



Nelspruit Primary School



Code of Conduct.

2018



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PART 1

Code and rules of conduct

1. Introduction

This document is the code of conduct of *Nelspruit Primary School*, as approved by the Governing Body. The Governing Body has consulted the school's parents, learners and educators on the content of the code of conduct. The code of conduct has been drafted in accordance with the relevant provisions of the Constitution of the Republic of South Africa, Act 108 of 1996; the South African Schools Act, Act 84 of 1996 ('SASA'); the National Education Policy Act, Act 27 of 1996; Guidelines for a Code of Conduct for Learners (General Notice 776 in Government Gazette 18900 dated 15 May 1998); the Regulations on Devices to be used for Drug Testing and the Procedure to be followed (GN 1140 in Government Gazette 31417 dated 19 September 2008); Regulations for Safety Measures at Public Schools (GN 1040 in Government Gazette dated October 2001, as amended) and relevant provincial legislation.

2. Objective

Although the State is obligated to make education available and accessible, this must be enhanced by the dedication and commitment of responsible role players, namely educators, learners and parents. This code of conduct is intended to promote such dedication and commitment.

This code of conduct aims to establish a disciplined and purposeful school environment, which is dedicated to promoting and maintaining the quality of the learning process.

The code of conduct endorses the school's mission statement.

Learners and their parents/guardians are expected to acquaint themselves with the school's code of conduct and its provisions. As soon as learners are enrolled at the school, they are subject to the code of conduct, and must strictly adhere to it. Should



learners transgress or violate the code of conduct, they will be acted against in accordance with the disciplinary procedure for learners.

The school will contact parents / guardians when a learner's behaviour becomes a cause of concern and will endeavour in a spirit of constructive partnership to resolve the problem.

3. Code of conduct

General rules

- 3.1 Learners shall be good ambassadors of the school, and shall conduct themselves in accordance with the school's code of ethics at all times.
- 3.2 While wearing the school uniform, or any part thereof that is sufficient to establish a link with the school in the public eye, or while representing the school, either directly or indirectly, as participants, supporters, assistants, spectators or otherwise, learners shall refrain from any conduct that could bring the school, staff or their fellow learners into disrepute.
- 3.3 In their interaction with the principal, vice-principal, educators and other staff of the school, learners shall be courteous and respectful at all times and shall refrain from any action that constitutes disrespectfulness or rebelliousness.
- 3.4 In their interaction with one another, learners shall practise self-restraint as far as possible, and shall display mutual respect and tolerance. In particular, learners shall refrain from any action aimed at harming, or that could possibly cause harm to, any other learner's physical, spiritual and moral well-being. Any sexual or improper physical contact between learners on school grounds, or in any other place where they could be identified as learners of the school, is strictly prohibited.
- 3.5 A school educator shall have the same rights as a parent with regard to controlling and disciplining the learner according to the code of conduct, both during such learner's school attendance as well as at any school activity.



- 3.6 Learners may not eat or drink in the classroom, school hall or library. The chewing of gum during school activities or on the school premises is prohibited.
- 3.7 The use of cell phones during school hours and school activities is strictly prohibited. In case of an emergency - learners must report to the office for assistance. The school takes no responsibility for cell phone theft, damages, etc. It is advised that learners leave cell phones at home.
- 3.8 The smoking, possession and/or use of tobacco products, Electronic cigarettes or “Vape / Cloud Pens”, liquor, other alcoholic substances or drugs on school premises or during any school activity, or when learners are dressed in school uniform, is strictly prohibited. Any learner found in possession of medication that has a schedule 4 or 5 classification, will within a 24 hr period make a copy of the medical script by a medical doctor available to the school, should this certificate not be provided, the medication will be deemed an illegal substance.
- 3.9 In case of a reasonable suspicion that learners have violated this code of conduct or the laws of the country, the school principal or an educator is entitled to search such learners and/or the property in their possession for any dangerous weapons, guns, drugs or other harmful and dangerous substances, stolen goods or pornographic material that the learners may have brought onto the school grounds. Throughout, learners’ dignity will be respected, and therefore, the search will be conducted in private, by persons of the same sex, and in the presence of another person. The search process and outcome must be recorded.
- 3.10 Any conduct that unfairly prejudices the administration, discipline or efficiency of the school shall be regarded as a violation of this code of conduct.
- 3.11 A conviction of a criminal offence in a court of law shall be regarded as a violation of this code of conduct.



3.12 Transgressions that may lead to suspension and/or expulsion include but are not limited to:

- a) conduct that poses a threat to others' safety and infringes upon others' rights;
- b) possessing, threatening with or using dangerous weapons;
- c) the possession, use, trading or any visible sign of narcotic or unauthorised drugs, alcohol and intoxicating substances of any nature;
- d) fighting, assault or abuse;
- e) indecent behaviour or swearing;
- f) adopting or assuming a false identity eg. Copying parent's signature.
- g) harmful graffiti, hate speech, sexism or racism;
- h) theft, or the possession of stolen goods, including the theft or possession of test or examination papers before such test or examination has been conducted;
- i) unlawful conduct towards and/or vandalising, destroying or damaging school property;
- j) disrespectfulness, disruptive and offensive behaviour and verbal abuse aimed at any educator / learner of any school;
- k) repeated violations of school rules or this code of conduct;
- l) criminal and oppressive behaviour, such as rape and gender-based or sexual harassment, or being in possession of or distributing pornographic material;
- m) victimisation, bullying and intimidation of other learners;
- n) the transgression of examination rules; and



- o) intentionally and knowingly providing false information, or forging documents, in order to obtain an unfair advantage.

4. Class rules

- 4.1 The class educator shall formulate class rules upon the adoption of this code of conduct, and at the beginning of each ensuing school year, after having consulted the learners in the class as well as their parents.
- 4.2 The class rules must be compiled in writing and –
 - 4.2.1 immediately be tabled to the principal and school governing body;
 - 4.2.2 be displayed in a legible format in a prominent spot in the classroom;
and
 - 4.2.3 be made available to all learners and their parents.
- 4.3 Learners are expected fully and promptly to comply with the class rules as well as any verbal instruction given by the class educator or any staff member that is reasonably essential to give effect to this code of conduct and/or for the sound and professional management of the school.
- 4.4 Any violation of the class rules shall be regarded as a violation of this code of conduct and school rules.

5. Rules with regard to appearance and school wear

- 5.1 School wear
 - 5.1.1 The prescribed school wear shall be worn during school hours as well as other school activities, as determined by the governing body.
 - 5.1.2 School wear must be clean and neat at all times. As for vests, boys may wear only plain white vests, which may not be visible under any circumstances eg. Long sleeves vest under short sleeve shirt.



5.1.3 Clothing rules

Boys: Winter

School Track suit, green Drimac or jersey with school shirt, white tackies and short white socks. Green beanies, gloves and scarves are also allowed. Beanies must be removed in class.

Boys: Summer

Green school shorts, school shirt, white tackies and short white socks.

Girls: Winter

School Track suit, green Drimac or jersey with school shirt, white tackies and short white socks. Green beanies, gloves and scarves are also allowed. Beanies must be removed in class.

Girls: Summer

Green school shorts, school shirt, white tackies and short white socks.

