



Martha Beyers Academy

Quality Improvement of Basic Education

GRADE RRR TO 12

IGO AFJ FOUNDATION

Code of Conduct: Learners

Date: 01 January 2025

The Code of Conduct for Learners at Martha Beyers Academy sets clear expectations for respectful, responsible, and disciplined behaviour both on and off school premises. It promotes academic honesty, proper conduct, neat appearance, and respect for others and property. Violations result in appropriate disciplinary action to maintain a safe and supportive learning environment.

INTRODUCTION

Section 8 of the *South African Schools Act 84 of 1996* (hereafter referred to as the *Schools Act*) mandates that every school must adopt a **Code of Conduct for learners**. At *Martha Beyers Academy*, this Code of Conduct is an essential component of the school's discipline system and reflects our commitment to a well-ordered, values-based, and legally compliant educational environment.

The Code is more than a list of rules—it embodies our ethos, vision, and mission. However, the successful implementation and consistent enforcement of this Code rely on sound governance and a staff body that fully understands its legal implications. At *Martha Beyers Academy*, we strive for this standard, equipping our educators and leadership with the knowledge and tools necessary to uphold learner discipline with integrity, compassion, and fairness.

Nonetheless, we acknowledge the complex realities of school life, where disciplinary challenges may emerge. We believe that confusion or inaction among school personnel can be overcome through clarity, consistency, and collective responsibility. This document has been compiled to guide our educators and school management in the proper application of the school's Code of Conduct, with a focus on the **implementation and enforcement** of discipline in cases of learner misconduct.

SECTION 1: The Code of Conduct at Martha Beyers Academy – A Legal Perspective

A. Purpose and Nature of the Code

At *Martha Beyers Academy*, the Code of Conduct is not a punitive tool, but a framework for building a culture of positive behaviour. It is created collaboratively with learners, parents, and teachers, and is reviewed regularly to ensure its relevance.

- The Code is guided by principles of fairness, firmness, consistency, and positivity.
- It reflects the values and norms of our academy and community.
- In line with Section 8(2) of the *Schools Act*, our Code promotes self-discipline, accountability, respect, obedience, and a commitment to excellence, all of which support a purposeful and high-quality learning environment.

B. Objectives of the Code

The Code at *Martha Beyers Academy* aims to:

- Protect every learner's right to dignity, education, and safety.
- Provide learners with clear behavioural expectations.
- Ensure consistency and transparency in disciplinary action, instilling a sense of justice.
- Guide daily school operations and maintain order.
- Ensure a safe and inclusive school environment for all.
- Support the school's mission and vision.

C. Legal and Ethical Requirements

Our Code of Conduct is legally compliant and ethically sound. It:

- Aligns with the *Constitution* and the *Schools Act*.
- Respects the values and diversity of our community.
- Promotes developmental discipline, not punishment.
- Defines both acceptable and unacceptable behaviours, along with corresponding consequences.
- Maintains clarity, fairness, accessibility, and relevance.
- Empowers learners to understand and take responsibility for their actions.

D. Establishing the Code of Conduct

According to the *Schools Act*, the School Governing Council (GOVERNING COUNCIL) at *Martha Beyers Academy* holds the responsibility to adopt this Code.

- The process is inclusive and participatory, involving parents, educators, and learners.
- Open dialogue and negotiation ensure community buy-in and ownership.
- Learners must be fully aware of the Code's content and implications.

E. Scope of Application

No learner at *Martha Beyers Academy* is exempt from the Code of Conduct. It applies:

- On the school premises before, during, and after hours.
- During all school-related activities.
- Off-site, including during school trips or sports events.
- Off-campus when the learner is identifiable as a Martha Beyers Academy student (e.g., in uniform).

F. Structural Framework of the Code

Our Code includes:

- An Introduction aligned with the principles of the *Schools Act*, promoting respect, tolerance, and collaboration.
- Legal references, including Section 8 of the *Schools Act* and relevant constitutional rights.



- A mission and vision statement that all stakeholders can relate to and uphold.
- Foundational values, such as:
 - Respect for human rights and educators
 - Embracing diversity
 - Environmental responsibility
- General rules that are fair, practical, and enforceable, covering:
 - Expected positive behaviour
 - Clearly defined misconduct
 - All areas of school life—academic, cultural, extracurricular, and community conduct
- Disciplinary measures that are:
 - Goal-directed and educational in nature
 - Relevant and proportional to the offence
 - Clearly indicating procedures and consequences

G. Supportive and Restorative Measures

At *Martha Beyers Academy*, our disciplinary approach incorporates **restorative practices**. We believe in addressing misconduct by:

- Understanding the **root causes** of behaviour.
- Applying age-appropriate and **developmental interventions**.
- Rebuilding trust through **restorative conversations and actions**.
- Offering **counselling**, mentoring, and parental engagement where needed.

This document serves as a practical guide for ensuring that all discipline at *Martha Beyers Academy* is lawful, restorative, and consistent with the values that define our learning community.

LEVEL 1 – LEARNER INFRINGEMENTS

These are **minor offences** that typically occur within the classroom, school grounds, or during school activities. They do not pose an immediate threat to the safety of others but do disrupt the learning environment and go against the values and standards expected at **Martha Beyers Academy**.

Learner Infringements	Response and Support Mechanisms
Copying of homework	<ul style="list-style-type: none"> • Class educator to address the issue directly with the learner. • Detention or written warning if behaviour persists. • Encourage an independent work ethic.
Late arrival for class, lines, assemblies, meetings, etc.	<ul style="list-style-type: none"> • Verbal warning and counselling. • Record of lateness in the class logbook. • Repeated incidents to be escalated to the Grade Head.



