

CODE OF CONDUCT

Panorama Primary School



Panorama Primary School

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Introduction

Panorama Primary School is committed to providing an environment for the delivery of quality teaching and learning by:

- Promoting the rights and safety of all learners and teachers and parents.
- Ensuring learner's responsibility for their own actions and behaviours.
- Prohibiting all forms of unfair discrimination and intolerance.
- Eliminating disruptive and offensive conduct.

The Code of Conduct spells out the rules regarding learner behaviour at the School and describes the disciplinary system to be implemented by the School concerning transgressions by learners. The Code of conduct applies to all learners while they are on the School premises or when they are away from the School representing it or attending a School function.

Section 8(4) of the SA Schools Act provides that all learners attending a School are bound by the Code of Conduct of that School. All learners attending the School are expected to sign a statement of commitment to the Code of Conduct (Annexure A). The administration of the Code of Conduct is the responsibility of the Disciplinary Committee of the School.

Our vision

At Panorama Primary School we strive to:

- * provide our learners with progressively high quality education.
- * use and develop the maximum potential, talents and competencies of our staff, parents and learners.
- * contribute, together with the community, towards the development of and respect of each individual's democratic right.
- * guard against unfair discrimination with regard to sexism and racism.
- * protect the diverse cultures, tasks and rights of the learners, staff and parents.
- * accept responsibility, in co-operation with the State, with regard to the financing, organization and control of the education process.
- * contribute towards the setting of uniform norms and standards for the education of the youth of our country.

At **Panorama Primary** we strive to:-

- * place our children at the centre of excellence in education and learning;
- * develop the child to his/her full potential;
- * let the child strive to be creative according to his/her unique abilities in every facet of his/her being;
- * maintain healthy relationships amongst teachers, parents and children;
- * steer the child to developing self-discipline through subjection to authority and discipline at school, at home and in the community;
- * develop a healthy self-image through constant loving, nurturing and guidance;
- * guide a child to develop self-respect, understanding and respect for his/her fellow S.A. in order for us to live in peace and harmony.

**With our eyes fully focused on God, and our sights set on the future,
we will meet each day with a smile.**

PART 1

School Rules



- A. General Principles**
- B. School and Class Attendance**
- C. School Uniform and General Appearance**
- D. Valuables and Personal Belongings**
- E. General Rules**
 - **Playground**
 - **Classrooms**
 - **Passages**
 - **Educational Excursions**
- F. Rules Governing Public Areas**
- G. Transport**
- H. School Enrichment Programme**
- I. Accomodation of Religious or Cultural Rights**

PART 1: School Rules

The School rules are intended to establish a disciplined and purposeful environment to facilitate effective teaching and learning at the School. Nothing shall exempt a learner from complying with the School rules. Ignorance of School rules is, therefore, not an acceptable excuse.

A. General Principles

1. Learners are expected at all times to behave in a courteous and considerate manner towards each other, the prefects, all members of staff and visitors to the School.
2. Learners are expected to abide by the School rules with regards to appearance and behaviour when representing the School both during School hours and after School hours, at School and away from School. Learners may not say or do anything that will discredit themselves or the School.
3. No learner has the right at any time to behave in a manner that will disrupt the learning activity of other learners, or will cause another learner physical or emotional harm.
4. The School will contact parents/guardians when a learner's behaviour becomes a cause of concern and will endeavour, in a spirit of **constructive partnership**, to resolve the problem.

B. School and Class Attendance

Parents/guardians, learners, teachers and School Governing Body members are **jointly responsible** for ensuring that all learners attend School.

1. If a learner does not attend School regularly, **the relevant register teacher** will report the absence of the learner to the parent and the Principal in writing. The register teacher must keep an accurate register of learner attendance and must keep copies of all communication to parents when absence from the classroom is reported.
2. All learners are to arrive at School before 07:45. Learners who are late for School may be given a detention entry if there is not a valid reason. Repeated offenders will be given a final written warning.
3. Absence from a class, without the permission of the relevant register or subject teacher, is prohibited.
4. Any absence from School must be covered by an absentee note from a parent/guardian.

5. Should a learner be absent from School for a period of three (3) days or longer, this leave of absence must be supported by a letter from a medical doctor/traditional doctor/registered herbalist.
6. Any absence from a formal test or examination must be supported by a letter from a medical doctor/traditional doctor/registered herbalist.
7. No learner may leave the School during School hours without a letter from a parent/guardian requesting the release of their child and the permission of the Principal/Deputy Principal. Parents are required to sign their children out at reception.
8. Truancy from School is prohibited.
9. All learners will attend assembly for the full duration thereof.

C. School Uniform and General Appearance

Learners are expected to wear the official School uniform and appear tidy at all times.

1. No additions to the uniform that are not in accordance with the regulations will be allowed (e.g. beanies).
2. No earrings, jewellery, accessories, coloured contact lenses or visible tattoos are allowed.
3. No colouring of hair or wearing of exotic hairstyles is allowed.
4. Fingernails must be kept trimmed short and clean at all times.
5. During events that allow the wearing of casual wear, learners should wear neat, presentable clothes. Beachwear, tight-fitted clothes, clothes that are see-through and/or too revealing are not allowed. Girls may not wear their hair loose. Shoes and accessories should be neat at all times.
6. 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 of this Code of Conduct.

D. Valuables and Personal Belongings

The School will not be held responsible for theft of or damage to personal belongings on the School premises (e.g. cell phones, bags, books, clothing and glasses).

1. Learners should avoid bringing cell phones, large sums of money and valuables to School. Cell phones may not be switched on during a normal School day. If the learner brings a cell phone to School, the learner must carry a written request from the parent, which must provide for an indemnification against loss of or damage to the cell phone. Cell phones will be taken away for safekeeping if turned on during school hours and parents must collect the phone at the office.
2. If a parent requests a learner to pay School fees on his/her behalf, such fees should be paid before the start of the School day.
3. Arrangements should be made with the teacher in charge for safekeeping of valuables, etc. during sport practices.
4. Learners may not bring computer games, iPods/Tablets/Recording devices/smart watches or similar electronic devices to School.

E. General Rules

1. Loitering and/or playing in and around the corridors, stairwells and toilets is forbidden.
2. All litter must be placed in refuse bins or wastepaper baskets.
3. Wilful damaging, vandalising or neglect of School property and the property of others, either by writing or by a physical act, is prohibited. Theft of School and private property is also prohibited.
4. 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.
5. Disruptive, unruly, rude and/or offensive behaviour will not be tolerated.
6. The timeous handing in of work is the responsibility of each learner.
7. Learners will respect the beliefs, culture, dignity and rights of other learners, as well as their right to privacy and confidentiality.
8. Language that is seen as pejorative, discriminatory or racist is prohibited.
9. Any act that belittles, demeans or humiliates another learner's culture, race or religion is prohibited.
10. 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.
11. The learner will respect those learners in position of authority. A learner who is in position of authority will conduct him/herself in a manner befitting someone in authority. S/he will respect the rights of other learners and will not abuse such authority bestowed upon him/her through his/her position.
12. The carrying, copying and/or reading of offensive material is prohibited.