PLEASE NOTE (Boys and Girls)

No secret socks allowed and tackies should be majority white of colour. Boot style tackies are not allowed. Shoe laces properly tied up and should be white only. No caps may be worn during class time.

5.1.4 The governing body may use its own discretion to grant permission for learners to wear civilian clothes to certain events. Such clothes must be neat and proper.



5.2 Appearance

5.2.1 Hair

Girls

- Hair colour must seem natural at all times. No unnatural highlights or lowlights are allowed. No artificial colouring permitted.
- Hair that extends over the collar must be tied.
- Straight hair – one ponytail at the base of the neck.
- Hair must be tied back with plain elasticated bands, alic bands or ribbons in green, yellow, black or white.
- When hair is tied back, there may be no pieces hanging loose.
- Fringes must be tied or clipped back so that there is no hair in the eyes.
- No exotic or extreme hair styles are permitted.
- Hair may be braided from front to back, 5mm in thickness, no beads at the end of the braids.
- No Rasta extensions.
- Own hair – not buffed up.

Boys

- Hair must be cut in a professional manner, neat & presentable.
- Hair must be shaved off the collar.
- Hair may not cover the ears.
- Hair may be cut gradually into layers. No lines cut in.
- No exotic or extreme hairstyles or colours are permitted.



- Hair may have S-Curl in natural colours. No locks & mo-hawk.
- When hair is combed down, it may not touch the eyebrows.
- Hair may not bush out excessively.
- No Rasta extensions.

5.2.2 Jewellery

- All jewellery items, such as rings, bracelets (elastic or leather) or chains, are prohibited.
- Only wristwatches and medical bracelets are allowed.
- The wearing of body jewellery, such as nose-, tongue- and eyebrow jewellery, is strictly prohibited. As for girls' earrings, only one gold or silver stud or standard gold or silver ring without attachments will be allowed per ear, worn in the bottom hole if the ears had been pierced more than once.
- Ear rings for girls only. No other studs or gems will be allowed.
- No fashion or costume jewellery allowed. Any jewellery not specified by this document should be referred to the HOD.

5.2.3 Nails

- Nails may not extend beyond fingertips.
- No nail polish may be worn.

5.2.4 Make-up

- No mascara, eyeliner, lip colour, foundation or blusher will be allowed.



6. Sports and extracurricular activities

6.1 Participants in sports and extracurricular activities

6.1.1 Learners who are selected to represent the school as participants in any sports or other extracurricular activities must be dressed in the sportswear, school wear or other prescribed clothing as determined by the educator responsible for the activity concerned, both during and after participation in such activity.

6.1.2 All learners who participate in the aforementioned activities shall be loyal to the school and fellow participants. In particular, participants must report promptly and on time at the venue of the activity or the venue from where participants depart to the activity. Learners who have been selected to represent the school in an activity may only be excused from attendance if a written apology is handed to the sports or cultural head in advance. Unforeseen absence from an activity will only be excused if the sports or cultural head receives a written apology no later than three days following the relevant activity.

6.1.3 Learners who represent the school at sports activities will at all times be courteous towards, and comply with the rulings, prescripts and instructions of:

6.1.3.1 the sports head and the educator involved in the relevant sports code;

6.1.3.2 the referee or adjudicator with regard to the relevant activity; and

6.1.3.3 the team captain.

6.1.4 Although it is assumed that learners who participate in sports activities shall do so with commitment and dedication, such learners are expected also to practise self-restraint and self-discipline. In particular, no learner may display bad sportsmanship, use foul or offensive



language, get involved in fights or incidents, or engage in any foul or improper play.

6.2 Spectators and supporters at sports and other extracurricular activities

6.2.1 Apart from their duty to comply with the provisions of this code of conduct, all learners attending any school activity as spectators or supporters shall also refrain from any disruptive, improper, rebellious, unnecessarily inciting or indecent behaviour. In particular, learners may not respond negatively to any ruling by an adjudicator or referee.

6.2.2 Learners who attend any school activity as spectators or supporters shall abide by and obey any instructions and directives they receive prior to, during and after the activity concerned from the principal, any educator, member of the School Prefects, other school leaders, or parents appointed by the principal to assist with the transport, supervision or control of learners who need to be transported to and from the activity concerned, or who attend the activity.

6.2.3 The abovementioned rules equally apply to any participation in any extracurricular activity apart from sports activities, except cases on which the rules obviously have no bearing.

7. School property

7.1 'School property' includes the following:

7.1.1 The grounds and buildings occupied by the school, as well as any permanent addition to such grounds and buildings

7.1.2 All other property, including equipment, books, stock, motor vehicles and the like that the school owns, rents or stores, or with regard to which the school could be held legally liable in case of any damage or loss

7.2 As the school has been developed and erected for the use of all learners who attend it, all learners are obligated to do everything in their power to protect



the school's property in order for it to be utilised to the benefit of all current and future learners of the school.

- 7.3 No learner may remove any school property from the school grounds without the prior consent of the principal or an educator of the school.
- 7.4 Learners may not handle, damage, mark, deface or destroy any property of the staff of the school, fellow learners, visitors to the school, or members of the public. This rule applies to property on the school grounds, in the immediate vicinity of the school, at or near the venue of any school activity, as well as any vehicle with which learners are transported, and the property contained therein.
- 7.5 Learners may not damage, deface or destroy any school property. Any learner who deliberately misuses, damages or vandalises any school property shall replace or pay for such property. Destruction of and/or damage to property is a criminal offence.

8. The School Prefects and other school leaders

- 8.1 The Prefects and other school leaders, in conjunction with the staff of the school, are responsible for general school discipline.
- 8.2 Prefect members and other school leaders shall bring transgressing learners to the staff of the school, whereafter line functions will be followed.
- 8.3 All learners shall obey any reasonable instruction from a member of the Prefects or another school leader, and shall support and cooperate with the Prefects and other school leaders in properly executing their duties.

9. School notices

- 9.1 All learners are obligated to hand to their parents all school notices that were distributed to learners for such purpose by the governing body, principal or an educator of the school, as well as promptly return to the class educator any acknowledgement of receipt that was to be completed by the parents.

D6 Communicator will form part of formal school communication to parents.



10. School work and homework

- 10.1 There shall be an orderly atmosphere in the classroom at all times. Learners may not disrupt or hinder teaching.
- 10.2 Learners must promptly carry out instructions in class.
- 10.3 All learners must have and maintain a homework book / diary as may be required by the principal or class educator.
- 10.4 All learners must do their prescribed homework and promptly return it to the relevant educator by the due date. Failure to comply with this rule shall be excused only if, on the day on which the homework was to be completed, the learner hands to the educator a written note from his/her parents with an acceptable excuse for such failure.
- 10.5 All learners must do their prescribed homework enthusiastically, diligently and with dedication in order to develop a consistent work ethic. Failure to comply with this rule without an acceptable excuse shall be regarded as a transgression of this rule.
- 10.6 Learners are obligated to catch up as soon as possible on any work that they have missed.
- 10.7 Learners shall move swiftly and in single file from one class to the next. Chatting in groups or visits to the restroom between classes are not allowed.
- 10.8 No learners are permitted outside of class during class time without a class pass.

