



*Founded 1922*

HERSCHEL  
GIRLS SCHOOL

2021 PREPARATORY



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# HERSCHEL GIRLS SCHOOL

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## **DISCIPLINARY CODE FOR PREPARATORY SCHOOL PUPILS**

**Guideline for School Management, Teachers,  
Pupils and Parents**

Amended April 2021

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#### Definitions:

In this document, the term “pupil” refers to “learner” and the term “teacher” refers to “educator” as defined in the South African Schools Act, 1996, no. 84 of 1996.

## 1. INTRODUCTION AND OBJECTIVES

The school fully supports the principles of fair discipline, and the consistent application of appropriate disciplinary measures where necessary. The disciplinary code for pupils indicates the broad standards of behaviour that are expected of all pupils at the school and off the school premises when engaged in school business or in school uniform, and encourages a responsible and self-disciplined approach by pupils themselves.

Should expected norms of conduct not be met by any pupil, corrective action will be initiated by the school's management. Corrective action may or may not include the application of formal disciplinary measures. Formal steps are applied to prevent further occurrences of unacceptable behaviour and, if necessary to restore relationships.

The disciplinary code consists of this document and the annexure containing guidelines as to the expected standard of conduct, alleged misconduct or infringement and the recommended disciplinary action to be imposed.

This disciplinary code is applicable to all pupils. This document may also have a bearing on the pupil's behaviour outside of normal school hours and off the school's premises as described above in the event that the pupil's conduct may impact negatively on the teacher/pupil relationship, relationships with other pupils or the reputation and integrity of the school.

The maintenance of discipline and ensuring orderly classroom behaviour is an integral part of every teacher's duties. The onus therefore lies with the school's teachers and leadership to apply this disciplinary code in an effective and equitable manner, in the interests of the school and the pupils, preserving and promoting educational excellence, and protecting the rights of all stakeholders.

This document will be made readily available to every teacher at the School, and all pupils and parents upon enrolment and upon request. It should be noted that this document will always be evolving as and when there are legal changes/amendments to the law and a new copy will be available annually to accommodate any changes made.

## 2. CODE OF CONDUCT

2.1 This disciplinary code is not intended as an exhaustive guideline designed to describe all and any disciplinary-related issues. Rather, it is intended to indicate fundamental values, principles and guidelines according to which corrective action and discipline are to be effectively implemented by the school.

### 2.2 Teachers

Teachers at the school subscribe to the South African Council of Educator's Code of Professional Ethics and the school's Code of Conduct for Staff and undertake, inter alia, to:

- Be punctual, well prepared and professional in their approach to education.
- Manage pupil performance effectively and motivate pupils to achieve realistic and meaningful personal goals.
- Be sensitive to the needs of their pupils and address learning difficulties in a positive manner.
- Praise, encourage, recognise and reward pupils who strive to achieve.
- Create a classroom climate which is based on a learning partnership which makes education both relevant and stimulating.
- Set a positive example for their pupils to follow.
- Administer discipline correctively and with dignity when necessary.

Our school prides itself on having good relations with the school's community, its pupils and their parents. While parents must expect the school and its teachers to provide the best education possible with the resources available to the school, parents must also accept responsibility to help the school achieve this goal.

### 2.3 Parents

Parents enrol their children at the school, subject to their acceptance of the school rules and other conditions of enrolment (*please see South African Heads of Independent Schools Association Parents Manual for more information*). Parents also have the responsibility to, at least:

- Actively support the efforts of the school and its teachers to teach their children.
- Involve themselves to the fullest possible extent in school activities.
- Make positive suggestions and contributions to improve the school's education process and the learning environment.
- Support the disciplinary structures and procedures of the school, and the reasonable efforts by the school to apply discipline effectively and fairly.
- Encourage their children to participate fully in School and extra-mural activities.
- Participate in the learning process and assist their children with homework, provide encouragement, check results and communicate freely with the school.
- Not expect the school to meet their child's every need.
- Ensure that the pupil is in attendance of all compulsory attendance functions and activities, and that timekeeping requirements are observed.

