



## **CODE OF CONDUCT AND DISCIPLINE POLICY**

### Introduction

Our objective at Somerset House is to assist children in learning to make the right decisions with regard to personal actions and behaviours. We do so, recognising that people make mistakes and must learn from them in order to grow. Ideally, the ability of each child to self-regulate their behaviour must be the objective of our discipline system.

At Somerset House we take discipline seriously and are advocates of an environment which is based on mutual respect and responsibility rather than fear. We believe strongly that if a positive and constructive environment is created in our school, there will be fewer discipline issues to deal with. Equally, if we deal with discipline issues respectfully and responsibly, our children will learn to respect rules and be responsible in abiding by them. We therefore emphasise our responsibilities more than our rights. We emphasise consideration for others in all our actions.

At Somerset House we expect:

- Good manners and courtesy from all who make up the school community
- Responsible behaviour
- Respect for others regardless of differences, culture, religion, language, opinions or beliefs
- Respect for school property and the property of others
- Pride in our school, our grounds, our appearance
- Children to handle problems in a responsible manner by seeking solutions to problems. This may involve consulting staff members or parents

The “Yellow Slip” system is used in the prep school which ensures that parents are informed timeously if their child is involved in disciplinary problems as opposed to only finding out at term end. It also encourages behaviour correction on the part of the child and offers a ‘clean sheet’ at the beginning of each term. Because the problem behaviours are tracked, it indicates patterns of behaviour, not only of the individual child, but also in the classes or the school as a whole.

Discipline problems are mostly handled on a one-on-one basis at Somerset House. All children must learn to accept the responsibility for their actions when they fail to follow rules and fail to respect the rights and dignity of others and/or school property. In order to help all pupils to become well-adjusted people, Somerset Houses uses a discipline system that includes conflict resolution, counselling, appropriate punishment or consequence and in serious cases, suspension warning, suspension, and expulsion. These consequences are used to ensure that the right of all to learn in a safe environment is protected. If a pupil behaves in a manner which is contrary to the ethos of the school or impinges on the rights of others, the school will respond to the misbehaviour. Consequences will follow a logical progression of procedures/steps. Examples of consequences are listed below:

- Counselling/problem solving/conflict resolution with the pupil(s);
- Loss of break, sitting in the office doing work or community service;
- Use of a break to problem solve in writing;
- Parent/guardian contact and follow-up at home;
- Conference with teacher, parent/guardian, and pupil;
- Conference with Principal or his/her representative, parent/guardian, pupil, and teacher; loss of activity (study trip, assembly, class party, outing, camp, etc);
- Suspension;
- Expulsion.

**Note: This document and the procedures set out therein may, from time to time, be amended, amplified or added to by the school, in order to cover exigencies which may not have been contemplated at the time of publication thereof. In such event, a revised document will be provided to parents and pupils.**

This document consists of two sections:

SECTION A – Rules and code of conduct

SECTION B – Disciplinary Procedures

## **SECTION A - SOMERSET HOUSE - CODE OF CODUCT FOR PUPILS**

### **1. CARDINAL RULES**

- Respect is to be shown to everyone at all times. All property is to be treated with respect.
- Courtesy and good manners during lessons and while representing the school are expected at all times.
- Our school is judged in the eyes of the community and the general public by the behaviour of our pupils outside the school after school hours, whether in uniform or not. Any action, which brings the school's name into disrepute, will not be tolerated.
- Safety of ourselves and of others is to be maintained at all times.

The school reserves the right to take action in the case of any breach of these cardinal rules or any breach of discipline.

### **2. MINOR TRANSGRESSIONS**

In general, a teacher at the school has the same rights as a parent -to control and discipline the child according to the Code of Conduct during the time that the child is in attendance at the school, in any classroom, and during school functions or school excursions or school related activity.

### **3. SERIOUS DISCIPLINARY TRANSGRESSIONS.**

While it is not the school's intention to suspend or expel pupils, it sometimes becomes necessary to remove pupils who infringe upon the rights of others or who refuse to follow the rules of the school.