11. Tests and examinations

- 11.1 All learners are obligated to abide by the tests and examinations that educators may require. Failure to comply with this rule shall be excused in exceptional cases only, provided that the parents of the learner concerned



supply the principal with a full and acceptable written explanation at the earliest possible opportunity.

- 11.2 Learners shall refrain from any form of dishonesty when tests and examinations are conducted.

12. Bicycles, roller blades and skate boards

- 12.1 Learners may not bring bicycles, skate boards, roller blades etc. onto the school grounds unless he / she has the prior written consent of the principle or management of the school.
- 12.2 Learners shall adhere to traffic rules on and around the school grounds.
- 12.3 All bicycles are parked at own risk on and around the school grounds.

13. Personal belongings

- 13.1 Any personal belongings permitted by the school will be brought at own risk. The school will not be held responsible for damage or theft of such belongings.

14. Punctuality

- 14.1 Learners are expected to arrive on the appointed time at the beginning of the school day and the start of any other school activity. Learners who arrive late must first report to the office before proceeding to their particular class.
- **All learners must arrive at school by 07:20.** Learners who are late for school will be marked absent as registers are completed at the beginning of each school day. **School starts at 07:23**
 - **PARENTS ARE REQUESTED TO COME AND SIGN THEIR CHILD IN WHEN THEY ARE LATE!**



15. Absence from school

- 15.1 Learners may be absent from school in exceptional cases only, and only with the written consent of the principal, or his/her representative if the principal is not available.
- 15.2 When any learner is absent from school without an acceptable excuse, it shall be regarded as truancy, which is strictly prohibited.
- 15.3 Learners who are absent from school for one to three consecutive days must upon their return to school submit a written explanation by their parents. Absence for more than three consecutive days shall be excused only if a certificate from a registered medical practitioner / traditional doctor / registered herbalist is submitted, except in the case of death or trauma in the learner's family, or another reason approved by the principal.
- 15.4 Any absence from a formal examination, tests or task must be supported by a letter that will confirm the whereabouts of the learner during the period of the examination.
- 15.5 No learner may leave the school during school hours without a letter from a parent/guardian requesting release of their child and the permission of the Principal/Deputy Principal.
- 15.6 All learners will attend assembly for the full duration thereof.

16. Environment

- 16.1 Learners have the right to a safe environment and school that are conducive to education.
- 16.2 Learners may not litter on school grounds or in school buildings.
- 16.3 Learners who attend any school activity as spectators or supporters are expected to leave the grounds they have occupied in a neat and clean condition, and must ensure that all litter is picked up and placed in garbage bins.



- 16.4 Learners must leave restrooms in a clean condition.
- 16.5 Any action or failure by learners that constitutes or could constitute a health risk to other learners must be avoided.
- 16.6 The application of slogans (graffiti), stickers, posters and the like to any surface at the school is strictly prohibited, unless it is done with the principal's consent.
- 16.7 Learners shall comply with any reasonable instruction from the principal, any educator, Prefect member or another school leader with regard to maintaining a clean and hygienic school environment.
- 17. Exemption from provisions of the code of conduct**
- 17.1 Learners may submit a written application to the governing body for total or partial exemption from one or more of the items contained in the code of conduct based on cultural, religious or medical grounds.
- 17.2 Such application must include full reasons as well as confirmative evidence. Therefore, the onus of proof still lies with the learner to substantiate the application for exemption.
- 17.3 Applications for exemption will be considered at the start of the school year only, unless the applicant can prove that the matter is urgent or necessitated by a change in circumstances.
- 17.4 In considering an application for exemption, the governing body shall be entitled to obtain any information that it deems necessary for a fair adjudication of the application.
- 17.5 The governing body shall consider the application for exemption with the necessary earnestness and responsibility, and within the framework of the Constitution and court judgements, and will inform the learner of its decision in writing.



17.6 Religious practises, conduct or obligation that relate to the core values and beliefs of a recognised religion and that are in conflict with any rule contained in this code of conduct will be accommodated by a deviation from this Code of Conduct by the Governing body.

- a) The learner, assisted by the parent, must apply for a deviation from the standard school rules if such rules are in conflict with or infringe on any religious right of the learner.
- b) This application must be in writing and must identify the specific rule/s that is/are offensive to the learner's religious rights as contained in the constitution of the country.
- c) This application must include a reasonable interpretation of the religious rights that the learner feels are offensive and a suggestion on how the rules may be supplemented by the SGB to accommodate such religious rights.
- d) The learner must provide proof that he/she belongs to that specific religion and that the religious practices, rules and obligations that are in conflict with the School's Code of Conduct are his/her true beliefs and commitments.
- e) The religious conduct or practice must be lawful.
- f) The SGB must consider the application and, if it is satisfied that the application is justified in terms of Constitutional principles, the application will be granted in writing within 14 days.
- g) When the SGB allows for deviations from the standard rules, such deviations must be based on core religious beliefs inherent to the religion, and it must be compulsory to the learner to comply with such beliefs.
- h) The deviation must specify of the exemption from the normal rules and must clearly identify the conduct that will be allowed – e.g. the wearing



of a specific hairstyle or jewellery – and the conditions under which such deviation will be applicable to the learner.

- i) Cultural rights will be considered in the event that they do not relate to a religion, is such cultural rights manifest in conduct of a permanent nature that is compulsory for the cultural group. This refers to cases where the removal of the cultural jewellery or mark will cause considerable pain to the learner. Normally, cultural rights are exercised through marks and expressions of a temporary nature that are justified for a specific cultural gathering. The learner must convince the SGB that his/her cultural rights can be exercised only through a permanent intervention.
 - k) Any request for a deviation from the Code of Conduct based on cultural rights must be in writing and must be based on a process similar to that contained in subparagraphs (a) – (h) above.
- 18.** In case of a violation of any provision in this code of conduct or the school rules, the prescribed disciplinary procedure shall be followed.



Part 2

Procedure for disciplinary action against learners

In case of a violation of any provision prescribed in the code of conduct for learners, this disciplinary procedure is to be followed. In order to enforce this disciplinary procedure, misconduct is divided into four levels of offences. These correspond with the various disciplinary steps that could be taken and the various procedures that could be followed in handling misconduct.

Any reference to the governing body in this disciplinary procedure includes the disciplinary committee of the governing body.

1. Disciplinary action

1.1 Minor transgressions

1.1.1 Level 1 and 2 misconduct (Attached)

In case of the violation of any of the abovementioned provisions, such violation shall be referred to an educator of the school, who will be entitled to impose the following sanctions:

- a) Demerits as per SASAMS system. Level 1 offence (1 Demerit) and Level 2 offence (2 Demerits)
- b) A verbal or written warning
- c) Supervised school work during school hours or after school hours, that will contribute to the learner's progress at school as well as improve the school environment, provided that the parents are informed timeously and the child's safety is ensured
- d) The performance of tasks (Community Service) by the transgressor in favour of the person/institution who has been wronged by the transgression
- e) Detention after school for a minimum of 3 hours.