Talking in class, line, assemblies, during announcements, etc.	<ul style="list-style-type: none"> Classroom management strategies applied (e.g., name on the board, quiet time). Discussion with the learner.
Not following reasonable instructions, e.g., does not work in class	<ul style="list-style-type: none"> Clear, consistent instructions and positive reinforcement. Parent contact if non-compliance persists.
School books are neglected	<ul style="list-style-type: none"> Request the learner to cover and maintain books. Monitor improvement; escalate to parent meeting if unresolved.
General untidiness	<ul style="list-style-type: none"> Encourage pride in personal and school appearance. Clean-up duties or restitution activity may be assigned.
Vandalism (including littering)	<ul style="list-style-type: none"> Restorative action (e.g., cleaning or repairing). Warning or detention, depending on the extent of damage.
Misuse/unauthorised use of school equipment	<ul style="list-style-type: none"> Confiscation and return upon apology. Replacement of damaged item if necessary.
Leaving school/classroom without permission	<ul style="list-style-type: none"> Immediate reporting to the Grade Head. Parent informed. Counselling to establish cause.
Use of humiliating/suggestive language and signs	<ul style="list-style-type: none"> Verbal warning and awareness discussion. Apology to affected individual(s). Referral to Life Orientation teacher if repeated.
Disrespectful action towards educators	<ul style="list-style-type: none"> Meeting with the learner and the educator. Written apology. Referral to the Grade Head or disciplinary committee if repeated.
Deliberate disruption of class (eating in class, phone use, etc.)	<ul style="list-style-type: none"> Confiscation of items if applicable (e.g., phone). Detention or loss of privileges. Parent contact.
Absence without leave/truancy	<ul style="list-style-type: none"> Parent/guardian contacted. Meeting with the learner to determine the cause. Behavioural support plan if a pattern emerges.
Flouting of class rules	<ul style="list-style-type: none"> Reiteration of rules and classroom contract. Peer mediation if conflict is involved. Escalation to Grade Head if persistent.
Inciting fighting, bullying behaviour	<ul style="list-style-type: none"> Immediate intervention and mediation. Warning and documentation. Referral to social worker/counsellor if needed.
Misconduct on buses to and from school	<ul style="list-style-type: none"> Report to the Head of Discipline. Temporary suspension from bus privileges if behaviour persists. Behaviour contract with a parent.



Note: At **Martha Beyers Academy**, educators and staff strive to address all Level 1 infringements through **preventative, supportive, and restorative practices** before escalating to more formal disciplinary procedures.

LEVEL 2 – SERIOUS LEARNER INFRINGEMENTS

Level 2 infringements reflect **more serious or repeated behaviour** that interferes with the educational process, compromises safety, or contravenes the core values of the school. These actions require a more structured and multi-level response involving educators, parents, and external partners where appropriate.

Learner Infringements	Response and Support Mechanisms
Repeated Level 1 infringements	<ul style="list-style-type: none"> • Referral to Grade Head and EST (Education Support Team). • Parent meeting. • Implementation of Individual Education Development Plan (IEDP).
Disruption of class (repeated)	<ul style="list-style-type: none"> • Observation and documentation of behaviour. • Disciplinary hearing if behaviour persists. • Educator mentoring and behaviour monitoring plan.
Racist, sexist, and discriminatory comments and behaviour	<ul style="list-style-type: none"> • Immediate intervention and documented report. • Counselling and sensitivity training. • Restorative meeting with affected parties. • Possible suspension if behaviour continues.
Possession/distribution/viewing of pornographic, racist, or sexist material on any device at school	<ul style="list-style-type: none"> • Confiscation of device and report to Disciplinary Committee. • Parent notified immediately. • Access to therapy or moral development programme.
Fraud (falsification of documents, cheating in exams, etc.)	<ul style="list-style-type: none"> • Invalidation of test/exam if applicable. • Formal written warning. • Meeting with parent and Grade Head. • Possible Disciplinary Committee referral.
Vandalism (graffiti, writing on desks, breaking windows, etc.)	<ul style="list-style-type: none"> • Compensation for damages. • Supervised restorative duties. • Written warning and disciplinary process.
Fighting and causing injuries	<ul style="list-style-type: none"> • Immediate separation and medical assistance if needed. • Written report and Disciplinary Committee referral. • Conflict resolution or peer mediation.
Gambling	<ul style="list-style-type: none"> • Confiscation of materials. • Counselling and moral development session. • Parental involvement.
Smoking and possession of cigarettes	<ul style="list-style-type: none"> • Confiscation and written warning. • Health awareness programme referral. • Meeting with parent/guardian.

Falsification of documents (with less serious consequences)	<ul style="list-style-type: none"> • Correction and apology. • Educator or Grade Head intervention. • Inclusion in class behavioural record.
Serious disruption of class	<ul style="list-style-type: none"> • Immediate removal from class. • Behaviour intervention plan. • Educator mentor assigned. • Disciplinary action if behaviour persists.
Refusal to submit to corrective measures	<ul style="list-style-type: none"> • Referral to Senior Management Team (SMT). • Development of IEDP. • Involvement of external advisors (e.g., school social worker or community leaders).

Support Framework Includes:

- **Grade Head and Educator** oversight.
- **Education Support Team (EST)** to manage intervention strategies.
- **Disciplinary Committee** to recommend and implement appropriate corrective measures.
- **Parent involvement** is crucial for behavioural transformation.
- **External Development Programmes** for rehabilitation, counselling, and values development.

LEVEL 3 – VERY SERIOUS LEARNER INFRINGEMENTS

Level 3 infringements are considered **extremely serious**, often criminal in nature, and may require suspension, expulsion, or legal intervention. These behaviours not only threaten the safety and integrity of the school environment but also violate learners' and educators' fundamental rights.

Learner Infringements	Response and Support Mechanisms
Repeated Level 2 infringements	<ul style="list-style-type: none"> • Immediate referral to the Disciplinary Committee. • Case review by the Governing Council. • Development or revision of Individual Education Development Plan (IEDP).
Repeated serious misconduct	<ul style="list-style-type: none"> • Comprehensive behavioural review. • EST (Education Support Team) involvement. • Parent meeting and decision-making on rehabilitation or disciplinary measures.
Under the influence of alcohol and drugs	<ul style="list-style-type: none"> • Immediate isolation and safety check. • Referral to Drug Awareness/Abuse Programme. • Application of Drug Policy. • Parental involvement and possible suspension.
Theft of a serious nature / burglary	<ul style="list-style-type: none"> • Disciplinary hearing. • Reporting to authorities if required.

