



# R H E N I S H

RHENISH PRIMARY SCHOOL | DOORNBOSCH STREET | KRIGEVILLE | STELLENBOSCH | 7600

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## POLICY: CODE OF CONDUCT FOR LEARNERS and DISCIPLINE POLICY

(IN ACCORDANCE WITH SECTION 8 OF THE SOUTH AFRICAN SCHOOLS ACT)

### Code of ethics

I hereby solemnly commit myself to the Constitution of the Republic of South Africa, and undertake to respect, comply with and promote the law and the legal system.

I commit myself to:

- adhere faithfully to this code of conduct and all the rules and regulations of Rhenish Primary School.
- maintain high moral and ethical standards;
- strive for conduct that is responsible at all times and that does the school credit;
- do my school work diligently, conscientiously and with dedication; and
- display the necessary courtesy and respect towards all staff, fellow learners and visitors.

I subject myself to any disciplinary measure should I fail to comply with any provision or measure contained in the school's code of conduct.

SIGNED AT

ON THIS

DAY OF

20

\_\_\_\_\_  
LEARNER



## SCHOOL RULES

1. The rules are approved by the Western Cape Education Department and will not deal with obvious matters of behaviour. Any breach of good manners or common sense is undesirable and may be punished.
2. In addition to the general rules, common sense rules and accepted norms, there is a set of internal rules for the purpose of efficient organization, the safety of the learners, and sound discipline within the school. These rules are continually brought to the attention of the learners and must be adhered to by all learners.
3. The punishment to be meted out for the transgression of the school rules will depend on the seriousness of the transgression, but could include suspension or expulsion from school or any other punishment that the Principal may deem suitable.

### ATTENDANCE AND PARTICIPATION

1. The learners shall attend school for the full duration of the school day. A learner may not be absent from school without the permission of the Principal. In the case of a learner's absence, the parents must furnish the Principal with a written explanation as to the child's absence, accompanied by a doctor's certificate, if need be.
2. If it becomes necessary for a learner to be absent from school to enable him/her to attend an important appointment (e.g. a dental appointment), a prior written request must be submitted to the Principal stating the full particulars.
3. Learners must be punctual for all school activities. Learners who arrive late for school must report to the secretary's office immediately on arrival at school.
4. Grade 1 and Grade 2 learners who are not involved in school activities between 13:00 and 14:00 must be collected by their parents.
5. A learner shall participate in the educational programmes as prescribed by the Western Cape Education Department, unless exemption has been granted by them.
6. If parents wish their child to be exempted from attending religious ceremonies, they must make a written application to the Principal.
7. When a learner has voluntarily joined an extra-mural school activity, he/she shall fulfil his/her obligations, unless he/she is granted exemption by the Principal.
8. While a learner is under the school's supervision, he/she may not leave the school grounds without the prior permission of the Principal or Deputy Principal.

### GENERAL

1. Learners walk in single file, and may not run inside the school building. The rule "keep left" applies.
2. No learner may use foul or unacceptable language, or be in possession of pornographic literature.
3. No learner may injure, victimize or tease a fellow learner. Learners may not be in possession of weapons, toys or materials which could cause physical injury.
4. Learners must show the necessary respect towards others, namely the teaching staff, administrative staff, cleaning staff, their fellow learners and other members of the Rhenish Community.
5. Learners must stand up when an adult visitor or staff member enters their classroom. Learners must also stand up when an adult visitor or staff member speaks to them when they are seated, be it in the classroom or on the sports fields.



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6. School property, or anything at the school which is the property of someone else, may not be damaged, defaced or soiled. Theft or damaging any property at school is a serious offence. Parents of learners who damage property, will be held responsible for all costs involved.
7. Learners are expected to keep the school buildings and grounds neat and tidy at all times. Littering will not be tolerated.
8. No learner shall in any manner bring the name of the school into disrepute.

### CELL PHONES

Learners may bring cell phones to school at their own risk. Cell phones must be switched off and packed away at all times while the child is at school. In addition no messages may be sent during school hours. No videos/ photos may be taken, nor any emails sent during school hours. If children do not obey the cell phone rules, their cell phone may be confiscated for a suitable period of time. If a learner continues to transgress the cell phone rules, they will not be permitted to bring a cell phone to school. Cell phones are not the responsibility of the school.