- f) Suspension / Exclusion from participation in school activities, such as sports, cultural activities, veld school (Grd 6) and/or social events. This sanction can only be imposed by the Principal, Deputy Principal or HOD's. (SMT)

1.1.2 Level 3 misconduct (Attached)

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the school Principal and/or Deputy Principal, who will be entitled to impose one or more of the following sanctions:

- a) Any of the sanctions in 1.1.1(a) to (f) above, to which the following could be added:
 - b) Agreed, affordable compensation
 - c) The repair or replacement of damaged property
 - d) Community service of up to six hours during or after school hours.
 - e) Demerits as per system (3 Demerits)
 - f) Temporary suspension for a maximum of 2 days.
 - g) Suspension class / Remedial class for 2-5 days where such learners are isolated from the rest of the class. Quality education with a qualified teacher will still take place.

1.2 Major transgressions

1.2.1 Level 4 misconduct (Attached)

In case of the violation of any of the abovementioned provisions, such violation shall be referred to the Principal / Deputy Principal / Governing Body, who will be entitled to impose the following sanctions:

- a) Any of the sanctions in 1.1.1(a) to (f) and 1.1.2(b) to (g) above, to which the following could be added:



- b) In the case of a violation of the code of conduct for learners by members of the RCL or other school leaders:

In conjunction with or as alternative to the above, suspension from duties for a period of up to six weeks, or dismissal and permanent removal from the RCL or other leadership position in the school

- c) Following a hearing in which any learner is found guilty of violating the provisions of the code of conduct, the governing body may impose any of the aforementioned sanctions on such learner, or suspend the learner, or recommend the learner's expulsion from the school to the Head of Education.

1.2.2 Should the governing body opt for suspension as the only sanction, they may suspend the learner for up to seven school days.

1.2.3 Should the governing body decide to recommend to the Head of Education that the learner be expelled, the governing body may suspend such learner for a reasonable period of up to fourteen school days, pending the Head of Education's decision.

2. Preventative suspension

Based on reasonable grounds and intended as a precautionary measure, the governing body may suspend a learner from attending school for up to seven days including a weekend - 5 school days if such learner is suspected of having committed serious misconduct (Level 3 and 4). However, such suspension may only be imposed after the learner has been afforded a reasonable opportunity to make representations with regard to such suspension to the governing body.

3. Disciplinary hearing

3.1 Preliminary inquiry

When a learner is suspected or alleged to have committed a major transgression (Level 4), the school principal may appoint an investigating officer. The latter will collect information for the school principal to decide whether a disciplinary hearing is warranted.



3.2 Hearing

- 3.2.1 The investigating officer shall draw up a charge sheet, and the parents and learner shall receive written notice of the charge and the date, time and venue of the hearing. These arrangements must be made in consultation with the disciplinary committee.
- 3.2.2 The notice must contain sufficient information on the date, place and nature of the alleged transgression.
- 3.2.3 At least five school days must lapse between the delivery of the notice and the hearing.
- 3.2.4 The governing body shall appoint the disciplinary committee. The chair of the committee must be a governing body member. The disciplinary committee shall have the power to take charge of and finalise the disciplinary hearing, as if it has been done by the governing body themselves, and shall be entitled to do everything that the governing body may do in terms of applicable legislation, including imposing and enforcing any sanction, and recommending expulsion to the Head of Education.
- 3.2.5 The learner must be assisted by his/her parent or a person appointed by the parent. In case of major transgressions, the learner is entitled to apply for representation by a legal representative or any person who is appointed by the parent of the learner. Such application must be directed to the chair of the disciplinary committee at least two school days before the start of the hearing. No other persons, apart from those mentioned above, may attend the hearing on behalf of the accused learner.
- 3.2.6 When a learner has legal representation, he/she may choose to expedite the disciplinary procedure by entering into a plea bargain with the presiding officer.
- 3.2.7 Apart from minor learners' right to testify through mediators, as envisaged in Section 8(7)–(9) of SASA, minor learners (either accused or witnesses) will also be entitled to be assisted by their parents or an educator of their choice



during disciplinary proceedings. However, a person who assists a learner may not answer any questions on behalf of the learner or address the disciplinary committee.

3.2.8 Learners who are involved in disciplinary proceedings shall also be entitled to receive support, advice and counselling from educators who have been appointed for such purpose by the school principal or the governing body, provided that such educator may not assist the learner at the disciplinary hearing, unless the parent of the learner authorises the educator to do so.

3.2.9 Should the learner and/or his/her parents and/or representative fail to attend despite proper notification, the hearing may proceed in their absence.

3.2.10 The hearing must be fair and just, and shall be conducted in terms of the prescripts of the applicable provincial legislation. The prosecutor and learner (or the learner's representative on behalf of the learner, if applicable) must be afforded the opportunity to put their case, may put questions to witnesses, may call witnesses, and may scrutinise or table documents related to the matter.

3.2.11 The members of the disciplinary committee themselves shall also be entitled to call witnesses, request additional witnesses or testimony, put questions to the witnesses, or investigate or have investigated further any aspect that could promote fairness and justice.

3.2.12 After testimony has been heard, the committee shall decide whether the learner is guilty or innocent. For this purpose, or for the purposes of settling any dispute that may arise during the proceedings, the committee shall be entitled to adjourn for a reasonable period of time in order to consider its ruling. Such consideration shall occur behind closed doors and may be attended by committee members only.

3.2.13 Should the learner be found guilty, both the learner and the prosecutor shall receive another opportunity to testify and/or make representations on extenuating and aggravating circumstances that the committee needs to



consider in order to impose an appropriate sanction. In order to consider an appropriate sanction, the committee shall be entitled again to adjourn for a reasonable period of time. Such consideration shall occur behind closed doors and may be attended by committee members only.

3.3 Finding and sanction

3.3.1 In case of a guilty finding, the disciplinary committee's ruling, including the imposed sanction, must be communicated in writing to the learner and his/her parents as well as the prosecutor within a maximum of five school days.

3.3.2 Despite any guilty finding and sanction imposed by the governing body, any stakeholder may refer any transgression of the code of conduct that may constitute a criminal offence to the South African Police Service for investigation.

4. Internal appeal

4.1 A party who is aggrieved with the outcome of disciplinary proceedings before the governing body's disciplinary committee shall be entitled to appeal in writing to the chair of the governing body against the guilty finding, imposed sanction, or both, within 24 hours of receiving written notice of the outcome.

4.2 The notice of appeal must clearly outline the grounds for the appeal.

4.3 The chair of the governing body must appoint an appeals committee within 24 hours of receiving the notice of appeal, which committee must consist of a member of the governing body as chair, and at least two other experts. The members of the disciplinary committee who had heard the matter may not serve on the appeals committee as well.

4.4 The chair of the governing body must hand the notice of appeal to both the chair of the appeals committee and the other party to the proceedings before the disciplinary committee, and must ensure that the record of the disciplinary proceedings be made available to the appeals committee.



