



Effingham Secondary School

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CODE OF CONDUCT **FOR** **LEARNERS**

Including
Responsibilities of
Educators & Parents

As Reviewed and Amended : February 2017

EFFINGHAM SECONDARY SCHOOL

CODE OF CONDUCT FOR LEARNERS

Preamble

*Constitutionally, children have the right to education. Recognizing that effective, skills-based, holistic, holistic education depends on a school environment in which there is a culture of learning and teaching, this right to education cannot be separated from the responsibilities of learners towards their own education, and the rights and responsibilities of educators, parents and the wider **school** community.*

EFFINGHAM SECONDARY SCHOOL strives to promote a professionally maintained educational environment which is founded in non-violence, and that upholds the principles of consensus, co-operation and tolerance.

1. INTRODUCTION AND DEFINITION

This Code of Conduct is an agreed set of behaviours that are acceptable or unacceptable within our school. This Code of Conduct includes the rules that govern the conduct and relations between learners, educators, parents and the wider community. Any reference to *parent* shall include the *guardian*. Any reference to *Principal* shall include his/her *designate/s*.

2. MISSION STATEMENTS

We shall strive to promote the physical, mental, psychological and cultural development of all learners through a combination of meaningful academic, co-curricular and extra-curricular activities in an educational environment that is healthy, safe, caring, trusting and challenging.

We shall strive towards the achievement of a high degree of excellence among all our learners, and to ensure that our daily interactions with all stakeholders reflect the fine traditions of the cultures of society at large so that we will always discriminate between righteousness and evil, and act accordingly.

3. AIM

The aim of the Code of Conduct is to maintain the disciplined and purposeful school environment that exists at Effingham Secondary School. It is dedicated to the maintenance and improvement of the quality of the learning process through the refinement of the culture of effective learning and teaching as espoused by our Mission Statements.

4. THE RIGHTS OF LEARNERS

The Constitution of the Republic of South Africa states that all learners have the right to education. This includes the right:

- 4.1 to learn and be taught in a safe school environment;
- 4.2 to attend regularly all classes, free from interference, whether of a verbal or physical nature, by any other person

- 4.3 to receive tuition in all preferred subjects, where practicable, according to the learner's abilities, and subject to the core curriculum and standards required by the provincial Department of Education;
- 4.4 to receive regular feedback reflecting academic progress;
- 4.5 to make responsible use of all school facilities subject to availability and the limitations imposed thereon by school rules and general school organisation;
- 4.6 to be given timeous provision by the educational authorities of sufficient basic equipment and learning materials;
- 4.7 to receive appropriate counselling for personal and/or educational problems;
- 4.8 to request, in writing to be excused from any activity which is against religious beliefs;
- 4.9 to have reasonable access to relevant and appropriate school policy documents (including the SA Constitution and the Bill of Rights);
- 4.10 to petition and survey learner opinion by following established and agreed procedures, including the right to be represented by a Students Representative Council;
- 4.11 to express their own opinions on issues in a reasonable manner ;
- 4.12 to follow an agreed procedure for expressing and resolving their grievances, including a method of appeal;
- 4.13 to have privacy in their personal possessions unless the principal or his/her designee has reasonable cause to believe that illegal or harmful materials possessed by the learner are being used to disrupt the educational process or endanger the health, safety or welfare of the learner her/himself and/or others;
- 4.14 of learners who are married, expectant parents or parents to remain in the regular school programme provided their presence does not adversely affect the education programme;
- 4.15 to attend a school free of drugs, weapons, drunkenness, bullying, intimidation or victimisation;
- 4.16 to attend a school free of sexual harassment or criminal behaviour.

5. THE RESPONSIBILITIES OF LEARNERS

Learners undertake:

- 5.1 to learn;
- 5.2 to attend all classes daily and on time;
- 5.3 to do all academic assignments and activities including homework
- 5.4 to do all academic formal School Based Assessments (SBA) and informal tasks timeously.
- 5.5 to note that absence from any tasks without a valid reason (medical/death) will forfeit the marks
- 5.6 to be in possession of appropriate working materials;
- 5.7 to be responsible for their own work (refer to Annexure A for sanctions)
- 5.8 to respect all persons and property;
- 5.9 to refrain from abusive language and inflammatory actions;
- 5.10 to conduct themselves in a safe and responsible manner;
- 5.11 to conform to normal, acceptable standards of personal cleanliness and neatness;
- 5.12 to seek changes in an orderly and approved manner;
- 5.13 to be responsible for the safety of their possessions at all time;
- 5.14 to refrain from and report any unauthorised removals of school property from the school premises;
- 5.15 to practice tolerance within the context of personal and interpersonal relations whether in or outside of the school property, especially when using the school uniform.

- 5.16 to take note that no form of bullying will be tolerated, examples may include but are not limited to: intimidation, sexual harassment, sexual assault, rape, victimization, kissing, sex of any kind, extortion, physical assault, cyber bullying, defamation of character, etc.
- 5.17 to refrain from the possession of, use of, and/or the distribution of tobacco products, nicotine products, drugs, alcohol products, pornographic material, dangerous weapons or any other illegal substances or items whether within or outside the school property, especially when in school uniform. Examples may include but are not limited to: cigarettes, e-cigarettes, alcohol, pornographic magazines, pornographic videos, dagga, firearms, pocket knives, etc.