### 2.4 Pupils

In terms of the SA Constitution, every pupil has the right to education. The school strives to provide the educational opportunities that its pupils and the community deserve. Pupils themselves however must also recognize that they have responsibilities to their parents, the school, their teachers, their fellow pupils and themselves.

Pupils therefore must accept and comply with the school's rules and its conditions of enrolment. In more general terms, pupils must:

- Comply with instructions from school officials and with the general rules of the school.
- Behave responsibly and not endanger the safety, welfare and rights of others.
- Respect and care for the property of the school and others.
- Maintain sound relations with others at school, be courteous and respect the dignity and self-worth of others.
- Be punctual and observe the timekeeping practices of the school.
- Demonstrate a positive attitude towards the opportunity to learn and be diligent in their efforts to learn.
- Behave honestly and conduct themselves with integrity.
- Accept legitimate disciplinary action taken against them as being necessary.

The school has a number of rules that define the kinds of behaviour expected of its pupils. Pupils are to also keep their parents advised of these rules and pupils are expected to conduct themselves in accordance with the rules provided.

## 3. DISCIPLINARY MEASURES

- 3.1 It is impossible for this procedure to list every possible rule infringement by pupils. The disciplinary code therefore only sets out the broader categories of infringement and the norms for applying fair discipline at the school.
- 3.2 Various forms of informal and formal disciplinary measures may be initiated by the teacher and/or the school. The School Council, school management and teachers are entitled to apply disciplinary action that they believe is appropriate in the circumstances, within the guidelines provided in this procedure. The judgement and discretion of school officials to apply disciplinary measures will therefore not be rigidly restricted by this disciplinary code, but will rather be guided by the measures described herein.
- 3.3 The severity of action taken by the school or official will depend on the circumstances, the seriousness of an infringement and any mitigating or aggravating factors. For this reason, the guidelines enclosed seek to promote and assure consistency, but do not remove the

necessary discretion of the teacher or the school to apply a lesser penalty should circumstances so dictate.

3.4 Disciplinary measures applied in response to pupil misconduct will therefore require that the teacher or school officials involved exercise their own judgement in deciding on the appropriate and fair action to be taken.

3.5 Disciplinary action that may be applied by the school, in order of severity, includes

**3.5.1 Informal action**

- (a) counselling by the teacher, phase head/deputy head or head
- (b) detention or time punishment; and/or
- (c) community service.

**3.5.2 Formal action**

- (a) a warning recorded (usually effective for a period of 3 or 6 months); and/or
- (b) parental contact and an interview with parents, generally after the conducting of an investigation by the school; and/or
- (c) suspension for a period from class or from attending school, pending the convening of a formal disciplinary hearing, and/or as a form of corrective action after the conducting of a disciplinary hearing
- (d) expulsion only after the conducting of a disciplinary hearing, and as a last resort.

3.6 Discipline must, wherever feasible and effective, be applied progressively. Informal action for minor transgressions is generally applied at teacher level, without a formal investigation being necessary. Repeated committing of a minor, similar or related offence will however result in progressively more severe and formal action being taken; particularly where a clear pattern or behaviour trend is indicated by the pupil's continued misconduct.

3.7 Notwithstanding the principles of progressive discipline, a serious first offence or repeated infringements may justify the holding of a disciplinary enquiry and suspension or expulsion may follow.

3.8 Warnings issued by the school will be noted on the pupil's record. Copies of warnings issued will be furnished to the parents.

#### **4. DISCIPLINARY PROCEDURE**

This procedure summarises the disciplinary process that will be followed by the School when disciplinary action is considered appropriate.

