LAERSKOOL MALELANE

CODE OF CONDUCT FOR LEARNERS

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11. PROMOTION OF CODE OF CONDUCT

1. CODE OF CONDUCT FOR LEARNERS

2. EFFECTIVE DATE	**01/11/2025**	**3. DATE OF NEXT REVIEW**	**01/11/2026**
4. REVISION HISTORY	*		
	*		
	*		

5. PREAMBLE

This document is the code of conduct of Laerskool Malelane 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), BELA Bill and relevant provincial legislation.

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 and a culture of reconciliation, teaching, learning and mutual respect and the establishment of a culture of tolerance and peace in all schools

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

Providing quality education to our children through:

- Utilizing available funds, assets and manpower to the best of our ability
- To prepare our children of today to be the achievers of tomorrow

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.

6. PURPOSE OF THE POLICY

The purpose of the policy is to set out the parameters within which learners should behave in order to protect and promote the integrity and security of each learner and all members of the school community.

Objectives

a) To ensure that no learner is unlawfully and unfairly treated;
b) To foster mutual respect and establish a culture of tolerance and peace amongst learners and educators in the school.
c) To ensure that the administrative procedures are clearly defined;

7. DEFINITIONS AND ACRONYMS

7.1. Definitions

No	Term	Definition
1	District Director	Is the officer of the department responsible for the administration of education in a particular educational district
2	Educator	Means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services at school.
3	Expulsion	Means the permanent removal of a learner from a school.
4	Grade	Means that part of an educational programme which a learner may complete in one school year, or any other education programme which the Member of the

No	Term	Definition
		Executive Council may deem to be equivalent thereto
5	Head of Department	Refers to the head of a provincial department of education.
6	Learner	Means any person receiving education or obliged to receive education in terms of relevant legislation.
7	Parent	means – a) the parent or guardian of a learner; b) the person legally entitled to custody of a learner; or c) the person who undertakes to fulfil the obligations of a person referred to in paragraph (a) and (b) towards the learner's education at school.
8	Principal	Refers to an educator appointed or acting as the head of a school.
9	School	Refers to the School
10	School Governing Body	Is the body responsible for Governance issues at the School
11	Suspension	Means the temporary refusal of admission to a learner to a school, usually suspension precedes expulsion.

7.2. Acronyms

No.	**Acronyms**	**Explanation**
1.	DC	Disciplinary Committee
2.	MEC	Member of Executive Council of a province who is responsible for education in the province.

3.	RCL	Representative Council for Learners
4.	SASA	South African Schools Act
5.	SGB	School Governing Body
6.	SMT	School Management Team

8. APPLICATION AND SCOPE OF THE CONSTITUTION

The policy shall apply to all learners registered in a school.

9. LEGISLATIVE FRAMEWORK

- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended.
- South African Schools Act, 1996(Act No. 84 of 1996), as amended.
- National Education Policy Act, 1996 (Act No. 27 of 1996), as amended.
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- Regulations for Misconduct of Learners at Public Schools and Disciplinary Proceedings, 2001 (General Notice 2591 of 2001).
- Regulations for Safety Measures at Public Schools Government Notice No. 1040, October 2001, as amended.
- Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners, General Notice 776 of 1998.
- BELLA Act

10. POLICY STATEMENTS

The Principle and Values: The Rights of the Learners

a) At the School all learners shall have the democratic right to due process, participation in decision - making on matters affecting them and a method of appeal. The school prides itself on its record of allowing learners to express and resolve school-related grievances together with the SMT and SGB.

b) Any form of discipline embarked upon by the school is underpinned by dignity and respect.

c) Corporal punishment is prohibited at the School.

d) The school will endeavour to provide learners with a clean, safe, healthy environment with access to clean running water and toilets and an environment that protects them from harassment and intimidation from

attending classes and writing tests and examinations thereby creating an atmosphere conducive for teaching and learning.

e) Learners have the right to expect educators to maintain high standard of professional ethics.

The Legal Authority for the Control and Discipline of Learners

a) The South African Schools' Act empowers a governing body of a school to maintain discipline in a school. The Code of Conduct must prescribe behaviour that respects the rights of learners and educators.

b) The school will make every effort to ensure that learners understand that action may be taken against them if they contravene the Code of Conduct. In cases where action has to be taken the school will inform the learners why:

(i) Their conduct is considered as misbehaviour or misconduct.