### ENTRANCE TO SCHOOL

Learners may not use the front entrance to the school. They must use any of the side entrances.

### UNIFORM

1. Learners must wear the official school uniform, to and from school, according to the season. The prescribed uniform shall be worn during school hours and for any extra-mural activity for which the Principal deems it necessary.
2. School uniform and sportswear may not be mixed; each should be worn separately and in its entirety. When learners wear the school uniform, it must at all times be the full uniform and not "parts" of the uniform mixed with "play clothes". Learners are encouraged to take pride in their uniform and consequently we expect the uniforms to be clean and tidy.
3. Learners must arrive and leave school in their full school uniform. They may, however, leave school in either their formal school uniform or in their sportswear. No learner may leave the school grounds only in a costume or barefoot when wearing the formal school uniform.
4. During the first and fourth terms of the year, all children are strongly encouraged to wear the Rhenish Primary wide-brimmed hat or the Rhenish cap when they leave the school building and at all outdoor extra-mural activities.

### HAIR

Boys:

Hair must be kept neat and reasonably short i.e. not over eyebrows, ears or collar. Fashionable or extraordinary hair styles e.g. steps, crew cuts etc. are not permitted. No colouring of hair or the use of gel is permitted.

Girls:

Long hair must be tied back neatly with navy or white ribbon, bobble or Alice band. Hair may not fall into the girl's face. Fashionable or extraordinary hair styles, perming and colouring of hair are not permitted.

### NAILS

Both girls and boys must cut their nails regularly and keep them short and clean. No polish is permitted.



## JEWELLERY

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Learners are permitted to wear watches but the school will accept no responsibility for the loss of, or damage to such items. No other jewellery may be worn other than plain gold sleepers or studs for girls with pierced ears. These may only be worn in the bottom hole if there is more than one hole. Additional holes should not be pierced during term time as studs will not be allowed to be worn in these. Medical alert bracelets may be worn. All jewellery will be confiscated. Learners will be told when these may be claimed from the Deputy Principal. A fine will be imposed to retrieve confiscated jewellery

### POLICY: DISCIPLINE

#### PREAMBLE

According to the Preamble of the South African Schools Bill of 1996 the State finds it "necessary to adopt legislation for the democratic transformation of schools and to set uniform norms and standards for the organization, governance and funding of schools to serve the needs and interests of all learners at schools and uphold their democratic rights".

It is the State's obligation to make education available and accessible, but must be complemented by a commitment and acceptance of responsibility by the learners, educators and parents who are the State's partners in education.

Rhenish Primary School aims to inculcate a culture of discipline which would encourage a healthy, stable and stimulating atmosphere in which growth and development of both mind and body can occur. This positive ambience would allow and encourage teaching and learning through understanding, tolerance, peace, reconciliation and mutual respect.

#### BASIC PRINCIPLES

1. Discipline and order must be maintained in a school and classroom to ensure that education and effective learning can occur without disruptive behaviour and offences. The aim of discipline is to teach and lead learners to self-discipline. Discipline must be imposed on the individual as well as in the group situation.
2. Rhenish Primary School believes that discipline should be fair, appropriate, consistent, non-violent, humane and free of prejudice. All sides will be taken into account and therefore a decision may not be taken immediately.
3. An educator at the school shall have the same rights as a parent to control and discipline a learner according to the Code of Conduct during the time the learner is in attendance at the school, at school functions, on school excursions, during school-related activities and when in the school's uniform.
4. Although privacy of person and property is a right, the Principal or Deputy Principal, or an educator instructed by the Principal or Deputy Principal, may search learners and/or their bags based on a reasonable suspicion and according to accepted and predetermined procedures.
5. Learners may be expected to work on their own, separately from the class, if their behaviour makes this necessary.
6. Freedom of Expression is not absolute for the learner. Vulgar words, insubordination and insults are not protected speech.
7. The school environment should be clean and safe.
8. There should be mutual respect for one another's convictions and cultural traditions.
9. Learners should be protected from abuse by adults or other learners.
10. Reasonable measures may be used to restrain or to control the actions of learners when these may harm others, the learner himself or violate the rights of other learners or educators.
11. Discipline should also include the factor of positive regulations.



