Class work incomplete
30. Homework incomplete
31. Copy during a test/assessment
32. Talking during a test/assessment
33. Copy class work
34. Sending notes/letters around in class
35. Disruptive during class time
36. Not attending detention

Demerits:
Level (2-15)

1. Arrogant/ Bad manners
2. Homework not done (Repeated offender)
3. Dishonest
4. Spitting
5. Disobedient
6. Interrupt lessons – constantly talking/walking around
7. Chronically away from school without a doctor's letter
8. Swearing or abusive language
9. Dishonesty in general
10. Rude towards class mates
11. Prohibited area/in area not permitted
12. Playing with cell phone
13. Dodging foster/staying away from foster class
14. Writing obscene notes about educators/other learners
15. Name calling of educators/learners verbally, in notes or on social

Demerits:
Level (3-30)

1. Dishonouring
2. Fighting/attempt to fight
3. Damaging school property
4. Leave school without permission
5. Cheating in test/exams
6. Smoking, possession of cigarettes and other smoking devices
7. Pornography
8. Assault
9. Bully/Mocking friends
10. Theft
11. Drugs/Alcohol
12. Dangerous weapons/objects
13. Racism
14. Sexual harassment
15. Threaten other learners
16. Inappropriate material, literature or behaviour
17. Vandalism
18. Defames educator
19. Forging parents signature on any documents
20. Talking/cheating during exam/assessment
21. Sexual remarks/gestures
22. Leaving school premises without permission
23. Defaming another person on social media/cyber bullying

Merits:

Academic (+20)

1. Participation Olympiads
2. Participation Expo's
3. Continuous hard work (Academic)
4. Top 10 (intermediate & Senior Phase)
5. Top 5 (Foundation Phase)
6. 100% for test/exam/assessment
7. Prefect

General (+)

Learners must receive 3 brag cards before credit may be given.

1. Reporting of negative behaviour of other learners
2. Handed in lost goods/money
3. Honesty
4. Good exemplary behaviour
5. Helpfulness
6. Sense of duty
7. Politeness
8. Show patience
9. Humbleness
10. Peace maker
11. Faithful
12. Participating during fundraising projects
13. Credits for standing detention

a) Schedule 1 – Misconduct

a) A learner will be guilty of Schedule 1 misconduct if he/she:

- i) seriously threatens, disrupts or frustrates teaching or learning in a class;
- ii) engages in a conspiracy to disrupt the proper functioning of the school through collective action;
- iii) insults the dignity of or defames any learner or any other person, which includes racist remarks
- iv) distributes, or is in the possession of any test or examination material that may enable another person to gain an unfair advantage in a test or examination;
- v) cheats in a test or examination or any other form of assessment such as

assignments;

- vi) engages in any act of public indecency;
- vii) sexually harasses another person;
- viii) is found in possession of or distributes pornographic material;
- ix) Smokes or is in possession of cigarettes; or
- x) Is under the influence or in the possession of alcohol

- b) After Schedule 1-misconduct has been noted against a learner's name, the matter should be referred in writing to the Deputy Principal of the school. Following a thorough investigation and confirmation of the allegation a written warning, the Deputy Principal will send a written warning to the parent.
- c) A further offence in this category will be dealt with as per serious misconduct

b) Schedule 2 – Serious Misconduct

- a) The following acts are considered as Serious Misconduct:
 - i) Rape;
 - ii) Indecent assault;
 - iii) Sexual harassment with aggravating circumstances;
 - iv) Assault with the intention to do grievous bodily harm;
 - v) Common assault of an educator;
 - vi) Serious intimidation of the other learner, teaching and non-teaching staff;
 - vii) Malicious damage of the state property;
 - viii) Theft with aggravating circumstances;
 - ix) Robbery;
 - x) Possession of dangerous weapons on school premises;
 - xi) The possession, sale or abuse of illegal substances;
 - xii) The possession of obscene material including; material depicting sexual images in all its forms;
 - xiii) Being on the school premises or at a school function outside the school premises while under the influence of intoxicating liquor or illegal substances;
 - xiv) The theft of examination papers or the possession or sale of such stolen examination papers; and
 - xv) Repeated ordinary offences and schedule 1 misconduct
- b) After a serious misconduct has been noted against a learner's name, the matter should be referred in writing to the Deputy Principal of the school. Following a thorough investigation and confirmation of the allegation the matter must be referred to the Disciplinary Committee.

