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EduDiscipline
School Discipline & Compliance

PROFESSIONAL POLICY AUDIT

CODE OF CONDUCT FOR LEARNERS

EduDiscipline High School



Audit

Legal & Policy Audit

Evaluation of the Code of Conduct in light of applicable South African education legislation, the BELA amendments, WCED guidelines, and the principles of procedural fairness and good school governance.

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**“When discipline matters, demand independence, expertise, and defensible outcomes—
schools trust EduDiscipline ”**

1. EXECUTIVE SUMMARY

EduDiscipline was requested to conduct a comprehensive legal and policy audit of EduDiscipline High School's Code of Conduct for Learners. The purpose of the audit is to determine whether the current Code of Conduct complies with the requirements of the South African Schools Act (SASA), the BELA amendments, applicable WCED guidelines, relevant legislation and principles of procedural fairness, as well as to identify areas for improvement and best practice.

The audit found that the Code of Conduct in its current form provides a foundation for discipline and value-driven behaviour for learners and is broadly aligned with the principles of the South African Schools Act and the BELA amendments. However, certain provisions, adjustments and additions are required to ensure full compliance, legal defensibility and greater legal certainty.

This report identifies strengths, areas of risk, gaps and recommendations. The recommendations are prioritised and set out in the form of practical adjustments that the school can implement to strengthen and improve its Code of Conduct.

PURPOSE OF THIS AUDIT

- Make it legally defensible and applicable.
- Support best practice and procedures.
- Be clear, consistent and practical.
- Protect the rights of learners and other parties involved.
- Promote good school governance and discipline.

IMPORTANT NOTE

This audit is based on the information and documents provided by the school and is subject to change as legislation and policy requirements evolve.

2. AUDIT APPROACH AND METHODOLOGY

This audit was conducted through a thorough analysis of the current Code of Conduct and other relevant documentation. The following methodology was followed:

DOCUMENT ANALYSIS

Thorough assessment of the code of conduct and other relevant policies.

LEGAL FRAMEWORK

Comparison with SASA, BELA amendments, WCED guidelines, PAIA, POPIA and other relevant legislation.

BEST PRACTICE

Comparison with modern best practice and disciplinary procedures.

RISK IDENTIFICATION

Identification of regulatory and procedural risks or potential gaps.

RECOMMENDATIONS AND PRIORITISATION

Formulation of practical recommendations that are actionable and applicable.

NOTE

This audit is based on the information and documents provided by the school and subject to change as legislation and policy requirements evolve.

3. LEGISLATIVE AND POLICY FRAMEWORK

The following laws, regulations and guidelines form the core framework against which the Code of Conduct was audited.

SOUTH AFRICAN SCHOOLS ACT (SASA)

Provisions relating to learner behaviour, discipline, procedural fairness and legal protection.

BELA AMENDMENTS

Amendments to the Schools Act that emphasise learner rights, disciplinary processes and fair procedures.

WCED REGULATIONS

Regulations and circulars that govern the management of learner behaviour and discipline in public schools.

PAJA

Where applicable: principles of administrative fairness, justice and fair procedures.

POPIA

Where applicable: protection of personal information of learners in disciplinary processes.

BEST PRACTICE

Recommended practices for school discipline, policy structure and documentation.

4. GENERAL FINDING

The Code of Conduct contains a solid foundation and complies in many respects with the requirements of the Schools Act and BELA amendments. However, there are gaps, inconsistencies and areas of risk that require attention to ensure full legal compliance, fairness and legal defensibility.

STRENGTHS

- Several provisions promote positive behaviour, order and respect.
- Important procedural safeguards are already present.

AREAS OF RISK

- Certain provisions may place pressure on procedural fairness.
- Potential legal risk for the school.

GAPS / OPPORTUNITIES

- Specific areas require clearer guidelines or greater completeness.
- The code can be strengthened for consistency and best practice.

PRIORITISATION SCALE FOR RECOMMENDATIONS

HIGH PRIORITY

Serious risk or not in line with legislation. Requires immediate attention.

MODERATE PRIORITY

Important for improvement and legal defensibility. Must be addressed soon.

LOW PRIORITY

Not urgent, but will add value and strengthen best practice.

NO CHANGE REQUIRED

Already aligned and meets current requirements.

IMPORTANT

This audit is not a legal opinion, but a professional evaluation based on current legislation, regulations and best practice at the time of the audit.

5. STRENGTHS OF THE CODE OF CONDUCT

The audit identified several positive aspects and strong elements in the current Code of Conduct. These strengths form a good foundation to build upon.