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12. Corporal punishment may not be used.
13. All discipline, including punishment must conform to the Bill of Rights in the Constitution of the Republic of South Africa 1996, Act No 108 of 1996; Section 3 (n) of the National Education Policy Act, Act No 27 of 1996; the Teachers' Professional Code of Conduct and Common Law.
14. All school rules must be approved in terms of these regulations. They must be set out in simple and understandable language.
15. The school has a clearly defined framework within which the discipline policy functions. This includes a value system, rules and regulations and set procedures according to which disciplinary measures are carried out.

### **PRINCIPLES REGARDING METHODS OF DISCIPLINE.**

1. A clearly defined disciplinary procedure should be worked out and made known to all concerned.
2. All specific rules must be aimed at promoting the accepted Code of Conduct and mission of the school.
3. All specific rules must be in accordance with the principles of the framework adopted by the school.
4. Rules should be reviewed annually. If there are any alterations or additions approved, these should be made known to all concerned in writing.
5. It is important to be consistent. Don't threaten and never take action as idle threats get one nowhere.
6. Offences are classified in three broad categories: Minor, moderate and major. Appropriate punishments are determined within each of these categories but flexibility should be allowed.
7. Although specific offences are linked to specific punishments educators may use their own professional judgement and may therefore exercise independent discretion.
8. The disciplinary process must be expeditious, fair, just, corrective, consistent and educative.
9. Where possible or necessary the parent should be informed and involved in the correction of a learner's behaviour.
10. If parents are interviewed details should be noted on an interview form which should be filed in the relevant pupil profile.
11. Learners should be protected from abuse by adults or other learners.
12. Restraint is the act of controlling the actions of learners when such actions may inflict harm to others or to the learner, or violate the rights of other learners or educators. Educators may use reasonable measures where necessary to prevent a learner from harming him / herself or others.

### **PUNISHMENT**

Punishment is a corrective measure or a penalty inflicted on an offender who has to suffer the consequences of misconduct in order to maintain the orderly society of the school.

### **CRITERIA**

Generally accepted criteria for the imposition of punishment are:

- Retribution element
- As a deterrent to the offender
- As a deterrent to others
- Protection to society
- Redemptive element



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### **GUIDELINES**

All punishment must be:

- Fair
- Reasonable
- Appropriate to both the offence and the child.
- Relatively immediate
- Acceptable

### **POSSIBLE PUNISHMENTS**

#### **EDUCATOR AND HEAD OF DEPARTMENT**

- Reprimand
- Counselling
- Detention
- Written work
- Community Service
- Parent interview

#### **DEPUTY PRINCIPAL AND PRINCIPAL**

- Weekly report
- Parent interview / contact / letter
- Suspension of privileges
- Suspension
- Expulsion

CORPORAL PUNISHMENT shall not be administered.

### **DOCUMENTATION**

All necessary documentation must be completed, e.g. interview form, at all times and be placed in the profile.

### **POSITIVE REINFORCEMENT**

It is important to recognize good behaviour or improvement in poor or unacceptable behaviour. This could be done in the form of praise, recognition etc.

### **DETENTION**

1. Any educator may send a learner to detention.
2. The educator who sends a learner to detention must inform the learner's parents by means of a detention form / email or an SMS.
3. Detention is held in the Library, from Tuesdays to Thursdays, and is controlled by the educator on duty. Detention takes precedence over all extra-mural activities.

### **COMMUNITY SERVICE**

1. Any educator may send a learner to do community service. This form of punishment is used in the case of poor behaviour and should involve the learner in a positive and constructive manner within the practical functioning of the school after the academic day.



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2. Community Service is carried out on Tuesday, Wednesday, and Thursday afternoons.
3. The Head of Department will call the learner and arrange the necessary details with him/her. A Community Service form must be completed and given to the Head of Department in charge of co-ordinating this activity.
4. The learner will also be expected to get the form, with all the necessary information on it, signed by his/her parents, acknowledging that they are aware of and in agreement with the action that has been taken.
5. The form will be passed on by the Head of Department to the person overseeing the Community Service.

