



DISCIPLINARY POLICY/PROCEDURE

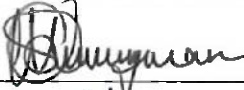
REFERENCE	KP-POL-DIS-002	REVISION	3	
POLICY		REVIEWED DATE	MAY 2025	
		NEXT REVIEW DATE	JUNE 2027	
INITIAL DRAFTING COMMITTEE				
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1. INTRODUCTION

The purpose of this policy is to establish and describe the framework of the disciplinary process at **Kingston Private School**. It therefore acts as a summary and reference to guide the School Management Team (SMT) through the process and to establish the rules to guide disciplinary action. This policy must be read in conjunction with any related policies, procedures and guidelines, specifically implemented.

Objectives of the Disciplinary Procedure are to:

- 1.1 Encourage learners to comply with School Rules and regulations;
- 1.2 Establish fair and reasonable social behavioural standards;
- 1.3 Explain the possible consequences of contravening school rules;
- 1.4 Describe the procedures used during disciplinary action;
- 1.5 Give learners who are accused of misconduct, a fair opportunity to state their case, before any disciplinary steps can be taken against them;
- 1.6 Rectify unacceptable conduct rather than take punitive action;
- 1.7 Establish, maintain and develop sound learner relations at the school; and
- 1.8 Implement procedures considering the principles of natural justice, substantive and procedural fairness

2. TERMS AND DEFINITIONS

TERM	DEFINITIONS
Grievance	A grievance is a complaint by a learner affecting the learners' relationship of the person or persons concerned, or where there is an alleged misinterpretation, or violation of his, her or their rights
Merits	Rewards given to learners for positive behavior.
Demerits	Negative marks given to learners for negative or misbehavior.
Level 5	An offence where the learner could be expelled or temporarily suspended from coming to school (Detail offences as listed in this document under Annexure 1)
Level 3 & 4	An offence that could result in a written warning. Two or more Level 3 & 4 offence, verbal warnings could escalate to a level 4 offence. (Detail offences as listed in this document under Annexure 1)
Level 1 & 2 (Minor Transgression)	Verbal warning recorded only in the class Disciplinary book for any disciplinary action listed (Detail offences as listed in this document under Annexure 1)
Discipline Officer	Person / Persons responsible for the discipline at school
Expulsion (Suspension)	Expulsion / suspension of a learner after a serious offence or after a number of offences. The process will only be applied after a hearing takes place

3. PRINCIPLES

- 3.1 Disciplinary action is primarily intended to correct unacceptable learner behavior and not solely for the purposes of punishment.



- 3.2 Teachers should attempt to correct learner behavior informally before resorting to formal disciplinary action. However, should a learner behave irresponsibly, corrective action has to be taken.
- 3.3 Every teacher is responsible for discipline and has the full authority and responsibility to correct the behavior of learners whenever such correction is necessary.
- 3.4 Any corrective measure or disciplinary action will correspond with and be appropriate to the offence.
- 3.5 All learners will abide by the discipline system that has been developed to assist and guide learner behavior in the school.

4. CATEGORIES FOR OFFENSES

- 4.1 Offenses are graded according to the nature and degree of seriousness of the offences, of which red offences are the most serious.
- 4.2 The offenses have been divided into 3 categories determined by the seriousness of the offense and the procedure to be followed:
 - 4.2.1 Level 1 & 2: Verbal warning issued by the Teacher or any employee who is in a supervisory position to issue such a warning. Teacher to be contact the parents.
 - 4.2.2 Level 3: Matter to be reported to the Disciplinary Head written warning is issued by the Disciplinary Head. DH to contact the parents
 - 4.2.3 Level 4 & 5: Matters to be handled by the Disciplinary Head;
A hearing will be held with the Disciplinary Committee in the case of Level 5
- 4.3 Refer to Annexure 1 which describes the process to be followed for each category.

5. DISCIPLINARY PROCEDURE IN THE CASE OF A LEVEL 1 & 2 OFFENSE

- 5.1 These offenses are given by the Teacher or any employee who is in a supervisory position to issue such a warning.
- 5.2 Written record of such offenses and the disciplinary measures taken must be entered in the incident register in their classroom.
- 5.3 Incident register is handed to the Disciplinary Head every Friday to peruse.
- 5.4 The Disciplinary Head will return the incident register to the relevant Teachers the next Monday.
- 5.5 When a third Level 1 offense occurs in the incident book, the Teacher will inform the Disciplinary Head.
- 5.6 The Disciplinary Head will conduct an intervention with the learner.
- 5.7 The Disciplinary outcome report is completed indicating what was discussed and the action plan to be followed. The completed outcome report will be signed by the Department Head, Disciplinary Head and the Principal.
- 5.8 The outcome report will be kept by the Disciplinary Head in the Learners' Disciplinary file in the office.
- 5.9 When a reoccurrence occurs after the previous warning, 3rd offence, parents will be called for an interview by means of a written invite.