11.5 Responsibilities of Learners

- a) On acceptance of the Code of Conduct by parents and the RCL (Schools with Gr.8 or higher), learners must implement the Code of Conduct.
- b) The RCL should promote the code of conduct for learners but does not have the authority to punish other learners.

11.6 Responsibilities of Parents Regarding the Code of Conduct

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

11.7 Due Process in the Event of Serious Misconduct

- a) In accordance with Government Gazette 189 of 1990 and Provincial Gazette 236 of 1997, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The penalties of suspension or expulsion can only be imposed after the due process described below has been followed:
 - i) Any learner alleged to have violated any rule that may require suspension or expulsion must be brought to the principal. The principal shall hear the evidence and then decide on the action to be taken.
 - ii) In the event that the learner is to be charged with serious misconduct, the principal must inform the learner's parents in writing of the proposed action and arrange for a fair hearing by a small disciplinary committee consisting of members designated by the SGB
 - iii) The principal must write a written report of the case to the District Director explaining the decision to charge the learner.
 - iv) A copy of written charges shall be delivered to the learner concerned and his/her parents/guardians by handing it over to him/her personally; and forward it by prepaid registered post to the parents or guardians last known residential address.
 - v) If the learner admits the charge, either in writing or orally in person before the principal, he or she shall be deemed guilty of serious misconduct as charged.
 - vi) At the hearing, the principal of a Public School which a learner attends, or an official appointed in writing by the Head of Department shall be the presiding officer.
 - vii) In the case where a learner admits his or her guilt on a charge of serious misconduct, the principal or the appointed official should make recommendation/s on the correctional measures to be imposed, to the District Director, or in the

event that expulsion of such learner is recommended to the Head of Department, or the presiding officer shall in writing appoint an educator at the school concerned, to act as prosecuting officer in the hearing.

- viii) In the case where the learner denies his/her guilt on a charge of serious misconduct, hears the charge in the set out below and, upon a finding of guilty, makes a recommendation on the correctional measures to be imposed.
- ix) For the hearing learners must be informed and understand the charge, with five (5) days' notice, indicating time, place and date.
- x) At the hearing the prosecuting officer may present facts by the way of adducing oral written statements or documentary evidence.
- xi) At the hearing the learner shall have the right to be personally present and to be represented by his/her parents/guardians or a person nominated by the learner or his/her parents/guardian who shall have the right:
 - be heard by impartial persons
 - treated with dignity during the process
 - to present facts from the learner by adducing his/her statement, either in writing or orally or documentary evidence in defence of the learner.
 - to question any witness called in support of the charge.
 - to have access to documentary evidence produced in support of the charge.
 - be informed in writing of the decision if it is suspension or expulsion
- xii) The School Governing Body is obliged to keep a complete record of proceedings and outcome of the disciplinary hearing.
- xiii) In the event of the learner being found guilty, the presiding officer may impose the following correctional measure upon the learner found guilty or deemed to be guilty of the charge:
 - caution or reprimand the learner
 - direct his/her detention after school hours for a specific period of time.
 - Suspension of up to one week or for a reasonable period while awaiting the approval of the Head of Department for expulsion
- xiv) The disciplinary proceedings contemplated here shall be conducted in a fair, equitable, open and transparent manner.

11.8 Suspension of a Learner for Serious Misconduct

- a) According to Section 9(1) of SASA, a School Governing Body (SGB) may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension, after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension
- b) If a learner is suspended, the governing body must conduct the disciplinary proceedings within 7 (seven) days of the suspension, failing which, the governing body must obtain the approval of the HOD for the continuation of the suspension of such a learner.
- c) According to Section 9(1)(C) of SASA, a governing body may, after a fair hearing, suspend a learner from attending school, as a sanction for a period not longer than 7 (seven) school days.
- d) According to Section 9(1)(E) of SASA, a governing body may suspend or extend the suspension of a learner for a period not longer than 14 days, pending a decision as to whether the learner is to be expelled from the school by the HOD.

11.9 Serious Misconduct and the Law

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

11.10 Institution of which may Lead to Suspension or Expulsion

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

11.11 Disciplinary Committee (DC) for Serious Misconduct

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

ii)The two remaining members of the disciplinary committee may not be the principal or a learner at the school.

iii)No person may be appointed to the disciplinary committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.