6. THE RESPONSIBILITIES OF EDUCATORS WITH REGARD TO LEARNERS

Educators must ensure that they:

- 6.1 report regularly for duty and are punctual;
- 6.2 are well-prepared on a daily basis to perform their educative task both within and outside the classroom situation and are in possession of the appropriate working materials;
- 6.3 respect all persons and property;
- 6.4 refrain from abusive language or actions;
- 6.5 conduct themselves in a responsible and professional manner;
- 6.6 conform to normal, acceptable standards of personal cleanliness, neatness and dress;
- 6.7 abide by the rule, regulations and procedures set out by the school and the provincial Department of Education;
- 6.8 adhere to the Code of Conduct set out by the South African Council for Educators;
- 6.9 seek changes in an orderly, approved and professional manner;
- 6.10 endeavour to maintain a classroom/school atmosphere which promotes respect, collaboration and effective learning and teaching;
- 6.11 endeavour to plan a flexible work programme that will address the different needs, interests and abilities of the learners;
- 6.12 help develop good and sound working and inter-personal relations with colleagues and learners;
- 6.13 promote open and regular channels of communication between home and school and encourage parental participation in the affairs of the school;
- 6.14 encourage the endeavour to maintain learner involvement in the activities of the school;
- 6.15 encourage community involvement in the school in order to enhance the quality of Education offered by the school to learners.

7. THE RESPONSIBILITIES OF PARENTS (OR GUARDIANS) WITH REGARD TO LEARNERS

Parents must ensure that:

- 7.1 they receive regular academic reports from the school regarding their child's progress;
- 7.2 their child attends school each day, is punctual and, in cases of absence, explain such absence in writing;
- 7.3 they protect and ensure the rights of their child to learn;
- 7.4 as far as is possible, their child attends school in good health and conforms to generally-accepted norms of personal cleanliness and neatness;
- 7.5 they provide for the proper immunisation of the child as required by law;

- 7.6 they provide their child with the resources, basic equipment and learning materials needed to complete school work (both class work and homework);
- 7.7 they refrain from abusive language or inflammatory behaviour;
- 7.8 they bring to the attention of the school authorities any problem, condition or circumstance that affects their child or other children or persons in the school community;
- 7.9 they seek change in an orderly and approved manner;
- 7.10 they keep the school informed of any changes of address and other personal details as required;
- 7.11 they provide the school, upon request, with the original birth certificate of the child and original reports received at other educational institutes, particularly at the time of initial enrolment to the school. Parents of learners who are not South African citizens must provide the school, upon request, with original study permits or temporary residency permits;
- 7.12 they discuss report card, work assignments and homework with their children;
- 7.13 their children abide by the rules, regulations and procedures set forth by the school;
- 7.14 they endeavour to promote positive inter-personal relations between learner, educator, other parents and the wider school community in the best educational interests of their children;
- 7.15 they address the best educational interests of their child by becoming actively involved in the affairs of the school, by placing their talents and expertise at the disposal of the school, by supporting sporting and cultural activities regularly at the school;
- 7.16 they pay school fees as determined by the school's Governing Body;
- 7.17 they protect and uphold the public image of the school at all times
- 7.18 they observe proper protocol should there be any grievance against the school and its stakeholders
- 7.19 they attend meetings called up by the school for purposes including information dissemination and discipline matters.
- 7.20 they understand that the ultimate responsibility for a learner's behaviour rests with his/her parents.
- 7.21 they support the Code of Conduct for learners and ensure that their child/children observes it.

8. SCHOOL RULES, REGULATIONS AND PROCEDURES

8.1 *Absence/leave:*

- 8.1.1 The academic school day starts at **07:40** [except when intervention classes start at 07:00] and closure varies according to grade, but no later than **15:00** [except when extracurricular activities are undertaken].
- 8.1.2 Learners must be punctual at all times, including change-over between classes.
- 8.1.3 **A learner is only permitted to leave the school premises during normal school time if the learner is accompanied by a parent. Telephonic arrangements will not be permitted!**
- 8.1.4 A written note, signed by the parent, must be submitted to the office at least ONE school day before that on which a learner will be absent for reasons other than medical.
- 8.1.5 In cases of illness or other unforeseen absence, a letter giving full reasons for the absence and signed by the parent must be submitted to the form teacher on the day that the learner returns from such absence.
- 8.1.6 Any appointments (medical, dental or other) should not be scheduled during normal school hours.
- 8.1.7 No learner may leave the school premises during the course of the school day without the approval of the Principal or his designate.
- 8.1.8 Learners are not permitted to venture into areas designated as out-of-bounds. Such areas include the shopping centre and flats adjacent to the school!

8.2 Behaviour of Learners

- 8.2.1 It is expected of learners to behave in a manner befitting young adults who wish to maximise their potential through exercising their rights and responsibilities towards their own education, without infringing on the rights and responsibilities of their fellow learners, educators, parents, or the wider school community.
- 8.2.2 Learners will be courteous, conscientious, co-operative, and will seek to maximise the benefits gained from inter-personal relations between all of the stakeholders.