- 5.10 The Disciplinary Head will keep record, copies of all relevant documentation relating to the offences and the disciplinary measures in the Learners disciplinary file.
- 5.11 When punishment work is issued, it should be subject related.
- 5.12 Learners may not be barred from attending classes for an extended period of time.
- 5.13 Educators are not permitted to keep classes after school without prior notification to parents.
- 5.14 Serious misconduct disciplinary sheets are to be placed in the learner profile at the end of the year.

6. DISCIPLINARY PROCEDURE IN THE CASE OF 3 & 4 TRANSGRESSIONS

- 6.1 The Teacher informs the Disciplinary Head immediately of the transgression and makes a note in the incident register.
- 6.2 The Disciplinary Head will arrange an interview with the learner and other stakeholders where required.
- 6.3 Intervention with the learner will be done by the Disciplinary Head and the outcome will be captured on the Learner Disciplinary Sheet.
- 6.4 A first written warning (Annexure 2) will be issued by the Disciplinary Head and filed in the Learner Disciplinary file.
- 6.5 The Disciplinary Head, Teachers, Assistants and supporting staff will monitor the performance of the Learner during the quarter.
- 6.6 During the Quarterly Disciplinary Meeting, feedback will be given to the Disciplinary Head on the progress of the Learners discipline in order to determine whether further steps are required. The outcome will be discussed and captured on the Learner Disciplinary Sheet.
- 6.7 Should the learner be involved in another infringement before the Quarterly Disciplinary Meeting, a second written warning (Annexure 3) will be issued by the Disciplinary Head.
- 6.8 If the required outcome is not achieved a second written warning (Annexure 3) along with a Notice for Consultation will be issued to the Parent / Guardian (Annexure 4). The Disciplinary Head will contact the Parent / Guardian to inform them about the warning and interventions conducted as well as a date for a meeting. The Parent / Guardian will be requested to sign receipt of the letter and return within 2 days to the Disciplinary Head and confirm the attendance of the meeting requested. The second warning and the Notice for Consultation will be filed in the Learner Disciplinary file in the office.
- 6.9 On the 3rd offence a disciplinary hearing will be followed. Refer to the disciplinary hearing process under point 9 of this procedure.
- 6.10 The outcome of the above hearing must be clear and applicable with an educational outcome.

7. DISCIPLINARY PROCEDURE IN THE CASE OF LEVEL 5 TRANSGRESSIONS

- 7.1 All Level 5 transgressions must be seen as serious offences and reported to the Disciplinary Head to take immediate action.
- 7.2 The Teacher must record this incident in the incident register.
- 7.3 The Learner must remain in class and follow a normal school day.

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- 7.4 The Disciplinary Head will communicate with the Teacher/s on how to deal with the Learner in the meantime to neutralize the situation.
- 7.5 A full investigation / fact finding will be conducted by the Disciplinary Committee (Disciplinary Head, Principal, Board Member, Department Heads and relevant stakeholders). (Annexure 5)
- 7.6 Where the School decides to proceed with a disciplinary hearing point 9 in this procedure will be followed.

8. PROCEDURE IN THE CASE OF PROCEEDING TO A DISCIPLINARY HEARING

- 8.1 The Disciplinary Head will contact the Parent / Guardian telephonically and inform them of the Disciplinary Hearing as well as the required documentation to be completed and returned.
- 8.2 Notice of Disciplinary Hearing (Annexure 6) will be issued the same day, informing the parents / guardian of the Hearing. This notice must be returned to the Disciplinary Head within one week from the date of issue.
- 8.3 The Rights of a Learner Facing Disciplinary Action form must be sent to the Parent / Guardian along with the Notice of the Disciplinary Hearing and returned to the Disciplinary Head within one week from the date of issue. (Annexure 7)

9. THE DISCIPLINARY ENQUIRY WILL TAKE ON A FORMAL FORMAT

- 9.1 The Disciplinary Committee may consist of the HR Representative (Chairperson) Principal, Board member, Department Head and the Teacher.
- 9.2 The Disciplinary Head who conducted the investigation may not form part of the Disciplinary Committee. (May present findings but not make a decision on the disciplinary outcome)
- 9.3 The agenda must be handed to all stakeholders and followed throughout the proceeding. (Refer to Annexure 8)
- 9.4 It is advisable to appoint a secretary to minute the meeting (who does not participate in the proceedings). (Annexure 9)
- 9.5 The accused learner should be present, but, if the learner or his or her parents fail to attend the disciplinary hearing without just cause, and after due notice contemplated above, and after such hearing has been convened for the second time, the hearing may be conducted in their absence.
- 9.6 Witnesses may be called by both parties.
- 9.7 Persons having a conflict of interest are not eligible to be members of the disciplinary committee and may not be present when the report or recommendations of the disciplinary committee is discussed.