- d) In appointing members of the disciplinary committee, issues of representivity in terms of gender and race must be reflected in the composition of the panel.
- e) Only Grade 12 members of the RCL may be allowed to observe the disciplinary proceedings.

11.12 Procedure for Hearing of Serious Misconduct

- a) Regulation 5 of the Notice outlines the procedures for hearing of serious misconduct and other steps to be followed to ensure that the process is fair and transparent.
- b) The principle of FAIRNESS is expected to apply during the disciplinary proceedings:
 - I) The principles of fairness require that the accused person understands all the allegations against him or her, and is given a fair opportunity to respond to those allegations.
 - II) This would therefore require that an opportunity be provided for the cross-examination of a person making allegations by the person against whom the allegations are made.
 - III) The learner has the right to be represented by the legal representative
 - IV) The evidence before the DC must be fairly evaluated and considered, and a decision must be taken without bias, malice or prejudice against anyone
 - V) The circumstance of the accused person must be considered, and mitigation factors (such as the matter being a first offence) should be taken into account.
 - VI) Equality before the law requires that there be no unfair discrimination, directly or indirectly, on the basis of *inter alia* race, gender, age or religion.
 - VII) It also requires that like cases should be treated alike.
- c) The SGB makes a recommendation for expulsion to the HOD after a fair hearing.
- d) This recommendation of the DC must be forwarded to the HOD in writing.
- e) The parents of the learner must be notified in writing of their right to forward an accompanying letter with the recommendation, stating their position on the incident, if they so wish. This letter may serve as a part of the appeal process.
- f) The HOD then investigates the procedural and substantive aspects of the guilty verdict and the sanction recommended.
- g) The HOD's decision, after due consideration of the reports and the record of proceedings from the DC, together with the optional letter from parent, is final.

- h) If the HOD expels a learner who is of compulsory school age, he/she must ensure that the learner is admitted to another school.
- i) If the HOD decides to impose on the learner a lesser punishment, other than expulsion, he/she may, after consultation with the SGB, impose a suitable sanction on the learner, or if he/she decides not to impose a sanction on the learner, he/she will refer the matter back to the SGB for an alternative sanction.

11.13 Appeal Procedures

- a) A learner or the parent(s) of a learner who has been expelled or a representative designated by him/her may appeal against the decision of the HOD to the MEC, within 14 (fourteen) days.
- b) Alternative arrangements for the continued education of the learner who has appealed must be made by the HOD, until the appeal has been finalised.
- c) The MEC must, within 5 (five) days notify the HOD and SGB that the appeal has been lodged and furnish them with a copy thereof, and request them, within 5 (five) days after receipt of the appeal, to make comments with regard to the appellant's reasons for the appeal and any other information relevant to the appeal.
- d) After consideration of all the information, the MEC must, within 5 (five) days of receipt of the documentation, provide the learner with the decision regarding the appeal.
- e) If an appeal by a learner who has been expelled from a public school is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.