1. CLEAR BEHAVIOURAL EXPECTATIONS

The Code of Conduct clearly sets out high standards of behaviour and expectations for learners. It creates a common frame of reference for all stakeholders.

3. APPLICABLE TO ALL LEARNERS

The code applies to all learners and promotes equal treatment and fairness, regardless of background or circumstances.

5. LEARNERS' RIGHTS PROTECTED

The code acknowledges and protects learners' rights, including the right to a fair hearing, the right to representation and the right to appeal.

7. REFERENCE TO RELEVANT LEGISLATION

The code makes reference to relevant legislation and regulations that support discipline and school rules.

9. ONLINE AND ABSENTEEISM PROVISIONS

Provisions regarding absenteeism, late-coming and online behaviour are included, showing the school is aware of modern challenges.

2. VALUES-BASED APPROACH

The code promotes values such as respect, integrity, responsibility and empathy, which are aligned with the school's vision and the principles of the Schools Act and BELA amendments.

4. FOCUS ON POSITIVE DISCIPLINE

The code embraces positive discipline, prevention of misconduct and the promotion of a safe, respectful school environment.

6. DISCIPLINARY PROCESSES SET OUT

The disciplinary procedures, including the investigation and hearing process, are broadly well set out and follow the general principles of procedural fairness.

8. STRUCTURE AND LOGICAL ORDER

The document is well structured, clearly numbered and easy to follow, which facilitates its application.

10. PROMOTION OF RESPONSIBILITY

Learners are encouraged to take responsibility for their behaviour and a restorative approach is promoted where applicable.

SUMMARY

The Code of Conduct demonstrates a solid foundation and a genuine effort to promote a safe, orderly and value-driven school environment. However, there are areas that require further improvement and updating to ensure full compliance and legal defensibility.

6. KEY FINDINGS AND AREAS REQUIRING REVIEW

The following areas were identified where the Code of Conduct needs to be more fully aligned with legislation, or where clearer, more complete or more current provisions are required.

#	AREA OF FINDING	DESCRIPTION OF GAP / RISK	LEGISLATION / REFERENCE
1	Definitions not complete or consistent	Certain key terms are not clearly defined; this may lead to different interpretations and uncertain application.	SASA s.1; BELA amendments; WCED reg. 1
2	Limitations on learners' rights	Certain provisions may limit learners' right to a hearing, representation and exclusion; better alignment with procedural fairness is needed.	SASA s.8, 9; PAJA principles; BELA amendments
3	Role of parents and guardians unclear	The code does not adequately explain how and when parents should be involved or informed; this may lead to communication uncertainty and disputes.	SASA s.7; WCED reg. 5
4	Disciplinary sanctions too broad or not fully regulated	No clear guidelines for quantitative measures such as suspension duration; greater clarity on applicability and proportionality is needed.	SASA s.8 and s.9, together with the applicable WCED regulations.
5	Privacy and POPIA not explicitly addressed	No reference to POPIA principles for handling and storing learner information; risk of non-compliance and data misuse.	POPIA; SASA s.14; BELA amendments
6	Online behaviour and social media incomplete	Cyberbullying and use of social media are not fully regulated; essential in the current digital context.	SASA s.1, 8; WCED reg. 2
7	Evidence and record-keeping not sufficiently set out	The code does not explain what records must be kept and for how long; may lead to evidentiary problems and legal risk.	SASA s.8; PAJA principles
8	Review and updating of code not within policy	No clause requiring periodic review; risk that the code becomes outdated and no longer reflects legislation.	BELA amendments; WCED reg. 1

SUMMARY

These gaps must be addressed to ensure that the Code of Conduct fully complies with legislation, is procedurally fair, can be practically applied and is legally defensible.

7. RECOMMENDATION 1 – DEFINITIONS AND LEGISLATIVE REFERENCES

PRIORITY

HIGH PRIORITY

The Code of Conduct must contain clear and consistent definitions and references to reduce interpretation and ensure legal certainty.

7.1 CURRENT SITUATION / GAP

- The Code of Conduct contains some definitions, but is not complete or consistent.
- Key terms such as "offence", "insubordination", "disciplinary action", "hearing", "trial", "staff" and "misconduct/offences" are not adequately defined.
- References to applicable legislation are limited and not comprehensive.

7.2 RISK / IMPACT

- Interpretation may differ and lead to uncertainty and legal risk.
- Limits the school's ability to act fairly and consistently.
- Can undermine the basis for procedural fairness and legal defensibility.