### WEEKLY REPORT

1. A Head of Department or the Deputy Principal may place a learner on a Weekly Report. This form of punishment is used when a learner's academic work or behaviour has persistently been a matter of concern.
2. The learner will be expected to carry a Weekly Report form and will need to ask each educator to make a comment on it, and sign it at the end of every lesson. He / she will report to the Head of Department or Deputy Principal at the start of each break. Parents are to please sign the Weekly Report at the end of each day, to indicate that they have read the educators' remarks.
3. When the Head of Department or Deputy Principal is satisfied that there has been sufficient improvement, the learner will be taken off the Weekly Report. Although the report is called a "Weekly Report", the learner could report to the Head of Department or Deputy Principal for a much longer period. The learner will only be taken off the report once sufficient improvement has been made. If no sufficient improvement is made the learner will be sent to the Principal, who will call in the parents.

### PROCEDURES

#### GENERAL PRINCIPLES

1. In all cases of discipline and punishment the correct procedures must be followed as set out in the Act and the regulations. This is especially important with regard to suspension and expulsion.
2. It is important to establish both the offence and the offender.
3. It must be established that both the child one is speaking to, is in fact the offender.
4. The offence must be investigated free of prejudice. Ignorance must be assumed at each new level in order that the child is not prejudiced.
5. Take care to establish the motive of the offence.
6. When the learner is interviewed he/she must be told what the offence is and he/she must be given the opportunity to state his/her side of the matter. This input must be given serious consideration.
7. It is important that the learner acknowledge the offence and that he/she is aware of the consequences of the actions.
8. Educators, as figures of authority and trust, must be very careful not to violate the right of the child to remain silent.

#### ROLE OF THE LEARNER

1. To behave in the manner expected of a Rhenisher: e.g.
2. To have respect for other people and their property.
3. To have manners.



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4. To give of one's best at all times.
5. To consider the consequences of one's actions.
6. To have self-discipline.
7. To show and be loyal to Rhenish Primary School.
8. To have a sense of responsibility.

### ROLE OF THE PARENT

1. The ultimate responsibility for learners' behaviour rests with their parents or guardians.
2. The child's value system is formed at home.
3. To be co-partners with regard to discipline.
4. To set the moral values of their child.
5. Parents are expected to teach their child manners.
6. To instill respect for other people.
7. To be loyal to the school and support it.
8. To respect the values the school aims to instill.
9. To ensure that their child observes all school rules and regulations and accept responsibility for any misbehaviour of their child.
10. To take an active interest in their child's schoolwork and make it possible for the child to complete assigned homework.
11. To attend meetings that the Governing Body convenes for them.

### ROLE OF THE EDUCATOR

1. The educator is the primary implementer of the norms within the school and enforces school discipline daily. Thus he/she is the most important person in the maintenance of discipline in the school.
2. The educator should "buy into" the norms of behaviour expected by the school.
3. The educator must set an example to all.
4. The educator deals with all minor offences as far as this is possible.
5. The educator must accept responsibility with regard to discipline and must not leave it to his/her colleagues.
6. Discipline must be a team effort. If discipline is not consistently applied by all educators it breaks down that which has been achieved thus far.
7. The educator must be consistent with regard to discipline.
8. The educator is responsible for keeping parents informed of the child's behaviour. In the case of minor offences this must be done in such a manner so as not to damage the mutual trust between learner and educator.
9. The educator must treat a learner with respect when disciplining.

### ROLE OF THE HEAD OF DEPARTMENT

1. H.O.D. must not prejudge a situation that has already been dealt with/occurred.
2. The H.O.D must listen to both sides, i.e. learner and educator, before taking steps/action.

### ROLE OF DEPUTY PRINCIPAL

1. The Deputy Principal must not prejudge a situation
2. All sides must be given attention.
3. The Deputy Principal must liaise with parents and staff.

### ROLE OF PRINCIPAL

1. If any problem is serious enough to reach this level then some form of action must be taken.
2. At this level action could result in suspension or expulsion of the learner and is carried out in conjunction with the Governing Body.



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**ROLE OF GOVERNING BODY**

1. This body is empowered by the South African Schools Act, Act No. 84 of 1996, Section 8(1).
2. It determines policy. e.g. DISCIPLINE POLICY or CODE OF CONDUCT.
3. This policy must prescribe behaviour that respects the rights of learners and educators.
4. It should convene meetings for parents when this is deemed necessary. e.g. information purposes.
5. Where learners are involved in gangs, the Principal should not confront them but the Governing Body should set up a negotiation mechanism.