8.3 Dress code and Appearance of learners:

- 8.3.1 As learners at EFFINGHAM SECONDARY SCHOOL represent a very wide socio-economic spectrum, the principle of uniformity is strictly adhered to in order to diminish competition based on wealth. Learners are encouraged rather to express their individuality through their skills.
- 8.3.2 Regular checks are held to enforce uniformity.
- 8.3.3 Effingham Secondary has a school uniform, as supplied by Gems School wear, and a physical training uniform. These uniforms are compulsory and may not be altered or amended.

BOYS

- 8.3.4 **Boys' hair:** it is essential that hair be kept short, neat and well-groomed at all times. No extremes of style or length are allowed and, as a guideline, boys' haircuts should meet the following requirements: hair must be kept well clear of the forehead, ears and collar; sideburns may not extend below the middle of the ear and must be trimmed short; hair must not be artificially bleached or dyed, nor must it have any contemporary styles, e.g. mohawks, dreadlocks, shaven paths, gelled and spiked/sculpted, comb over, stepped, fades, etc.
- 8.3.5 Boys must shave; no beards or moustaches are allowed.
- 8.3.6 Boys must wear normal charcoal-grey pants and width of pants legs may not be narrowed - "skinnies" or "stove-pipes" styled pants are not allowed. The specified and accepted width of pants legs should be between 20cm to 24cm for waist sizes of 28 to 38.
- 8.3.7 Boys must wear charcoal grey school socks

GIRLS

- 8.3.8 **Girls' hair** must be neat, simply styled and kept neatly away from the face and eyes at all times. Natural hair may be braided or relaxed, but must be tied up if it touches the shoulder, or plaited if longer than shoulder length. Hair colour must be natural, with no highlights, bleaching or dyeing. Wigs, bonding, weaves and hair pieces are not allowed.
Hair extensions and braids will be allowed, in the **straight up and straight back styles** only, with no singles allowed. Extensions must be the same shade as the natural hair colour and must be tied up if it touches the shoulder, or plaited if longer than shoulder length. Braids are to be no thicker than 0.5cm in width.
Elastic hair bands must be black and not fancy. Small conventional hair slides/clips in black are acceptable. No hair grips (banana slides, clamps, claws, etc.) are allowed. Alice bands must be no more than 1cm wide, plain (no design) and black in colour.
- 8.3.9 **Girl's earrings** – girls who have pierced ears may only wear plain stud earrings not bigger than 3mm in diameter. Only one earring per ear – if girls have more than one piercing on the ear, the earring must be inserted in the bottom piercing. Earrings may only be worn on the lower lobe of the ear.
- 8.3.10 **Girls** must wear navy **Box Pleated Skirts** and the length must be on the knee (not shorter).

- 8.3.11 Girls must wear white ankle high socks with their shoes, and may wear black opaque stockings. No sheer or coloured stocking will be allowed.

GENERAL

- 8.3.12 Except for 8.3.9 (girls earrings), the only other jewellery that is permitted is plain watches and medic-alert chains or bracelets.
- 8.3.13 No jewellery may be worn in any body piercing e.g. tongue rings, nose studs, eyebrow rings, belly rings, etc., with the exception of 8.3.9 (girls earrings). Furthermore, styled eyebrows is not allowed.
- 8.3.14 No visible tattoos or body graffiti is allowed.
- 8.3.15 Nail varnish is not allowed and nails must be kept short and clean. Make-up and cosmetics including lipstick, lip gloss, mascara, eye liner, eye shadow, foundation, rouge, etc. are not allowed with the school uniform.
- 8.3.16 Black, conventional school shoes must be worn. Boots, sneakers, side laced, extended toe lengths, croc patterns, suedes, canvas etc. are not allowed.
- 8.3.17 Blazers and ties are compulsory at all times.
- 8.3.18 Learners must be in full school uniform whenever they enter the school premises for whatsoever reason, be it a normal school day or out of normal school time (including weekends & vacations)

8.4 Electronic Devices

- 8.4.1 The possession and/or use of electronic devices such as cellular phones, notebooks, tablets, i-pads, smartphones or similar devices is prohibited. If any such device is found on a learner, it will be confiscated and retained by the school staff. These items will only be released to the parent/guardian, and the penalty imposed will be R500.00. Alternatively these can be collected by the parent/guardian at year-end without any penalty.
- 8.4.2 The school cannot be held responsible for the loss of any such item at the school if this warning goes unheeded.

8.5 Miscellaneous:

- 8.5.1 Breakages/damage/defacing of equipment or of any school property will be charged to the Parent's account.
- 8.5.2 The classrooms, corridors and school grounds must be kept tidy. No littering is allowed.
- 8.5.3 Food may only be consumed at break times. Eating in classrooms, corridors or offices, is strictly forbidden. Chewing of gum is not allowed at any time.
- 8.5.4 No ball games may be played anywhere near or in the school buildings.
- 8.5.5 Parents, learners and teachers are obliged to comply with all other school policies as adopted by the SGB, copies of which can be made available on request.
- 8.5.6 Random searches by the SAPS, where they search learners for weapons, drugs, and other prohibited items, will be conducted from time to time, notwithstanding the provisions outlined in Section 8A of the South African Schools Act (Act 84 of 1996).