Examples of reasons for suspensions and/or expulsions are when a pupil:

- 3.1. Caused or attempted, or threatened to cause physical injury to another person or wilfully used force or violence upon another person, except in self-defence.
- 3.2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object; possession of an imitation firearm.
- 3.3. Unlawfully possessed, used, or been under the influence of any alcohol, illegal, banned or controlled substance as defined in any

Act promulgated by the Parliament of the Republic of South Africa or by any provincial or local authority.

- 3.4. Unlawfully offered, arranged or negotiated to sell any alcohol, illegal/banned/controlled substance, as defined in any Act promulgated by the Parliament of the Republic of South Africa or by any provincial or local authority.
- 3.5. Possessed or used tobacco, or any product containing tobacco on any of the School's premises or during an official school function or outing wheresoever.
- 3.6. Committed, or attempted to commit hate speech, robbery or extortion.
- 3.7. Caused or attempted to cause damage to school or private property.
- 3.8. Stole or attempted to steal school property or private property; receiving or being in possession of any stolen school or private property.
- 3.9. Committed an obscene act or engaged in repeated profanity or vulgarity.
- 3.10. Contravened a part of the school Information Technology User Agreement.
- 3.11. Disrupted school activities or defied the valid authority of school personnel.
- 3.12. Committed or attempted to commit a sexual assault or sexual battery; sexual misconduct on the school premises or during an official school function or outing wheresoever.
- 3.13. Harassed, threatened, or intimidated a pupil, including one who is a complaining witness or witness in a school disciplinary proceeding.
- 3.14. Is involved in repetitive and continued harassment of another pupil, ie. bullying, either of a verbal or physical or psychological nature, as defined in the bullying policy.
- 3.15. Repeatedly committing inappropriate acts or "minor" transgressions for which the pupil has received warnings during the current calendar year.

3.16. No pupil shall be suspended or expelled for any of the acts set out above unless that act is related to school activities or attendance:

- While on school grounds;
- While going or coming to school;
- During any break period, whether on or off campus;
- During, or while going to or coming from a school related activity such as school outings,
- sports activities or tours, camps, etc.;
- Bring the good name or reputation of the school into disrepute.

## SECTION B - DISCIPLINARY PROCEDURES

Somerset House uses a discipline procedure that includes conflict resolution, counselling, referrals, detention, parent conferences, suspension warning, suspension and expulsion. Consequences will follow a logical progression of steps as set out below.

### 1. **FOR MINOR TRANSGRESSIONS:**

The procedures/steps to follow for minor transgressions are as follows:

**Step 1:**

Investigation by the class teacher or, if necessary, the Head of Grade or Head of Department. This will be an informal meeting with the pupil in question.

**Step 2:**

Consultation regarding the transgression and effect thereof to be discussed with the pupil.

**Step 3:**

Where appropriate, a sanction of whatever type that may be deemed appropriate in the circumstances will be issued.

**Step 4:**

Parents and or guardians to be informed of the transgression and sanction.

Parents will not be called in to be present during the consultation, but will however be informed of the appropriate sanction and the reasons therefore.

2. **FOR SERIOUS TRANSGRESSIONS - PROCEDURES LEADING TO POSSIBLE SUSPENSION OR EXPULSION.**

When the severity of an offence warrants, or when repeated application of other measures for correcting inappropriate behaviour has failed to bring about proper conduct, a pupil will be referred to the principal, or his/her representative, for a formal meeting. The School shall make every reasonable effort to verify all facts and statements prior to making a judgment involving possible suspension of a pupil. Suspension is a means of last resort before expulsion.

**Step 1:**

Any pupil alleged to have violated any rule that may require suspension or expulsion/ must be brought to the Principal or his/her representative. The Principal or his/her representative shall hear the evidence and then decide on the action to be taken. Such action must include informing the parents/guardian in writing of the proposed action and arrange for a fair hearing by a disciplinary committee. In the case of very young pupils special arrangements must be made for the hearing and the parents/guardians could represent the pupils.

