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Enquiries: R Larney

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Expiry date: None

To: Deputy Director-Generals, Chief Directors, Directors, Circuit Managers, Principals and Chairpersons of governing bodies of public schools

Short summary: *A code of conduct of a school promotes proper and good behaviour and sets standards for positive discipline. The drafting of a code of conduct should include all stakeholders and should adhere to the values spelt out in the Constitution of the Republic of South Africa, 1996.*

Subject: School code of conduct

1. Events at schools in Gauteng and the Western Cape in recent weeks have drawn attention to the importance of school codes of conduct that reflect the values of the Constitution of the Republic of South Africa, 1996.
2. This circular serves to remind schools to review codes of conduct periodically to ensure that they achieve their purpose in line with the Constitution, while taking into account ongoing discussion on what codes of conduct should require.
3. This circular repeals Circular 0024/2009 in its entirety.
4. Section 8 of the South African Schools Act, 1996 (Act 84 of 1996) determines that the governing body of a public school must adopt a code of conduct for the learners of the school.
5. A code of conduct promotes proper and good behaviour and sets standards for positive discipline. A code of conduct contains disciplinary rules for learners and it is important that these rules must be correctly consulted, implemented and enforced to ensure a disciplined and democratic school environment.

A code of conduct provides for an orderly environment for the delivery of quality teaching and learning by:

- promoting the rights and safety of all learners, teachers and parents;
 - ensuring learners take responsibility for their own actions and behaviours;
 - discouraging all forms of unfair discrimination and intolerance; and
 - eliminating disruptive and offensive conduct.
6. When drafting a code of conduct all stakeholders, namely parents, teachers and learners (including the Representative Council of Learners) must be involved. The process must be participatory, open and transparent.
 - 6.1 If there are disagreements or uncertainties on the content of the code of conduct, it is important that this be discussed and ironed out among stakeholders before the code is formally adopted.
 - 6.2 It is therefore important that the code of conduct also makes provision for a dispute resolution process which would allow for amendments in part or the repeal of a code of conduct.
 7. Governing bodies, including principals, are further reminded that a code of conduct is a legal document and must be drafted within the broader legal parameters provided by the Constitution of the Republic of South Africa, 1996. It should give effect to constitutional values, democratic principles and a human rights culture in the school.

Principals are requested to assist governing bodies in disciplinary matters in terms of Section 16A(2)(d) of the South African Schools Act, 1996 (Act 84 of 1996).

8. In adopting a code of conduct for learners, the governing body must act within its powers and in the best interests of the school and all the learners.
9. The attached Department of Basic Education (DBE) booklet is aimed at assisting governing bodies in developing or reviewing the code of conduct of the school.

Please feel free to suggest amendments to the DBE's guideline, as the WCED continues to improve its approach to drafting codes of conduct.

10. In view of the issues that have been raised recently, we request all schools to take a close look at their codes of conduct and ensure that they comply with the principles set out above.
11. Please direct queries to the relevant Circuit Manager.

12. Kindly bring the content of this circular to the attention of all personnel, members of governing bodies and parents.

SIGNED: BK SCHREUDER
ACTING HEAD: EDUCATION
DATE: 2016-09-06