8.6 Medical treatment and emergencies:

- 8.6.1 The office telephone may be used only in extreme emergency.
- 8.6.2 Only in the case of an emergency will a personal message be relayed to any learner by the office.
- 8.6.3 The school does not provide any medication or pain relievers, as it cannot accept responsibility for any allergies or adverse reactions to such medication.

- 8.6.4 The sick room is available for any learner who is ill and cannot continue with normal class activities. Permission to enter the sickroom has to be granted by the office staff, at their discretion.
- 8.6.5 An emergency medical response service provider is contracted to the school, and will be called in the event of an extreme emergency to stabilize the learner.
- 8.6.6 In cases of medical emergency, that is, where consultation by a doctor or treatment in a medical facility is required, the school will notify the parents or next of kin as the parent will be liable for payment of treatment rendered. Please ensure that medical aid details are always available to the school.
- 8.6.7 In rare cases, e.g. infectious diseases or serious illness, learners may be sent home. Parents will be notified telephonically to collect the learner.
- 8.6.8 If the learner is unwell and requests to go home, the school will only permit this if the learner is accompanied by parent.
- 8.6.9 If parents cannot be contacted, the school shall embark on a reasonable course of action to assist the learner.
- 8.6.10 Pregnant learners will be allowed to attend school under controlled conditions. The learner must not attend school from a minimum of 1 (one) month prior to delivery, and can only return after a minimum of 1 (one) month after the delivery. Furthermore, all SBA and tasks for the period of absence must be completed upon return to school.

8.7 Textbooks and Stationery

- 8.7.1 Textbooks may be issued to each learner for the year. These must be covered in durable plastic.
- 8.7.2 Textbooks remain the property of Effingham Secondary School, unless they are specifically purchased by learners (e.g. workbooks)
- 8.7.3 Learners sign for each textbook received and parents accept responsibility for each textbook issued.
- 8.7.4 Learners and their parents are responsible for any damage to textbooks. Textbooks will have to be replaced or will be charged for if lost or destroyed.
- 8.7.5 Learners who do not return all textbooks, or fail to pay for lost textbooks will not be issued textbooks in the following academic year.

8.8 Reports on academic progress:

- 8.8.1 The academic progress of a learner is reported either through a formal report sent to the parent or via consultative meetings.
- 8.8.2 The formal report is signed by the relevant educators. These are issued without alteration, that is, no parts are deleted or altered.
- 8.8.3 Parents must check all formal reports and notify the school of any irregularities. Technology has allowed learners to alter reports professionally!

8.9 Meetings and communication:

- 8.9.1 Compulsory parent-teacher consultative meetings are usually held twice a year. Dates of these meetings are announced in specific letters to parents and issued to all learners. Registers are taken at all compulsory meetings.
- 8.9.2 In addition, other meetings (compulsory or voluntary) may be called by educators, the principal or Governing Body at any time, provided sufficient written notification is issued to the parents concerned.
- 8.9.3 Parent may request special meetings with teachers or the Principal to discuss their child's academic performance – these requests must be made at least 1 (one) school day in advance,

and meeting may be scheduled during the lunch breaks, or at the availability of the respective teachers.

8.10 **School Fees:**

- 8.10.1 The amount payable by parents of learners is determined annually by parents at a meeting called by the School Governing Body.
- 8.10.2 School fees are payable strictly in advance. Parents with overdue school fees may be listed on a Credit Bureau and/or legal action may be instituted against them.
- 8.10.3 Parents who cannot afford the prescribed school fees must apply for a concession on the prescribed forms and submit all required supporting documents.

9. THE JURISDICTION AND SCOPE OF THE CODE OF CONDUCT

The Code of Conduct is in force:

- 9.1 on school property prior to, during and following regular school hours;
- 9.2 at all official school events, both within and outside the regular school hours, where such school events are held under the auspices of the school management structures;
- 9.3 at all official school events which are held off the school property;
- 9.4 at all times when the learner is dressed in the school uniform, or is recognisable as a student of the school without uniform – both on the school property or in the public view outside the school.

10. DISCIPLINARY ACTIONS

It is most important that disciplinary actions are clear and well understood, not only by the learner who has been guilty of misconduct but also by the whole school community. The process must be fair and consistent, that is, two learners who are guilty of similar infringements should be treated in similar ways. Learners will be treated with fairness and no preferential treatment will be accorded to any learner, regardless of the parent/guardian's social or financial stature, patronage of the school or emotional coercion.

10.1 ***Disciplinary action at Effingham Secondary School, where practicable, takes the following principles into account:***

- 10.1.1 the privacy and dignity of the accused learner and affected parties;
- 10.1.2 fairness during the disciplinary process;
- 10.1.3 disciplinary action aims to correct behaviour;
- 10.1.4 discipline must be just, consistent and educative;
- 10.1.5 punishment must fit the offence and mitigating factors must be taken into account;
- 10.1.6 some of the rights and privileges of the guilty learner may be withdrawn; these include, inter alia, removal from positions of leadership (e.g. Prefect, SRC, etc.) and school functions (Debs, Matric Farewell, Excursions, etc.).