	<ul style="list-style-type: none"> • Restitution or replacement of stolen items. • Community service where applicable.
Arson	<ul style="list-style-type: none"> • Emergency services contacted. • Disciplinary and legal referral. • Full investigation and report to DBE and Circuit team.
Serious vandalism	<ul style="list-style-type: none"> • Cost recovery from learner/parent. • Disciplinary Committee process. • Community service and mentorship.
Sexual abuse or harassment of peer learners	<ul style="list-style-type: none"> • Immediate report to principal and the Governing Council. • Implementation of "Abuse No More" Policy. • Counselling for victim and offender. • Suspension pending investigation. • Legal steps where necessary.
Sexual misconduct (e.g., flashing)	<ul style="list-style-type: none"> • Parental notification. • Disciplinary hearing. • Counselling and behaviour correction programmes.
Physical assault of peer learners	<ul style="list-style-type: none"> • Medical assessment (if needed). • Removal from class. • Disciplinary Committee review. • Conflict resolution and rehabilitation efforts.
Threatening of peer learners or educators	<ul style="list-style-type: none"> • Immediate intervention and risk assessment. • Parental involvement. • Possible suspension or legal action.
Involvement in gang-related activities	<ul style="list-style-type: none"> • Report to SAPS if criminal. • Intensive mentorship and intervention. • Removal from school grounds if safety is compromised.
Disruption of school programme through rebellion or unauthorised demonstration	<ul style="list-style-type: none"> • Immediate dispersal and debriefing. • Disciplinary hearing. • Community service and awareness programme.
Trespassing on school grounds during period of suspension	<ul style="list-style-type: none"> • Escalation to the Governing Council. • Involvement of law enforcement if necessary.
Making bomb threats	<ul style="list-style-type: none"> • Evacuation of premises. • Immediate police involvement. • Permanent record of offence. • Recommendation for expulsion depending on investigation outcome.



Support and Disciplinary Framework Includes:

- **Community Service** (as part of corrective actions where suitable).
- **Educator as Mentor** to guide the learner's rehabilitation.
- **EST and Senior Management Team**, including relevant **community advisors** and **EMDC circuit team**.
- **Involvement of Parent/Guardian** in the entire intervention process.
- **Application of National Policies**, such as:
 - **"Abuse No More"** for sexual offences,
 - **Drug Policy** for substance-related misconduct,
 - **Suspension and Expulsion Policy** by the Department of Education.
- **Final Decision-Making** by the **Governing Council** in cases involving expulsion.

LEVEL 4 – EXTREMELY SERIOUS LEARNER INFRINGEMENTS

Level 4 infringements are **grave offences** that typically require immediate legal action and expulsion. These behaviours severely threaten the safety and well-being of the school community and may involve criminal prosecution.

Learner Infringements	Response and Support
Repeated Level 3 infringements	<ul style="list-style-type: none"> • Immediate referral to the Disciplinary Committee. • Escalation to the Governing Council for final decision-making, including expulsion.
Refusal to attend development-orientated programmes	<ul style="list-style-type: none"> • Parent involvement to ensure compliance. • Possible disciplinary sanctions including suspension. • Continued monitoring by educators and mentors.
Dangerous weapons: bringing weapons onto school grounds, threatening people with a weapon, deliberate assault with weapon	<ul style="list-style-type: none"> • Immediate involvement of South African Police Services (SAPS). • Suspension pending investigation. • Disciplinary hearing with Governing Council participation. • Possible expulsion.
Possession of drugs on school grounds	<ul style="list-style-type: none"> • Immediate referral to SAPS. • Implementation of Drug Policy. • Suspension and disciplinary action. • Parent involvement and support programmes.
Dealing in drugs on school grounds	<ul style="list-style-type: none"> • Police involvement and criminal investigation. • Disciplinary Committee hearing. • Possible expulsion. • Referral to social work and support services.
Serious assault	<ul style="list-style-type: none"> • Medical intervention if necessary. • Legal action with SAPS. • Disciplinary hearing. • Parent and social services involvement. • Suspension or expulsion.

If learner is found guilty in criminal court (immediate expulsion)	<ul style="list-style-type: none"> • Automatic expulsion by Governing Council. • Removal from school register. • Notification to Department of Education and relevant authorities.
Sexual assault (rape)	<ul style="list-style-type: none"> • Immediate police involvement. • Victim support and counselling. • Suspension pending investigation. • Disciplinary Committee and Governing Council hearing. • Expulsion.

Support and Disciplinary Framework Includes:

- **Governing Council:** Final authority for disciplinary action, including expulsion.
- **Board of Directors:** Oversight and governance responsibility.
- **South African Police Services (SAPS):** Handles all criminal investigations and legal procedures related to serious offences.
- **Parent/Guardian Involvement:** Integral throughout the intervention and disciplinary processes.
- **Social Work Service Providers:** Offer counselling and support to learners and families.
- **Circuit Team (EMDC):** Assists with monitoring and implementing education policies and learner support.
- **Disciplinary Committee:** Conducts hearings and makes recommendations for sanctions.
- **Executive Heads:** Oversee the enforcement of policies and management of disciplinary matters at senior levels.

SECTION 2

School Rules

Introduction

The school rules are intended to establish a disciplined and purposeful environment to facilitate effective teaching and learning at the school. Nothing shall exempt a learner from complying with the school rules. Ignorance of the rules is not an excuse.

A. Categories for School Rules

1. General Principles

- Learners are expected at all times to behave in a courteous and considerate manner towards each other, the Learner Representative Council (LRC), all members of staff, and visitors to the school.
- Learners are expected to abide by the school rules with regard to appearance and behaviour when representing the school both during school hours and after school hours, at school and away from school. Learners may not say or do anything that will discredit themselves or the school.



- No learner has the right at any time to behave in a manner that will disrupt the learning activity of other learners, or will cause another learner physical or emotional harm.
- The school will contact parents/guardians when a learner's behaviour becomes a cause for concern and will endeavour, in a spirit of constructive partnership, to resolve the problem.

2. School and Class Attendance

Parents/guardians, learners, and **Governing Council** members are jointly responsible for ensuring that all learners attend school.