10. THE COURSE AND CONDUCT OF THE ENQUIRY

- 10.1 The disciplinary committee must be impartial, fair and act without favour or prejudice.
- 10.2 Determine whether the learner and his / her Parent / Guardian received the written charge, read it and understand it. Opportunity must also be given for questions and the clearing up of anything that is unclear.
- 10.3 The Parents / Guardians and the learner should be offered access to the information in the school's possession, which could be used in protection of the learner. Copies of the statements must be given to them and returned after the hearing.

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- 10.4 The seriousness of the charge and the possible punishment that can be given should be explained to the learner and his / her parents/guardians. They must also be made to understand that all evidence can be tested through cross-examination.
- 10.5 The Parents / Guardians and learner should be given the opportunity to ask questions / make requests.
- 10.6 At the disciplinary hearing the learner has the right to be present, to be represented, to give evidence and either personally or through a representative, to state his or her case, call witnesses, put questions to any person called as a witness in support of a charge, and inspect documents submitted in evidence.

11. THE DISCIPLINARY HEARING

- 11.1 The person who handled the investigation into the charge of serious misconduct (Disciplinary Head) acts as the prosecutor and reads the charge aloud for record purposes. The chairperson then gives the learner the opportunity to plead "guilty" or "not guilty".
- 11.2 The chairperson must, upon the commencement of the disciplinary hearing, explain the reasons for the disciplinary hearing.
- 11.3 The learner is given the opportunity to enter a plea on the charges: i.e. he/ she will indicate whether he/she is guilty or innocent of the alleged misconduct.

12. IF THE LEARNER PLEADS GUILTY

- 12.1 The Chairperson must ensure that the learner knows and understands what he or she is pleading guilty to.
- 12.2 If no evidence is heard the Chairperson must ask the learner, the learner's representative or the parents / guardian of the learner whether anybody wishes to make representations before a suitable sanction is imposed.
- 12.3 The Chairperson discusses the learner's opinion regarding extenuating circumstances and an appropriate disciplinary measure considered.
- 12.4 The Chairperson asks the learner, the learner's representative and parents / guardian of the learner and any other parties, except the members of the disciplinary committee, to leave the room while the committee deliberates on a suitable sanction.
- 12.5 The members of the disciplinary committee study the learner's record of conduct and consider the learner's inputs, where after an appropriate sanction is decided upon.
- 12.6 The Chairperson recalls the learner, representative or parents of the learner and informs them of the outcome of deliberations concerning the sanction.

13. IF THE LEARNER PLEADS NOT GUILTY

- 13.1 The Chairperson must request the person putting the school's case to make the case and read the investigation report and evidence adduced in support of the charge.
- 13.2 The prosecutor presents the evidence from statements given by the witnesses and gives them the opportunity to confirm it.
- 13.3 The learner is given the opportunity to state his / her case.



- 13.4 Where the accused learner gives evidence, the prosecutor has the right to cross-examine the learner or any other witness for the defence.
- 13.5 The Chairperson and any other member of the disciplinary committee have, in the interest of justice, the right to question any witness in order to get more clarity about the evidence given.
- 13.6 The Chairperson calls witnesses to support the school's case.
- 13.7 The learner, the representative or parents / guardians of the learner are given the opportunity to put questions to the leader of evidence and to cross-examine any witness with the purpose of refuting evidence.
- 13.8 The learner is given the opportunity to call his / her own witnesses and to question them.
- 13.9 NB: The chairperson may question both or either the school's and the learner's witnesses and afford committee members an opportunity to ask questions of clarity, where applicable.
- 13.10 After all the evidence has been heard, the Chairperson gives the learner or learner's representative the opportunity to summarize his / her case and to give his / her opinion regarding the finding the Chairperson should arrive at, considering all the evidence.
- 13.11 The Chairperson asks the learner, the learner's representative and parents / guardians of the learner and any other parties, except the members of the disciplinary committee, to leave the room while the committee reviews evidence and decides on the verdict.
- 13.12 The chairperson then summarizes the evidence.
- 13.13 The Committee evaluates all the evidence and comes to a conclusion as to the learner's guilt, based on the balance of probabilities.
- 13.14 The Chairperson will then recall the learner, representative and parents / guardians of the learner and inform them of the disciplinary committee's decision.
- 13.15 If the disciplinary committee finds the learner guilty, the Chairperson must ask him or her, or his or her representative or parents / guardians, if they wish to make representations before a decision is made on the appropriate sanction.
- 13.16 The Chairperson then summarizes the representations and the record of conduct of the learner.
- 13.17 The Chairperson, on behalf of the Disciplinary committee, must provide reasons for their findings. These reasons must be reasonable and fair, and be based on relevant information. The Parents / Guardians and learner must be informed in writing about the outcome of the hearing.
- 13.18 In the case where the learner has been suspended pending the reaction of the Head of the Education Department (SG) to a verdict of expulsion of the learner, the minutes of the hearing and the findings must immediately be sent to the office of the SG.
- 13.19 A copy of the minutes must be filed by the school.
- 13.20 All learners have the right to appeal.