**Step 2:**

The disciplinary committee so appointed must conduct the hearing in accordance with fair process.

**Step 3:**

For the hearing the pupil must:

- 3.1. be informed of and understand the charges of which written notice should be given up to two days before the time also indicating the date, time and place of the hearing;
- 3.2. receive such particulars on the charges as he/she may be entitled to according to law, if he/she so requests;
- 3.3. get the opportunity to be heard and tell his/her side of the story and to present other relevant facts;
- 3.4. not be prohibited from being represented by legal counsel, in which case written explanation of the charges must be given, or, in less serious cases the pupil may be represented by his/her parent, guardian or teacher;
- 3.5. be heard by an impartial person. The Principal or his/her representative will chair this hearing, unless the Principal, in his/her own discretion; is of opinion that the hearing should be chaired by an independent third party, in which case the Principal shall appoint such an independent third party to chair the hearing. In the case of very serious offences, or where the case is considered more complicated, the hearing may be held

by an impartial tribunal consisting of at least three (3) members designated by the governing body;

- 3.6. be treated with dignity during the process;
- 3.7. be informed in writing of the decision of the governing body on whether or not, on balance of probability; he/she is guilty of misconduct, and the penalty to be imposed in the case of suspension or expulsion; and
- 3.8. Have the right to appeal to the School Governing Body if he/she is aggrieved by the decision of the governing body.

#### **Step 4**

Accurate written records, including minutes, must be kept of the hearings; by retaining all charge sheets as well as all other pertaining documentation, all exhibits, as well as a mechanical recording of the proceedings. These together will constitute the 'Record'

The written record referred to above shall include:

- 4.1. The account of all witnesses (such witnesses need not be named in the record.
- 4.2. The finding(s) reached.
- 4.3. The sanction(s) (if any) imposed.
- 4.4. Upon written request, a parent shall be entitled to a copy of the written record referred to above, subject to the Transparency clause described in '5' below.
- 4.5. Parents shall (subject to the Transparency clause described in '5' below) be advised of their right to a copy of the written record, as well as of the right of appeal as recorded herein.

#### **Step 5:**

Where the independent third party chairing a disciplinary hearing, is of opinion that the transgression warrants an expulsion, a written report will be forwarded to the Chairperson of the school's governing body. The Chairperson of the school's governing body will, together with the management committee, take a decision within three (3) days, after receiving written representations from both the school and the pupil on whether or not to expel the pupil in question.

#### **Step 6:**

The governing body must inform, in writing, the Principal and parents/guardian within twenty-four hours of its decision to expel the pupil together with written reasons.

### **3. EMERGENCY SITUATIONS IN THE CASE OF SERIOUS ALLEGED TRANSGRESSIONS**

The principal may suspend a pupil without affording the pupil an opportunity for a hearing, if it is determined by the principal that an emergency situation exists. Emergency situation means that, due to the nature of the violation, the continued presence of the pupil on campus would cause a danger to the health or physical safety of the pupil or others. If a pupil is suspended for emergency reasons without a hearing prior to suspension, both the parent/guardian and the pupil will be notified of the pupil's right to a (later) hearing. Unless the pupil or parents/guardian waive the right of a hearing or is physically unable to attend for legitimate reasons, the hearing shall be held within two school days of the suspension.

### **4. TRANSPARENCY**

4.1. The written record of all disciplinary proceedings as defined in this code shall be made available to each pupil and his/her parents on request, save that the Principal on good cause shown can refuse access thereto, or to portions thereof.

4.2. For the purposes of this clause, and without in any way limiting the generality of the expression "on good cause shown", it shall be considered good cause if the disclosure of the record or portions thereof shall reveal sensitive information which shall breach any pupil's right to privacy (or the right to privacy of the pupil's parents or other person/party), or the right to privacy of any witness.