##### **4.1 Informal procedures**

4.1.1 Infringements that are not considered serious, or do not require formal disciplinary action in the opinion of the pupil's responsible teacher, can be dealt with directly by the teacher. These are not generally recorded on the pupil's record, but may still require communication with the pupil's parents.

4.1.2 Various forms of informal action are outlined in this disciplinary code and can be implemented by the teacher without the involvement of the subject head/phase head/deputy head or school head.

##### **4.2 Formal procedures**

4.2.1 When an infringement occurs which appears to require formal disciplinary action, the teacher concerned (or another complainant) will initiate the disciplinary process by reporting the incident to the Head of School, or by completing a *NOTICE OF COMPLAINT*. This document may be supplemented by any additional information or statements to clarify or adequately detail the facts surrounding the infringement.

The Notice of Complaint itself is not a form of disciplinary action. Its purpose is solely to summarise details pertaining to the alleged incident and to act as an indication of the possible need for corrective action and/or formal disciplinary measures.

- 4.2.2 The Head of School will refer the matter for investigation to the relevant school representative. This school representative must investigate an infringement reported, or a notice of complaint received, to decide upon appropriate corrective measures. This investigation generally takes the form of an informal inquiry, and wherever possible includes an opportunity for the pupil to state her case in response to the complaint. If, after investigation, the infringement is confirmed and considered to be of a nature which does not require a disciplinary hearing, the school representative may apply any one or more of the actions set forth in paragraphs 3.5.1 and 3.5.2 (a) and (b) above.
- 4.2.3 It should be pointed out that the investigation to be conducted is an informal one, and that suspension or expulsion is not considered as appropriate action at this point, save that a pupil may be suspended as described in paragraph 3.5.2 (c) above in the discretion of the school.

### 4.3 **Disciplinary Hearing procedure**

- 4.3.1 When a serious alleged infringement occurs, or in the case of repeated lesser infringements, a Notification of a Disciplinary Hearing is given by the school representative after consultation with the Human Resources Manager, to the parents/guardians of the pupil concerned. This notification must provide sufficient information to ensure that the pupil/parents/guardians are properly informed of the alleged complaint, the seriousness of the allegations, and the school's intention to convene a formal hearing to investigate the infringement.

Please note that

- (a) the pupil's parents/guardians should wherever possible be notified of the hearing at least 48 hours (two working days) before the scheduled hearing.
  - (b) the pupil may be suspended pending the hearing, ONLY if this is considered appropriate bearing the alleged misconduct in mind. The suspension of the pupil should be indicated in the notification to the parents, the period of suspension preferably not exceeding a period of 5 [school] days prior to the conducting of the hearing.
  - (c) the pupil and parents/guardians must be advised that they are expected to attend the hearing and that their non-attendance may prejudice their case - and result in the hearing being held in their absence, and a decision being made without their involvement.
  - (d) the pupil and parents/guardians must be advised of the serious nature of the allegations, and the possibility of severe disciplinary action being taken should the pupil be found guilty of the allegations made against her.
  - (e) legal representation at disciplinary hearings is generally not permitted, unless both the school and the parents agree that it is appropriate for both parties to be professionally represented.
- 4.3.2 The conducting of the formal disciplinary hearing shall be chaired by an objective and impartial senior school official (Deputy Head) or Council member or external person nominated by the school. The chairperson will be responsible for leading and managing the hearing process, and making the two critical decisions as to:
- (a) the guilt or innocence of the pupil relative to the allegations made;
  - (b) the appropriate penalty/action to be taken, after due consideration of mitigating and aggravating factors.
- 4.3.3 The chairperson shall ensure that the hearing is properly and fairly conducted and that the rules of natural justice are complied with i.e. the pupil and parent(s):
- (a) must properly understand the allegations being made.
  - (b) should be presented with all facts and information relating to the allegations.