13. Learners must keep clear of areas that are indicated as out of bounds. These include:-

- 13.1. The school motor vehicle parking areas;
- 13.2. The School's foyer and hall, as well as quad next to the hall;
- 13.3. The staffroom and kitchens;
- 13.4. The cricket pitches and nets, as well as tennis courts;
- 13.5. The Art, Technology and Computer Rooms unless under the supervision of an educator;
- 13.6. Electrical mains distribution boxes, fire extinguishers and hoses.

• **Playground**

1. Learners must play in the allocated area.
(Talking, running, playing or loitering in the passages is forbidden.)
2. No dangerous games may be played.
3. Ball games are not permitted close to the buildings or staff members' cars. Ball games are not allowed in the Grade 1 playing area. It is the prerogative of the teachers to suspend ball games when necessary.
4. Fighting or bullying will not be tolerated at the school.
5. Learners may not leave the school grounds during break.
6. All refuse must be put into the bins provided.
7. Learners should set an example to each other by picking up papers etc. and putting them into the bins if they see them on the grounds.
8. On no account, may any learners tamper with the bicycles in the racks.
9. Bicycles or skateboards may not be ridden on the school premises and parking area next to the school.
10. Learners are not permitted to chew bubblegum or chewing gum at school.
11. Prefects, monitors and the scholar patrol must be obeyed at all times.
12. Learners are expected to be considerate towards each other. The playground is there for everyone to share and enjoy. If anything is damaged during break (e.g. a window), it should be reported immediately to the secretary.
13. Two bells are rung at the end of break times. There must be absolute silence in the rows once the second bell has rung.

• **Classrooms**

1. Only class captains or learners with specific duties are permitted to be in the classrooms before or after school.
2. Learners are permitted to remain in classrooms during breaks on rainy days. Everyone must then sit in their own desks. Running around is not allowed.
3. Classrooms and desks are to be kept neat at all times and scribbling on desks and walls is forbidden.
4. The whole class must stand and greet a visiting member of staff or visiting adult when entering the classroom.
5. No clothes/bags or art aprons may be left on the hooks outside the classrooms after school, except for Foundation Phase classes and the Art room. All Foundation Phase classes must appoint a "passage monitor" who must keep the suitcases neat.
6. Learners are expected to continue their work quietly, should an educator have to leave the classroom.
7. Classrooms must be left in a neat condition when learners leave them.
8. Learners must knock before entering a classroom and greet the educator - never just enter.
9. Grade R-7 learners' classrooms must be swept each afternoon. All windows must be closed and the lights switched off.
10. Should a learner remain in the class for whatever reason, the educator must sign next to the learner's name on the board.
11. One educator per grade should remain in the passage on a rotation basis on rainy days. The educator on duty must monitor the passages during rainy days. There should be prefects / monitors allocated to specific classes.

- **Passages**

1. Talking, running, playing or loitering in the passages is forbidden.
2. Learners should always walk on the left hand side of the passage and carry suitcases on the side furthest from the wall. All classes must walk in single file. Groups and pairs of learners also have to walk in a single file.
3. Learners must lift their feet, not drag them, when walking in the passages.
4. Learners moving from class to class, must move briskly, in an orderly, straight line, without touching the walls or the clothes hooks.
5. Panorama learners are expected to be courteous and friendly to all members of staff, fellow learners, cleaning staff and any visitors whom they may encounter anywhere. They should offer assistance when necessary.
6. Eating or drinking in the passages, toilets or classrooms is not permitted (except of course when it rains and learners remain in classrooms). Foundation Phase learners should be allowed to eat in the classroom 10 minutes before break.
7. Learners must at all times have their "passage card" with them when leaving the classroom.
8. If a pupil requires the toilets, the learner must sign out and a toilet card must accompany the pupil.

- **Excursions**

1. Learners must be dressed in summer or winter uniform unless otherwise arranged. Should learners wear "civvies", they must be neat - no tight fitting trousers, frayed jeans or other high fashion trends (this also applies to jewellery).
2. Only Panorama tog bags are permitted.
3. No glass cold drink bottles or fizzy cold drinks in tins are permitted - preferably plastic or carton containers.
4. Learners, staff and parents are expected to greet the bus driver on alighting and to thank him on disembarking the bus.
5. Learners are not permitted to walk around in the bus. Each one must remain in their seats for the duration of the trip.
6. Learners must be seated when the bus departs and may not stand while the bus is moving.
7. No eating or drinking is permitted on the bus. (Exception of sports tours)
8. Learners may not litter or leave any litter in the bus.
9. Learners are not allowed to put their arms or heads out of the windows of the bus.
10. Learners may not mock, gesticulate or show signs to drivers or passengers in other passing vehicles.
11. Learners may not wander away from the group.
12. Educators/parents may not deviate from the planned route or excursion.
13. Learners are expected to obey the rules of the venue being visited i.e.
 - exhibitions may not be touched;
 - they must stay on the footpaths;
 - they must not poke their fingers through the railings of cages;
 - no running in buildings.
14. Learners' behaviour should at all times be above reproach when they visit various venues as they are then an advertisement for Panorama Primary School. We wish our name to be held high and for our learners to be seen in a positive light by the public.
15. A delegated educator will ensure that the busses are checked and safe for transport. Learners may not disembark the bus without the educators permission.
16. Educators/parents must stop the bus immediately should it show signs of not being roadworthy.
17. Educators may wear neat, comfortable clothing when going on outings.

F. Rules Governing Public Places

The School is a place of safety where laws pertaining to public areas are applicable.

1. No dangerous objects or illegal drugs as defined in the SA Schools Act or the Safety Regulations will be brought onto and/or used on the School property unless authorised by the Principal for educational purposes. Dangerous objects include knives, firearms or any item that could harm a person.
2. The carrying and/or smoking of cigarettes & electric cigarettes is prohibited.
3. Alcohol is not permitted on School premises or during a School activity.
4. The carrying of and/or consumption of illegal chemical substances and drugs is prohibited.

G. Transport

1. All learners park their bicycles on the School premises at their own risk. Specific areas are provided for the safekeeping of bicycles and must be used by learners.
2. No learner may ride their bicycle and/or skateboard whilst being on the School grounds. Bicycles must be pushed and skateboards carried when entering the School grounds.
3. Learners may not hitchhike while in School uniform, whether formal or sports dress.

H. 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.

1. The learner is expected to adopt the correct etiquette pertaining to the specific activity at all times.
2. Once a learner has committed him/herself to an activity, s/he will be bound to meet the rules and obligations related to that activity.
3. Involvement in a particular activity will span the entire season/duration in which that activity takes place.
4. 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 one (1) inter-school league fixture.
5. Appropriate kit/uniform will be worn to practices.
6. The correct match kit/uniform will be worn to inter-school league fixtures.