10.2 ***Procedures in cases of Very Serious or Criminal misconduct:***

- 10.2.1 All procedures will follow those prescribed in the provincial Department of Education's guidelines.
- 10.2.2 All learners accused of Very Serious (Level 4) or Criminal (Level 5) misconduct have the right to due process hearing.

10.2.3 All learners found guilty of Very Serious and Criminal misconduct have the right to appeal against the disciplinary action proposed by the relevant authorities, should this action include suspension or expulsion from Effingham Secondary School.

11. LEVELS OF MISCONDUCT

These are the five levels of misconduct used at Effingham Secondary School:

LEVEL	MISCONDUCT	SANCTIONS MAY INCLUDE
1	<p>Minor violations of general classroom discipline</p> <ul style="list-style-type: none"> ○ failing to attend classes on time ○ infrequent truancy of specific classes ○ leaving class without permission ○ failing to complete assigned homework ○ dishonesty with negligible consequences ○ failing to comply with reasonable instructions of educators 	<ul style="list-style-type: none"> ➤ Written warning and/or ➤ Community services and / or ➤ A maximum of one day suspension and / or ➤ An assembly talk
2	<p>Minor violations of school codes of rules</p> <ul style="list-style-type: none"> ○ frequent repetition of Level 1 misconduct, where disciplinary action by class teacher is considered ineffective ○ possession or use of tobacco, cigarettes [including electric cigarettes] ○ truancy of several classes or leaving school without permission ○ using abusive or profane language ○ engaging in excessive displays of mutual affection ○ verbally threatening the safety of another person ○ interruption of education in the classroom ○ discriminatory behaviour, including racial intolerance and sexist comments ○ disrespect towards another person at school or outside school whilst in school uniform ○ minor vandalism, e.g. graffiti ○ dishonesty with serious consequences ○ sale of any unauthorised items at school or outside school whilst in school uniform. 	<ul style="list-style-type: none"> ➤ Written warning and/or ➤ Community services and / or ➤ A maximum of three day suspension and / or ➤ An assembly talk
3	<p>Serious violations of school codes or rules</p> <ul style="list-style-type: none"> ○ frequent repetition of Level 2 misconduct, where disciplinary action by the school authority is considered ineffective ○ plagiarism ○ cheating during tests and examinations ○ minor injury by another person ○ bringing the school into disrepute ○ gambling ○ possession and use of alcohol or being under the influence of alcohol ○ severely disruptive behaviour, e.g. disruption of several classes ○ possession of or distribution of pornographic material or racist propaganda or sexist publications 	<ul style="list-style-type: none"> ➤ Written warning and/or ➤ Community services and / or ➤ A maximum of five day suspension and / or ➤ An assembly talk and / or ➤ Referral to the SAPS and or a psychologist

	<ul style="list-style-type: none"> ○ possession (without use of) dangerous weapons possession or use of narcotic substances or being under the influence of such limited arson ○ theft ○ vandalism 	
LEVEL	MISCONDUCT	SANCTIONS MAY INCLUDE
4	<p>Very serious violations of school codes or rules (Due Process procedure has to be implemented)</p> <ul style="list-style-type: none"> ○ repetition of Level 3 misconduct, where prior disciplinary action is considered ineffective ○ threatening another person with a dangerous weapon ○ intentionally causing limited physical injury to another person ○ limited sexual abuse, e.g. grasping ○ sexual conduct or sexual contact by mutual consent ○ selling narcotic substances (first offence) ○ extortion of another person's property ○ disruption of the entire school, e.g. boycotting, or picketing without prior consent ○ forgery of documents and signatures with serious consequences ○ bullying 	<ul style="list-style-type: none"> ➤ Written warning and/or ➤ Community services and / or ➤ A maximum of seven day suspension and / or ➤ An assembly talk and / or ➤ Referral to the SAPS and or a psychologist
5	<p>Criminal: violations of school codes of rules, but also of Civil law (Due Process procedure has to be implemented)</p> <ul style="list-style-type: none"> ○ forgery of documents and signatures with serious consequences ○ repetition of Level 4 misconduct ○ intentionally causing major physical injury to another person (assault) ○ intentionally using a dangerous weapon ○ sexual harassment, sexual abuse, engaging in sexual activity, rape, robbery/major theft ○ breaking and entering a locked premise or learners' lockers ○ murder 	<ul style="list-style-type: none"> ➤ Written warning and/or ➤ Community services and / or ➤ A maximum of seven day suspension and / or ➤ Possible Recommendation for expulsion from school ➤ An assembly talk and / or ➤ Referral to the SAPS and or a psychologist

12. SUSPENSION AND EXPULSION

The SA Schools Act specifies the following about suspension and expulsion:

“Section 9

- 9.1 Subject to this Act and any applicable provincial law, the governing body of a public school may, after a fair hearing suspend a learner from attending the school –*
- 1 as a correctional measure for a period not longer than one week; or*
 - 2 pending a decision as to whether the learner is to be expelled from the school by the Head of Department.*
- 9.2 Subject to any applicable provincial law, a learner at a public school may be expelled only –*
- 1. by the Head of Department; and*
 - 2. if found guilty of serious misconduct after a fair hearing.*