14. DECIDING ON THE MOST APPROPRIATE PUNISHMENT

- 14.1 Factors that must be taken into consideration in considering the most appropriate punishment:

14.1.1 The Learner

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- 14.1.2 Age and development phase (an 8-year-old and a 15-year-old cannot be dealt with in the same manner).
- 14.1.3 Attitude regarding school work and fellow learners
- 14.1.4 Disciplinary record and willingness to change
- 14.1.5 The learner's reasons for the offense
- 14.1.6 The learner's regret and willingness to put the offence right
- 14.2 Type of offence and the scope thereof
 - 14.2.1 Relevant circumstances
 - 14.2.2 The effect that the offence had on others
 - 14.2.3 The frequency of the offences
 - 14.2.4 The scope of damage and loss
- 14.3 The responsibility of the school community
 - 14.3.1 Take responsibility for the guidance of the learner in that the following considerations are built into corrective actions:
 - 14.3.2 Rehabilitation, restoration, deterrence and prevention

15. DISCIPLINARY REVIEW LIST

- 15.1 To ensure that the disciplinary actions have been fair, the following questions can be asked:
 - 15.1.1 Is the reason for disciplining valid? (Has the school's code of conduct or any other legislation been violated?)
 - 15.1.2 Does the learner know the rules?
 - 15.1.3 Did he/she receive sufficient warning?
 - 15.1.4 Was the nature of the offence explained to the learner?
 - 15.1.5 Is there sufficient proof of the offence? Is the proof valid and acceptable?
 - 15.1.6 Was the hearing held in accordance with the proper procedure in the event of serious misconduct?
 - 15.1.7 Is the punishment consistent for similar offences, but with consideration of the circumstances?
 - 15.1.8 Were the learner and the parents informed about the reasons for the punishment?
 - 15.1.9 Is the punishment justified – were there good reasons?

16. MAKING KNOWN THE DECISION

- 16.1 The Chairperson makes the sanction known and gives reasons for the decision.

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- 16.2 The decision and sentence (if relevant) are recorded on the Sanction form (Annexure 10) which the learner signs as acknowledgement of receipt.
- 16.3 Should the learner refuse to sign, any witness present may sign as proof that the learner has heard the disciplinary measure.
- 16.4 The learner and his or her parents must be informed, in writing, of the decision of the governing body on whether or not the learner is guilty of serious misconduct, and the sanction imposed.

17. RECORD KEEPING

- 17.1 The school is required to keep a written record of all disciplinary inquiries.
- 17.2 Copies of such records are kept on the learner's personal file, and copies must also be kept in the School's Disciplinary file.
- 17.3 Any such records must be made available to the learner or his / her authorized representative on written request, and to be viewed in the principal's office.

18. APPEAL

- 18.1 A learner who has been expelled from a school, or the parents of such learner, may appeal against the decision of the principal to the notice of expulsion. (Annexure 11)
- 18.2 A copy of the notice of appeal must also be served on the chairperson of the committee.
- 18.3 If an appeal by a learner who has been expelled from a school is upheld by the external HR appointed by the committee for this purpose must ensure that a suitable sanction is imposed on the learner within 14 days of the date on which the appeal was upheld.

19. ACCESS TO EDUCATION

- 19.1 If a learner has appealed in the manner contemplated in Point 19 such learner must, pending the outcome of the appeal, be given access to education in the manner determined by the principal.

20. SUSPENSION

- 20.1 A learner may be suspended temporarily pending the conclusion of a disciplinary enquiry into a very serious transgression. The purpose of suspension is exclusively to protect the school and its learners against any further damage that may be caused by the continued presence of such a learner in the school.
- 20.2 When suspension is considered, the school must provide the learner with the reasons for the contemplated action. The school must also provide the learner with an opportunity to furnish reasons why he / she is of the opinion that suspension is not warranted.
- 20.3 After having decided to suspend a learner in terms of this procedure, the school must inform the learner, Board and Department of Education of the reasons for this decision.
- 20.4 A disciplinary enquiry must take place as soon as reasonably possible after suspension.