- If a learner does not attend school regularly, the relevant register teacher will report the absence of the learner to the parent and the Head in writing. The register teacher must keep an accurate register of learner attendance and must keep copies of all communication to parents when absence from the classroom is reported.
- All learners are to arrive at school before the official starting time. Learners who are late for school will be marked absent as registers are completed at the beginning of each school day.
- Absence from a class, without the permission of the relevant register teacher or subject teacher, is prohibited.
- Any absence from school must be covered by an absentee note from a parent/guardian.
- Should a learner be absent from school for a period of three (3) days or longer, this leave of absence must be supported by a letter from a medical doctor/traditional doctor/registered herbalist.
- Any absence from a formal examination, test or task must be supported by a letter from a medical doctor/traditional doctor/registered herbalist.
- No learner may leave school during school hours without a letter from a parent/guardian requesting the release of their child and the permission of the Head, Deputy Head/Grade Head from whom an exit note must be obtained.
- Truancy from school is prohibited.
- All learners will attend assembly for the full duration thereof.

3. School Uniform and Appearance

Learners are expected to wear the official school uniform and appear neat and tidy at all times.

- No additions to the uniform that are not in accordance with the regulations will be allowed (e.g., beanies).
- No earrings, jewellery, accessories, coloured contact lenses, or visible tattoos are allowed.
- No colouring of hair or wearing of exotic hairstyles is allowed.
- Fingernails must be kept trimmed short and clean at all times.
- During events that allow the wearing of casual wear, learners should wear neat, presentable clothes. Beachwear, tight-fitting clothes, clothes that are see-through and/or too revealing are not allowed. Hair, shoes, and accessories should be neat at all times.
- Only learners who have applied, submitted relevant supporting documents, and received the necessary permission from the **Governing Council**, may deviate from the official school uniform for religious and cultural reasons.



4. Valuables and Belongings

The school will not be held responsible for theft of or damage to personal belongings on school premises (e.g., cell phones, bags, books, and clothing).

- Learners should avoid bringing cell phones, large sums of money, and valuables to school. Cell phones may not be switched on during a normal school day. If the learner brings a cell phone to school, the learner must carry a written consent from the parent, which must provide for indemnification against loss of or damage to the cell phone.
- If a parent requests a learner to pay school fees on his/her behalf, such school fees should be paid before the start of the school day.
- Arrangements should be made with the teacher in charge for safekeeping of valuables, etc. during sports practices.
- Learners may not bring computer games, iPods, or similar electronic devices to school.

5. General Rules

- Loitering and/or playing in and around the corridors, stairwells, and toilets is forbidden.
- All litter must be placed in refuse bins or wastepaper baskets.
- Wilful damaging, vandalising, or neglect of school property and the property of others, either by writing on or by physical act, is prohibited. Theft of school and private property is also prohibited.
- Any act of cheating in class work, homework, informal and formal tests or internal or external examinations is prohibited. Furthermore, copying of and/or borrowing another learner's work is forbidden.
- Disruptive, unruly, rude and/or offensive behaviour will not be tolerated.
- The timeous handing in of work is the responsibility of each learner.
- Learners who fail to produce a medical certificate for absenteeism during formal examinations/tests/assessment tasks will obtain a mark of "0" (Nought) for the particular examination/test/assessment task.
- The learner will respect the beliefs, culture, dignity, and rights of other learners, as well as their right to privacy and confidentiality.
- Language that is seen to be pejorative, discriminatory, or racist is prohibited.
- Any act that belittles, demeans, or humiliates another learner's culture, race, or religion is prohibited.
- All learners have the right to an education free of interference, intimidation and/or physical abuse. The learner will respect the property and safety of other learners. Fighting or threatening of other learners is forbidden.
- The learner will respect those learners in positions of authority. A learner who is in a position of authority will conduct himself/herself in a manner befitting someone in authority. S/he will respect the rights of other learners and will not abuse such authority bestowed upon him/her through his/her position.
- The carrying, copying and/or reading of offensive material is prohibited.
- Learners must keep clear of areas that are indicated as out of bounds. These include:



- The school motor vehicles garage.
- The playing fields, tennis courts, basketball courts, shooting range, and swimming pool area, except while attending official sports practices and matches or during a lesson while under the supervision of the subject teacher.
- Electrical mains distribution boxes, fire extinguishers and hoses.

6. Rules Covering Public Places

The school is a place of safety where laws pertaining to public places are applicable.

- No dangerous objects or illegal drugs as defined in the South African Schools Act or the Safety regulations will be brought onto and/or used on the school property unless authorised by the Head for educational purposes. Dangerous objects include knives, firearms, or any item that could harm a person.
- The carrying and/or smoking of cigarettes/e-cigarettes is prohibited.
- Alcohol is not permitted on school premises or during any school activity.
- The carrying of and/or consumption of illegal chemical substances and drugs is prohibited.
- If a learner is in possession of prescription medication a copy of the doctor's script should be kept by the learner at all times.

7. Transport

Learners wishing to park motorcycles/motor vehicles on the school grounds must first obtain permission from the school to do so and make use of the areas specifically demarcated for this purpose.

- All learners park their vehicles and bikes (pedal or motorised) on the school premises at their own risk.
- Specific areas are provided for the safekeeping of bikes etc. and must be used by learners.
- Learners may ride or drive a vehicle on the school grounds provided the learner has a license to drive such a vehicle and provided extreme caution is exercised. Reckless behaviour is forbidden.
- The Code of Conduct is applicable when making use of transport to and from school.
- Learners may not hitchhike while in school uniform, whether formal or sports dress.

8. School Enrichment Programme

Religious practices, conduct or obligations that relate to the core values and beliefs of a recognised religion and that are in conflict with any rule contained in the Code of Conduct will be accommodated by a deviation from this Code of Conduct by the **Governing Council** under the following conditions:

- 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.
- This application must be in writing and must identify the specific rule/s that is/are offensive to the learner's religious right/s as contained in the Constitution of the Republic of South Africa.



Accommodation of Religious or Cultural Rights

Religious practices, conduct or obligation that relate to the core values and beliefs of a recognized 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 Council**.

Case Study:

The school's dress code of a Johannesburg Girls' school has been strictly adhered to over the past 100 years. A family have requested that their daughter be able to change her school uniform to accommodate her religious beliefs and practices.