- 9.3 *The Member of the Executive Council must determine by notice in the Provincial Gazette –*
1. *the behaviour by a learner at a public school which may constitute serious misconduct;*
 2. *disciplinary proceedings to be followed in such cases;*
 3. *provisions of due process safe guard the interests of the learner and any other party involved in disciplinary proceedings.*
- 9.4 *A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council.*
- 9.5 *If a learner who is subject to compulsory attendance in terms of section 3(1) is expelled from a public school, the Head of Department must make an alternative arrangement for his or her placement at a public school.”*

13. TRIBUNAL

- 13.1 A tribunal is a formal disciplinary hearing. It is similar to a court case, which is held at a school – but it is not a court of law. A tribunal is set up when a school has to deal with a case of “very serious” misconduct by a learner.
- 13.2 Throughout the investigation and tribunal process, the school must follow “due process”. There are very strict procedures. The Governing Body must be able to show that it has guaranteed the learner a fair hearing. Otherwise, it can be challenged on its decisions. The Governing Body must always take great care to act in terms of the Bill of Rights, the SA Constitution, and the provincial Education Department Regulations.

13.3 The Tribunal Process

In summary, the steps are as follows:

- 13.3.1 As you know, the Code of Conduct encourages learners to behave in positive ways which promote the interests of the whole school community. However, when a learner has seriously misbehaved, the matter is reported to the principal, and the principal will refer the problem to the School Governing Body. At this stage, the principal should not mention the name of the learner or the allegations made against him/her.
- 13.3.2 The SGB will appoint one or two persons to check whether there is a “prima facie” case (that is, there is a case “at first sight”). These persons will look at the problem and decide whether it is serious enough for a tribunal.
- 13.3.3 The SGB does not need to call a special meeting to appoint these investigators at this stage. At the beginning of the year, the SGB may delegate the authority to the Chairperson and Vice Chairperson of a small committee to make the appointment. (As always, it is important to record the decision to appoint investigators in the Minutes of the SGB meeting.)

13.4 Appointing the Tribunal

- 13.4.1 If the Governing Body decides to go ahead with the tribunal, it will appoint two persons as members of the tribunal. This appointment must be made in writing. Members of the tribunal should not be members of the Governing Body; they may be outsiders (e.g. retired principal, minister of the Church, magistrate). Both persons must be neutral – they may not be involved in the problem, which has arisen.
- 13.4.2 The tribunal is like a sub-committee of the Governing Body. It makes recommendations to the SGB, but the SGB is not forced to accept the recommendations. The SGB may also refer matters back to the tribunal.
- 13.4.3 The members of the tribunal should not be informed in advance of the details of the problem. They should base their findings on the evidence, which is presented to them during their own investigation of the learner’s misconduct.

13.4.4 They will then make recommendations to the Governing Body. Their recommendations should include corrective actions or disciplinary steps - the main purpose being to help the learner to stop his/her unacceptable behaviour.

13.5 Tribunal Procedure

13.5.1 The tribunal must inform the learner and his/her parents (or guardians) at least five days before, about the time, date, and venue of the hearing. They should also give the charges brought against the learner in writing.

13.5.2 The tribunal must warn the learner and his/her parents that the hearing could result in expulsion or suspension of the learner from the school.

13.5.3 They must ensure that the learner and his/her parents know that they have the right to present evidence before the tribunal. The principle of “audi alteram partem” is important, this literally means “listen to the other party”.

13.5.4 On the other hand, the tribunal has the right to exclude lawyers. The accused learner and his/her parents may of course attend the hearing, but it is not compulsory.

13.5.5 Witnesses may be called. Any persons - including the learner and his/her parents - may question the witnesses, but this should always be done in a fair and equitable way. The accused learner always has the right of reply.

13.5.6 All documents used must be made available to all participants in the hearing. This includes written statements, a record of the learner’s behaviour whilst at the school, character references, etc. The “proceedings” (discussions) must be recorded “verbatim” (word-by-word). If necessary, tape or video recordings may be made.

13.5.7 The accused and his/her parents must be allowed to make statements “in mitigation”, that is, to give explanations and appeal to the tribunal members to be lenient merciful).

If the learner is found guilty or if the verdict is “guilty” the Governing Body may do one or more of the following:

- Give a written warning to the learner.
- Impose a penalty provided for in the Code of Conduct.
- Require a written promise of good conduct from the learner.
- Suspend the learner from school for a period not exceeding one week [seven days].
- Recommend to the provincial Department that the learner be expelled.
- Expel the learner from the hostel of the school.

13.6 Informing the Department

13.6.1 If the tribunal recommends expulsion of the learner, the School Governing Body must inform the provincial Department in writing.

13.6.2 They should also provide copies of all documentation which was used in the tribunal.

13.6.3 Remember, the SGB’s powers are limited to one week’s suspension of the learner. If the tribunal recommendation was for expulsion, then the learner may be suspended for longer than one week while the school awaits a final decision of the Department.