- 4.5 Within 24 hours of receiving the notice of appeal, the other party shall be entitled to make representations in response thereto to the chair of the appeals committee.
- 4.6 In considering the appeal, the appeals committee shall be restricted to considering the record of the proceedings before the disciplinary committee, the notice of appeal, and any representations that the other party may submit.
- 4.7 Any party who wishes to submit to the appeals committee for its consideration any evidence that does not form part of the record of proceedings before the disciplinary committee, must apply in writing for permission to the chair of the appeals committee. In case of the appellant, such application must be contained in the notice of appeal, and in the case of the other party, application must take place within 24 hours of receiving the notice of appeal.
- 4.8 The application to submit new evidence must contain a full explanation why the evidence had not been available or tabled during the disciplinary proceedings, must outline the nature of the evidence, and must explain in what way the evidence bears reference to the consideration of the appeal.
- 4.9 The appeals committee must announce its decision to the parties in writing within seven school days of receiving the notice of appeal.
- 4.10 In considering the appeal, the appeals committee may:
 - a) set aside or uphold the disciplinary committee's guilty or not guilty finding and/or imposed sanction;
 - b) Impose an alternative sanction (including a heavier sanction); and
 - c) Deliver any other ruling that the appeals committee deems fair and just under the circumstances.



5. General provisions

The governing body is expected to keep proper record of the disciplinary proceedings. For this purpose, the governing body may appoint a person to minute or electronically record the proceedings. Such person shall not form part of the committee.



PART 3

Examples of Infringements and Recommended Sanctions.

Every matter shall be dealt with on its own merits and the offences and sanctions below are guidelines that may / may not be followed by the School.

Type of Learner Misconduct / Transgression	Recommended Sanction		
	First offence	Second / Repeated Offence	Subsequent offence
<u>VERY SERIOUS / REPEATED MISCONDUCT (LEVEL 4)</u>	Sanction includes all level 4 misconducts		
<ol style="list-style-type: none"> 1. Assault: Common assault or attempted assault with intent to do grievous bodily harm. Throwing bricks, rocks, etc. at someone causing major physical harm and/or 2. Bystander: witness an act of robbery and not reporting to a teacher or adult and/or 3. Committing any offence that is punishable under common law and/or 4. Cyber bullying: Using social media to harass, create hate-groups, etc and/or 5. Engaging in violent fighting causing serious bodily harm 	Hearing with Suspension and/or Expulsion and/or counselling and/or alternative sanction	Same as for first offence	Same as for first / repeated offence



<p>and/or</p> <p>6. Extreme disruption: Violating the rights of other learners to receive education by disrupting classes, preventing learners from attending classes or teachers from providing teaching and/or</p> <p>7. Illegal substances: Being in possession of or using drugs, alcohol or other intoxicating substances on or off the premises also being in possession of or using tobacco products or E-cigarettes and/or</p> <p>8. Distributing or dealing in drugs, alcohol, tobacco products or other intoxicating substances and/or</p> <p>9. Entering the school premises while under the influence of alcohol, drugs or other intoxicating substances and/or</p> <p>10. In possession of firearm, ammunition or other lethal weapons and/or</p> <p>11. Using a weapon to cause</p>	<p>Hearing with Suspension and/or Expulsion and/or counselling and/or alternative sanction</p>		
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<p>serious physical injury or using a weapon to threaten another person and/or</p> <p>12. Pornography: Copying, distributing, use, viewing or displaying of pornographic material in any form and/or</p> <p>13. Sexual harassment committed on social media, sexual misconduct such as rape or attempted rape, sexual assault or any sexual acts committed and/or</p> <p>14. Taking nude selfies / sexual acts and distributing it to others (Child pornography) and/or</p> <p>15. Theft: Being caught with possession of stolen-, school- or another's property and/or</p> <p>16. Breaking into school property and commit robbery and/or</p> <p>17. Any other misconduct considering to be very serious and possibly justifying expulsion as a first offence</p> <p>18. Repeated level 3 offence</p>	<p>Hearing with Suspension and/or Expulsion and/or counselling and/or alternative sanction</p>		
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<p><u>SERIOUS / REPEATED MISCONDUCT (LEVEL 3)</u></p> <p>Continual repetition of any of the below misconduct may result in a hearing</p>	<p>First offence</p>	<p>Second / Repeated Offence</p>	<p>Subsequent offence</p>
<p>1. Any deliberate or negligent act which, by its consequence, brings the name of the school into disrepute and/or</p> <p>Any deliberate or negligent act during or after matches or extra mural activities that brings the name of the school into disrepute</p>	<p>Parental contact plus Demerits as per system and/or Direct Detention and/or Community Service and/or Final Warning and/or supervised detention class for a maximum of 2 days</p>	<p>Any of the sanctions mentioned with first offence which the following sanctions could be added:</p> <p>a) Hearing with suspension and or expulsion</p>	<p>Hearing with Suspension and/or Expulsion</p>
<p>2. Any learner who in or outside of school, whilst under the control of authorities, intentionally conducts in a manner that is serious detrimental to maintenance of order of discipline of the school.</p>	<p>and/or Counselling and/or alternative sanction.</p>	<p>b) Community service (3-5) days</p> <p>c) Supervised detention class for 3-5 days</p>	
<p>3. Assault: Common or attempted assault with the intent to do grievous</p>			



<p>bodily harm. Throwing bricks, rocks, sticks, etc. at someone, as a means of showing anger or frustration etc.</p> <p>Fighting: Engaging in violent fighting (Both parties, not in self defence)</p> <p>Inciting other people to violence or instigating fighting.</p> <p>Extra murals: Fighting with opponents, coaches or umpires during or after matches.</p>			
<p>4. Bullying: Continuous victimising or hurting another person / Continual verbal- or physical abuse aimed at specific individual.</p>			
<p>5. Bystander: Being in presence of smokers, drinkers of alcohol, drug users, etc. or witness thereof and not reporting it to teachers.</p>			
<p>6. Cheating / copying / attempting to cheat in</p>			



exam, formal assessments or tests.			
7. Cruelty to animals			
8. Gangsterism: A group activity where premeditated offences are committed in order to cause damage, injury or harm.			
9. Possession of weapons that can cause physical injury eg: knives, BB-guns, any sharp or other dangerous items.			
10. Profanity: immoral behaviour, blasphemy profanity or public indecency.			
11. Sexual harassment: Groping / indecent touching of private parts of another			
12. Vandalism: Malicious damage to school property or possessions of teachers			
13. Violating the rights of other learners to receive			



education by disrupting classes, preventing learners from attending classes or teachers from providing teaching.			
14. Forgery or falsification of school documents and or reports			
15. Any misconduct by the learner that is considered by the school authorities to warrant more than a verbal reprimand / warning or demerit points on the system			
16. Repeated level 2 offence			
<u>MINOR TRANSGRESSIONS</u> <u>(LEVEL 1 AND 2)</u> Continual repetition of any of the below misconduct may result in a hearing	Offences up to 15 demerit points on the SASAMS system	After a total of 15 demerit points on the SASAMS system	Subsequent offence (May lead to Level 3 or 4 sanctions if specific offence is repeated.)
1. Disregard for rules, directions, instructions or for any persons in authority and/or Defiance, disrespect, and/or discourtesy	Demerit points as per system and/or counselling and/or reprimand and/or warning.	Parental contact and/or Warning letter and/or detention and/or	Parental contact and/or hearing and/or community