What process should the parents and then school management follow to accommodate the possible changes to the school's Code of Conduct?

1. 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.
2. 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 Republic of South Africa.
3. 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 **Governing Council**/School Board to accommodate such religious rights.
4. The learner must provide proof that she/he 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.
5. The religious conduct or practice must be lawful.
6. The **Governing Council** 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.
7. When the **Governing Council** 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 for the learner to comply with such beliefs.
8. The deviation must specify the exemption from the normal rules and must clearly identify the conduct that will be allowed – e.g., the wearing of a head scarf, including colours and details of design; the growing of a beard; or the wearing of a specific hairstyle or jewellery – and the conditions under which such deviation will be applicable to the learner.
9. Cultural rights will be considered in the event that they do not relate to a religion, if 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 cultural jewellery or a 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 **Governing Council** that his/her cultural rights can be exercised only through a permanent intervention.
10. 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 1 to 8 above.



B. The 'Whole School' Approach to the Code of Conduct

1. The Code of Conduct should be adjusted at the beginning of each year to include new developments or concerns, e.g., inclusion of rules regarding e-cigarettes.
2. Parents and learners must be given a copy of the Code of Conduct to ensure transparency and understanding.
3. A copy of the Code of Conduct must be signed by parents and learners on registration day to acknowledge acceptance and commitment.
4. Weekly awareness training for staff should be held to keep all staff members updated on rules, procedures, and their responsibilities regarding discipline.
5. There should be a weekly discussion on a section of the Code of Conduct with learners to reinforce understanding and encourage adherence.
6. All locum (temporary) staff must undergo orientation training on the school's Code of Conduct before they begin teaching or supervising learners.

SECTION 3

The Disciplinary Procedure at Martha Beyers Academy

1. Purpose

- To align Martha Beyers Academy's disciplinary procedures with the latest legal and educational legislation in South Africa;
- To inform the school's stakeholders of their responsibilities regarding learner discipline as guided by the school's Code of Conduct;
- To ensure that the disciplinary processes comply with relevant laws governing learner conduct in independent schools;
- To provide clear guidance on how disciplinary hearings are to be conducted while protecting the rights of learners and other involved parties.

2. Guiding principles

A. Relevant Legislation

- South African Schools Act, (Act no. 84 of 1996) as amended by the Education Laws Amendment Act, 2005. ("SASA")
- The Regulations for Misconduct of Learners at Public Schools and Disciplinary Proceedings, 2001 (General Notice 2591 of 2001). ("Regulations")
- The Promotion of Administrative Justice Act (Act no. 3 of 2000)
- The Promotion of Access to Information Act (Act no 2 of 2000)
- The Constitution of the Republic of South Africa (Act no. 108 of 1996)

B. Code of Conduct Objectives

- To promote high academic and behavioural standards at Martha Beyers Academy
- To support corrective rather than punitive discipline
- To address behavioural misconduct constructively
- To ensure orderly teaching and learning by addressing:



- Disruption of teaching and learning
- Non-compliance with the Code of Conduct

C. Common Law Influence

- The school acts in *loco parentis* (in the place of a parent) and must act in the learner's best interest.

D. Role of Case Law

- Legal precedents from South African courts are applied in determining fairness and legality in disciplinary procedures.

3. Martha Beyers Academy as a Juristic Person

Under SASA, Martha Beyers Academy enjoys legal personality and functions as a **juristic person**, bearing legal rights and obligations.

A. The Role of the Governing Council

The **Governing Council** of Martha Beyers Academy is responsible for setting policies, including those governing learner discipline, in accordance with the school's values and legislative framework.

B. Independent School Status

Although certain sections of SASA (e.g., Section 8, 9, and 10) are not directly applicable to independent schools:

- Martha Beyers Academy embraces these as best practice;
- The school aligns with these standards where applicable, especially regarding corporal punishment, suspension, expulsion, and fair conduct procedures.

C. Labour Relations Act as a Guide

Although learners are not employees, the Labour Relations Act (Act No. 66 of 1995) provides a framework for procedural and substantive fairness that informs the school's approach to discipline.

D. Balancing Fairness with the Right to Education

The Constitution ensures learners' rights to fair administrative action and access to education. Martha Beyers Academy ensures that disciplinary decisions:

- Respect learners' constitutional rights;
- Are procedurally fair (fair hearing, transparency, etc.);
- Are substantively fair (justified, proportionate, and evidence-based).

4. Governance and Administration of Disciplinary Procedure

A. Administrative Law Requirements

All decisions made during the disciplinary process must be:

- Lawful
- Reasonable
- Procedurally fair

B. Legal Doctrines to Uphold



1. Audi Alteram Partem Rule

- Learners must be given a fair opportunity to respond to allegations;
- Must be informed of the evidence and charges against them;
- Must receive written reasons for decisions taken.

2. Nemo iudex in sua causa (No one should judge their own case)

- Hearings must be impartial and unbiased;
- Decision-makers must declare any conflict of interest;
- Requests for recusal are valid when impartiality is compromised.

C. No Pre-Judgment

- Disciplinary committee members must remain neutral;
- Decisions must be based solely on the evidence presented.

D. Reasonableness of Administrative Action

- All disciplinary actions must be justified under the specific circumstances;
- Learners' rights must be respected;
- The right to legal or parental representation must be upheld where appropriate.
- Proper process must be followed to avoid successful appeals.

SECTION 4: Disciplinary Hearing Process

1. Independent School – Martha Beyers Academy

a. Investigation of Possible Serious Misconduct

Where it is alleged that the conduct of a learner may constitute serious or very serious misconduct, the matter must be brought to the attention of the Executive Head, who must:

- (i) **Investigate**, or delegate the investigation, to determine if there are grounds for a disciplinary hearing.
- (ii) **Decide** if sufficient evidence exists to initiate disciplinary proceedings.

If a disciplinary hearing is deemed necessary, the Executive Head may, on reasonable grounds and as a precaution, suspend the learner from attending Martha Beyers Academy pending the outcome of the hearing, subject to specific conditions.

The learner must be informed about the academic support (e.g., learning packs, online support) that the school will provide during the suspension period.