13.6.4 If the suspension or expulsion happens at the time of writing tests or exams, the principle must Make arrangements for the learner to write the exams - probably at another venue.

13.7 Appeal

- 13.7.1 If a learner was found guilty of very serious misconduct, and if the decision was made at the tribunal that he/she would be expelled, the learner and his/her parents may appeal against the decision within 7 days, such appeal to be made in writing to the Provincial Head of Department.
- 13.7.2 A special “appeal hearing” will be convened by the Provincial Head of Department within 14 days, when a final decision will be made.
- 13.7.3 Alternative placement: If a learner is expelled from one school, and if that learner is still of Compulsory school-going age, the provincial Education Department must find an alternative placement at another school for the learner.

14. RULES FOR AMENDMENTS & EXTENTIONS

- *This Code of Conduct will be supplemented by further details that explicitly outline the day-to-day conduct of learners at school.*
- *Ongoing amendments to this code shall be brought to the notice of learners and parents via assembly announcements and newsletters. It is the responsibility of learners to convey such amendments to their parents and parents to conduct regular enquiries in this respect.*

ANNEXURE A

EXAMINATION IRREGULARITIES & SANCTIONS As per Government gazette pertaining to Conduct of Examinations

(10) Irregularities involving candidates:

No.	Irregularity	ACTION TO BE TAKEN OR APPLICABLE SANCTIONS
(a)	Failure to produce identification documents	<ul style="list-style-type: none"> • The candidate must be allowed to write the examination, but must produce the identification document within 24 hours or, alternatively, provide an affidavit. • Should the candidate fail to produce the identification document or the affidavit within 24 hours, he or she will not be allowed to continue with the next examination session.
(b)	Incorrect examination number or no examination number	<ul style="list-style-type: none"> • The assessment body must use all available means to establish the correct examination number and this number must then be verified with the school or the candidate concerned.
(c)	Late arrival at the examination centre	<ul style="list-style-type: none"> • A candidate must not be admitted to the examination room should he or she arrive after the first hour of the commencement of the examination. • A candidate who arrives within the first hour of the commencement of the examination must be allowed into the examination room, but will not be allowed and additional writing time.
(d)	Examination answer script missing or lost by the assessment body	<ul style="list-style-type: none"> • After all possible steps to locate the examination answer script have been exhausted; a report in this regard must be submitted to Umalusi. Based on the report, Umalusi will officially declare the examinations answer scripts missing and request the assessment body to determine a calculated mark in accordance with Umalusi guidelines. The final calculated marks must be submitted to Umalusi for approval.
(e)	Candidate found in possession of unauthorised material during the examination	<ul style="list-style-type: none"> • The candidate's results for that examination question paper is declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations. • If the unauthorised material is not related to the subject being written, the candidate is issued with a written warning, which will be taken into consideration should he or she be found guilty of a future offence.
(f)	Candidates found in possession of an unauthorised electronic device during the examination	<ul style="list-style-type: none"> • The candidate's result for that examination question paper is declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations.
(g)	Candidate caught copying or obtaining help from a fellow-candidate	<ul style="list-style-type: none"> • The results of the candidate caught copying may be declared null and void for that examination question paper.

		<ul style="list-style-type: none"> • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations. • If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.
(h)	Candidate assisting another candidate during the examination session	<ul style="list-style-type: none"> • As in (e)
(i)	Presentation of fraudulent identification or an imposter	<ul style="list-style-type: none"> • The candidate's result for that examination question paper must be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations. • In addition, this matter must be reported to the SAPS.
(j)	Assistance to a candidate, provided by an invigilator, a teacher or principal, or any other official	<ul style="list-style-type: none"> • In the event of the candidate being found guilty, the results for that examination question paper may be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations. • In the case of the invigilator, teacher or principal, it must be regarded as an act of misconduct. The official must be suspended immediately from all examination-related work, and be dealt with in terms of the relevant legislation. • This must also be reported to SAPS.
(k)	Handwriting of a different person on the examination answer script	<ul style="list-style-type: none"> • As in (e)
(l)	Two examination answer scripts with the same examination number	<ul style="list-style-type: none"> • If the act was unintentional, the examination numbers must be corrected and the results of the candidates concerned must be released. • If the action was intentional or deliberate, the results of the guilty candidates must be declared null and void for that examination question paper. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations.
(m)	Crib notes discovered in examination answer scripts at the marking centre	<ul style="list-style-type: none"> • As in (e)
(n)	An examination answer removed from the examination room and submitted at a later stage	<ul style="list-style-type: none"> • The examination answer script must be marked as normal, pending the outcome of the investigation. • In the event where the candidate is found guilty, the results for the examination question paper concerned must be declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations.
(o)	Submission of work that is not the candidate's own work	<ul style="list-style-type: none"> • The person, who submits the work that is not his or her own, may have his or her results for that examination question paper declared null and void. • The candidate may be barred from a minimum of one and a maximum of three subsequent examinations, excluding the supplementary examinations.