12. PROMOTION OF CODE OF CONDUCT

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

13. SHORT TITLE

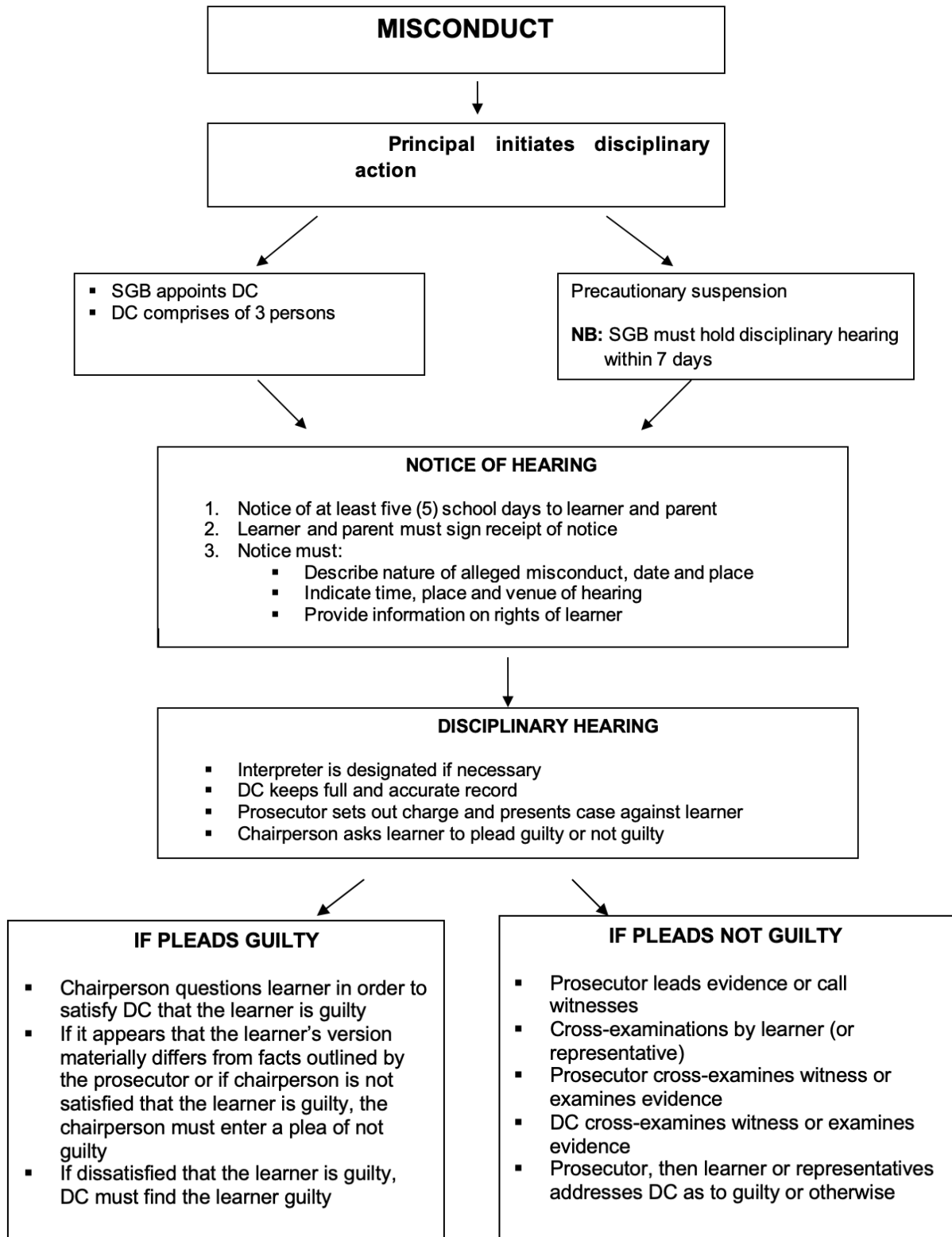
This policy shall be called **Code of Conduct for Learners of Erasmia Primary School**