The Executive Head must:

- (i) Inform the learner and parent(s)/guardian(s) of the decision to suspend the learner.
- (ii) Inform them of the date and details of the upcoming disciplinary hearing.

b. Notice to Learner and Parents of the Disciplinary Hearing

- The Executive Head must provide written notice to the learner and parents/guardians via email and/or hand delivery.
- The notice must:



- (i) Give at least three school days' notice before the hearing.
- (ii) Clearly state that disciplinary proceedings are being instituted.
- (iii) Provide details of the alleged misconduct, including date, time, and nature of the incident(s).
- (iv) Indicate the date, time, and venue of the hearing (e.g., the Admin Block Boardroom, Martha Beyers Academy).
- (v) Advise the learner of the right to be accompanied by a parent/guardian, and the right to:
 - Access documents/evidence,
 - Cross-examine witnesses,
 - Lead their own evidence and witnesses,
 - Submit relevant documents.

While there is no strict time limit, the hearing should occur within a reasonable period from the time the school becomes aware of the misconduct.

c. Use of Intermediaries During the Disciplinary Hearing

- The Chairperson (who may be the Executive Head, Regional Head, or an external independent professional) may appoint an intermediary if the hearing may cause mental stress or emotional harm to a learner under 18.
- Parents may request the use of such an intermediary.
- All communication with the witness must occur through the intermediary.
- The hearing venue should be informally arranged, with the witness shielded from persons who might cause discomfort.
- Communication may be facilitated through electronic or audio-visual equipment.

d. Conducting the Disciplinary Hearing

- The Chairperson (Executive Head, Regional Head, or independent person) will:
 - Be assisted by up to two other persons as panel members.
 - Conduct the hearing based on a balance of probabilities.
 - Ensure the proceedings are properly recorded (e.g., audio recordings, scribe notes) while maintaining confidentiality.
- Legal representation is not allowed. The learner may be represented only by a parent/guardian.

During the hearing, the learner and/or representative may:

- (i) State their case,
- (ii) Call witnesses,
- (iii) Cross-examine school witnesses,
- (iv) Examine all submitted documentation.



Failure to attend:

- One postponement may be granted. Subsequent non-attendance without cause allows the hearing to proceed in absentia.

Hearing procedure:

- The Chairperson must:
 - Explain the purpose and charges,
 - Ask the learner to plead.

If the learner pleads guilty:

- The learner/parent may give an explanation.
- The Chairperson ensures understanding of the plea before confirming guilt and proceeding to sanctioning.

If the learner pleads not guilty:

- The school presents its case and witnesses.
- The learner may cross-examine, respond, and present their defence and witnesses.
- The Chairperson may ask questions for clarity.
- The Chairperson deliberates privately before giving a verdict.

If found guilty, the Chairperson will:

- Allow for mitigating representations from the learner/parents.
- Consider any aggravating factors and the learner's disciplinary record.
- Decide and announce a sanction (may be delayed by up to 2 days with written notification to parents).

e. Collective Disciplinary Action

Where multiple learners are involved in the same or similar misconduct:

- A joint investigation is conducted.
- A single collective hearing may be held, with all relevant parents/guardians present.
- The same procedural protections apply as in individual hearings.
- Each learner must be given the opportunity to differentiate their involvement or circumstances.
- The school reserves the right to split hearings individually if deemed appropriate.

Any variation in sanctions or outcomes between learners will be justified and based on individual conduct, evidence, and mitigating/aggravating factors.

f. Appeal

- The learner and/or the learner's parents/guardians at Martha Beyers Academy have the right to appeal against any finding of guilty in a disciplinary hearing and/or sanction imposed by the school.



- The appeal must be submitted to the Executive Head of Martha Beyers Academy, who will then forward it to the Regional Head responsible for the school. The Regional Head will decide on the outcome of the appeal.
- The appeal process applies to both individual and collective disciplinary matters. The school reserves the right to initiate separate or collective appeal processes to deal with any appeals lodged.
- Typical grounds for appeal may include inter alia:
 - (i) The disciplinary procedure was not properly followed;
 - (ii) The decision regarding guilt was unfair or incorrect;
 - (iii) The sanction imposed was inappropriate;
 - (iv) Mitigating factors were not properly considered;
 - (v) The Chairperson was biased, did not properly consider the case, or made a subjective decision;
 - (vi) The learner was unable to properly present their case.
- The learner and/or parents/guardians wishing to appeal must provide a written motivation detailing their grounds for appeal.
- The appeal request must be submitted to Martha Beyers Academy within five (5) working days after the decision has been communicated to the parents/guardians.
- If the learner has been suspended pending the hearing process, the submission of an appeal does not affect the suspension, which remains in effect until the appeal process is concluded. For any other formal disciplinary action, implementation will be delayed pending the appeal.
- The appeal does not ordinarily require a complete re-hearing of the disciplinary case; it is generally limited to reviewing the decision on the merits, the finding of guilt, and/or the sanction based on the grounds lodged.
- The Regional Head's decision on the appeal must be communicated in writing to the learner and/or their parents/guardians within three (3) working days of receipt of the appeal.
- The conclusion of Martha Beyers Academy's appeal process is final and marks the exhaustion of internal disciplinary measures.

2. Suspension, disciplinary hearings and expulsion of learners in public schools at Martha Beyers Academy

a. Background

- The requirements for a fair disciplinary sanction, including suspension and/or expulsion for serious misconduct, are straightforward but must be justified and follow a fair procedure.
- Suspension and/or expulsion will be deemed unfair if there are procedural flaws, even if there is a proven reason for the sanction.
- Martha Beyers Academy must show proof that all procedures as outlined in the South African Schools Act (SASA), regulations, and the school's Code of Conduct have been complied with from the start of investigation through disciplinary sanction.
- Learners have the right to communicate and understand the proceedings in a language they reasonably understand, usually their home language or language of instruction.



