



Effingham Secondary School

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SCHOOL POLICY

CORPORAL PUNISHMENT

DBE Response to GCIS Request for Clarification on Corporal Punishment Stance

The DBE Policy on Corporal Punishment

The Department of Basic Education is guided by the South African Schools Act of 1996, a copy of which is readily available on the Department of Basic Education Website at the below link

<http://www.education.gov.za/DocumentsLibrary/Legislation/Acts/tabid/185/Default.aspx>

Section 10 of the South African Schools Act 84 of 1996, completely prohibits corporal punishment and it further criminalizes such a practice upon a learner.

The section stipulates that:

- 10(1) No person may administer corporal punishment at a school to a learner; and
- 10(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which could be imposed for assault.

Since 2000 the Department has put in place measures to address incidences of corporal punishment in schools. Department has developed and extensively trained principals, School Governing Body members and educators on Alternatives to Corporal Punishment. The emphasis is on corrective rather than punitive measures that promote positive discipline in schools

In addition, the department, developed an example Code of Conduct for Learners, to be used by principals and SGBs to develop context specific Codes of Conduct. This document was distributed to all provinces.

Procedures that should be followed by an aggrieved learner or parent

Learners must immediately report the matter of corporal punishment to the school principal. The learner should then be taken immediately to a medical practitioner to establish the injury and for treatment. If it is the school principal that is the perpetrator, then the learner must report the matter to the Education district Office which will also ask for the medical report.

The school principal must report the matter to the Education District Office and assist the learner with all information that will be required of the abused learner. The principal will then cooperate with the District Office when investigations regarding the abuse are done.

Where and when the department becomes aware of corporal punishment practices, a teacher is taken through departmental disciplinary procedures where the sanction, if found guilty, is expulsion. Unfortunately many of these cases remain unreported by the victims and the community at large.

A case of a teacher found guilty of misconduct (applying corporal punishment) by the department is referred to the South African Council for Educators (SACE) which is responsible for stipulating professional conduct of teachers for deregistration. Such a teacher is barred from practising as a teacher in the country forever.

Training and education the DBE has conducted around corporal punishment

The Department and its many efforts and programmes to make education and schooling a societal issue. Cases of corporal punishment relate to the broader challenges of discipline in schools. Where the department becomes aware of corporal punishment practices, due processes as stipulated in the Employment of Educators Act 76 of 1998 and other applicable policy and legislative framework are followed.

The Quality of Learning and Teaching Campaign (QLTC) was established to include teachers, unions, SGBs, parents and learners to support the culture of teaching and learning and assist in the upholding of discipline in schools, without resorting to corporal punishment.

It is unfortunate that many of these cases remain unreported by the victims and the community at large and through its efforts the Department continues to urge learners, teachers, principals and broader society to speak up against corporal punishment and break the cycle of silence around corporal punishment.

In Addition:

Education must be seen as a societal issue. Our schools are a reflection of what happens in society. The lawlessness and the violence that people experience despite the country's laws penetrate the schooling system. Legislation is not enough to deter people from doing wrong

It is the department's view that legislative or policy positions need to be complied with at all times and the department will continuously support teachers and schools with regard to principles and measures for the establishment and maintenance of discipline in schools.

Through programmes such as QLTC and actual participation by parents in school governance and leadership, the department will continue to canvass parents and the society at large around issues of cooperative discipline in schools. The department encourages the society at large and all other stakeholders in education to support the eradication of violence in schools including prevalent cases of corporal punishment. A DBE circular on Improving Learner Performance through Increased Parental Involvement dated 19 March 2012 has been sent to all Principals of public schools and Chairpersons of School Governing Bodies. This circular encourages, among other things, the Principals and SGBs to ensure that all parents are familiar with the schools' Codes of Conduct and the rights and responsibilities of learners and teachers to ensure that the school environment is conducive to quality learning and teaching.

Information on Teachers accused or convicted of administering corporal punishment reside with provincial departments. SACE (South African Council of Educators) has information on specific cases as well as schedule of convictions

This Policy was amended and ratified by the School Governing Body meeting held on Thursday, 7 May 2015 at 18:30 at Effingham Secondary School - Staffroom

Certified correct on behalf of the SGB:

Inderan Govender
PRINCIPAL

Anesh Naidoo
Chairperson of SGB

Erin N Hammond
Chairperson of RCL

DATE: Thursday, 7 May 2015

EFFINGHAM S S IS A DRUG & GUN FREE ZONE
EFFINGHAM S S SAYS NO TO XENOPHOBIA

ADDENDUM

ALTERNATIVES TO CORPORAL PUNISHMENT

1. What is Corporal Punishment?

Corporal punishment can be described as ‘any physical action that hurts a child in the name of discipline’. This could mean:

- hitting, slapping, pinching, pushing, shaking and kicking;
- depriving the child of food or rest or movement;
- forcing chillies, washing-up-liquid or other irritating substances in a child’s mouth or anywhere on his or her body; and/or
- forcing them to sit or stand for any length of time.

Emotional punishment is any action of adults to deliberately cause emotional distress to children in the name of ‘discipline’. This would include punishment where anyone encourages others to hurt a child emotionally. Emotional pain of this nature includes:

- an educator calling on the class to ridicule a fellow learner;
- the distress caused by threats, and other hurtful, frightening or humiliating and shaming words;
- screaming or shaking a fist at a child;
- shutting a child into a dark cupboard;
- unfair discrimination of a child;
- the withdrawal of love, affection and attention;
- a refusal to communicate or respond to the child over a significant period of time; and/or
- encouraging others to isolate a child and ignore him or her.

The inflicting of intellectual pain can also be used as a punishment. A common **intellectual punishment** is:

- insisting that a child agrees with a statement that he or she does not accept as being true;
- forcing a child to attempt tasks that are beyond his or her intellectual capacity (usually combined with humiliation); and/or
- forcing a child to do boring, repetitive and meaningless tasks.

Text from Prevention & Education Manual (Childline South Africa)