**DETAILS RELATING TO OFFENCES.**

**1. MINOR OFFENCES**

Type of offence	Who takes action	Possible Action
<b>Classroom</b> - talking - eating - restlessness - inattentiveness - disturbance - homework offence - books forgotten - loitering between classes - loitering in toilets  <b>General</b> - lack of manners - late for school - shouting in passages - unruly behaviour - derogatory names or conversations - untidy appearance - littering - school uniform infringements	Class teacher or Grade Head	- break detention - verbal reprimand - parents meeting and interview form - written reprimand - detention (academic work only) - written work - community service - counselling

All educators must be consistent in their attitude and handling of offences.

**2. MODERATE OFFENCES**

Type of offence	Who takes Action	Possible Action
- The repetition of minor offences is regarded as serious and is handled as a moderate offence.  - ignoring a warning - poor sportsmanship - insubordination - crude language - copying of work - graffiti - fighting - disrespect	Referred to a Grade Head or Head of Department.	- time out - suspension of privileges - break detention - verbal reprimand - parents meeting and interview form - written warning - detention (academic work only) - written work - community service - counselling

All educators must be consistent in their attitude and handling of offences.



**3. MAJOR OFFENCES**

Type of Offence	Who takes Action	Possible Action
<ul style="list-style-type: none"> <li>- The repetition of a moderate offence is to be regarded as very serious and is handled as a major offence.</li> <li>- stealing</li> <li>- dishonesty in tests / exams</li> <li>- physical or emotional victimization</li> <li>- racism</li> <li>- violence or fighting</li> <li>- vandalism</li> <li>- truancy</li> <li>- grossly inappropriate behaviour</li> <li>- any action or deed which brings the good name of school into disrepute</li> <li>- smoking</li> <li>- drugs</li> <li>- alcohol</li> <li>- pornography</li> <li>- sexual misconduct</li> <li>- if found guilty of any criminal offence</li> </ul>	HOD Deputy Principal Principal SGB Disciplinary Committee	<ul style="list-style-type: none"> <li>- suspension of privileges</li> <li>- parents meeting and interview form</li> <li>- written warning</li> <li>- community service</li> <li>- counselling</li> <li>- daily report</li> <li>- replacement of damaged property</li> <li>- agreed affordable compensation</li> <li>- suspension from school activities</li> <li>- suspension</li> <li>- expulsion</li> </ul>

**4. SUMMARY**

Educator or Grade Head → • *everyday / minor offences*

H.O.D. or Grade Head → • moderate offences

Deputy Principal → • major offence

Principal → • major offence

SGB Disciplinary Committee → • major offence

**SERIOUS MISCONDUCT, SUSPENSION AND EXPULSION.**

**1. DEFINITIONS**

- 1.1 SUSPENSION means the temporary prohibition of a learner from attending a school.
- 1.2 EXPULSION means the permanent prohibition of a learner from attending a school.



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### 2. SERIOUS MISCONDUCT

- 2.1 A learner is guilty of misconduct if he / she:
- has been repeatedly absent from school and / or classes
  - has behaved in a disgraceful, improper or unbecoming manner in the opinion of the Governing Body.
  - has used or had in his/her possession intoxicating liquor or other drugs on the school grounds or during a school activity.
  - is guilty of theft, immoral conduct or assault.
  - has been convicted by a court of a criminal offence and been sentenced to imprisonment without the option of a fine.
- 2.2 A learner may be **SUSPENDED** by the Governing Body or **EXPELLED** by the Head of the Education Department of the Western Cape Province if he/she is found guilty of serious misconduct (viz. F 2.1 a-e) after a fair hearing.
- 2.3 In cases where a learner cannot adjust to the school and where his / her behavior is objectionable in that it violates the rights of others, he / she will be referred to the principal. Through consultation with his / her educators, and his / her parents or guardians every effort should be made to assist him / her to adjust. This will include referral to the education support services for treatment. If all these efforts fail, the principal will refer the matter to the governing body, which may make a decision in the best interests of the learner and other learners at the school.