<p>towards school authorities, parents, visitors or learners and/or</p> <p>2. Disregarding any rules as stipulated below:</p>		counselling	service and/or exclusion from activities and/or suspension and/or alternative sanction.
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EXAMPLES OF LEVEL 1 OFFENCES: MINOR VIOLATIONS AND GENERAL CLASSROOM DISCIPLINE		<u>Demerit Value</u>
BACK-CHATTING	1	
Bad attitude towards teacher when reprimanded	1	
CLIMBING ONTO ROOFS, RAILS, OVER BARRIERS OR WALLS	1	
CONTINUAL INTERFERENCE WITH OTHER LEARNERS	1	
COPYING OTHER'S CLASSWORK, HOMEWORK, PROJECTS, ETC	1	
DAMAGING OF TEXT / MEDIA BOOKS	1	
DISRUPTIVE / UNRULY BEHAVIOUR DURING PRACTICE SESSIONS	1	
DISRUPTIVE BEHAVIOUR	1	
DISRUPTIVE BEHAVIOUR AT TUCK SHOP, TOILETS OR PASSAGES	1	
EATING, DRINKING, CHEWING GUM IN CLASS	1	
ENTERING OUT OF BOUNDS AREA WITHOUT PERMISSION	1	
FAILURE TO ATTEND BREAK / LINE-UP DETENTION	1	
FAILURE TO DO CLASSWORK SET BY TEACHER	1	
FAILURE TO REPLACE OR PAY FOR DAMAGED OR LOST BOOKS	1	
FAILURE TO RETURN OFFENCE-, WARNING-, OR DETENTION LETTERS	1	
FIGHTING: MINOR INCIDENTS OF SLAPPING, KICKING OR PUSHING, ETC	1	
GRAFFITI: DEFACING SCHOOL PROPERTY (NOT VANDALISM)	1	
HIDING OTHER PEOPLE'S PROPERTY	1	
HOMEWORK INCOMPLETE OR NOT DONE	1	



HOMework NOT DONE	1
INCORRECT HAIR	1
LATE FOR CLASS	1
LATE FOR LINE-UP AFTER BREAK / BREAK DETENTIONS	1
LATE FOR SCHOOL	1
LITTERING	1
LOITERING IN PASSAGES, TUCK SHOP, TOILETS OR BUILDINGS ETC	1
MAKING RUDE, LOUD, STUPID VERBAL REMARKS OR SOUNDS IN CLASS	1
MEAN / NASTY/ HORRIBLE TO FELLOW LEARNER	1
MISBEHAVING DURING ASSEMBLY, BREAK DETENTION OR LINING UP	1
NEGLECTING DUTIES (PREFECTS, MONITORS, ETC)	1
NEGLECTING TO BRING SPORTS CLOTHING / EQUIPMENT	1
NOISY, UNRULY BEHAVIOUR OUTSIDE CLASS ROOM	1
NOT ATTENDING PRACTICE SESSION WITHOUT MAKING EXCUSE	1
NOT RETURNING OF DIARY, REPLY SLIPS, TESTS, LETTERS, ETC	1
NOT RETURNING REPLY SLIPS FOR OUTINGS (AWAY MATCHES)	1
NOT SIGNING OF DIARY, REPLY SLIPS, TESTS, LETTERS, ETC	1
OUT OF CLASS WITHOUT PERMISSION	1
PASSING AROUND NOTES IN CLASS	1
PEA SHOOTING / USING PROJECTILES IN CLASS	1
POOR WORK ETHICS TOWARDS HOMEWORK OR CLASSWORK	1
PROJECTS / TASKS NOT HANDED IN ON TIME	1
REFUSAL TO OBEY PREFECT'S LAWFUL INSTRUCTION	1
RIDING ON FURNITURE IN SPITE OF WARNINGS TO REFRAIN	1
RUNNING ON CORRIDOR ENDANGERING OTHERS	1
SCHOOL UNIFORM: NOT ADHERING TO THE SCHOOL RULES	1
SELLING ITEMS FOR PERSONAL GAIN WITHOUT PERMISSION	1
SHOWING DISRESPECT TOWARDS TEACHER - IGNORING INSTRUCTIONS	1
SPITTING	1
TELLING LIES OR BEING DISHONEST	1
TEXT BOOKS / MEDIA BOOKS LOST OR NOT RETURNED	1



THROWING THINGS EG. STONES, STICKS, MAROELAS (ENDANGERING)	1
THROWING THINGS FROM BALCONIES / SPITTING OFF BALCONIES	1
UNTIDY OR CARELESS HOMEWORK OR CLASSWORK	1
USE OF OFFENSIVE LANGUAGE, SWEARING VERBALLY OR GESTURES, ETC	1
USING CELL PHONES, TABLETS, PSP, ETC DURING SCHOOL HOURS	1
WEARING INCORRECT CLOTHING AT PRACTICES / MATCHES	1
WEARING INCORRECT JEWELLERY	1
WITNESS ACT OF BULLYING AND NOT REPORTING OR TRYING TO STOP IT	1
WORK- OR TEXT BOOKS LEFT AT HOME	1
WORKBOOK / TEXTBOOK NOT AT SCHOOL	1
WRITING OF OFFENSIVE LETTER OR REMARKS	1
<u>EXAMPLES OF LEVEL 2 OFFENCES: MINOR / REPEATED VIOLATIONS OF SCHOOL RULES</u>	<u>Demerit Value</u>
VANDALISM: DELIBERATELY DEFACING / BREAKING SCHOOL PROPERTY	2
USING CELL PHONE / TABLET DURING FORMAL TEST / EXAM	2
UNIFORM: FAILURE TO RECTIFY INCORRECT UNIFORM, HAIR ETC. AFTER GIVEN TIME	2
THREATENING ANOTHER LEARNER WITH VIOLENCE	2
SWEARING OR USING OBSCENE GESTURES TOWARDS TEACHERS / ADULTS	2
STEALING SOMEONE ELSE'S MEDIA / TEXT BOOK	2
REPEATED LEVEL 1 OFFENCE (MORE THAN 3 TIMES)	2
POOR SPORTSMANSHIP	2
NOT ATTENDING MATCHES WITHOUT MAKING PRIOR EXCUSE	2
MINOR INCIDENTS OF THEFT / STEALING	2
LITTERING WITH INTENT TO "GET BACK" AT TEACHER	2
INVOLVEMENT IN PHYSICAL FIGHT (BOTH PARTIES) NO SERIOUS HARM	2
INSULTING / REMARKS OF RACISM, GENDER, RELIGION, ETC	2
INSTAGATING BULLYING OR VICTIMIZATION	2
INAPPROPRIATE DISPLAYS OF AFFECTION BETWEEN LEARNERS EG. KISSING, ETC	2
FORGERY OF SIGNATURES	2
DRAWING / BEING IN POSSESSION OF OBSCENE PICTURES (NOT PORN)	2
DISRUPTIVE BEHAVIOUR DURING EXAM	2
DISRUPTIVE BEHAVIOUR DURING DETENTION CLASS	2
DISRUPTIVE / UNRULY BEHAVIOUR DURING MATCHES	2
DISRESPECT: BACKCHATTING OR SHOUTING AT TEACHERS / ADULTS	2
DISHONESTY WITH MORE SERIOUS CONSEQUENCES	2
DETENTIONS: WILLFULLY AND DEFIANTLY REFUSING TO DO / COMPLETE GIVEN TASKS	2
DETENTIONS: NOT ATTENDING WITHOUT PRIOR PARENT EXCUSE MADE. (BUNKING)	2