7. Learners travelling to an away fixture will travel in full sport clothing, unless other arrangements have been made.
8. Sports and other kit must be carried in an appropriate bag.
9. Learners playing in home league fixtures may arrive at the venue in their appropriate sports kit/uniform.

H. Accomodation of Religious or Cultural Rights

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

1. The learner, assisted by the parent, 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.
2. This application must be in writing and must identify the spesific rule/s that is/are offensive to the learner's religious right/s as contained in the Constitution of the Republic of South Africa.
3. This application must include a reasonable interpretation of the religious rights that the learner feels and a suggestion on how the rules may be supplemented by the Governing Body to accommodate such religious rights.
4. The learner must provide proof that s/he belongs to that spesific 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.
5. The religious conduct or practice must be lawful.
6. The Governing Body must consider the application and, if it is satisfied that the application is justified in terms of the Constitutional principles, the application may be granted in writing.
7. When the Governing 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.
8. 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 wearing of a specific hair style or jewellery - and the conditions under which such deviation will be applicable to the learner.
9. 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.
10. 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.

PART 2

Disciplinary System



- A. Grading of offences**
- B. Disciplinary Procedures**
- C. Disciplinary interventions**
- D. Suspension of a learner by the principal or deputy principal as a precautionary measure**
- E. Disciplinary and Tribunal Hearings**
- F. Procedure during hearings**

PART 2

Disciplinary System

Every teacher is responsible for discipline and has the full authority, *in loco parentis*, and 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.

All learners will abide by the discipline system that has been developed to assist and guide learner behaviour at Panorama.

A. Grading of offenses

Offences are graded according to the nature and degree of seriousness of the offences, of which Grade 4 offences are the most serious.

See *Table 1* for a list of the offences making up each of the Grades 1,2,3 and 4.

B. Disciplinary Procedures

The grade of an offence will determine the procedure to be followed.

1. Level 1 offence - Three (3) entries in the detention file will result in an one (1) hour detention class on a Friday and a written warning.
If a learner fails to attend the detention session without a letter from the parents, stating why he/she cannot attend the session, then such a learner will be placed on detention in the following week.
2. Level 2 offence - 1 entry in the detention file will result in a two (2) hour detention class on a Friday and a final warning letter.
3. Level 3 offence - 1 entry in the detention file will result in a meeting with the transgressor's parents.
4. Level 4 offence - offence immediately reported to South African Police Services (SAPS) and Safe Schools and a tribunal hearing.

Level 1 offences: All Level 1 offences will be dealt by the staff member or prefect concerned who must keep a written record of such offences and the disciplinary measure taken.

When a third Level 1 offence occurs, the matter is referred to the Grade Head along with the record of all three (3) offences and the Grade Head will issue a written warning. A signed copy of acknowledgement will be kept on record by the Grade Head and communicated to the parents/guardian.

Should the particular Level 1 recur after disciplinary intervention has occurred and a written warning has been issued, the staff member will, in consultation with the Grade Head, arrange an interview with the learner. A final written warning will be

issued. A signed copy of acknowledgement will be kept on record by the Grade Head and communicated to the parent/guardian.

The Grade Head will keep record copies of all relevant documentation relating to the offences and the disciplinary measures imposed and provide copies thereof to the learner's register teacher.

Level 2 offences: All Level 2 offences will be referred to the **Head of Department**. The staff member will, in consultation with the Grade Head, arrange an interview with the learner. A final written warning will be issued and disciplinary action applied. A signed copy of acknowledgement will be kept on record by the Head of Department and communicated to the parent/guardian.

When a second particular Level 2 offence occurs after a final written warning has been issued for the first offence, the HOD will refer the matter to the Disciplinary Committee for a disciplinary discussion. The parent/guardian will be advised in writing that an internal disciplinary discussion has been convened.

Should the particular Level 2 offence recur after the issuing of a final written warning and a disciplinary hearing has occurred, the Disciplinary Committee will refer the matter to a tribunal hearing. The parent/guardian will be advised in writing, a minimum of five (5) days before the designated date that a tribunal hearing has been convened.

The HOD will keep record copies of all relevant documentation relating to the offences and the disciplinary measures imposed and provide copies thereof to the learner's register teacher.

Level 3 offences: All Level 3 offences will immediately be reported to the principal/deputy principal. They will determine whether to convene a tribunal discussion depending on the severity of the offence. The parent/guardian will be advised in writing or telephonically that a disciplinary discussion will be convened.

Level 4 offences: All Level 4 offences will immediately be reported to the principal/deputy principal. They will immediately file a report with the SAPS and Safe Schools and convene a tribunal hearing. The parent/guardian will be advised in writing, a minimum of five (5) days before the designated date that a hearing has been convened.

C. Disciplinary Interventions

1. The following list of interventions and corrective measures used by the School are aimed at correcting behaviour before suspension and expulsion:

- A verbal warning/reprimand to express disapproval
- Written warning
- Final written warning
- Removal from classes with supervision
- Written punishment
- Community service to improve the physical environment within and around the school property
- Detention
- Referral for counselling
- Attendance of a relevant life skill programme
- Fines to compensate for damages, to cover the cost of repair or replacement of the lost or damaged item, and/or the accumulated fine.
- Temporary suspension of library use or other School privileges, e.g. outings
- Exclusion from School activities and functions, e.g. Grade 7 dance
- Withdrawal of recognition, e.g. award
- Temporary suspension from class or School, pending disciplinary hearing

2. Failure to comply with interventions and corrective measures will lead to further interventions and may lead to the offence being categorised at a higher grade. Expulsion may be recommended for a Level 3 and Level 4 offence. See Annexure B, Table 2 for a list of the possible disciplinary measures to be applied for Levels 1,2,3 and 4 offences respectively.

3. Conduct that may lead to suspension/exclusion includes, but is not limited to, the following:-

- Conduct that violates the rights or safety of others;
- Criminal behaviour of any kind;
- Defacing or destroying School property;
- Disrespectful or objectionable conduct and verbal abuse directed at teachers, other School employees or fellow learners;
- Outright defiance of lawful requests or instructions issued by persons in authority;
- Indulging in harmful graffiti, racism or "hate speech";
- Sexual harassment or sexual assault;
- Immoral behaviour or profanity;
- Possessing, using or displaying evidence of use of any narcotics, unauthorised drugs, alcohol or any other intoxicant;
- Repeated infringements of the School rules or the Code of Conduct;
- Possession of dangerous weapons (e.g. guns & knives)

4. In order to encourage positive behaviour a learner can acquire a principal's award after 5 positive entries in the Detention File. The teacher will use his/her discretion in awarding these entries according to the school's values.