- (c) must be given the opportunity to question evidence presented.
- (d) are entitled to present their own perspective and explain/defend their actions, and be heard by an impartial chairperson.
- (e) must be treated with dignity and respect throughout the hearing.
- (f) are to be assured of the greatest confidentiality possible.
- (g) must be advised of the outcome of the hearing [i.e. the verdict], the decision made regarding penalty, and the reasons for such decisions.

4.3.4 After the completion of the hearing, the two decisions made (regarding guilt or innocence, and whether to impose disciplinary action or not) should be formally communicated to the Head of school, and the parents and pupil will be furnished with a copy thereof.

4.3.5 The decision of the chairperson shall be final and binding upon the parties.

4.3.6 Copies of all documentation relating to the disciplinary hearing shall be retained by the school for record and safekeeping purposes.

## **5. COLLECTIVE DISCIPLINARY ACTION**

The above-described disciplinary procedure is principally designed to deal with instances of misconduct by individual pupils. Alleged misconduct by a group of pupils, where the infringement(s) are of a similar nature or with a related intent, is considered as being "collective misconduct".

5.1 Generally, collective misconduct is more effectively dealt with on a collective basis. An informal investigation into the alleged misconduct is conducted initially by the House Director with all of the pupils concerned. Dependent upon the outcome of this investigation, informal or formal disciplinary action may be considered appropriate by the responsible school official.

5.2 Should the infringement be considered to be serious, a single disciplinary hearing procedure may be conducted with the pupils concerned, with their parents/guardians present. The same procedures as provided for in section four above are generally also followed in a collective hearing.

5.3 Despite the use of collective procedures, individual pupils must still be provided with the opportunity of demonstrating that their own circumstances may be different from that of the group and showing why they should be treated differently.

In certain cases, however, it might be considered appropriate by the school to conduct separate investigations or hearings with individual pupils. The school reserves the right to exercise its option to conduct individual or collective hearing procedures.

5.4 The school reserves its right to initiate a separate or collective disciplinary process to deal with any collective action.

## **6. ANNEXURE: GUIDELINE ON THE EXPECTED STANDARD OF CONDUCT, MISCONDUCT OR INFRINGEMENT AND RECOMMENDED DISCIPLINARY ACTION**

The annexure appended hereto is intended as a guideline for teachers and the chairperson.

It indicates the maximum disciplinary action considered appropriate for various types of infringements and misconduct by pupils. As indicated previously, mitigating circumstances of a particular case under consideration may justify less severe action than that indicated in the annexure.

Further, where the code reflects a 3<sup>rd</sup> (repeated) incident and "Parental contact and/or suspension" is the appropriate disciplinary action, a 4<sup>th</sup> incident (similar in nature to the 3<sup>rd</sup> incident) will generally justify the consideration of expulsion, only after the conducting of a disciplinary hearing.

The infringements listed in the annexure are not intended to be an exhaustive listing but rather as an indication of the type and severity of an infringement, and the nature and category of the deviation from accepted pupil conduct.

The code does make provision for “progressive” or accumulative penalty i.e. the imposition of a harsher sanction for repeated misconduct. A note regarding the application of the code and procedure (below) deals with this and other important matters.

## **7. APPLICATION NOTES**

### **7.1 PENALTY AND CONSISTENCY**

The penalties set out in the disciplinary code indicate the recommended maximum penalty that could be imposed. Naturally, a lesser penalty may be applied, should mitigating considerations indicate that the maximum penalty is possibly not appropriate in the circumstances. While consistency of treatment is important, due consideration of factors relating to each case is of equal importance.

### **7.2 CUMULATIVE ACTION**

Cumulative action for a repeated offence (i.e. imposing a more serious penalty for misconduct than that imposed previously for misconduct) is only appropriate if the second misconduct is of a “similar nature” to the previous misconduct. The nature and type of offence should be the same, and any warnings issued previously must not have expired.

### **7.3 EXPULSION**

Expulsion should ONLY be effected after conducting a formal hearing. The procedural requirement of conducting a hearing prior to expulsion, even if the pupil admits guilt, should not be flouted. Justice must be seen to be done.