(ii) They are to be disciplined or punished.

c) All learners at the school are subject to the Code of Conduct without exception. The learners will be informed about its contents on enrolment at the school.

d) An educator at the school shall have the same rights as a parent to control and discipline the learner in accordance with the Code of Conduct during the time the learner is in attendance at the school or school related activities.

e) The Principal or an educator, upon reasonable suspicion, has the legal authority to conduct a search of any learner or property in possession of a learner for a dangerous weapon, firearm, drugs, or harmful dangerous substance, stolen property or pornographic material brought onto the school property.

School Rules

School Wear and General Appearance

a) Learners should be neatly dressed in their school uniforms daily, unless otherwise determined by the Principal.

b) Learner's hair

i) Girl's hair must have a neat appearance. If long, the hair must be neatly tied with the approved accessories.

ii) Boy's hair must be short and evenly cut.

iii) Highlights and coloured hair are not allowed.

c) Jewellery

i) All learners are allowed to wear a wristwatch.

ii) Earrings, necklaces and bangles are prohibited for boys and girls.

d) Learners nails

i) Nails of both boys and girls must be short and well cared for.

iii) Polished nails are not allowed.

School Attendance

a) All learners are expected to attend school regularly and punctually.

b) All learners are required to assemble in designated areas daily.

c) Should a learner be absent from school, his/her parent is required to notify the school in writing.

d) Learner truancy/absence from class/bunking will not be tolerated.

Classroom Rules

It is expected that each educator will together with the learners develop their own classroom rules. The following rules are applicable to all classes:

a) Every educator is responsible for discipline at all times at the school and at school related activities. Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary at the school. Serious misconduct must be referred to the Principal of the school.

b) Learners must commit themselves to do their school work during classes, complete assigned homework and catch up on work missed because of absence.

c) An educator's instruction must be followed at all times. Under no circumstances will the undermining/disregard of an educator be tolerated.

d) Classrooms may only be left with the permission of an educator.

Care of the School Property

a) Every learner is expected to protect and use all school equipment and facilities with care.

b) Vandalism will not be tolerated.

c) Any learner who intentionally misuses, damages or defaces any school property should replace it or pay for the damage to property.

Drug, Alcohol and Weapon Free Zone

a) Smoking, alcohol, drug use is not permissible at the school.

b) Possession of cigarettes, cigarette lighters, matches, drugs, alcoholic drinks, pornographic material, firearms, knives and other dangerous weapons is prohibited at the school.

Violence, Bullying and Foul language

a) No violence, bullying, intimidation or threatening of any kind is allowed at the school.

b) Learners are not allowed to swear or use foul language.

Property of learners

a) Learners are not allowed to bring computer games, CD players, radios, cell phones, iPods, etc to school unless permission to do so has been obtained from the Principal.

b) Learners are encouraged not to bring valuable items to school. In cases where such items must be brought to school they should be handed in to the office for safekeeping.

c) Stealing/Theft is prohibited at the school.

Early Departure from School

a) No learner may leave the school premises without permission from the office during school hours.

b) The school prefers that appointments to e.g. doctors, dentists, etc be made after school hours or over the holidays.

c) A learner who needs leave during school hours must supply the office with a letter from the parent requesting permission for leave.

d) A learner who falls sick during school hours must report to the class teacher, who will contact the parent.

General Behaviour

a) Under no circumstances will learners be allowed to sell anything at the school, unless it relates to school fundraising or a project for which a teacher has sought the necessary permission.

b) Dishonesty, telling of lies, indecency or an act which in the opinion of the principal is condemnable will be acted upon by the Principal.

c) Disrespect towards the national symbols (national flag, anthem, etc) of the Republic of South Africa as well as the school flag and anthem will not be tolerated.

d) Any ill disciplined behaviour in the classroom, on the school premises, during school trips/excursions or any school function, including any action that brings the school into disrepute will not be tolerated.

e) All litter must be thrown in the bins provided and not thrown around the class or school.

f) Learners must not disregard/undermine the authority of the Principal or staff of the school.

g) Disruption of classes or school by learners is unacceptable.

h) Learners are not allowed to enter areas restricted by the Principal/SMT.