7.3 LEGISLATION / REFERENCES

- South African Schools Act (SASA), 1996 (Act 84 of 1996), especially Chapter 8.
- BELA amendments (2024).
- WCED regulations.
- PAJA principles of procedural fairness.
- Constitution of the RSA – Sections 9, 10, 12.

7.4 RECOMMENDATION

- Add a clear "Definitions" section at the beginning of the Code of Conduct.
- Define all key terms that are regularly used, in a clear, simple and uniform manner.
- Include at minimum the following definitions: Discipline; Offence/misconduct; Insubordination; Misconduct; Disciplinary action;
- Serious offence; Hearing; Chairperson of the disciplinary hearing; School representative; Learner; Parents/guardians;
- School management; Suspension/expulsion; Mediation.
- Add a specific "Legislative References" section listing all relevant legislation and regulations.
- Clearly indicate that the Code of Conduct must be read and applied in light of the Schools Act, BELA amendments, WCED regulations, PAJA, POPIA and other applicable legislation.

EXAMPLE OF WORDING FOR THE CODE

"In this Code of Conduct, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in this section

has that meaning, and each term must be interpreted in light of the South African Schools Act, BELA amendments, other applicable regulations and the Constitution of the Republic of South Africa."

7.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
Governing body reviews and finalises the definitions. • Legal consultation (where necessary) to ensure that definitions align with legislation. • Inclusion of final definitions and legislative references in the revised Code of Conduct.	1 – 2 months

7.6 EXPECTED OUTCOMES / BENEFITS

1 Clarity and legal certainty.	2 Consistent application.	3 Strengthened procedural fairness.
4 Greater legal defensibility and reduced risk.	5 Improved governance and compliance of the school.	

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

8. RECOMMENDATION 2 – LEARNER RIGHTS AND PROCEDURAL FAIRNESS

PRIORITY

HIGH PRIORITY

Ensure that the Code of Conduct fully protects the rights of learners and the principles of procedural fairness.

8.1 CURRENT SITUATION / GAP

- The Code of Conduct refers to learners' rights, but the exposition of each right is not fully and appropriately presented.
- No clear explanation of procedural fairness, e.g. notice of charge, right to be heard, representation, appeal and impartiality.
- The role of the principal and disciplinary committee is mentioned, but criteria for impartiality and conflict of interest are not highlighted.
- Notification of charges and exclusion is not expressly set out within a procedural framework.

8.2 RISK / IMPACT

- Violation of learners' constitutional rights to dignity, equality and fair procedures.
- Decisions can be challenged if processes are unfair or irregular.
- Loss of trust from parents and learners in the school's decision-making.
- Reduced legal defensibility of disciplinary action.

8.3 LEGISLATION / REFERENCES

- SASA, 1996 (Act 84 of 1996) – ss. 7, 8, 9, 10, 12, 13, 18, 19, 24.
- BELA Amendments (2024).
- Constitution of the RSA – Section 28(2) PAJA principles of procedural fairness.
- Promotion of Administrative Justice Act (PAJA), 2000 (Act 3 of 2000).

8.4 RECOMMENDATION

- Add a clear section "Rights of Learners" setting out each right briefly, with reference to applicable legislation.
- Include a separate section "Procedural Fairness" with: notice of charge; right to be heard; right to representation; impartial decision-maker; written outcome; right of appeal.
- State clearly that any exclusion may only occur after a fair hearing process, except in exceptional circumstances as in the Schools Act and BELA Amendments.
- Insert a provision that all disciplinary action must be in accordance with dignity, respect, equality and fairness.

EXAMPLE OF WORDING FOR THE CODE

"Every learner has the right to be treated with dignity and respect and the right to a fair disciplinary process, including notice of the charge, an opportunity to present a defence, representation, impartial consideration, a written decision and the right of appeal."

8.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Review and rewrite the section on learner rights and procedural fairness. - Develop a standard disciplinary process flowchart for staff. - Conduct training for staff and disciplinary committees on procedural and legal obligations.	1 – 3 months

8.6 EXPECTED OUTCOMES / BENEFITS

1
Protection of learner rights.

2
Strengthened trust of parents and learners.

3
Increased legal defensibility of decisions.

4
Reduction in dispute and appeal processes.

5
Compliance with legislation and principles of fairness.

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

9. RECOMMENDATION 3 – THE ROLE OF PARENTS/GUARDIANS AND COMMUNICATION WITH THE SCHOOL

PRIORITY

HIGH PRIORITY

Clarify and strengthen the involvement of parents/guardians and the manner in which the school communicates with them.