		<ul style="list-style-type: none"> • If there is evidence of collusion, the candidate offering the assistance must also be sanctioned as indicated above.
(p)	Leaked/stolen examination question paper	<ul style="list-style-type: none"> • This must be regarded as a criminal case and be referred to the SAPS. • In the event where it can be proven that specific candidates have stolen an examination question paper prior to it being written, the guilty candidates must be barred from writing the examination for a period of three (3) to five (5) years, from the date of the offence. • The results obtained for the subject should be declared null and void.
(q)	Bribery or attempted bribery	<ul style="list-style-type: none"> • This must be regarded as a criminal case and be referred to the SAPS. • In the event where the candidate is found guilty, the candidate must be barred from writing the examination for a period of three (3) to five (5) years, from the date of the offence. • In the event where a teacher or a departmental official is involved, this must be regarded as an act of misconduct and must be dealt with in terms of the relevant legislation.
(r)	Creating a disturbance, intimidation and drunkenness, disregarding the arrangements and/or the reasonable instructions of the invigilator	<ul style="list-style-type: none"> • The candidate must be warned and, if he or she persists with the behaviour or action, the candidate must be removed from the examination centre. • The candidate then forfeits the opportunity to write or to continue writing that specific examination question paper. • Where the candidate has commenced with the examination, the marks attained will be declared null and void. • The candidate retains the marks awarded for the other components in the subject, and the results released as such. • Criminal charges may be instituted.
(s)	Resulting of a candidate who is irregular in an eighth and ninth subject	<ul style="list-style-type: none"> • Where a candidate is irregular in any component of the subject, the result for the subject will be declared null and void and the candidate must redo the entire subject. The candidate will receive the subject results for the subjects where there is no irregularity and will not receive the overall result until the period of the sanction has expired and the candidate satisfies the minimum requirements for the National Senior Certificate. • Where a candidate is irregular in the eighth or ninth subject, the candidate will receive the subject results in the subject/s where there is no irregularity. The candidate will not receive the overall result relating to the qualification.

GENERAL INFORMATION

INHIBITING FACTORS TO SAFE SCHOOLS

Sergeant Ian Scorgie of SAPS Greenwood Park says:

1. Bullies (Profile: poor in their school work)
2. Truants (Profile: Dysfunctional families)
3. Physical/sexual abuse (prevalent in dysfunctional homes; promotes truancy and subjects young truants to further unscrupulous exploitation on the outside)
4. Weapons are carried into schools because the learner is
 - Simply showing off
 - Comes from a culture of violence at home or home environment
 - Tending towards suicide
5. There is often a lack of compassion on the part of adults who deal with problem children.
6. Lack of CIVIC/COMMUNITY responsibility towards protecting their schools.

THE NAIVE PARENT & THE DRUG SCENE

Inspector Danie Verster: Durban Flying Squad says about:

1. HOAX CALLS

There were 7000 hoax calls to the emergency numbers in the province last month at enormous cost to the tax payer, adding danger to public and personnel when squad members rush at high speeds in busy traffic conditions, etc.

2. DRUGS

There are a range of drugs looking like ordinary tablets. Most addictive and easily obtainable are drugs called sugars and tik. These are becoming increasingly prevalent among persons as young as eleven years old! Listen to CJ on Radio Lotus. Verster categorically stated that drugs are a problem in all communities and therefore in all schools!

Why?

- Pressure from friends when learner is away from home
- Alternative to lack of attention or neglect at home
- Parents are users
- Abuse at home
- The Nightclub and Shopping Mall influence-Pavilion and Gateway. Verster emphasised the irresponsibility of parents who leave their children with cell phones to negotiate pick up well into the early hours of the morning.

The notorious date-rape drug, Rohypnol comes in ordinary tablet form. It can be obtained from the chemist as prescription for the treatment of insomnia or depression. If slipped into a glass of cool-drink it can knock you out for 4-6 hours. In alcohol, it can leave a person unconscious for several days. The drugged person is open to any suggestion and/or abuse.

3. HI-JACKINGS/ROBBERY: HOW OBSERVANT ARE YOU?

The lack of skill among the public to observing things around them is the worst drawback to police investigators.

Check yourself:

- What was your boss wearing yesterday?
- What about the person sitting next to you in the taxi/bus?
- What is the number plate of your vehicle/s?
- What did your teacher wear?

Verster emphasised the need to deliberately teach observation skills as a game beginning at home and in Primary schools as part of the life skills programme.

Knowing these skills may save someone's life!

Verster runs a course offered to senior learners: *Project Fight Back* – Monies collected as donations to be forwarded to some needy organisation.

4. UNDER-AGE SEX

. Becoming the norm

. Do you wait to see your child enter the school grounds before driving off?

. How well do you know your child's friends?

. Parents falling hopelessly into the child-trap. "I am visiting with my friends. There is no school today? The teachers are not doing any work."

5. NEGOTIATING WHO PICKS UP YOUR CHILD AFTER SCHOOL

The Minister has placed an enormous burden upon schools which has resulted in the decision that learners can only be released into the custody of a parent during a school day. No other representation will be accepted!

6. LEARNERS MUST STAND UP AND BE COUNTED

Root out the learners who are destroying the environment of teaching and learning. Say, "This is Our School". From CJ Benjamin-Radio Lotus

Dated: Friday, 16 March 2017 at Effingham Secondary School.