- Suspension may be considered as a precaution before a disciplinary hearing but requires careful consideration.
 - Preparation of witnesses, presentation of evidence, and selection of the Chairperson are crucial elements of the disciplinary process.
 - All procedural rights must be respected by the complainant, Chairperson, and during the disciplinary hearing as per SASA and regulations.
-

b. Suspension of a learner for serious misconduct at Martha Beyers Academy

1. In terms of Section 9(1) of SASA, the Governing Council of Martha Beyers Academy may suspend a learner suspected of serious misconduct as a precautionary measure, but only after the learner is given a reasonable opportunity to make representations.
 2. The Governing Council must conduct disciplinary proceedings within seven (7) days of suspension; if not, HOD approval is required to continue the suspension.
 3. The Governing Council may, after a fair hearing, suspend a learner as a sanction for no longer than seven (7) school days (Section 9(1C) SASA).
 4. Suspension may be extended for no longer than 14 days pending expulsion decision by the HOD (Section 9(1E) SASA).
-

c. Institution of disciplinary proceedings at Martha Beyers Academy

1. The Head of Martha Beyers Academy must question the learner.
 2. Based on evidence, the Head may institute a disciplinary hearing.
 3. Only the Head may initiate disciplinary action for serious misconduct (Regulation 3).
 4. Such action is instituted only if:
 - (i) There is sufficient evidence, and
 - (ii) It is in the interest of Martha Beyers Academy and its community.
-

d. Disciplinary Committee (DC) at Martha Beyers Academy

- Upon notification, the Governing Council appoints a Disciplinary Committee of three members eligible to be part of the GOVERNING COUNCIL.
 - The Chairperson must be a parent or community member of the GOVERNING COUNCIL.
 - The Head and learners are not eligible as DC members.
 - No member may have personal interest in the matter.
 - An executive member of the Representative Council of Learners (RCL) may attend as observer.
 - The DC's decision is the decision of the Governing Council.
-



e. Procedures for serious misconduct hearings at Martha Beyers Academy

1. Learners are entitled to a hearing before the DC.
 2. Written notice of no fewer than five (5) school days must be given, except where shorter notice is justified and causes no prejudice.
 3. The notice must include:
 - (i) Details of the date, place, and nature of misconduct;
 - (ii) Charges and hearing schedule;
 - (iii) Information on any provisional suspension;
 - (iv) Rights of the learner.
 4. The Head delivers notice to the learner and parents as per school records.
 5. At least one parent must attend unless the learner is 21 years or older.
 6. If needed, an interpreter must be provided before the hearing proceeds.
 7. The hearing may proceed in the learner's absence if no just cause is given for non-attendance.
 8. The DC must keep a full and accurate record.
 9. The prosecutor opens the hearing by stating charges and presenting evidence.
 10. The Chairperson asks the learner to plead guilty or not guilty. Failure to respond is deemed a not guilty plea.
-

f. If the learner pleads guilty:

1. The Chairperson questions the learner on facts to confirm guilt.
 2. If the learner's version differs materially or the Chairperson doubts guilt, the plea is changed to not guilty.
 3. If the DC is satisfied, the learner is found guilty.
-

g. If the learner pleads not guilty:

1. The prosecutor calls witnesses and presents evidence.
2. The learner or representative may cross-examine.
3. The learner or representative may call witnesses or present evidence in defence.
4. The prosecutor may cross-examine defence witnesses.
5. The DC may question witnesses or evidence anytime.
6. Both sides may address the DC after evidence.
7. The DC adjourns for a maximum of two (2) school days to decide guilt.
8. The DC communicates the finding to the learner.
9. If guilty, evidence on penalty may be presented by both sides.
10. The DC imposes penalty as per Code of Conduct and informs the learner in writing.



11. If expulsion is recommended, the DC refers the case to the HOD and may suspend the learner pending HOD decision.
-

h. Suspension from a hostel at Martha Beyers Academy

1. Suspension and expulsion procedures for learners in the hostel are the same as above.
2. Suspension or expulsion from the school attached to the hostel means the learner is also suspended or expelled from the hostel.
3. Suspension or expulsion from the hostel alone is possible without school suspension.

i. The Role of the Chairperson of a Disciplinary Hearing at Martha Beyers Academy

1. The Chairperson of the Governing Council's Disciplinary Committee must lead the proceedings, introduce those present, state their roles, and ensure witnesses are only present while giving their evidence.
 2. The Chairperson must inform the learner of their rights, including:
 - 2.1 The right to a formal hearing:
 - The right to be present at the hearing;
 - The right to adequate time to prepare for the hearing;
 - The right to receive advance notice of the charges;
 - The right to be represented by one (1) internal representative;
 - The right to be accompanied by parents or guardians if the learner is a minor;
 - The right to question evidence or witnesses;
 - The right to call witnesses in their defence;
 - The right to request an interpreter 24 hours before the hearing;
 - The right to appeal any penalty imposed within five (5) days.
 - 2.2 If the learner fails to attend, the hearing will proceed in their absence.
 3. The Chairperson will explain the nature of the alleged misconduct to those present.
 4. The Chairperson will clarify the procedure of the enquiry: first, evidence from the complainant and their witnesses, followed by questioning by the learner and committee; then evidence from the learner and their witnesses, followed by questioning by the complainant and committee.
 5. After all evidence has been heard, the Chairperson will close the enquiry and dismiss all parties except the Disciplinary Committee.
 6. The Committee will deliberate and reach a decision.
 7. The Chairperson will reconvene all parties to communicate the decision.
 8. The Chairperson will explain the decision and reasons for any penalty imposed.
 9. The learner will be advised of the right to appeal.
 10. The complainant and learner will sign the disciplinary form; if the learner refuses, a witness will sign in their presence.
 11. Signing the document does not imply an admission of guilt by the learner.
-



j. The Role of the Evidence Leader/Prosecutor at Martha Beyers Academy

Prior to the hearing, the evidence leader should:

1. Present all facts fairly and balanced before the Disciplinary Committee;
2. Serve truth and justice, not merely to prove guilt;
3. Comply with constitutional principles, assuming the learner is innocent until proven guilty on a balance of probabilities;
4. Draft a clear, unambiguous charge sheet detailing the accused, the alleged misconduct, place, and date;
5. Allow reasonable time for the learner to prepare;
6. Notify the learner in writing of the hearing date, time, venue, and rights.