Disciplinary Rules

In an effort to maintain discipline at the school and ensure that teaching and learning is not disrupted through behavioural problems, the SGB puts forwards the disciplinary rules described below.

Ordinary Offences

a. The following acts are considered as Ordinary offences:

(i) Late coming

(ii) Failure to complete school work (class work and homework) given.

(iii) Playing truant or bunking periods.

(iv) Littering anywhere on the school premises.

(v) Use of foul language.

(vi) Incorrect uniform

(vii) Minor disruptive behaviour

b. Educators will resolve the above stated offences and keep records of the date of offence, type of offence, name of learner and how the matter was resolved. The educator may counsel the learner, use verbal warnings or written reprimand to resolve the problem.

c. After three ordinary offences have been recorded against a learner the matter must be referred to the Principal who together with the educator shall implement one of the following measures:

(i) Give the learner supervised school work, ensuring that parents are informed timeously.

(ii) Suspend the learner from some school activities e.g. sport, cultural activities.

d. Should the learner continue to commit ordinary offences, a warning letter will be sent to the parent, if the behaviour persists the parent will be called to school to discuss the matter and the likelihood of serious action being taken by the school.

Schedule 1 - Misconduct

a. A learner will be guilty of Schedule 1 misconduct if he/she:

(i) seriously threatens, disrupts or frustrates teaching or learning in a class;

(ii) engages in a conspiracy to disrupt the proper functioning of the school through collective action;

(iii) insults the dignity of or defames any learner or any other person, which includes racist remarks;

(iv) distributes, or is in the possession of any test or examination material that may enable another person to gain an unfair advantage in a test or examination;

(v) cheats in a test or examination or any other form of assessment such as assignments;

(vi) engages in any act of public indecency;

(vii) sexually harasses another person;

(viii) is found in possession of or distributes pornographic material;

(ix) Smokes or is in possession of cigarettes; or

(x) Is under the influence or in the possession of alcohol.

b. After Schedule 1-misconduct has been noted against a learner's name, the matter should be referred in writing to the Principal of the school. Following a thorough investigation and confirmation of the allegation a written warning, the Principal will send a written warning to the parent.

c. A further offence in this category will be dealt with as per serious misconduct.

Schedule 2 – Serious Misconduct

a. The following acts are considered as Serious Misconduct:

i) Rape;

ii) Indecent assault;

iii) Sexual harassment with aggravating circumstances;

iv) Assault with the intention to do grievous bodily harm;

v) Common assault of an educator;

vi) Serious intimidation of the other learner, teaching and non-teaching staff;

vii) Malicious damage of the state property;

viii) Theft with aggravating circumstances;

ix) Robbery;

x) Possession of dangerous weapons on school premises;

xi) The possession, sale or abuse of illegal substances;

xii) The possession of obscene material including; material depicting sexual images in all its forms;

xiii) Being on the school premises or at a school function outside the school premises while under the influence of intoxicating liquor or illegal substances;

xiv) The theft of examination papers or the possession or sale of such stolen examination papers; and

xv) Repeated Ordinary Offences and Schedule 1 Misconduct

b. After a serious misconduct has been noted against a learner's name, the matter should be referred in writing to the Principal of the school. Following a thorough investigation and confirmation of the allegation the matter must be referred to the Disciplinary Committee.

Responsibilities of Learners

a) On acceptance of the Code of Conduct by parents and the RCL (Schools with Gr.8 or higher), learners must implement the Code of Conduct.

b) The RCL should promote the code of conduct for learners but does not have the authority to punish other learners.

Responsibilities of Parents Regarding the Code of Conduct

a) The ultimate responsibility for learner behaviour rests with the parent who is expected to support the school and ensure that learners observe the school rules and regulations and accept responsibility for their misbehaviour.

b) Parents/Guardians should attend meeting convened by the Governing Body/SMT for them.