### 3. GENERAL PRINCIPLES REGARDING SUSPENSION

- 3.1 The procedure, which must be followed, is prescribed in the appropriate regulations promulgated in terms of Section 9(3) of the South African Schools Act, 1996 (act 84 of 1996).
- 3.2 One must **not** muddle the terms, **SUSPENSION** and **EXPULSION**.
- 3.3 **SUSPENSION** is the temporary prohibition of a learner from attending school.
- 3.4 The Governing Body is the only body, which has the capacity to suspend a learner after a fair hearing has been held.
- 3.5 The period of suspension lasts from:
- 3.5.1 the moment that the learner has been prohibited from further school attendance
- and
- 3.5.2 the learner and his/her parents have been informed, in writing, of reasons for the suspension.
- 3.6 The length of the suspension may be:
- 3.6.1 as a correctional measure for a period of no longer than five (5) school days
- or
- 3.6.2 pending a decision by the Head of the Education Department of the Western Cape as to whether or not the learner is to be expelled from the school.



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### 4. GENERAL PRINCIPLES REGARDING EXPULSION.

- 4.1 The procedure, which must be followed, is prescribed in the appropriate regulations promulgated in terms of Section 9 (3) of the South Africa Schools Act, 1996 (Act 84 of 1996).
- 4.2 One must **not** muddle the terms, suspension and expulsion.
- 4.3 EXPULSION is the permanent prohibition of a learner from attending the school if he/she is found guilty of serious misconduct after a fair hearing has been held.
- 4.4 Expulsion may only be carried out by the Head of the Education Department of the Western Cape.
- 4.5 It is essential that the procedure as set out in the appropriate regulations is strictly complied with, otherwise it may happen that the expulsion of a learner could be put aside by the courts, which is not conducive to the maintenance of discipline at the school and might undermine the authority of the Governing Body.
- 4.6 The expulsion of a learner has far-reaching effects on his/her future. The Governing Body must therefore not lightly recommend the expulsion of a learner to the Head of the Education Department of the Western Cape, but must consider such a step only as a last resort after all other disciplinary measures have failed or if the misconduct of the learner is of such a nature that his/her immediate removal from the school is deemed necessary in the interest of the school.

### 5. PROCEDURES REGARDING SUSPENSION AND EXPULSION

- 5.1 Where it is brought to the attention of the Governing Body that the conduct of a learner is such that it may constitute serious misconduct in terms of F.2.1 and that this conduct will be prejudicial to the interests of the school if disciplinary measures are not taken, a special meeting of the full Governing Body must be convened urgently to discuss the matter.
- 5.2 The Governing Body must immediately inform the learner as well as his/her parent (s) **in writing**, of the misconduct as well as the date of the meeting. (Addendum A may be used for this purpose).
- 5.3 The letter must also inform the learner concerned and/or his or her parent (s) and/or their representative (who may be a legal representative) of their right to make oral representations at or submit written representations to the meeting as to why the learner should not be suspended or expelled.
- 5.4 The letter is an absolute prerequisite in the procedures.
- 5.5 It must not be sent by hand with the learner concerned, but must, if possible, be summoned by hand by the Governing Body on the parent (s).
- 5.6 If the letter is sent by mail, it must be dispatched by registered mail and the documentary evidence must be kept for record purposes.
- 5.7 The Governing Body is compelled to conduct a thorough inquiry into the circumstances which led to the misconduct of the learner in order to take the correct decision.
- 5.8 Sufficient evidence, either oral or in writing, which must be taken up in the minutes, must be submitted to convince the Governing Body of the misconduct of the learner. It is essential that the **audi et alteram partem** rule (also hear the other party) be applied by the Governing Body. Accordingly, the Governing Body must ensure that the learner/ parent (s) or their representative (who may be a legal representative) is afforded ample opportunity to state their case to the Governing Body – either orally or in writing. These persons cannot be compelled to state their case to the Governing Body, but must get the opportunity thereto, if they so prefer. The learner/parent (s) or their representatives (who may be a legal representative)



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must also be allowed to be present when representations regarding the alleged misconduct is received and/or heard by the Governing Body.