Annexures



Annexure A:	Learner Commitment
Annexure B:	Table 1: List of offences per level of offence Table 2: List of the possible disciplinary sanctions to be applied for Levels 1,2,3 and 4 offences, respectively
Annexure C:	Written Warning
Annexure D:	Final written warning
Annexure E:	Notice of Disciplinary Hearing
Annexure F:	Record of Disciplinary Hearing
Annexure G:	Procedure during Disciplinary Hearings
Annexure H:	Lodging of Appeal

Annexure A:

Learner Commitment

PANORAMA PRIMARY SCHOOL

Learner Commitment

I,a learner at Panorama Primary School, understand the rules and the implications and hereby commit to:-

- Abide to the Code of Conduct and Disciplinary System;
- Behave in a courteous and considerate manner and respect other learners, the prefects, all members of staff and visitors to the School;
- Treat everyone with respect regardless of differences in culture, religion, ability, race, gender, age, sexual orientation or social class;
- Take responsibility for my learning by attending regularly and punctually and completing all my assessment tasks on time;
- Cooperate with my teachers and other School staff;
- Assist in making the School a safe place for all;
- Seek help if I need it;
- Let the School know if I feel that my rights have been infringed, or if I experience any other difficulty.

Learner:

Parent:

Date

Table 1: List of offences per level of offence

Level 1: Offences	Level 2: Offences	Level 3: Offences	Level 4: Offences
<ul style="list-style-type: none"> • Books left at home • Homework not done • Test(s) not signed • Work and assignments not handed in for marking • Homework copied from others • Cheek, insolence & backchatting • Eating in class • Chewing bubblegum • PE clothes left at home • Arriving late for school or lines • Wearing of incorrect school uniform without an explanation (letter) • Failure to comply with hair regulations • Wearing of jewellery or cosmetics that fall outside the school regulations • Failure to attend sport or other extra mural practices • Misconduct in the passages, classroom, hall, lines or on the field during break • Failure to obtain permission to leave the classroom • Refusing to listen to or carry out educator's instructions • Littering 	<ul style="list-style-type: none"> • Repeated infringements of the same Group one offences • Failure to carry out Group one punishment • Repeated disruption of lessons • Repeated lack of co-operation in class • Use of foul language and obscene gestures • Making racial remarks or insults towards other learners • Bunking classes • Ignores educator's instructions or being dishonest towards a teacher • Talking or cheating in tests/examinations and formal assessments • Bullying • Vandalism • Biting of fellow learners 	<ul style="list-style-type: none"> • Repeated infringement of Group two offences • Failure to do punishment handed down for Group two offences • Fighting and threatening behaviour • Verbal abuse of an educator or in reference to an educator • Being in possession of unsavoury or pornographic material • Sexual harassment • Physical assault that results in bodily harm, e.g. hitting, punching or throwing, <u>purposefully</u>, a fellow learner with an object • Possession of cigarettes • Bunking school • Possession or distribution of any information on cell phones which indicates deformation of character of any learner, teacher or the school • Physical contact between learners 	<ul style="list-style-type: none"> • Repeated infringements of Group three offences • Stealing • Smoking at school or in uniform after school • Carrying of dangerous weapons or toys e.g. knives, lighters etc. • Possession or consumption of alcohol • Possession, consumption or dealing in banned drugs • Display or distribution of any pornographic material • Continuous disruption of the teaching process • Any offence punishable under common law

Annexure B:

Table 2

List of the possible disciplinary sanctions to be applied for Level 1,2,3 and 4 offences, respectively.

LEVEL 1 - LEARNER INFRINGEMENTS - TEACHER/PREFECT

<u>Infringement</u>	<u>Response and support</u>
<ul style="list-style-type: none">• Books left at home• Homework not done• Test(s) not signed• Work and assignments not handed in for marking• Homework copied from others• Cheek, insolence & backchatting• Eating in class• Chewing bubblegum• PT clothes left at home• Arriving late for school or lines• Wearing of incorrect school uniform without an explanation (letter)• Failure to comply with hair regulations• Wearing of jewellery or cosmetics that fall outside the school regulations• Failure to attend sport or other extra mural practices• Misconduct in the passages, classroom, hall, lines or on the field during break• Failure to obtain permission to leave the classroom• Refusing to listen to or carry out educator's instructions• Littering• Cellphone turned on during school hours• Drawing graffiti on walls	<p>Corrective actions/sanctions are carried out by the individual teacher's discretion and may include the following:-</p> <ul style="list-style-type: none">• Verbal reprimand• Written punishment• Detention warning• Temporary confiscating (e.g. jewellery, cell phones, bags and cases)• Removing graffiti from walls• Written letter• Community service• Removal from class with supervision• Temporary suspension from a school activity

LEVEL 2 - LEARNER INFRINGEMENTS - HOD

<u>Learner infringements</u>	<u>Response and support</u>
<ul style="list-style-type: none">• Repeated infringements of the same Level one offences• Failure to carry out Level one punishment• Repeated disruption of lessons• Repeated lack of co-operation in class• Use of foul language and obscene gestures• Making racial remarks or insults towards other learners• Bunking classes• Ignores educator's instructions or being dishonest towards a teacher• Talking or cheating in tests/examinations and formal assessments• Bullying• Vandalism• Damaging of School property• Biting of fellow learners	<p>Corrective actions/sanctions are carried out by the individual HOD's discretion and may include the following:-</p> <ul style="list-style-type: none">• Immediate two hour detention session• Final written warning• Parents to be informed telephonically by HOD• Learner to be referred to School Pschycologist with parent's permission.• Temporary suspension from a school activity• Attendance of a relevant life skill programme• Fines to compensate for damages, to cover the cost of repair or replacement of the lost or damaged item, and/or the accumulated fine.• Withdrawal of recognition, e.g. award

LEVEL 3 - LEARNER INFRINGEMENTS - PRINCIPAL/DEPUTY PRINCIPAL

<u>Learner infringements</u>	<u>Response and support</u>
<ul style="list-style-type: none">• Repeated infringement of Level two offences• Failure to do punishment handed down for Level two offences• Fighting and threatening behaviour• Verbal abuse of an educator or in reference to an educator• Being in possession of unsavoury or pornographic material• Sexual harassment• Physical assault that results in bodily harm• Possession of cigarettes&electric cigarettes• Bunking school• Possession or distribution of any information on cell phones which indicates deformation of character of any learner, teacher or the school	<p>Corrective actions/sanctions are carried out by the principal/deputy principal's discretion and may include the following:-</p> <ul style="list-style-type: none">• Immediate 2 hour detention session (1st transgression only)• Temporary suspension from school for 1 day via Principal/Deputy Principal for safety measures;• Phone call to parents• Possible disciplinary discussion• Learner to be referred to School Psychologist with parent's permission.

LEVEL 4 - LEARNER INFRINGEMENTS - SGB/PRINCIPAL/DEPUTY PRINCIPAL

<u>Learner infringements</u>	<u>Response and support</u>
<ul style="list-style-type: none">• Repeated infringements of Level three offences• Stealing (after 3 warnings)• Smoking at school or in uniform after school• Carrying of dangerous weapons or toys e.g. knives, lighters etc.• Possession or consumption of alcohol• Possession, consumption or dealing in banned drugs• Display or distribution of any pornographic material• Continuous disruption of the teaching process• Any offence punishable under common law	<ul style="list-style-type: none">• School Governing body• South African Police services (SAPS) – criminal offences, such as drugs, weapons, rape, serious assault.• Parent involvement• Social work service provider (Support services to learner and parents).• Circuit team (EMDC).• Tribunal hearing

Annexure C:

Written Warning

WRITTEN WARNING

Name of learner:

Grade:

Teacher:

The above learner has breached the disciplinary code.