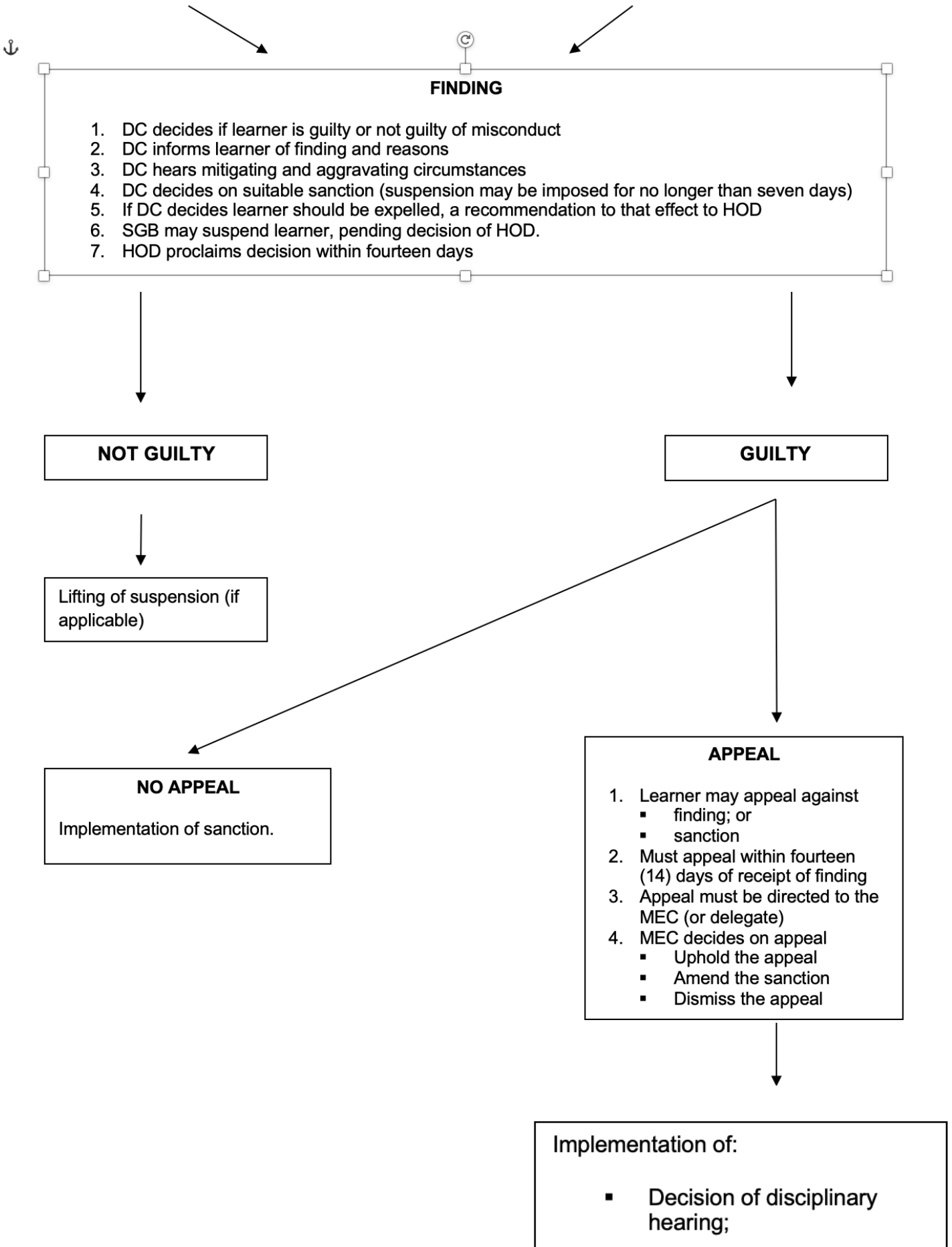
14. APPROVAL:

Recommended by: (Principal) (print name)	Mr CJ Dippenaar	Signature:	
Date:			
Approved by: (SGB Chairperson) (Print name)	Ms R Dinath	Signature:	
Date:			
Verification by GDE: (District Director) (Print Name)	Ms W Bodiba	Signature:	
Date of Verification			
Certified by :(Print Name)		Signature:	
Date			

15. ANNEXURE A

SCHEMATIC EXPOSITION: MISCONDUCT PROCEDURE FOR LEARNERS AT PUBLIC SCHOOLS (SASA AND THE REGULATIONS)





16. ANNEXURE B



APPEAL TO THE MEMBER OF THE EXECUTIVE COUNCIL

A learner or representative may appeal against the following:

Appeal against any finding of guilt by the Head of Department in respect of which a penalty of expulsion has been imposed.

Appeal against a penalty of expulsion imposed by the Head of Department.

Appeal against an order made by the Head of Department who has expelled a learner of compulsory school age and admits such learner to another school or centre of learning within the province.

Appeal against an order made by the Head of Department who has expelled a learner of compulsory school age and requires that such learner attends counselling and procures regular progress reports in respect of such counselling.

Please note such an appeal against any of these decisions must be lodged with the Member of the Executive Council within 14 days. The notice of appeal together with the grounds for the appeal must be hand-delivered to the office of the Member of the Executive Council.

I. DETAILS OF THE LEARNER

NAME : _____

AGE IN YEARS : _____

DATE OF BIRTH : _____

IDENTITY NO : _____

ADDRESS : _____

(IF NOT LIVING WITH THE PERSON LODGING THE APPEAL)

POSTAL CODE : _____

II. DETAILS OF PERSON LODGING THE APPEAL (IF NOT THE LEARNER)

NAME : _____

RELATION TO THE LEARNER (E.G. FATHER, MOTHER, GUARDIAN,
CUSTODIAN OR PERSON RESPONSIBLE FOR THE EDUCATION OF THE
LEARNER)

ADDRESS : _____

POSTAL CODE : _____

TELEPHONE : _____

NAME OF PRINCIPAL: _____

III. NATURE OF THE APPEAL

IN THE EVENT OF THE APPEAL LODGED IN TERMS OF IV (1) IV (2) IV (3) OR IV (4), BELOW THE REASONS FOR THE APPEAL ARE (PLEASE TICK IN THE APPROPRIATE BOX)