- 5.9 Members of the Governing Body may be allowed to put questions to persons who made representations in order to explain such representations more fully or to establish whether certain actions are permissible. The learner or parent (s) of a learner who is charged with serious misconduct or the representative (who may be a legal representative) must also be afforded the opportunity to put questions to persons who made representations.
- 5.10 It must be noted that the inquiry is a legal and fair administrative process to establish the true facts to come to a just decision. The decision must take the legitimate expectations of the persons who are affected into consideration. In this regard section 23 of Schedule 6 of the final Constitution determines that national legislation envisaged in section 33 (3) of the final Constitution must be enacted within three years of the date on which the new Constitution took effect. Until the legislation envisaged in section 33 (3) is enacted, section 33 (1) and (2) is regarded to read as follows:
- “Every person has the right-
- (a) to lawful administrative action where any of their rights or interests is affected or threatened;
  - (b) to procedurally fair administrative action where any of their rights or legitimate expectations is affected or threatened.
  - (c) to be furnished with reasons in writing for administrative action which affects any of their rights or interests unless the reasons for that action have been made public; and
  - (d) to administrative action which is justifiable in relation to the reasons given for it where any of their rights is affected or threatened.”
- 5.11 The rules of natural justice which, among others, include the **audi et alteram partem** rule, must be complied with at the exercise of administrative actions where the rights of an individual is affected.
- 5.12 A decision whether members of the public must be allowed to attend the inquiry, is vested in the chairperson, with proper consideration of the principle that justice must not merely prevail, but it must openly be seen to prevail. However, the learner/parent (s) or their representative (who may be a legal representative) must be allowed to be present.
- 5.13 The Governing Body must arrange that any member of the school staff, who was involved with the misconduct, must be present at the inquiry to give explanation. Such a person is present only for the purpose mentioned and leaves the meeting as soon as the explanation session is over.
- 5.14 The fact must be noted that the Governing Body may, after the hearing of the representations, and on conviction of the learner, decide that the learner must be **SUSPENDED** as a correctional measure for a period not exceeding five school days or may decide to recommend to the Head of the Education Department of the Western Cape that the learner be **EXPELLED**. Where a Governing Body recommends that a learner be expelled, such a learner is regarded as having been suspended in terms of section 9(1) (b) of the South African Schools Act, 1996 (Act 84 of 1996). **THIS SUSPENSION MUST NOT BE REGARDED AS A SUSPENSION IN TERMS OF SECTION 9 (1) (a) OF THE SOUTH AFRICAN SCHOOLS ACT, 1996 (ACT 84 OF 1996)**. This suspension may therefore be for a period longer than one week.
- 5.15 The decision of the Governing Body must clearly be recorded in the minutes and if the decision is put to vote (by call or secret ballot), the outcome of the poll must be recorded in the minutes accordingly. In the case of a tie of votes the chairperson has the casting vote.
- 5.16 The Principal should note, however, that a learner who has been suspended, be it as a correctional measure or pending a decision by the Head of the Education Department of the Western Cape to expel the learner concerned or not, still remains an enrolled learner of the school, unless –



## RHENISH PRIMARY SCHOOL

- (a) the learner/parent (s) concerned requests a voluntary transfer to another school;
  - or
  - (b) the WCED decides to expel the learner concerned from the school; or
  - (c) the learner concerned dies.
- 5.17 A decision of the Governing Body concerned to suspend a learner as a correctional measure must immediately be revealed, in writing, to the parent (s) of the learner concerned. (An example of a letter which may be addressed to the parent (s), is attached as Addendum B).
- 5.18 Where a Governing Body recommends to the Head of the Education Department of the Western Cape that a learner be expelled, the parent (s) of the learner must immediately be notified accordingly, in writing, stating reasons for the decision (Addendum C may be used for this purpose) and the following documentation be submitted, within 14 days of the decision, to the Head of the Education Department, Western Cape:
- (a) a full report of the event or alleged misconduct, as well as a full motivation for the Governing Body's decision;
  - (b) the minutes of the meeting during which the decision was taken; and
  - (c) any written representations of the learner/parent (s) or their representative (who may be a legal representative).
- 5.19 The Head of the Education Department, Western Cape, shall within 14 days of receipt of the documents referred to in 5.12 a – c, decide whether the learner should be expelled from or re-admitted to the school and the Governing Body and the parent (s) shall without delay be informed, of such a decision.
- 5.20 If a learner who is subject to compulsory school attendance, is expelled:
- (a) The Principal in consultation with the learner's parent (s) must make arrangements for his / her placement at an alternative public school; and
  - (b) The Principal must afford an expelled learner who is not subject to compulsory school attendance, the opportunity to write the final examination of the year in which he/she was expelled: Provided that such a learner writes the examination in a venue separate from the learners of the school which he/she attended at the time of his/her expulsion.