Date(s) of offence(s) :	
Grade(s) of offence(s):	

Nature of Offence:	

Work to be done during detention	

Learner:

Teacher:

(Learner's signature does not signify admission of guilt, but that charges and action taken have been explained)

Witness:

Grade Head:

Parent:

Date:

Date/Time and duration of detention:

• One copy to learner, original to be kept by GRADE HEAD

Annexure D:

Final Written Warning

FINAL WRITTEN WARNING

Name of learner:

Grade:

Teacher:

The above learner has breached the disciplinary code.

Date(s) of offence(s) :	
Grade(s) of offence(s):	

Nature of Offence:	

Work to be done during detention	

Learner:

Teacher:

(Learner's signature does not signify admission of guilt, but that charges and action taken have been explained)

Witness:

Grade Head:

Parent:

Date:

Date/Time and duration of detention:

• One copy to learner, original to be kept by GRADE HEAD

Annexure E:

Notice of Disciplinary/Tribunal Hearing

School: Panorama Primary School

Notice of Disciplinary/Tribunal hearing

Name of learner:

Learner ID number:

Subject:

Teacher:

Formal disciplinary hearing will be held and you are obliged to be present:

Date of hearing:

Venue of hearing:

Date Served:

The charge against you is as follows:

.....
.....
.....

Date of Offence:

Nature of offence:

.....
.....
.....

Suspension from class

You are further advised that you have been suspended from class from

Time: Date: / / until Time: Date: / /

During your period of suspension, you will not be permitted on the school premises unless written permission has been given to you by a senior member of management, or for attending this hearing.

Note: Learner receives one (1) copy and the signed copy must be kept filed.

Annexure F: Record of Disciplinary/Tribunal Hearing

School: Panorama Primary School

Record of Disciplinary/Tribunal Hearing

Venue:

Date:

Present			
Capacity	Name	Designation	Section

Complainant (if applicable):	Learner:
Witness for complainant	Witness for learner
1.	1.
2.	2.
3.	3.

Nature of alleged breach or misconduct (charge, date, place and brief description of the incident/s)

Nature of Offence:

.....

Plea: The learner admits/denies the charges (the appropriate plea to be underlined)

.....
 Learner

.....
 Teacher

.....
 Witness

.....
 Grade Head

.....
 Date

Annexure G: Procedure during hearings

Notice to learner and parent of disciplinary/tribunal hearing

- The principal must notify the learner as well as the parents/guardians of the learner, in writing, that disciplinary proceedings will be instituted against the learner. The notice must be given to the learner, and a copy thereof to the parents/guardians of the learner via email and/or by hand.
- The notice must -
 - (a) Provide at least three school days' notice of the disciplinary hearing;
 - (b) Inform the learner and the parents/guardians of the learner that disciplinary proceedings will be instituted against the learner;
 - (c) Contain sufficient particulars of the date, time, place and the nature of the alleged serious misconduct or very serious misconduct to enable the learner to identify the incident and to respond thereto at the disciplinary hearing;
 - (d) Contain the date, time and venue of the disciplinary hearing;
 - (e) Advise the learner of his or her right to: be accompanied at the hearing by his/her parents/guardians; request access to documents or information to be produced in evidence; and ask questions, cross-examine, lead evidence, call witnesses and produce documentary evidence to clarify issues pertaining to the allegation/s.
- There is no time limit in how long after an offence was committed, the school may implement a hearing but in general the hearing should be committed within a reasonable period from when the school became aware of the offence.

Use of intermediaries during the disciplinary/tribunal hearing

- The chairman of the hearing may appoint an intermediary or such other measures/procedures that he/she deems suitable, if the chairman is of the opinion that the disciplinary proceedings would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings
- Parents of a witness may request the use of an intermediary. The chairman may use his discretion to appoint an intermediary or not.
- The witness will give his/her evidence through the intermediary/the other procedure chosen.
- If an intermediary is appointed an examination, cross-examination or re-examination of the witness must not take place in any manner other than through that intermediary
- The intermediary may convey the general purport of any question to the relevant witness.
- The chairman must arrange a place where the relevant witness must give his or her evidence
- The place must be informally arranged to put the witness at ease and any person whose presence may upset that witness must not be in sight and hearing of the witness.
- The chairman and any person whose presence is necessary at the hearing will hear the witness and intermediary through the medium of any electronic or other devices.

Conducting the disciplinary/tribunal hearing

The following procedural guidelines must be adhered to during a hearing:

- The hearing must be conducted by a chairman (herein after referred to as the chairman) who may be the Executive Head and/or the Regional Head and/or an independent person with sufficient knowledge and experience.
- The chairman may appoint two other persons to assist him/her in the hearing
- The chairman must decide on a balance of probabilities if the learner is guilty or not guilty of the alleged misconduct/transgression.
- The chairman of the hearing may take an inquisitorial role during the proceedings to ensure that the disciplinary procedure is properly recorded. This may include an audio taping or the use of a scribe.
- A member of staff/another person may be appointed to take detailed minutes during the hearing or the proceedings may be recorded, but confidentiality will be maintained.

- A disciplinary hearing is an internal matter and as a result no legal representation will be permitted, however, the learner is entitled to be represented by a parent/guardian of his/her choice.
- At the hearing the learner/representative has the right to give evidence to-
 - (a) State his/her case;
 - (b) Call witnesses;
 - (c) Put questions to any person called as a witness in support of a charge; and
 - (d) Inspect documents submitted in evidence
- If the learner or his/her parents/guardians fail/s to attend the disciplinary hearing without just cause, the disciplinary hearing may be postponed. A learner will be allowed one postponement of such nature, thereafter if the learner or his/her parents/guardians fail to attend the disciplinary hearing without just cause, the disciplinary hearing will proceed in their absence.
- The chairperson must upon, the commencement of the disciplinary hearing, explain the reasons for the disciplinary hearing, request the charge/charges to be read, and ask the learner to plead to the charge.
- If the learner pleads guilty the learner/parents must explain the reasons why they are pleading guilty.
- The chairperson must ensure that the learner knows and understands what he or she is pleading guilty to and the chairperson must then decide if the learner is guilty or not guilty.
- If the chairperson finds the learner guilty he/she must-
 - (a) Ask the learner, or parents/guardians of the learner whether anybody wishes to make representations before a suitable sanction is imposed;
 - (b) The learner may submit mitigating circumstances and call witnesses;
 - (c) Any aggravating circumstances and the learner's disciplinary school record may be pulled before the chairman;
 - (d) The chairman may request that all parties leave the hearing venue while the chairman decides on a suitable sanction. The chairman must then recall the parties and inform them of the chosen sanction.
- If the chairperson finds the learner not guilty he/she must then follow the procedures set out below for a plea of not guilty, the chairperson must-
 - (a) Request an investigation report to be read and/or evidence adduced in support of the charge, including the calling of the complainant and witnesses and/or inspecting any documentation;
 - (b) Give the learner or parents/guardian of the learner the opportunity to put questions to the complainant and witnesses with the purpose of inter alia contesting evidence that was led;
 - (c) Give the learner or parents/guardians of the learner the opportunity to state reasons why he/she is not guilty of the alleged misconduct;
 - (d) Thereafter afford the learner an opportunity to call witnesses;
 - (e) Allow the chairman to ask questions to obtain clarity;
 - (f) The chairman may request that all parties leave the hearing venue while the chairman decides whether the learner is guilty or not guilty;
- If the chairman finds the learner not guilty he/she must then recall the parties and inform them of the finding of not guilty.
- If the chairman finds the learner guilty he/she must –
 - (a) Ask the learner, or parents/guardians of whether anybody wishes to make representations before a suitable sanction is imposed;
 - (b) The learner may submit mitigating circumstances and call witnesses;
 - (c) Any aggravating circumstances and learners disciplinary school record may be put before the chairman;
 - (d) The chairman may request that all parties leave the hearing venue while the chairman decides on a suitable sanction. The chairman must then recall the parties and inform them of the chosen sanction.
- The chairman may, if he/she deems it necessary, be given **two days** to decide on an appropriate sanction. The chairman must then inform the parents/guardians of the learner and the learner in writing of the imposed sanction.