21. RECORD OF AMENDMENTS

DATE	CHANGES MADE



22. ANNEXURE 1 - LIST OF OFFENCES AND PROCESS TO BE FOLLOWED

LIST OF OFFENCES AND PROCESS TO BE FOLLOWED

LEVEL 1 & 2 OFFENCES (Classroom Management and Discipline)

Type of offence	ACTION STEPS
Littering in class or on the playground	1. Inform the learner what the misconduct was that was observed 2. Inform the learner why the misconduct does not meet the expectation (corrective behaviour statement) 3. Explain the replacement behavior (i.e. This is a warning. Littering is not allowed. It makes the school grounds untidy. Place your papers in a dustbin and be proud of your school) 4. Inform the learner that the incident is recorded in the incident register 5. Write the learners name, date and misconduct in the incident register. 6. Include the comment on what was discussed with the learner 7. Teacher and learner to sign the register 8. After the 3rd reoccurrence of the same offence the matter will be handed over to the Disciplinary Head. 9. If continuous misconduct occurs the Disciplinary Head will contact the parents for an interview. 10. Disciplinary Head to complete outcome report after intervention.
Talking in lines, assemblies, during announcements, etc.	
Eating, drinking or chewing gum during class or assembly	
Entering out of bounds areas	
Loitering	
Poor sportsmanship during inter-school competitions	
Failure to attend compulsory activity	
Dress code not adhered to	
Disrupting class	
Failure to do homework/ Projects / Assignments	
Failure to bring required books, textbooks, stationary or equipment	
Homework book / Tests not signed	
Books not handed in	
Unsatisfactory completion of work	
Use of a cell phone or other electronic devices during school	
Arriving late for school, classes and activities without an excuse or note	



Absence without permission	
Not obeying class rules	
Running / playing in passages	
Dishonesty	
Disobedience	
Interfering with another person's possessions / property without the owner's consent	
Dirty bathrooms	
Disregard for authority	



LIST OF OFFENCES AND PROCESS TO BE FOLLOWED

3 & 4 OFFENCES

Type of Offence	Action to be taken
Vandalism (graffiti, writing on desks, breaking of windows etc.)	1. Immediate report to Disciplinary Head – will arrange interview with learner. 2. Written warning to be issued. 3. Interview with parents. 4. With 3rd offence – Final written warning. 5. Referral to disciplinary committee. 6. Records of outcome to be filed in disciplinary file in office. 7. After continuous misconduct, Disciplinary Head will conduct disciplinary hearing measures. 8. Parents to be informed in writing, a minimum of 5 days prior to disciplinary hearing
Leaving school without permission	
Copying another learner's classwork or homework	
Damaging school material (books, textbooks or files)	
Disrespect or insolence (rude) to an educator or staff member	
Continuous bullying fellow learners	
Playing dangerous games	
Refusal to submit to corrective measures	
Racist, sexist and discriminatory comments and behaviour	
Intimidation by verbal or physical threat	
Verbal or non-verbal abuse	
Gambling	
Smoking cigarettes and possession of cigarettes	
Falsification of document with less serious consequences	
Failure to attend detention or other disciplinary action	
Any action which brings the school's name into disrepute	
Tampering with safety and other equipment on school premises (fire extinguishers, taps, alarm system etc.)	
Bunking a period	
Serious disruption of class routine	
Physical assault of peer learners	
Swearing, lying or using obscene gestures	
Initiating fighting, bullying behaviour	
Use of humiliating and suggestive language and signs	



LIST OF OFFENCES AND PROCESS TO BE FOLLOWED

LEVEL 5

Type of offence	Action to be taken
Dangerous weapons: Bringing weapons onto school grounds, threatening people with weapon, deliberate assault of persons with weapon	1. Inform parent immediately, of learner's misconduct. 2. Within 2 weeks a disciplinary hearing to be conducted. 3. Inform parents and learner, at least 5 days prior to disciplinary hearing. 4. Learner will be informed his/her rights. 5. Disciplinary hearing to be attended by learner and his/her representative. 6. In case of suspension, parents and learner will be notified of outcome. 7. If appeal is launched, the chairperson of the Disciplinary Committee will recall new date for meeting with stakeholders. 8. Outcome to be filled in Disciplinary File in office.
Involvement in gang-related activities	
Threatening of peer learners or educators	
Disruption of school programme through rebellion and demonstrating without permission	
Possession, using and/or dealing in drugs, or alcohol, or any other intoxicating substance	
Trespassing on school grounds while suspension is still in effect	
Making of bomb threats	
Poisoning or attempting to poison another person	
Cheating, attempting to cheat, or having forbidden material or information in a test / exam venue during controlled testing. This includes any form of communication, verbal or non-verbal with another learner	
Forgery: Altering of official documents, letters, signatures, medical certificates etc.	
Possession and distribution of pornographic, racist, sexist material; or viewing of and / or downloading of such on any computer or cell phone at school	
Theft, robbery, breaking and entering	
Malicious damage/injury to property of the school, staff members, fellow learners or any other person and setting fires on school properties.	
Sexual abuse / assault (Rape, attempted rape, or indecent assault, harassment of peer learners)	
Sexual misconduct in which learners are the perpetrators	
Serious assault	
Initiating any form of illegal strike / action / meeting on School premises	
Learner found guilty in crime court (immediate expulsion)	
Satanism	
Public indecency, sexual misconduct (such as flashing)	
Serious vandalism	
Swearing at an educator	
Writing obscene letters containing swearwords or unacceptable drawings.	