## 6. APPEAL

- 6.1 Any appeal by the learner or the parent (s) of the learner against the decision of the Head of the Education Department of the Western Cape, must be lodged with the Member of the Provincial Cabinet within **10** days of receipt of the written notice.
- 6.2 The decision of the Member of the Provincial Cabinet is final.

## TEENAGE PREGNANCY

Sexual activities by learners **on school property** or **at school-related functions** should be regarded as serious misconduct. A learner who becomes pregnant should NOT be regarded as being guilty of serious misconduct. When it is realised or reported that a learner has fallen pregnant, the situation must be treated very carefully.



**ADDENDUM A**

**RHENISH PRIMARY SCHOOL**

**Rhenish Primary School  
Doornbosch Street  
Krigeville  
STELLENBOSCH  
7600**

Date:

Name and address of parent:

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

Dear .....

In accordance with regulation 3 (1) (a) of the regulations promulgated in terms of the South African Schools Act, 1996 (Act 84 of 1996), I hereby notify you that your son / daughter ..... who is in grade ..... is guilty of serious misconduct, seeing that he/she .....

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

(furnish full details with date (s) of the serious misconduct)

You are welcome to provide me with written or oral representations of explanation, denial or defence why your child should not be suspended or expelled. Such representations must reach me within ..... days from the date of this letter to be taken into consideration when the case will be considered by the Governing Body on ..... (date) at ..... (time) at ..... (venue).

You and/or your son/daughter and/or your representative (who may be a legal representative) are also welcome to be present on the above mentioned date, time and place and, if present, you will be afforded the opportunity to state your side of the case to the Governing Body.

Yours faithfully

**SECRETARY: RHENISH PRIMARY SCHOOL'S GOVERNING BODY**



RHENISH PRIMARY SCHOOL

**ADDENDUM B**

**Rhenish Primary School  
Doornbosch Street  
Krigeville  
STELLENBOSCH  
7600**

Date:

Name and address of parent:

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

Dear .....

I have to inform you that the Governing Body, after the hearing of the representations on ..... (date), has found your son/daughter guilty of serious misconduct and, in accordance with regulation 3 (1) (c) of the regulations promulgated in terms of the South African Schools Act, 1996 (Act 84 of 1996) has decided to suspend your son/daughter for a period not longer than five school days, as a correctional measure.

As a result of this decision your son/daughter may no longer attend the school nor enter the grounds of the institution from the date of this letter. If your son/daughter does enter the grounds, he/she shall be guilty of an offence and be subject to prosecution.

Yours faithfully

**SECRETARY: RHENISH PRIMARY SCHOOL'S GOVERNING BODY**



**ADDENDUM C**

**RHENISH PRIMARY SCHOOL**

Rhenish Primary School  
**Doornbosch Street**  
**Krigeville**  
**STELLENBOSCH**  
**7600**

**Date:**

Name and address of parent:

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

Dear .....

In accordance with regulation 3 (3) of the regulations promulgated in terms of the South African Schools Act, 1996 (Act 84 of 1996), I hereby notify you that the Governing Body of the above mentioned school has investigated the circumstances of the misconduct of your son/daughter ..... (name).

The decision of the Governing Body is that your son/daughter is suspended from attending the school pending a decision by the Head of the Education Department of the Western Cape whether your son/daughter should be expelled, seeing that he /she.....

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

(Details of serious misconduct)

As a result of this decision your son/daughter may no longer attend the school nor enter the grounds of the institution from the date of this letter. If your son/daughter does enter the grounds, he/she shall be guilty of an offence and be subject to prosecution.

Yours faithfully

**SECRETARY: RHENISH PRIMARY SCHOOL'S GOVERNING BODY**



RHENISH PRIMARY SCHOOL

I. REFERENCES

South African Schools Act, 1996 (Act 84 of 1996).

W.C.E.D. Circular 0091 / 1997 (Regulations relating to serious misconduct of learners).

W.C.E.D. Circular 0077 / 98 (General manual for the suspension and expulsion of learners from public schools).

Province of Western Cape: Provincial Gazette extraordinary, 5190, Friday, 31 October 1997.

*This policy has been adopted:*

At Rhenish Primary School

\_\_\_\_\_

Date

Principal: \_\_\_\_\_

Governing Body Chairman: \_\_\_\_\_