Collective Disciplinary Action

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by the individual learners. Alleged misconduct by a group of learners, usually acting in concert with one another, or where the offences are of a similar nature or objective, is considered as being collective misconduct. Generally, collective misconduct is more effectively dealt with on a collective basis. The following procedures must be followed:

- An investigation into the alleged misconduct is conducted with all of the learners concerned.
- A single disciplinary hearing can then be conducted with the learners concerned, with their parents/guardian's present.
- The same procedures as provided for individual cases are followed in a collective situation. In a collective disciplinary hearing however, individual Learners must still be provided [during or immediately after the hearing process] with the opportunity of demonstrating that their own circumstances may be different to that part of other learners or the group involved, and of showing why they should be treated differently.
- In certain cases, however, it might be considered appropriate by the school to conduct separate investigations or hearings with individual learners. The school reserves its right to exercise its option to conduct individual or collective procedures. Any differences in verdict, or penalties imposed, between different learners involved in the same incident/offence, will be justified if the school is called upon to do so.

Appeal

- The learners and/or the learner's parents/guardians have the right to appeal against any finding of guilty of a disciplinary hearing and/or sanction imposed by the school. The appeal must be given to the Executive Head who must then give the appeal to the Regional Head responsible for the school. The Regional Head will decide on the outcome of the appeal. The appeal process applies to both individuals and to collective disciplinary matters. The school reserves the right to initiate separate or collective appeal processes to deal with any of the appeals that are lodged.
- Typical grounds for such an appeal may include inter alia:
 - (a) The disciplinary procedure was not followed properly; and/or
 - (b) The decision on guilt was not considered correct or fair; and/or
 - (c) The sanction imposed was not considered inappropriate; and/or
 - (d) Mitigating factors were not properly considered; and/or
 - (e) The Chairperson was considered to be biased, did not apply his/her mind, or supposedly made a subjective decision; and/or
 - (f) The learner was not in a position to properly present his/her case; and/or
- The learner and/or the learner's parents/guardians wishing to appeal must motivate his/her appeal in writing, and set out his/her grounds for appeal.
- The request appeal must be submitted to the school within 5 working days of a decision having been communicated to the parents/guardians.
- If the learner has been suspended, pending the completion of the hearing process, the submission of an appeal will not affect the suspension which will remain in effect until the appeal process had also been concluded. In the case of any other formal disciplinary action being imposed, the implantation of such action will be delayed pending the appeal process.
- The learner's basic right to an appeal against disciplinary action does not ordinarily mean that all matters raised at the disciplinary hearing will be "re-heard". The appeal procedure is generally limited to only assessing the decision made on the merits of the matter, the finding of guilty, and/or the sanction, and is based on the grounds and motivations lodged in the appeal.
- An appeal will be decided by a Regional Head and his/her decision must be communicated to the learner and/or the learner's parents/guardians in writing within 3 working days of receiving the appeal.
- The conclusion of the School's appeal procedure is the final step in the school disciplinary process and marks the exhaustion of internal disciplinary measures.

(1) Suspension, tribunal hearings and expulsion of learners

(A) Background

The requirements for a fair disciplinary sanction, including that of suspension and/or expulsion when there is a proven breach of a learner committing serious misconduct, are at face value quite simple.

For a suspension and/or expulsion to be fair there must be a justification for the sanction of suspension and/or expulsion and a fair procedure must be followed.

A suspension and/or expulsion will be held to have been unfair even though there is good enough and proven reason for it, if there have been flaws in the procedure followed by the school during the disciplinary hearing process.

When assessing the so-called procedural fairness of a suspension and/or expulsion, the Head of Department (HOD) expects the school to be able to show proof that the procedures outlined in SASA, the regulations and the school's Code of Conduct have complied with.

The procedures become applicable from the moment an investigation into an alleged act of misconduct starts, through to the moment a disciplinary sanction (such as suspension and/or expulsion) is selected.

Learners are entitled to a number of rights, which includes using a form and language which the learner can reasonably understand; thus the language of instruction or home language or the learner.

It is not uncommon for schools to contemplate suspending a learner as a precautionary measure prior to the convening of a disciplinary hearing. This too requires careful consideration.

The preparation of witnesses and hearing of evidence require attention to ensure that the procedural requirements are observed.

The selection and role of a chairperson are key features of the process, as are the presentation of evidence when determining whether a learner is guilty or not.

Guidelines of SASA and the Regulations require that all procedural rights be extended to the alleged offender.

The complainant and chairperson must comply with the procedures. These procedures must be followed during a disciplinary hearing.

(B) Suspension of a learner for serious misconduct

1. 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.
2. If a learner is suspended, the governing body must conduct the disciplinary proceedings within 7 (seven) school 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.
3. According to Section 9(1C) 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.
4. According to Section 9 (1E) of SASA, a governing body may suspend or extend the suspension of a learner for a period no longer than 14 school days, pending a decision as to whether the learner is to be expelled from the school by the HOD (WCED).

A. Institution of disciplinary proceedings which lead to suspension or expulsion

- The learner must be questioned by the principal
- On the basis of evidence collected, the principal may institute a disciplinary hearing
- According to Regulation 3 of the notice:
 - ❖ Only the principal may institute disciplinary action against a learner in respect of serious misconduct.
- The principal may institute disciplinary action against a learner in respect of serious misconduct only if:
 - a. There is sufficient evidence to institute such proceedings; and
 - b. The principal considers it to be the interest of the school and its community that such disciplinary action should be instituted.