23. ANNEXURE 2 – FIRST WRITTEN WARNING

FIRST WRITTEN WARNING

Date:	
Name of learner:	
Grade:	
Disciplinary Head:	
Date of Offense:	
Grade of Offense:	

NATURE OF OFFENCE:

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LEARNERS STATEMENT:

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Learner

Teacher

Principal

Disciplinary Head

Date

- One (1) copy to learner, original kept by Disciplinary Head
- Learner's signature does not signify admission of guilt, but that changes and action taken have been explained

School stamp



24. ANNEXURE 3 – SECOND WRITTEN WARNING

SECOND WRITTEN WARNING

Please note that this is a final warning. If the disciplinary code is breached again in anyway it may lead to a disciplinary hearing.

Date:	
Name of learner:	
Grade:	
Disciplinary Head:	
Date of Offense:	
Grade of Offense:	

NATURE OF OFFENCE:

--

LEARNERS STATEMENT:

--

Learner

Parent / Guardian

Principal

Disciplinary Head

Date

One (1) copy to learner, original kept by Disciplinary Head

Learner's signature does not signify admission of guilt, but that changes and action taken have been explained

School stamp



25. ANNEXURE 4 – NOTICE OF CONSULTATION

NOTICE OF CONSULTATION

Dear Mrs / Mr / Miss [Parent / Guardian Name]

Kingston Primary School is known for the good discipline of our Learners which entrenches our values of Love, Kindness and Respect.

We have experienced that [learner name] has not responded well to the interventions applied to correct his / her behaviour during the 1st transgression of the disciplinary code with regards to the following:

[type in the information related to the transgression in short]

[learner name] transgressed the disciplinary code for the second time and we therefore require a combined effort between yourself and the school to ensure that further steps taken in the disciplinary process is effective and contributing to a positive change in behaviour of [learner name]. We therefore request your attendance to assist us in the process.

The meeting is scheduled for:

Date:

Time:

Venue:

We thank you in advance for your assistance in the process.

Please confirm your attendance via any of the following means:

Email: info@kingstonacademy.co.za

Tel: 060 374 8322 / 087 077 0237

Please sign this letter and return within 2 days of receipt of this letter to the office.

DISCIPLINARY HEAD

PARENT / GUARDIAN

DATE





26. ANNEXURE 5 – DISCIPLINARY INVESTIGATION REPORT

DISCIPLINARY INVESTIGATION REPORT

Date of Incident:		Time of incident:	
Type of Incident		Location of incident:	
Name of learner/s involved:	a)	Grade of learners involved:	a)
	b)		b)

1. Persons involved in the investigation

Name	Designation

2. Clear detailed description of what happened (*facts only*)

--

3. Witnesses

- a) Name
- b) Name

4. Findings after investigation

5. Action

--



6. Recommendation

Disciplinary Head



Date



27. ANNEXURE 6 – NOTICE OF DISCIPLINARY HEARING

NOTICE OF DISCIPLINARY HEARING

Date served:	
Name of learner:	
Grade:	
Disciplinary Head:	
Date of offense:	
Date of hearing:	
Venue of hearing:	
Time of hearing:	

THE CHARGES ARE AS FOLLOWS:

--

NATURE OF OFFENSE:

--

Please note that this notice must be returned to the Disciplinary Head within 7 days from date of issue.

Parent/Guardian

Principal

Disciplinary Head

Date

School stamp



28. ANNEXURE 7 – RIGHTS OF LEARNER FACING DISCIPLINARY ACTION

RIGHTS OF LEARNER FACING DISCIPLINARY ACTION

Date:	
Name of learner:	
Grade:	
Disciplinary Head:	
Date of Offense:	

LEARNERS RIGHTS

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

I certify that the above rights have been read and understood.

Please note that this notice must be returned to the Disciplinary Head within 7 days from date of issue

Learner

Parent

Date

School stamp



29. ANNEXURE 8 – DISCIPLINARY HEARING AGENDA

DISCIPLINARY HEARING AGENDA

1	Opening and welcoming	Chairperson
2	Introducing of everyone present	All
3	Signing of attendance register	All
4	Questions to learner 4.1 Do you have a parent or representative present? 4.2 Do your parents / guardians have knowledge of this hearing? 4.3 Was learner timeously notified of the hearing? 4.4 Did learner have sufficient time to prepare for the hearing? 4.5 Does the learner understand the charges against him/her?	Chairperson
5	Witnesses to be excused	Chairperson
6	Charges	Prosecutor
7	Plea	Chairperson / Learner

NOT GUILTY PLEA

1	Prosecutor's case together with witnesses	Prosecutor
2	Learners' cross examination	Prosecutor / Learner
3	Prosecutors' re-examination	Prosecutor
4	Learners case together with witnesses	Learner / Witnesses
5	Prosecutors' cross examination	Prosecutor
6	Learner's re-examination	Prosecutor / Learner
7	Closing arguments	Prosecutor
8	Adjourn	Chairperson
9	Finding	Chairperson
10	Sanction	Chairperson
11	Closing	Chairperson