4.3. In the event of a pupil and his/her parent being dissatisfied with a Principal's refusal of access to the record, he/she/they shall have the right to approach the Governing Body to review such refusal. In such event, the Governing Body, as represented by the Management Committee, shall either grant access to the record or to portions thereof, or uphold the Principal's refusal and in doing so shall have regard to the factors referred to in sub-paragraph 4.2 above.

### **5. PUPIL'S RIGHT TO HEAR HIS/HER ACCUSER**

Complaints and accusations made by staff members or other adults - a student may hear directly from the teacher, or other staff member, or other adult, the specific complaints or descriptions of unacceptable behaviour.

Whenever disciplinary proceedings are pending before any governing body, and it appears to such a governing body that it would expose any witness under the age of eighteen years to undue mental stress or

suffering if he or she testifies at such proceedings, the governing body may appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary. However, extreme care must be exercised by school officials to ensure that a student is not disciplined solely on hearsay evidence.

## **6. RIGHT OF APPEAL**

The pupil and his/her parents or guardians, shall have the right to appeal against any decisions leading to expulsion, as taken above.

The procedure for this is as follows:

- 6.1. Application to be made in writing to the Chairman of the governing body within 7 days of being notified of the decision to expel.
- 6.2. The Governing Body, represented by the Management Committee, shall, within five days of the Record being ready, appoint an independent body comprising at least three members to hear the appeal. The appeal shall be conducted on the Record.
- 6.3. The relevant parties can make written submissions on the Record and no further evidence will be heard or will be allowed.
- 6.4. The decision of this independent body shall be final and binding.

Notwithstanding the above, in the case of decisions relating to any serious disciplinary transgression of this Code, the victim and his/her parents or guardians shall likewise have the right to appeal against any decisions in respect of which they feel the decision did not take into account the rights of the victim

## **7. COMMUNICATION WITH THE STUDENT BODY.**

The school reserves the right to publicize the outcome of any serious offence to the student body without mentioning the name of the pupil concerned.

- The Parent/Guardian accepts that if a pupil is suspended or expelled, tuition fees are non-refundable.
- If a Parent/Guardian wishes to remove a child or children from the school, a clear term's notice should be given, or payment of a term's fees in lieu of notice made. This must be made in writing to the principal. If such notice is not given, a full term's fees, at the applicable rate for the next term in which the pupil would have been, shall be paid in lieu thereof.

- Likewise, if the School elects for any reason to terminate this contract, then it may do so giving the Parent/Guardian a clear term's written notice of its decision to terminate at the end of the term in question, at which time the Parent/Guardian undertakes to withdraw the pupil.
- Notwithstanding the above, in the circumstances where the Chairperson of the School's Governing Body and the Management Committee, in their discretion, determine a shorter period of notice to be appropriate, then the school may give the Parent/Guardian thirty days written notice of such termination, signed by both the Head and the Chairperson, in which case only a pro-rata portion of the term's fees will be payable.
- The Parent/Guardian agrees to reimburse the School for any losses or damages incurred by the School as a result of proven negligence or intentional misconduct of the pupil, which will result from the findings of the disciplinary procedures above.

## **NON CUSTODIAL PARENTS**

Non-custodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the non-custodial parent. These rights include but are not limited to accessing his/her child's records, participating in school activities. If a completed or pending legal action curtails the non-custodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the principal or designee. Upon request, the School shall provide non-custodial parents with announcements and notices that are sent to the custodial parent. Only the custodial parent has the right to remove their child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision. In the event of an attempted violation of a court order that restricts access to a pupil, staff will attempt to contact the custodial parent and local law enforcement officials and shall make the child available only after one or both of these parties have consented.

## **GRIEVANCE PROCEDURE**

It is recognized that at times a parent/guardian may feel aggrieved by someone else's actions or non-action. In order to ensure that all parents/guardians have a happy co-existence with the School and the rules, parents or guardians are entitled to lodge a formal grievance. A grievance must be lodged in writing to the appropriate person. If after the staff member or head of department has been approached, there remains dissatisfaction, then the head can be contacted in writing. It is only when all channels at school have been exhausted that the chairman of Board may be approached.