DAMAGING / INTERFERING WITH SOMEONE ELSE'S PROPERTY	2
COMMON ASSAULT: STRIKING / HITTING ANOTHER LEARNER	2
CONTINUAL VERBAL- OR PHYSICAL ABUSE AIMED AT INDIVIDUAL (BULLYING)	2
CHEATING / ATTEMPTING TO CHEAT IN FORMAL ASSESSMENT	2
BUNKING OF SCHOOL, CLASSES OR OTHER ACTIVITIES	2
ATTEMPTED ASSAULT: TRYING TO STRIKE OR HIT SOMEONE ELSE	2

NELSPRUIT PRIMARY

SUMMARY OF PROCEDURE: DISCIPLINARY ACTION

The discipline system of Nelspruit Primary School will be administered electronically on the SASAMS School management system. Any merits / demerits will be communicated per letter / electronically to the parents. Offences will be categorized into 4 levels of severity. Demerits for Level 1 and 2 offences will be issued by any teacher / HOD / Deputy or Principal. Demerits for Level 3 and 4 offences will only be issued by HOD, Deputy or Principal.

Phase 1: Warnings:

1. First offence: Issue verbal warning for level 1 and 2 offences.
- Categories:
 - Curriculum related offences e.g. Homework / Book not at school, etc.
 - Behaviour related offences e.g. Disrupting of classes / eating / late coming, etc.
 - General misconduct e.g. School uniform, littering, etc.
- A verbal warning must be issued for each of above categories before any demerits can be given.
- Proof of warnings must be recorded by each subject teacher. Keep records!

Phase 2: Recording on SASAMS:

1. Next offences: Issue demerits as per system. System will automatically allocate value of offence e.g. Homework not done = 1 Demerit. (Level 1 offence)
2. HOD / Deputy will monitor the system on a weekly basis.



Phase 3 : Detention:

1. On further offences (15 or more) first detention will be instituted by HOD / Deputy who will monitor the system in a weekly basis to determine such learners.
2. All detention letters for each grade will be given to the grade head to enter on the detention register. Detention letters with a copy of the record of offences will be send to the register teacher to complete and distribute at least 2 days before detention date.
3. It is the duty of the register teacher to collect the reply slips for detention. Reply slips not returned by Thursday – **register teacher to phone parents and follow up.**
4. Such learners will sit detention on Fridays from 13h00 – 16h00. Learners will be fetched from hymns period by duty teacher **10 minutes prior** to report for registration to ensure that all learners attend and do not bunk.
5. Learners attending detention will receive 15 positive points to be recorded on the SASAMS system.
6. Such learners will then have at least 5 demerits points on the system to accumulate up to 15 points that will lead to a second detention
7. For second detention the same procedure will be followed as first detention
8. A Daily Report may also be instituted.
9. With a third detention, the same procedures will be followed but a formal written warning letter will be issued as well.
10. After the 3rd Detention – no 4th Detention will be issued but a meeting with the parents will be scheduled to discuss other options as in Phase 4.

Phase 4: Community Service / Exclusion:

1. On accumulating 15 or more negative points after the third detention, the learner will do Community Service and / or will be excluded from certain activities such as Fun days, sport activities etc.
2. Above correction measure will be determined by the Deputy, HOD and grade head.
3. A letter will be issued to the parents explaining the corrective measure.



Phase 5: Final Warnings + Further Action:

1. When a learner reaches this phase, another parent interview will be conducted by the Grade head, HOD, Deputy and recorded in detention Register and on SASAMS.
2. Depending on the outcome of the interview, an internal / external hearing may be done to determine the corrective measure or intervention action.
3. Also during this interview a FINALWRITTEN WARNING may be issued.
4. Further disciplinary actions / interventions may be enforced e.g.
 - More Community Service.
 - Suspension for 2 or more days.
 - Exclusion e.g. Sport activities, fun days, etc.
 - Any other e.g. Counselling etc.
5. In extreme cases, an external hearing will be called for possible expulsion.

Level 3 Offences: (Issued by HOD / Deputy / Principal)

These are dealt with by the HOD's and / or Deputy Principals when referred to by an educator and Grade Head, if considered serious enough. Some of level 3 offences are criminal offences and learners should be held accountable. Disciplinary officer will decide which interventions to consider e.g. Internal hearing, suspension, isolation, withdrawal of privileges, community service, counseling, meet with parents, demerits, straight detention, or in extreme cases request for expulsion.

A learner committing a level 3 or 4 offence does not have to accumulate 15 or more misconducts to be issued with further actions e.g. Suspension.

Level 4 Offences:

These offences must be reported to the Principal, and / or Deputy Principals, who will inform the SGB. These are offences for which they can be suspended or expelled for. Criminal offences will be reported to the SAP / SANCA by the Principal or Deputy Principals. A member of staff will be appointed by the Principal to investigate allegations of acts of serious misconduct. The school may suspend a learner in accordance with the provisions of the SA Schools Act, as a precautionary measure, during the investigation. The Disciplinary committee appointed by the SGB, will decide which interventions to consider e.g. Internal- / external hearing, suspension, isolation, withdrawal of privileges, community service, counseling, meet with parents, demerits, straight detention, or in extreme cases request for expulsion.



Merits

Learners of Nelspruit Primary will be rewarded with positive points on the SASAMS system.

Guidelines for positive behaviour:

1. Good and positive behaviour. Only teachers may give Merits.
2. Merits will be recorded individually by each teacher on the SASAMS system.
3. HOD / Deputy will monitor the SASAMS system to see which learners qualify for badges.
4. Badges will be awarded for the following mileposts: 25-, 50-, and 100 merits.
5. Badges will be awarded at the last assembly of each term.
6. Merits will be automatically cancelled by demerits by the SASAMS system.

7. The above guidelines aims to establish a disciplined and purposeful school environment, dedicated to improving and maintaining the quality of education at Nelspruit Primary School.

MERITS : CURRICULUM RELATED (EXAMPLES)	Value
Bringing materials to class to enhance lesson.	1
Continuous neatness of work	2
Good feedback from homework assignments.	1
Good test scores. (Formal tests)	2
Positive group work.	1
Projects handed in on due date.	1
Splendid homework / class work - above expectations	1
Stickers / Stars translate into points	1
Test / Exam signed.	1

MERITS: GENERAL (EXAMPLES)	Value
Assisting a teacher on request.	1
Assisting a teacher without being asked.	2
Cleaning class / grounds when asked.	1
Cleaning class / grounds without being asked.	2
Good school attendance. (Least absent or never absent.)	1
Grade 7 fund paid up	4
Neatness on own person.	1
Never late for class.	2
No demerits during a term	3
Parents attend meetings.	1
Positive feedback - fundraising.	1
Return slips handed in on / before due date.	1
Reporting bad behaviour / bullying / vandalism.	1
Rewards for having NO Demerits for the whole TERM.	3
Sharing	1
Showing initiative.	1