30. ANNEXURE 9 – MINUTES OF DISCIPLINARY HEARING

MINUTES OF DISCIPLINARY HEARING

Date:	
Time:	
Venue:	
Name of learner:	
Grade:	

1. OPENING AND WELCOMING

The Chairperson [Name] welcomed everyone and introduced himself / herself. He/she gave opportunity for all the other attendees to introduce themselves. He/she introduced the prosecutor, [Name] and explained the roll that each person will fulfil during the hearing.

The nature and function of the proceedings were explained to everyone and the attendance register signed. (Annexure A)

2. ATTENDANCE

The following were present during the hearing:

Accused	
Representative for the accused	
Prosecutor	
Investigation assistant	
Chairperson of the Disciplinary committee	
Board Member	
Scribe	

3. PROCEDURES

- a. The chairman asked if the learner's representative is familiar with his/her duties as representative. He/she agreed.
- o The accused and his/her representative agreed that they understand and speak English.
 - o The accused and his representative agreed that they had enough time to prepare for the hearing and that they are familiar with the accused's rights with regards to this disciplinary hearing and per his charge sheet.



- o Commencement of the hearing

Charge

The chairman requested the prosecutor to read out the charge. The prosecutor, [Name] read the charges as indicated on the "Notice of Disciplinary Hearing" (Annexure B). The charges read that [Name] committed [how many] offence/s in terms of the school's Code of Conduct: Describe the offence, date and time.

- o Plea

The chairman asked the accused whether he/she understood the nature and content of the charge against him/her. The accused replied that he/she understood the charges.

The chairman asked the accused to plea to the charges. The accused pleaded guilty / not guilty on the charges.

NOT GUILTY

- o Prosecutor's case together with witnesses

The chairperson asked the prosecutor to state his/her case and to provide evidence to the committee. The prosecutor said that in terms of the statements that he/she has it is evident that [state what was evident that the accused did]

The prosecutor asked [Name] to read the statements that were taken from the learners after the incident.

- o He/she read the following statements to the meeting:

- o [Name] statement. (Annexure C).

- o [Name] statement (Annexure D).

- o [Name] statement (Annexure E).

- o [Name] statement (Annexure F).

- o Learners Cross- examination

- o There were no more questions from the accused's side / There was questions from the accused's side.

- o (If questions were asked state the questions)

- o Prosecutors' re-examination

- o The prosecutor did not have any questions / The prosecutor had the following questions.

- o (If questions were asked state the questions)

- o Learners case together with witnesses

- o Prosecutors' cross-examination

- o The prosecutor said that during the investigation [indicate findings]

- o Learner's re-examination

- o Closing Arguments

- o The prosecutor emphasized that the accused in his own statement and on his own version admitted to the offence.

- o Adjournment

- o The chairperson adjourned the hearing to enable the committee to deliberate on a verdict.

- o Finding



The disciplinary committee found the accused guilty

- GUILTY
- Mitigating Factors / Aggravating Factors
- The prosecutor stated that all evidence given showed without a doubt that the accused is guilty and that he holds a danger to the learners and educators if he returns to school.
- (Elaborate on what could have happened and the attitude of the accused)
- Adjourn
- The chairperson adjourned the hearing to enable the committee to deliberate on an appropriate sanction.
- Sanction
- The hearing was reconstituted. The chairperson announced that the accused was sanctioned to expulsion / suspension [choose which is applicable] pending a final decision by the Disciplinary Committee.



Reasons for sanctions

The chairman explained that the committee has considered all the evidence and arguments together with the following aspects:

- The accused's own statement;
- The accused's attitude towards the disciplinary process;
- The interest of the school's learners, parents and teachers;

The seriousness of the offence;

- The school's Disciplinary Code;
- The efforts made by the school to correct the behaviour of learners;
- The South African School's Act and all relevant laws; and
-

- The duty of the Disciplinary Committee

The Chairperson indicated that the nature and seriousness of the transgression speaks for itself. It must be stressed that any sanction that may be imposed should be in proportion to the nature and seriousness of the transgression.

The Chairperson then elaborated on why the committee decided on the proposed sanction. He explained that the Disciplinary Committee has a duty in terms of the school's Code of Conduct and a duty to protect other learners and parties at the school against similar incidents.

When taking all the facts into account and seriousness of the transgression, as well as the attitude of the learner, there can be no other verdict by the Disciplinary Committee.

a) Adjourn



The chairperson thanked all the parties for their attendance. The meeting adjourned.

4. CLOSING

The chairman thanked all the parties for their attendance. He/she explained the right to appeal and the procedures in this regard to the accused's representatives. The meeting adjourned.