B. Disciplinary committee (DC) for serious misconduct

Upon notification by the principal to a learner that disciplinary action is instituted against the learner, the governing body must appoint a disciplinary committee and designate one of the members of the disciplinary committee as chairperson to adjudicate the allegation of serious misconduct.

Subject to subparagraph (3), the disciplinary committee comprises of three persons who are either members of the governing body or persons who are eligible to be elected as members of the governing body.

The appointment of persons to a disciplinary committee is subject to the following conditions:

- a. The chairperson of the disciplinary committee must be a parent or community member of the governing body.
- b. The principal or a learner at the school are not eligible to be members of the disciplinary committee; and
- c. No person may be appointed to the disciplinary committee if the person has personal knowledge of or any interest in any matter before the disciplinary committee.

An executive member of the representative council of learners (RCL) may attend the hearing as an observer.

A decision of such committee is a decision of the governing body.

C. Procedures for hearing of serious misconduct

1. A learner charged with serious misconduct is entitled to a hearing adjudicated upon by the disciplinary committee.
2. A learner charged with serious misconduct must be given no less than 5 (five) school days' written notice of the hearing into the alleged misconduct, unless-
 - (a) The governing body directs, with good cause, that a shorter notice period shall apply; and
 - (b) There is no prejudice caused to the learner by the shorter notice period.
3. The notice contemplated in subparagraph (2) must –

- (a) Contain sufficient particularity of the date, place and nature of the alleged serious misconduct to enable the learner to identify the incident in question and to respond thereto;
 - (b) Inform the learner of the charges, place date and time of the hearing;
 - (c) Inform the learner of provisional suspension, if any, the reasons therefore and any other matter required in connection with the provisional suspension; and
 - (d) Inform the learner of the rights of a learner in terms hereof
4. The principal must give the notice contemplated in subparagraph (2) to the learner and deliver a copy thereof to the parents of the learner at the address of the learner as indicated in the school register.
 5. At least one of the parents of the learner must accompany the learner at the hearing, unless the learner is 21 (twenty-one) years old.
 6. If a member of the disciplinary committee, the learner, his or her representative or a witness requires an interpreter, the disciplinary committee may not proceed with the hearing until an interpreter competent in the relevant language has been made available: Provided that it is not necessary to make use of a formally qualified interpreter.
 7. If the learner fails to appear before the disciplinary committee after due notice in terms of subparagraph (2) and without just cause for not attending the hearing, the hearing may continue in the absence of the learner.
 8. The disciplinary committee must keep a full and accurate record of all proceedings before it.
 9. The prosecutor must commence proceedings at the hearing by setting out the charge against the learner and thereafter presenting the case against the learner.
 10. The chairperson of the disciplinary committee must ask the learner whether the learner pleads guilty or not guilty to the charge. The learner must respond thereto. Should the learner fail to respond, the learner will be deemed to have pleaded not guilty to the charge.

11. If the learner pleads guilty to the charge:

- (a) The chairperson must question the learner with reference to the alleged facts comprising the misconduct as outlined by the prosecutor in order to satisfy the disciplinary committee that the learner is indeed guilty of the charge;
- (b) If upon questioning the learner, it appears that the version of the learner materially differs from the facts outlined by the prosecutor, or if the chairperson is not satisfied that the learner is guilty of the charge, the chairperson must enter a plea of not guilty in respect of the charge on behalf of the learner;
- (c) If the disciplinary committee, or the majority of its members, is satisfied that the learner is guilty of the charge, the disciplinary committee must find the learner guilty of the charge

12. If the learner pleads not guilty to the charge:

- (a) The prosecutor may call witnesses or present other evidence on oath in respect of the allegations against the learner.
- (b) The learner or the representative of the learner may question any witness and examine any evidence presented by the prosecutor;
- (c) After all the evidence has been led against the learner, the learner or the representative or the learner may call witnesses or present other evidence on oath in support of the defence;
- (d) The prosecutor may question any witness and examine any evidence presented on behalf of the learner;
- (e) The disciplinary committee may question any witness or examine any evidence at any time;

- (f) After all the evidence had been presented, first the prosecutor and then the learner or the representative of the learner may address the disciplinary committee as to the guilt or otherwise of the learner;
- (g) The disciplinary committee must thereafter adjourn the hearing for not more than 2 (two) school days to a specified place, date and time in order to decide whether, on a balance of probabilities, the learner is guilty or not guilty of the charge; and
- (h) At the date and time contemplated in subparagraph (g), the disciplinary committee must inform the learner of the findings of the disciplinary committee.

13. If the learner is found guilty of the charge, the prosecutor and the learner or the representative of the learner, may present evidence before the disciplinary committee relevant to an appropriate penalty, including but not limited evidence of the personal circumstances of the learner, general record of past conduct at the school, the nature and seriousness of the misconduct in question, and the interests of the school community.

14. Immediately after considering any evidence presented in terms of subparagraph (13) the disciplinary committee must impose on the learner a penalty that is prescribed in terms of the code and this notice, and inform the learner in writing thereof.

15. If the disciplinary committee decides that the learner should be expelled from the school, it must make recommendation to that effect to the Head of Department and may suspend the learner from school, in consultation with the Head of Department, pending the decision of the Head of Department on whether the learner is to be expelled.

D. The role of the chairperson of a disciplinary hearing

1.1 The chairperson of the committee must lead the proceedings and introduce those present and state their functions and ensure that witnesses are present only while giving their evidence.

2.1 The chairperson must inform the learner of his/her rights

1. The right to a formal hearing

- The right to be present at the hearing
- The right to be given time to prepare for the hearing case
- The right to be given advance notice of the charges against him/her
- The right to be represented at the hearing by one (1) internal representative
- The right to be accompanied at the hearing by parents/guardian if the learner is a minor
- The right to ask questions on any evidence produced, or on statements of witnesses
- The right to call witnesses to testify on his/her behalf
- The right to an interpreter, to be requested 24 hours prior to the hearing
- The right to appeal within five (5) days against any penalty imposed by the disciplinary committee

2. If the learner does not attend, the hearing will continue in his/her absence.

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

4. The procedure of the enquiry is to be explained by the chairperson. The evidence of the complainant and his/her witness will be heard first. The learner and panel may ask questions about the evidence. The learner and his/her witness may then give evidence and the complainant and committee may ask questions.

5. When all the evidence has been heard, the chairperson must close the enquiry, dismiss the complainant, the accused, their representatives, the parent/guardian and all witnesses.

6. The disciplinary Committee must discuss and weigh the evidence and come to a decision.

7. The chairperson must reconvene all interested parties.

8. The chairperson is to communicate the decisions of the committee.
9. The chairperson must explain the decision of the committee and the reasons for the penalty (if any) that has been imposed.
10. The learner must be advised of his/her right to appeal the decision.
11. The complainant and the learner must sign the disciplinary form and a copy must be handed to the learner. If the learner refuses to sign, a witness must sign in the presence of the learner.
12. The signing of the document by the learner does not imply an acknowledgment of guilt.