MERITS: EXTRA MURAL (EXAMPLES)	Value
Attendance of school function outside school hours.	1
Being a good ambassador for the school outside the school.	2
Good sportsmanship.	1
Helping during events at / after school.	2
Outstanding results achieved in any code of sport or cultural activity.	1
Participating in any code of sport / cultural activity at school. (Attend at least >85% of practices)	1
Staying after events at school when finished to help. (Tyding up etc.)	2

Part 4

Specimen documents

1. Notice of a disciplinary hearing
2. Notice of the outcome of a disciplinary hearing
3. Plea and sentence agreement (plea bargain)



**NOTICE OF THE DISCIPLINARY HEARING OF A LEARNER, TO BE PRINTED ON THE
SCHOOL'S LETTERHEAD**

Name of the learner:

Address:

By hand

Notice of a disciplinary hearing

Please note that you will be expected to appear before the disciplinary committee of the governing body as per the date, time and venue stated at the end of this notice to answer to the charge(s) brought against you, the details of which appear below:

Charge(s)

You are charged with misconduct, as you are alleged:

- 1 to have violated rule (*insert rule number*) of the school's code of conduct on _____ (*insert date of transgression*) at _____ (*insert place of transgression*) by _____ (*provide brief summary of the details of the transgression*); and
- 2 (*Repeat the above if more violations are alleged.*)

Please note the following:

1. You are entitled to be represented during the proceedings, either by your parent or a person appointed by your parent.
2. Should you plan to make use of legal representation, the process to obtain the necessary permission, as prescribed in the school's code of conduct, must be followed. Any legal representation shall be for your own cost.



3. You will be entitled to question witnesses who may testify against you; to testify yourself; to call witnesses; to scrutinise documentary evidence brought against you, and to table your own documentary evidence as well.
4. You are responsible to ensure that witnesses whom you wish to call to testify on your behalf attend the proceedings and remain present for as long as their presence is required.
5. You will be entitled to address the committee on any matter with regard to the proceedings.
6. The inquiry shall be conducted in the language of the school. Should you require the services of an interpreter, you will be responsible for the necessary arrangements.
7. Should you fail to attend the proceedings or remain present until the proceedings have been finalised, the hearing may proceed or be finalised in your absence.
8. You are responsible to acquaint yourself with the school rules with regard to disciplinary proceedings, as contained in the school's code of conduct.
9. Please attend the proceedings in your school uniform.

Date of hearing:

Time of hearing:

Venue of hearing:

SCHOOL PRINCIPAL

DATE

Hereby, I, _____, acknowledge receipt of the letter on _____.

Signature of learner

Signature of parent



**NOTICE OF THE OUTCOME OF THE DISCIPLINARY HEARING OF A LEARNER, TO BE
PRINTED ON THE SCHOOL'S LETTERHEAD**

Name of the learner:

Name of the prosecutor:

Address:

By hand

Notice of the outcome of a disciplinary hearing

Please be informed of the outcome of the disciplinary hearing held on _____ (*insert date*) with regard to the charge(s) brought against _____ (*insert name of learner*).

Charge(s)

1. (*Merely insert 'guilty' or 'not guilty'.*)
2. (*Repeat the above if more than one violation had been alleged.*)

Reasons for finding:

(*Supply full reasons for the committee's finding.*)

Sanction

The following sanction will be imposed:

1. (*Insert details of the sanction.*)
2. (*Repeat the above if more guilty findings have been made.*)

Reasons for the sanction



(Supply full reasons for the committee's decision on the sanction.)

Chair: Disciplinary committee

DATE

Hereby, I, _____, acknowledge receipt of the letter on _____.

Signature of learner

Signature of parent

Signature of prosecutor



**Plea bargain between the governing body of
and (learner)**

(school)

1. INTRODUCTION

Whereas:

- 1.1 the learner is charged with _____ (*outline the details of the charge/charges here*),

The parties hereto now agree as follows:

2. CONSULTATION

- 2.1 The prosecutor, _____ (name), has been authorised in writing by the governing body to negotiate with the learner and to enter into an agreement.
- 2.2 The prosecutor and the learner, as represented by _____ (lawyer), have negotiated and entered into this agreement with regard to a guilty plea by the learner as well as an appropriate sanction that is to be imposed by the governing body.
- 2.3 The prosecutor has consulted the governing body and the victim concerned (*if a fellow learner/the school or someone else has suffered losses or damage due to the learner's actions*) and afforded them the opportunity to make recommendations on the content of the agreement. The relevant parties are satisfied with the content of the agreement.

3. THE LEARNER'S RIGHTS

- 3.1 The learner acknowledges that he/she had been fully informed of the following rights before he/she has entered into this agreement:
- 3.1.1 That he/she is deemed innocent until proven guilty beyond a reasonable doubt
- 3.1.2 That he/she may remain silent and is not forced to testify during the proceedings



3.1.3 That he/she is not forced to give self-incriminatory evidence

3.1.4 That he/she is not forced to enter into this agreement

4. SUMMARY OF THE MATERIAL FACTS

OUTLINE FACTS HERE

5. PLEA AND FORMAL ACKNOWLEDGEMENT

5.1 The following facts are common cause and have been agreed between the parties. The learner pleads as follows, and also wishes to acknowledge the following:

5.2 The learner acknowledges that he/she has read through the charge, as outlined in the charge sheet; that he/she understands the nature and meaning thereof, and that he/she pleads guilty on the charge of _____ (*briefly repeat the details of the charge/charges*), and wishes to confirm the following:

5.3 The learner acknowledges that he/she has entered into the agreement voluntarily, unrestrained, knowingly and without undue influence.

5.4 The learner further acknowledges that he/she is personally aware of the admissions of guilt below:

5.5 *OUTLINE FACTS OF TRANSGRESSION HERE*

5.6 The learner further acknowledges that, throughout, he/she had been aware that his/her actions were contrary to the school's code of conduct, and that he/she might be punished.

6. ATTENUATING CIRCUMSTANCES

6.1 The learner has pleaded guilty.

6.2 The learner has no previous convictions (if applicable).

6.3 *MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY*

7. AGGRAVATING CIRCUMSTANCES

7.1 The transgression concerned is of a serious nature.



7.2 The transgression had been premeditated (if applicable).

7.3 *MENTION FURTHER CIRCUMSTANCES THAT MAY APPLY*

8. AGREEMENT ON A FAIR SANCTION

8.1 The parties concerned have agreed on an appropriate sanction, and requests the governing body to impose it.

8.2 All parties have taken into account the gravity of the agreement, the interests of the school community, and the personal circumstances of the learner.

8.3 The parties agree that the following constitutes a fair and just sanction under the particular circumstances:

OUTLINE SANCTION HERE

SIGNED AT _____ ON THIS _____ DAY OF _____ 20__

LEARNER

LEGAL REPRESENTATIVE OF THE LEARNER

PROSECUTOR



APPROVAL OF THIS POLICY

- This policy is approved by the Governing Body of Nelspruit Primary School.
- This policy is effective immediately.
- This policy stays effective until it is revised.
- A SIGNED COPY IS AVAILABLE AT THE SCHOOL. THIS COPY IS ONLY FOR WEBSITE PURPOSES.

SIGNED AT **NELSPRUIT** ON THIS **18'TH** DAY OF **APRIL 2018**

Governing body chair

School principal