Chairperson

[NAME]

Disciplinary Committee

[NAME]

Scribe

[NAME]

Date

School stamp



31. ANNEXURE 10 – SANCTION FORM

SANCTION FORM

Name of Learner:	
Grade:	
Date of Offense:	



Following the investigation and deliberation by the members as depicted in the Disciplinary Hearing minutes the following sanction was imposed:

☐

Not Guilty

☐

Guilty

☐

Suspended from _____ to _____

☐

Expelled from _____ (date)

Comments:

Declaration by Learner:

Acceptance of the sanction: ☐ Yes

☐

No

Signature of Learner

Signature of Parent / Guardian

Date

School stamp

Chairperson of the above disciplinary hearing:

(Surname and Initials)

Function

Signature

Date



32. ANNEXURE 11 – APPLICATION TO APPEAL AGAINST DISCIPLINARY ACTION

APPLICATION TO APPEAL AGAINST DISCIPLINARY ACTION

To be completed by the appellant and handed in to the principal, within five (5) days after being advised of the sanction.

Date:	
Name of learner:	
Grade:	
Date of Offense:	

I wish to apply for appeal against the disciplinary action that was taken against me. My reason for appeal is: (Mark with X)

I can present new evidence	
In my view the Disciplinary action is unfair:	
• Procedurally	
• Substantively	
Other reason	



Specify: _____

I was advised of the disciplinary action on (date): _____

Where applicable, give reason why this application is late in terms of the appeal procedure:

Learner

Learner representative

Principal

Date

Comments: _____



33. ANNEXURE 12 – DISCIPLINARY HEARING APPEAL FORM

DISCIPLINARY HEARING APPEAL FORM

Section 1: Employee Information

- Full Name: _____
- Employee ID / Number: _____
- Job Title: _____
- Department: _____
- Contact Information:
 - Phone: _____
 - Email: _____

Section 2: Disciplinary Action Details

- Date of Original Hearing: _____
- Type of Disciplinary Action Taken:
 - ☐ Verbal Warning
 - ☐ Written Warning
 - ☐ Suspension
 - ☐ Termination
 - ☐ Other (please specify): _____
- Date Action Was Communicated to You: _____

Section 3: Grounds for Appeal

Please indicate the reason(s) for your appeal (check all that apply):

- ☐ New evidence has become available
- ☐ Disciplinary process was not followed correctly
- ☐ The decision was too severe or not appropriate
- ☐ I was not given a fair opportunity to present my case
- ☐ Other (please specify): _____

Section 4: Explanation of Appeal

Please provide a detailed explanation of your appeal, including any supporting facts or documentation. (Attach additional pages if necessary):



Section 5: Desired Outcome

What outcome or resolution are you seeking?

Section 6: Declaration

I declare that the information provided in this appeal is true and accurate to the best of my knowledge.

Employee

Signature: _____

Date: _____

For HR/Management Use Only

- Date Received: _____
- Received By: _____
- Appeal Review Date: _____
- Outcome:
 - ☐ Appeal Accepted
 - ☐ Appeal Denied
 - ☐ Further Investigation Required

Notes:

Authorized

Signature: _____

Title: _____

Date: _____



34. ANNEXURE 12 – DISCIPLINARY HEARING GRIEVANCE FORM

GRIEVANCE FORM – DISCIPLINARY HEARING

Section 1: Employee Details

- Full Name: _____
- Employee ID / Number: _____
- Department: _____
- Job Title: _____
- Contact Number: _____
- Email Address: _____

Section 2: Details of Disciplinary Hearing

- Date of Hearing: _____
- Nature of Disciplinary Action:
 - ☐ Verbal Warning
 - ☐ Written Warning
 - ☐ Final Warning
 - ☐ Suspension
 - ☐ Termination
 - ☐ Other (please specify): _____
- Name of Chairperson/Manager: _____

Section 3: Nature of Grievance

Please describe the reason for your grievance relating to the disciplinary hearing. Include specific details about what you believe was unfair, inappropriate, or improperly handled.

(Attach additional pages or documentation if necessary.)

Section 4: Steps Taken to Resolve the Issue

Have you tried to resolve this issue informally?
☐ Yes
☐ No

If yes, please provide details:

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Section 5: Desired Resolution or Outcome

What outcome are you seeking as a result of this grievance?

Section 6: Declaration

I declare that the information provided in this grievance form is true and complete to the best of my knowledge.

Employee

Signature: _____

Date: _____

For HR/Grievance Officer Use Only

- Date Grievance Received: _____
- Received By: _____
- Action Taken / Investigation Notes:

- Outcome of Grievance:

- ☐ Resolved Informally
- ☐ Investigation Initiated
- ☐ Referred to Formal Hearing
- ☐ No Grounds Found
- ☐ Other: _____

Grievance

Officer

Name: _____

Signature: _____

Date: _____