1. AGAINST ANY OF FINDINGS OF GUILTY BY THE HEAD OF DEPARTMENT IN RESPECT OF WHICH A PENALTY OF EXPULSION HAS BEEN IMPOSED.
2. AGAINST A PENALTY OF EXPULSION IMPOSED BY THE HEAD OF DEPARTMENT.
3. AGAINST AN ORDER MADE BY THE HEAD OF DEPARTMENT WHO HAS EXPELLED A LEARNER OF COMPULSORY SCHOOL GOING AGE AND ADMITS SUCH LEARNER TO ANOTHER SCHOOL OR CENTRE OF LEARNING WITHIN THE PROVINCE.
4. AGAINST AN ORDER MADE BY THE HEAD OF DEPARTMENT WHO HAS EXPELLED A LEARNER OF COMPULSORY SCHOOL AGE AND REQUIRES THAT SUCH LEARNER ATTENDS COUNSELLING AND PROCURES REGULAR PROGRESS REPORTS IN RESPECT OF SUCH COUNSELLING.

IV. REASONS FOR THE APPEAL

IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (1), IV (2), IV (3) OR IV (4), THE REASONS FOR THE APPEAL ARE [PLEASE TICK IN THE APPROPRIATE BOX (ES)]:

1. THE GOVERNING BODY OF THE SCHOOL DID NOT APPOINT A DISCIPLINARY COMMITTEE.
2. THE GOVERNING BODY OF THE SCHOOL DID NOT DESIGNATE ONE OF THE MEMBERS OF THE DISCIPLINARY COMMITTEE AS CHAIRPERSON TO ADJUDICATE THE ALLEGATIONS OF SERIOUS MISCONDUCT.

3. THE DISCIPLINARY COMMITTEE DID NOT COMPRISE THREE PERSONS WHO WERE EITHER MEMBERS OF THE GOVERNING BODY OR PERSONS WHO ARE ELIGIBLE TO BE ELECTED AS MEMBERS.
4. THE CHAIRPERSON OF THE DISCIPLINARY COMMITTEE WAS NOT A PARENT OR COMMUNITY MEMBER OF THE GOVERNING BODY.
5. THE PRINCIPAL OF THE SCHOOL WAS A MEMBER OF THE DISCIPLINARY COMMITTEE.
6. A LEARNER AT THE SCHOOL WAS A MEMBER OF THE DISCIPLINARY COMMITTEE.
7. A MEMBER OF THE DISCIPLINARY COMMITTEE HAD PERSONAL KNOWLEDGE OR INTEREST IN THE MATTER.
8. AN EXECUTIVE COMMITTEE MEMBER OF THE REPRESENTATIVE COUNCIL OF LEARNERS WAS NOT PRESENT AT THE DISCIPLINARY HEARING, ALTHOUGH THIS WAS REQUESTED.
9. THE LEARNER WAS NOT GIVEN AT LEAST FIVE SCHOOL DAYS WRITTEN NOTICE OF THE DISCIPLINARY HEARING.
10. THE NOTICE OF THE DISCIPLINARY HEARING DID NOT CONTAIN SUFFICIENT PARTICULARS OF THE DATE, PLACE, TIME OR NATURE OF THE CHARGES TO ENABLE THE LEARNER TO IDENTIFY THE INCIDENT IN QUESTION AND TO RESPOND TO THE CHARGES.
11. THE NOTICE OF THE DISCIPLINARY HEARING DID NOT INFORM THE LEARNER OF HIS OR HER RIGHTS.
12. THE LEARNER WAS NOT GIVEN A COPY OF THE NOTICE OF THE DISCIPLINARY HEARING.
13. A COPY OF THE NOTICE OF THE DISCIPLINARY HEARING WAS NOT DELIVERED TO THE PARENT.
14. AT LEAST ONE OF THE PARENTS OF THE LEARNER, WHO IS YOUNGER THAN 18 YEARS OF AGE, DID NOT ACCOMPANY THE LEARNER AT THE DISCIPLINARY HEARING.
-