Due Process in the Event of Serious Misconduct

a) In accordance with Government Gazette 189 of 1990 and Provincial Gazette 236 of 1997, the following procedure will be followed in the event of serious misconduct in order to ensure a fair hearing of the case. The penalties of suspension or expulsion can only be imposed after the due process described below has been followed:

i) Any learner alleged to have violated any rule that may require suspension or expulsion must be brought to the principal. The principal shall hear the evidence and then decide on the action to be taken.

ii) In the event that the learner is to be charged with serious misconduct, the principal must inform the learner's parents in writing of the proposed action and arrange for a fair hearing by a small disciplinary committee consisting of members designated by the SGB.

iii) The principal must write a written report of the case to the District Director explaining the decision to charge the learner.

iv) A copy of written charges shall be delivered to the learner concerned and his/her parents/guardians by handing it over to him/her personally; and forward it by prepaid registered post to the parents or guardians last known residential address.

v) If the leaner admits the charge, either in writing or orally in person before the principal, he or she shall be deemed guilty of serious misconduct as charged.

vi) At the hearing, the principal of a Public School which a learner attends or an official appointed in writing by the Head of Department shall be the presiding officer.

vii) In the case where a learner admits his or her guilt on a charge of serious misconduct, the principal or the appointed official should make recommendation/s on the correctional measures to be imposed, to the District Director, or in the event that expulsion of such learner is recommended to the Head of Department, or the presiding officer shall in writing appoint an educator at the school concerned, to act as prosecuting officer in the hearing.

viii) In the case where the learner denies his/her guilt on a charge of serious misconduct, hears the charge in the set out below and, upon a finding of guilty, makes a recommendation on the correctional measures to be imposed.

ix) For the hearing learners must be informed and understand the charge, with five (5) days notice, indicating time, place and date.

x) At the hearing the prosecuting officer may present facts by the way of adducing oral written statements or documentary evidence.

xi) At the hearing the learner shall have the right to be personally present and to be represented by his/her parents/guardians or a person nominated by the learner or his/her parents/guardian who shall have the right:

- be heard by impartial persons
- treated with dignity during the process
- to present facts from the learner by adducing his/her statement, either in writing or orally or documentary evidence in defence of the learner.
- to question any witness called in support of the charge.
- to have access to documentary evidence produced in support of the charge.
- be informed in writing of the decision if it is suspension or expulsion

xii) The School Governing Body is obliged to keep a complete record of proceedings and outcome of the disciplinary hearing.

xiii) In the event of the learner being found guilty, the presiding officer may impose the following correctional measure upon the learner found guilty or deemed to be guilty of the charge:

- caution or reprimand the learner
- direct his/her detention after school hours for a specific period of time.

- Suspension of up to one week or for a reasonable period while awaiting the approval of the Head of Department for expulsion.

xiv) The disciplinary proceedings contemplated here shall be conducted in a fair, equitable, open and transparent manner.

Suspension of a Learner for Serious Misconduct

a) According to Section 9(1) of SASA, a School Governing Body (SGB) may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension, after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension.

b) If a learner is suspended, the governing body must conduct the disciplinary proceedings within 7 (seven) days of the suspension, failing which, the governing body must obtain the approval of the HOD for the continuation of the suspension of such a learner.

c) According to Section 9(1)(C) of SASA, a governing body may, after a fair hearing, suspend a learner from attending school, as a sanction for a period not longer than 7 (seven) school days.

d) According to Section 9(1)(E) of SASA, a governing body may suspend or extend the suspension of a learner for a period not longer than 14 days, pending a decision as to whether the learner is to be expelled from the school by the HOD.

Serious Misconduct and the Law

a) Serious misconduct which may include offences according to the law must be investigated by the police and referred to the Court if necessary.

Institution of which may Lead to Suspension or Expulsion

a) The learner must be questioned by the principal.

b) On the basis of evidence collected, the principal may institute a disciplinary hearing.

c) Only the principal may institute disciplinary action against a learner in respect of serious misconduct.

d) The principal may institute disciplinary action against a learner in respect of serious misconduct only if:

i) There is sufficient evidence to institute such proceedings; and
ii) the principal considers it to be the interest of the school and its community that such disciplinary action should be instituted.