The penalty of expulsion is a last resort, if no reasonable alternative or lesser form of penalty is considered appropriate. The school should motivate why expulsion is the appropriate penalty. Alternatives to expulsion should be and the decision on sanction should indicate why this is not appropriate.

### **7.4 SUSPENSION (Two forms of Suspension)**

#### **7.4.1 As punishment:**

Suspension from class/school activities is acceptable and appropriate as a form of punishment. Suspension may only be imposed once guilt has been established at a disciplinary hearing. The period of suspension should not be such as to jeopardise the educational rights/interests of the pupil.

#### **7.4.2 Pending a hearing:**

(a) Suspension of the pupil from school activities pending the conducting of a formal hearing should not be of a duration that would prejudice the educational rights/interests of the pupil. The hearing should therefore be conducted as soon as possible after the suspension takes effect. In such a case, it must also be clearly indicated to the pupil that this suspension is not a form of punishment and is rather a practical arrangement to remove the pupil temporarily, and in the interests of the school and the pupil.

(b) The period of suspension may be extended by the school or chairperson from time to time, if necessary, pending the conclusion of the disciplinary hearing.

### **7.5 BURDEN OF PROOF**

As the onus rests with the school to prove the reasonableness and fairness of disciplinary action taken against a pupil, care must be taken to follow all the procedural steps outlined in this disciplinary code. Any deviation from the recommended procedures and actions set out in this document will have to be justified by the school if challenged.

## 7.6 MISCONDUCT OFF THE SCHOOL PREMISES

Imposing disciplinary action for misconduct that took place “off-site” e.g. after hours and/or off the school premises, requires that the school must clearly demonstrate the negative impact of the off-site misconduct on the school / pupil relationship, relationship with other pupils or the reputation or integrity of the school.

**ANNEXURE: DISCIPLINARY CODE FOR PUPILS**

EXPECTED STANDARD OF CONDUCT	ALLEGED MISCONDUCT OR INFRINGEMENT	RECOMMENDED <b>MAXIMUM</b> DISCIPLINARY ACTION TO BE IMPOSED		
		1 <sup>st</sup> Incidence	2 <sup>nd</sup> or Repeated Incidence	3 <sup>rd</sup> Incidence
Pupils will comply with instructions and the general rules of the school	Wilful disregard of instructions	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Disrespect towards peers, teachers, parents and visitors	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Appearance, dress or apparel which is not in accordance with school standards	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Behaviour in public or at events which brings the school into disrepute	DCD: Parental contact/Suspension	DCD: Expulsion	
	Eating or drinking during class or during sporting activities when this is prohibited	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
Pupils will behave responsibly and not endanger the safety and welfare of others	Dangerous horseplay	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Use of excessive force when playing games or playing games in areas where bystanders and passers-by may be injured	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Bullying others or initiation of any sort	DCD: Expulsion		
	Fighting or the threatened assault of others	DCD: Expulsion		
	Being in possession of a weapon or dangerous instrument on school premises or at a school event	DCD: Expulsion		
	Unhygienic personal habits and improper use of school facilities and ablutions	TLD: Counselling PLUS TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Tampering with equipment or the property of others	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Being under the influence of alcoholic, hallucinogenic or unauthorised substances. Substance abuse	DCD: Expulsion		
	Smoking/Vaping or being in possession of cigarettes/e-cigarettes on school premises or at school events/excursions	DCD: Parental contact/Suspension	DCD: Expulsion	
Disregarding/Disobeying policies which include procedures requiring health and safety protocols eg Guidelines for returning to school during COVID-19	DCD: Parental contact/Suspension	DCD: Expulsion		