- 15. AN INTERPRETER WAS NOT PRESENT AT THE DISCIPLINARY HEARING, ALTHOUGH REQUESTED BY THE LEARNER.
- 16. THE DISCIPLINARY COMMITTEE DID NOT KEEP A FULL AND ACCURATE RECORD OF THE PROCEEDINGS OF THE DISCIPLINARY HEARING.
- 17. THE LEARNER WAS NOT ASKED TO PLEAD GUILTY OR NOT GUILTY TO THE CHARGE(S).
- 18. THE LEARNER, OR HIS OR HER REPRESENTATIVE, WAS NOT PERMITTED TO QUESTION ANY WITNESS OR EXAMINE ANY EVIDENCE PRESENTED BY THE PROSECUTOR
- 19. THE LEARNER, OR HIS OR HER REPRESENTATIVE, WAS NOT PERMITTED TO ADDRESS THE DISCIPLINARY COMMITTEE AS TO THE GUILTY CHARGE OR NOT GUILTY CHARGE OF THE LEARNER.
- 20. THE LEARNER WAS NOT GIVEN A FAIR HEARING.

ADDITIONAL INFORMATION RELATING TO THE CHARGES SHOULD BE GIVEN IN THE SPACES BELOW.

IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (3), THE REASONS FOR THE APPEAL ARE (PLEASE TICK IN THE APPROPRIATE BOX):

- 1. THE LEARNER IS NOT SATISFIED WITH THE SCHOOL RECORD OR CENTRE OF LEARNING WITHIN THE PROVINCE.

REASONS FOR THE DISSATISFACTION MUST BE GIVEN IN THE SPACES BELOW.

IN THE EVENT OF AN APPEAL BEING LODGED IN TERMS OF IV (4), THE REASONS FOR THE APPEAL ARE [PLEASE TICK IN THE APPROPRIATE BOX (ES)]

1. THE LEARNER DOES NOT REQUIRE COUNSELLING.
2. THE LEARNER DOES NOT FEEL THAT THE HEAD OF DEPARTMENT NEEDS TO PROCURE REGULAR PROGRESS REPORTS IN RESPECT OF SUCH COUNSELLING.

REASONS MUST BE GIVEN IN THE SPACES BELOW.

V. ADDITIONAL INFORMATION

PLEASE GIVE ANY ADDITIONAL INFORMATION WITH REGARD TO THIS APPEAL IN THE SPACES PROVIDED BELOW.

VI. DOCUMENTATION TO BE SUBMITTED

CERTIFIED COPIES OF ALL THE RELEVANT DOCUMENTATION AND CORRESPONDENCE MUST BE SUBMITTED WITH THIS APPEAL.

VII. DECLARATION

I DECLARE THAT ALL THE INFORMATION SUPPLIED IN THIS DOCUMENT IS TRUE AND ACCURATE.

SIGNATURE

DATE

ERASMIA PRIMARY SCHOOL



CODE OF CONDUCT: LEARNERS/PARENTS

The school develops confident, academically well-equipped learners ready to move onto the next stage in their learning journey, having discovered a talent or passion and with values that contributes to active citizenship.

As a learner of Erasmia Primary

- ▶ I am fully committed to develop my own potential, as well as that of others (teachers, pupils and my community)
- ▶ I acknowledge the right to be educated
- ▶ I distance myself from any form of vandalism, violence and other inappropriate behaviour of learners and educators in my school
- ▶ I accept responsibility to allow others to do their work without interruptions

I also undertake as learner, to

- ▶ respect and protect my school and school property as well as that of others
- ▶ confine myself to uphold acceptable school discipline and support and underwrite all disciplinary measures
- ▶ strive to be punctual
- ▶ obey rules regarding appearance and respect my teachers and peers
- ▶ complete homework, tests, exams and other academic tasks
- ▶ to help, wherever I can, with the maintenance and/or renovation of my school
- ▶ I will always communicate in English at the school as it is the language of teaching and learning

I promise **not to**

- ▶ make myself guilty of any form of intimidation and/or victimisation of learners and educators
- ▶ use or distribute alcohol or drugs
- ▶ smoke during school hours or while in school uniform
- ▶ leave the school premises during school hours or be absent from class
- ▶ threaten the safety of others

Above all I commit myself to uphold the school rules and promote the school's image by always behaving and delivering school work of such a high quality that it honours the good name of Erasmia Primary.

SIGNATURE (PARENT/GUARDIAN)

(LEARNER SIGNATURE)

DATE