During the hearing, the evidence leader must:

- (i) Follow hearing procedures courteously;
- (ii) Arrange for witnesses to give oral evidence and ensure their availability;
- (iii) Provide a complete bundle of relevant documents with three copies—one each for the presiding officer, learner, and witness;
- (iv) Act as prosecutor, not persecutor;
- (v) Adhere to the hearing order, recognizing the disciplinary hearing is quasi-judicial with the burden of proof on the evidence leader on a balance of probabilities.

The evidence leader must remain bound by the charge sheet. After a finding of guilt, the evidence leader will summarize proceedings and propose an appropriate sanction authorized by the Martha Beyers Academy Disciplinary Code—ranging from warnings to expulsion.

Training for evidence leaders and school staff is essential to understand due process, legal knowledge, and consequences of overturned outcomes or appeals, which could negatively impact the school's education environment.

k. Suspension of a Learner Pending Criminal Proceedings at Martha Beyers Academy

1. The Principal may recommend to the Head of Department that a learner charged with a criminal offence related to misconduct be suspended until the criminal proceedings conclude. Internal disciplinary proceedings must commence as soon as possible.
2. When deciding on suspension, the Head of Department will consider:
 - (i) The learner's right to education;
 - (ii) The safety of learners and educators;
 - (iii) Protection of school property;
 - (iv) The likely length of the criminal proceedings;
 - (v) Seriousness of the alleged offence;
 - (vi) The need to maintain discipline at Martha Beyers Academy.
3. Whether the learner is acquitted or convicted in court does not prevent the Governing Council from taking disciplinary steps under the school's Code of Conduct, even if proven misconduct corresponds with the criminal offence.



MARTHA BEYERS ACADEMY/AKADEMIE



WRITTEN WARNING

Name of learner:

Learner ID number:

Subject:

Teacher:

The above learner has breached the Disciplinary Code.

Date of offence:

Grade of offence:

Nature of offence:

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

Learner's statement:

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

.....
Learner

.....
Teacher

.....
Witness

.....
Grade Head

.....
Date

- One (1) copy to learner, original to be kept by GRADE HEAD
- Learner's signature does not signify admission of guilt, but that charges and action taken have been explained.

MARTHA BEYERS ACADEMY/AKADEMIE



FINAL WRITTEN WARNING

Name of learner:

Learner ID number:

Subject:

Teacher:

Please take note that this is a final warning. If the Disciplinary Code is breached again, in any way, it will lead to a disciplinary hearing.

Date of offence:

Grade of offence:

Nature of offence:

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

Learner's statement:

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

.....
Learner

.....
Teacher

.....
Witness

.....
Grade Head

.....
Date

- One (1) copy to learner, original to be kept by GRADE HEAD
- Learner's signature does not signify admission of guilt, but that charges and action taken have been explained.

MARTHA BEYERS ACADEMY/AKADEMIE



NOTICE OF DISCIPLINARY HEARING

Name of learner:

Learner ID number:

Subject:

Teacher:

A formal disciplinary hearing will be held and you are obliged to be present.

Date of hearing:

Venue of hearing:

Date served:

The charge against you is as follows:

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

Date of offence:

Nature of offence:

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

Suspension from class

You are further advised that you have been suspended from class from:

Time: Date:/...../..... until Time: Date:/...../.....

During your period of suspension, you will not be permitted on the school premises unless written permission has been given to you by a senior member of management, or for attending this hearing.

Note: Learner receives one (1) copy and the signed copy must be kept filed.

RIGHTS OF LEARNER FACING DISCIPLINARY ACTION



Learner's rights (to be read by Server)

- The right to a formal hearing
- The right to be present at the hearing
- The right to be given time to prepare the case
- The right to be given advance notice of charges
- The right to be represented at the hearing by an internal representative
- The right to be assisted at the hearing by parents/guardian if under age
- The right to ask questions on any evidence produced, or on statements of witnesses
- The right to call witnesses to testify on your behalf
- The right to an interpreter (to be requested in writing by yourself, the learner, 24 hours prior to the hearing)
- The right to appeal within five (5) school days against any penalty by the Disciplinary Committee
- If you do not attend, the hearing will be conducted in your absence

I certify that the above rights have been read and explained to the learner.

.....
Server

.....
Designation

.....
Learner

.....
Witness

.....
Date

Annexure D

School



RECORD OF DISCIPLINARY HEARING

PRESENT

Capacity	Name	Designation	Section

Complainant (if applicable)	Learner
Witness for complainant:	Witness for learner:
1.	1.
2.	2.
3.	3.

Nature of alleged breach or misconduct (charge, date, place and brief description of the incident(s))

Nature of offence:

.....

.....

.....

.....

.....

Plea: The learner admits/denies the charges (the appropriate plea to be underlined).

..... Learner Teacher
..... Witness Grade Head
..... Date	



School

LODGING OF APPEAL (REVIEW FORM)

In terms of the school's disciplinary procedures, I wish to lodge an appeal against the decision of the Disciplinary Committee (within five (5) school days).

Name of Appellant:

The appeal is made on the following grounds (the appropriate areas to be marked with an X)

☐

The disciplinary measure imposed was not in line with the grade of offence.

☐

Disciplinary procedures were not followed.

☐

New or further evidence or witnesses are available, which could bring new focus to light and affect the result of the previous hearing.

Nature of offence:

.....

The following reasons are submitted in support of this appeal:

.....

.....
 Date lodged

.....
 Appellant

ANNEXURE - F LEARNER COMMITMENT



I,, a learner at Martha Beyers Academy, understand the rules and their implications and hereby commit to:

- Abide by the Code of Conduct and Disciplinary System of Martha Beyers Academy.
- Behave in a courteous and considerate manner, and respect other learners, the RCL, all members of staff, and visitors to the Academy.
- Treat everyone with respect, regardless of differences in culture, religion, ability, race, gender, age, sexual orientation, or social class.
- Take responsibility for my learning by attending regularly and punctually and completing all my assessment tasks on time.
- Co-operate with my teachers and other Academy staff.
- Assist in making the Academy a safe, clean, and supportive environment for all.
- Seek help and support when I need it.
- Inform the Academy if I feel my rights have been infringed, or if I am facing any other difficulty.

.....
LEARNER

.....
PARENT / GUARDIAN

.....
DATE