Disciplinary Committee (DC) for Serious Misconduct

a) Upon the advice of the principal, the SGB must appoint a DC to adjudicate the allegation of serious misconduct.

b) The DC appointed by the SGB must comprise of three persons who are members of the SGB or are nominated by the SGB.

c) The DC is subjected to the following conditions:

i) The chairperson of DC must be a parent member or community member of the SGB.

ii) The two remaining members of the disciplinary committee may not be the principal or a learner at the school.

iii) No person may be appointed to the disciplinary committee if he or she has personal knowledge of any matter that may be in dispute at the hearing.

d) In appointing members of the disciplinary committee, issues of representivity in terms of gender and race must be reflected in the composition of the panel.

e) Only Grade 12 members of the RCL may be allowed to observe the disciplinary proceedings.

Procedure for Hearing of Serious Misconduct

a) Regulation 5 of the Notice outlines the procedures for hearing of serious misconduct and other steps to be followed to ensure that the process is fair and transparent.

b) The principle of FAIRNESS is expected to apply during the disciplinary proceedings:

i) The principles of fairness require that the accused person understands all the allegations against him or her, and is given a fair opportunity to respond to those allegations.

ii) This would therefore require that an opportunity be provided for the cross-examination of a person making allegations by the person against whom the allegations are made.

iii) The learner has the right to be represented by the legal representative.

iv) The evidence before the DC must be fairly evaluated and considered, and a decision must be taken without bias, malice or prejudice against anyone.

v) The circumstance of the accused person must be considered, and mitigation factors (such as the matter being a first offence) should be taken into account.

vi) Equality before the law requires that there be no unfair discrimination, directly or indirectly, on the basis of *inter alia* race, gender, age or religion.

vii) It also requires that like cases should be treated alike.

c) The SGB makes a recommendation for expulsion to the HOD after a fair hearing.

d) This recommendation of the DC must be forwarded to the HOD in writing.

e) The parents of the learner must be notified in writing of their right to forward an accompanying letter with the recommendation, stating their position on the incident, if they so wish. This letter may serve as a part of the appeal process.

f) The HOD then investigates the procedural and substantive aspects of the guilty verdict and the sanction recommended.

g) The HOD's decision, after due consideration of the reports and the record of proceedings from the DC, together with the optional letter from parent, is final.

h) If the HOD expels a learner who is of compulsory school age, he/she must ensure that the learner is admitted to another school.

i) If the HOD decides to impose on the learner a lesser punishment, other than expulsion, he/she may, after consultation with the SGB, impose a suitable sanction on the learner, or if he/she decides not to impose a

sanction on the learner, he/she will refer the matter back to the SGB for an alternative sanction.

Appeal Procedures

a) A learner or the parent(s) of a learner who has been expelled or a representative designated by him/her may appeal against the decision of the HOD to the MEC, within 14 (fourteen) days.

b) Alternative arrangements for the continued education of the learner who has appealed must be made by the HOD, until the appeal has been finalised.

c) The MEC must, within 5 (five) days notify the HOD and SGB that the appeal has been lodged and furnish them with a copy thereof, and request them, within 5 (five) days after receipt of the appeal, to make comments with regard to the appellant's reasons for the appeal and any other information relevant to the appeal.

d) After consideration of all the information, the MEC must, within 5 (five) days of receipt of the documentation, provide the learner with the decision regarding the appeal.

e) If an appeal by a learner who has been expelled from a public school is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is then imposed on the learner within 14 days of the date on which the appeal was upheld.

10. PROMOTION OF CODE OF CONDUCT

a) This policy will be displayed openly in the school.

b) This policy will be made available to each learner in the official language of teaching and learning on registration.

c) This policy shall clarify in positive terms what the expectations of the school are.

d) The following actions shall be taken to clarify the expectation of the school to learners:

i) Each learner to be given a copy of the code of conduct at the beginning of each year, younger learners at primary to be informed verbally.

ii) Classroom rules and the consequences for breaking these rules must be displayed in the class.

Please note that warnings are valid for 12 months from the date of issue.

APPROVAL

Recommended by: Principal (print name)		**Signature:**	
Date:			
Approved by: SGB Chairperson (Print name)		**Signature:**	
Date:			
Verification by MDE: Cluster Manager (Print Name)		**Signature:**	
Date of Verification			
Verification by MDE: Circuit Manager (Print Name)		**Signature:**	
Date of Verification			
Certified by : District Director (Print Name)		**Signature:**	
Date:			