E. The role of the evidence leader/prosecutor

Prior to a hearing, an evidence leader should:

1. Put all the facts before the disciplinary committee in a balance and fair manner;
2. Serve the ends of truth and justice, and not merely attempt to find the accused guilty;
3. Comply with constitutional guidelines concerning the assumption that the accused is not guilty, unless this assumption is rebutted (the opposite is proved) on a balance of probabilities;
4. Draft a charge sheet (after the consultations referred to below) which can be regarded as the central document of a disciplinary tribunal. The charge sheet has to be clear and unambiguous (not vague) and understandable on a number of issues, namely who is the perpetrator of the offence or misconduct is, what the accused is accused of, where the alleged offence or misconduct took place, and when it happened;
5. Afford the accused enough (reasonable amount of) time to consider the charge sheet and to prepare;
6. Notify the accused in writing of the date, time and venue of the disciplinary hearing, and inform the accused of his/her rights.

During the disciplinary hearing the evidence leader must among other things:

1. Follow hearing procedures and show courtesy towards everybody, including the presiding officer, accused and witness;
2. Arrange for and elicit oral evidence by witnesses who made written statements, ensuring that such witnesses are available at the disciplinary hearing;
3. Provide the relevant documents (if any), placed in an original file ("bundle"), with three numbered copies, one each for the presiding officer, the accused and the witness.
4. Remember that he or she is in the role of a prosecutor and not the persecutor.
5. Adhere to the order of proceedings in a disciplinary hearing/tribunal/inquiry (it should be remembered that a disciplinary hearing is quasi-judicial in nature, that the onus to prove the allegations against the accused lies with the evidence leader, and that the guilt of the accused needs to be proved on a balance of probabilities and not beyond all reasonable doubt, as in criminal cases). The evidence leader is at all times bound by the charge sheet.

After a disciplinary hearing where an accused learner has been found guilty, the evidence leader should summarise the proceedings on the disciplinary hearing in context, focussing on the nature of the guilt of the learner. Finally, the evidence leader should propose a sanction which has been authorised by the disciplinary code and which could range from a warning to a final warning to expulsion.

The training of the evidence leader should not only focus on due process and knowledge of the law, but should also prepare the evidence leader for what to expect if the outcome of the disciplinary hearing is overturned. If that takes place, or even if the outcome is only challenged this may have a wide range of negative effects on education at the school. It follows from the above, then that the training of principals, teachers, and in this research the evidence leader, is of fundamental importance before a person should act as an evidence leader.

F. Suspension of a learner pending criminal proceedings

- 1) The principal may recommend to the head of department that a learner who has been charged with a criminal offence arising out of a misconduct, be suspended from his or her school until the criminal proceeding against him or her have been finalised: Provided that internal misconduct proceedings against the learner be commenced with as soon as possible.
- 2) In exercising his or her discretion under sub regulation (1), the Head of department must have regard to the following factors:
 - a) The right of the suspended learner to education
 - b) The need to protect the safety of learners and educators at the school
 - c) The need to protect the property of the school
 - d) The potential duration of such criminal proceedings
 - e) The seriousness of the offence; and
 - f) The need to maintain general learner discipline at the school.
- 3) The acquittal or the conviction of a learner by a Court of law on a charge of any offence arising out of misconduct, shall not preclude the taking of disciplinary steps against the learner in terms of these regulation and the code of conduct, even if the facts set out in the charge of misconduct, should they be proven, would constitute the offence set out in the charge on which the learner was found guilty.

G. Appeal against decision of HOD (WCED) to expel a learner

1. A learner, his or her parent or representative may appeal to the responsible member against:
 - a) Any finding of guilt by the disciplinary committee in respect of which a penalty of expulsion is recommended
 - b) A penalty of expulsion endorsed by the head of department; and
 - c) Any decision made by the head of department in terms of regulation 8(3)(b)
2. A learner, his or her parent, legal guardian or legal representative who wishes to appeal in terms of sub regulation (1) must, within (5) days of being notified in terms of regulation 8(5) of the decision, deliver a notice of appeal together with the grounds for the appeal to the responsible member.
3. Unless the responsible member on good cause orders otherwise, the lodging of an appeal shall not have the effect of suspending the penalty imposed by the head of department.
4. Within five (5) days of receiving the notice of appeal, the responsible member must inform the head of department, the prosecutor and the disciplinary committee of the lodging of an appeal and provide them with a copy of the notice of appeal and grounds for appeal.
5. Within five (5) days of receipt of the Notice of appeal. The responsible member, the disciplinary committee shall respond in writing to the notice of appeal and state the reasons why the appeal should be dismissed.
6. After having the grounds for appeal contemplated in sub regulation (2) and the responses by the disciplinary committee, the responsible member may:
 - a) Dismiss the appeal and confirm both the disciplinary committee's findings and the head of department's decision; or
 - b) Uphold the appeal wholly or in part and set aside or vary the finding and the decision, or substitute for the decision such other decision as the head of department, in the opinion of the responsible member, out to have taken.

H .Serious misconduct

A learner will be guilty of serious misconduct if he or she:

- (a) Is found guilty of misconduct after having been found guilty of the same or similar misconduct on two previous occasions within the preceding 12 months
- (b) Fails to comply with a punishment as a correctional measure
- (c) Forges any document or signature to the potential or actual prejudice of the school
- (d) Trades in any test or examination question paper or in any test or examination material or distributes any test or examination question paper without prior permission from Principal
- (e) Attempts to bribe or bribes any person in respect of any test or examination to enable himself or herself or another person to gain unfair advantage therein
- (f) Cheats in tests or examination
- (g) Engages in fraud
- (h) Engages in theft, or otherwise acts dishonestly to the prejudice of another person
- (i) Is in possession of, consumes or deals in any illegal or intoxicating substance
- (j) Is in possession of any dangerous weapon
- (k) Assaults another person with the intent to cause grievous bodily harm
- (l) Holds any person hostage
- (m) Commits murder
- (n) Commits rape or sexual harassment
- (o) Maliciously damages another person's property
- (p) Disrupts or incites the disruption of the proper functioning of the school through unlawful collective action
- (q) Practises discrimination on the basis of race
- (r) Has been convicted of a criminal offence and sentenced to imprisonment without the option of a fine.

I . Mitigating circumstances

- Background
- Family history
- Broken home
- 1st offence
- Medication
- A parent with a life threatening disease.

J. Handling of media enquires

- Department of education
- SGB member acts as spokesperson

Annexure H:

Lodging of Appeal

PANORAMA PRIMARY SCHOOL

Lodging of Appeal (Review form)

In terms of the School's disciplinary procedures, I wish to lodge an appeal against the decision of the Disciplinary Committee (within five (5) school days)

Name of Appellant:

The appeal is made on the following grounds (the appropriate areas to be marked with an X)

- The disciplinary measure imposed was not in line with the grade of offence.
- Disciplinary procedures were not followed
- New or further evidence or witnesses are available, which could bring new focus to light and affect the result of the previous hearing.

Nature of offence:

The following reasons are submitted in support of this appeal:

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Date of lodged

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Appellant