EXPECTED STANDARD OF CONDUCT	ALLEGED MISCONDUCT OR INFRINGEMENT	RECOMMENDED <b>MAXIMUM</b> DISCIPLINARY ACTION TO BE IMPOSED		
		1 <sup>st</sup> Incidence	2 <sup>nd</sup> or Repeated Incidence	3 <sup>rd</sup> Incidence
Pupils will respect and care for the property of the school and others	Wilful damage to school property / equipment, vandalising property, use of graffiti	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Littering and poor housekeeping	TLD: Detention/Community Service	DCD: Parental contact/ Suspension	
	Improper use of school property or the property of others	TLD: Detention/Community Service	DCD: Parental contact/ Suspension	DCD: Expulsion
	Not taking good care of textbooks or pupil aids or losing textbooks/aids	TLD: Counselling PLUS TLD: Detention/Community Service	DCD: Parental contact/ Suspension	
Pupils will maintain sound relations with others, be courteous and respect the dignity of other persons	Being in possession of pornographic material	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Swearing and use of bad language	TLD: Counselling PLUS TLD: Detention/Community Service	DCD: Parental contact/ Suspension	DCD: Expulsion
	Verbal or insulting abuse of others, using hate/racist speech, displays of racial prejudice or racism towards peers and/or staff	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Malicious teasing of others	TLD: Detention/Community Service	DCD: Parental contact/ Suspension	DCD: Expulsion
	Playing obscene or demeaning games	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Being discourteous towards teachers and peers or displays of insolence or disrespect	TLD: Counselling PLUS TLD: Detention/Community Service	DCD: Parental contact/ Suspension	DCD: Expulsion
	Racial or sexist comments or insults, harassing or victimising behaviour	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Indecency, sexual harassment or sexually explicit behaviour at school, at school events or with school colleagues	DCD: Expulsion		
	Intimidating others or other forms of invasive behaviour	DCD: Expulsion		
	Inappropriate use of social media which is demeaning/insulting towards others and/or brings the name of the school into disrepute	DCD: Parental contact/Suspension	DCD: Expulsion	
Inappropriate use of information technology and/or any contravention of the AUP of the ICT Department, including but not limited to the misuse of devices in the form of videoing and/or recording Herschel staff and/or pupils	DCD: Parental contact/Suspension	DCD: Expulsion		
Pupils will be punctual and observe the timekeeping practices of the school	Unexplained absence from classes	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Leaving school premises without permission	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Persistent latecoming	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension

EXPECTED STANDARD OF CONDUCT	ALLEGED MISCONDUCT OR INFRINGEMENT	RECOMMENDED <b>MAXIMUM</b> DISCIPLINARY ACTION TO BE IMPOSED		
		1 <sup>st</sup> Incidence	2 <sup>nd</sup> or Repeated Incidence	3 <sup>rd</sup> Incidence
Pupils will demonstrate a positive attitude towards learning and be reasonably diligent in their learning efforts	Refusal to complete homework assignments or projects	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Refusal to hand reports / reply slips etc. to parents or to return these to the school	TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	Unreasonable refusal to participate in school activities and school attendance events	TLD: Counselling PLUS TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
	General uncooperativeness and poor application to studies, school work or assignments	TLD: Counselling PLUS TLD: Warning	TLD: Detention/Community Service	DCD: Parental contact/ Suspension
Pupils will behave honestly and conduct themselves with integrity	Cheating, copying or tampering with tests, reports or assignments, plagiarism	DCD: Expulsion		
	Dishonesty, lying or unfair play	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Possession or distribution of material which may give an unfair advantage in a test or exam	DCD: Expulsion		
	Being in possession of another person's property, attempted theft, theft or removing another person's property from the premises	DCD: Expulsion		
	Bribery, fraud or attempted dishonesty	DCD: Parental contact/ Suspension	DCD: Expulsion	
	Forgery or the falsification of documents	DCD: Parental contact/ Suspension	DCD: Expulsion	

LEGEND:      \*TLD:    Teacher level discipline  
                     \*DCD:    Disciplinary chairperson level discipline