9.1 CURRENT SITUATION / GAP

- The Code of Conduct mentions parents'/guardians' responsibilities, but their role in disciplinary processes and communication is not adequately set out.
- No clear procedure for notification, consultation or cooperation between school and parents.
- No provisions for language of communication, digital communication or retention of communication.

9.2 RISK / IMPACT

- Insufficient involvement can lead to misunderstandings, loss of trust and conflicts.
- Parents may feel they are not adequately informed or consulted.
- Communication that is not clear or consistent can weaken the school's legal position.

9.3 LEGISLATION / REFERENCES

- SASA, 1996 (Act 84 of 1996) – s.8(1),
- BELA Amendments (2024).
- Constitution of the RSA – Sections 10, 28(1)(d).
- PAJA principles of procedural fairness.
- King IV – principles of good corporate governance (communication and transparency).

9.4 RECOMMENDATION

- Add a clear section "Parents/Guardians and Communication".
- Emphasise parents/guardians as partners in the education and discipline of learners.
- The school will notify parents/guardians reasonably and timeously of misconduct, investigation or proposed disciplinary action.
- Parents/guardians will be afforded the opportunity to state their position and be part of solutions.
- Communication may take place by letter, email, telephone, school communication app or other appropriate channel.
- Communication will be in a language that parents/guardians understand, within the framework of the school's language policy.
- All communication with parents/guardians will be dated, retained and available for reference if needed.

EXAMPLE OF WORDING FOR THE CODE

"The school regards parents/guardians as important partners in the education of learners. The school will notify parents/guardians timeously and reasonably of misconduct, investigations or proposed disciplinary action and will afford them the opportunity to be involved in the process and solutions."

9.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Review and rewrite the parent/guardian and communication section. - Develop a communication protocol and standard information letters. - Ensure that all staff are trained on effective and appropriate communication with parents/guardians.	1 – 3 months

9.6 EXPECTED OUTCOMES / BENEFITS

1 Strengthened trust and cooperation between school and parents.	2 Reduction of misunderstandings and complaints.	3 Clear, consistent and professional communication.
4 Stronger legal position and procedural fairness for the school.	5 Improved culture of partnership and ongoing support.	

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

10. RECOMMENDATION 4 – DISCIPLINARY SANCTIONS AND PROPORTIONALITY

PRIORITY

HIGH PRIORITY

Ensure that sanctions are clearly set out, appropriate, consistent and in accordance with the principle of proportionality and fair treatment.

10.1 CURRENT SITUATION / GAP

- The Code of Conduct lists a range of sanctions, but criteria for when a specific sanction should be applied are not clearly set out.
- No guidelines on proportionality (severity of misconduct versus the severity of the sanction).
- Not all sanctions are explained with procedures and requirements, e.g. suspension and expulsion.
- No reference to restorative/educational approaches.

10.2 RISK / IMPACT

- Risk of excessive or insufficient sanctions that may be regarded as unfair.
- Increases the chance of appeals and legal action against the school.
- Inconsistent application towards learners can lead to perceptions of unequal treatment.
- Reduces the educational value of discipline and the possibility of restoration.

10.3 LEGISLATION / REFERENCES

SASA, 1996 (Act 84 of 1996) – ss. 8 and 9, BELA Amendments (2024).
PAJA principles of procedural fairness.
Constitution of the RSA – Sections 9, 10, 33.
UN Convention on the Rights of the Child – Articles 3 and 40.

10.4 RECOMMENDATION

- List all sanctions clearly and provide a brief description of each.
- Link each sanction to the severity of misconduct (minor, moderate, serious, very serious).
- Establish guidelines for the choice of sanction, including previous offences, intent, impact and circumstances.
- Explain when written notice, hearing, exceptions, interviews or approval by the SGB is required, e.g. suspension and expulsion.
- Encourage restorative and educational measures where appropriate.

EXAMPLE OF WORDING FOR THE CODE

"Sanctions shall, where appropriate, be educational in nature, in accordance with the principle of proportionality. The nature and severity of each sanction shall be considered, as well as the circumstances of the misconduct and the previous conduct record of the learner."

10.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Review and systematise the list of sanctions and link them to levels of misconduct. - Develop a sanction guideline / matrix for consistent application. - Train educators and disciplinary committees on the application of sanctions and proportionality. - Monitor and evaluate sanction application regularly for fairness and consistency.	1 – 3 months

10.6 EXPECTED OUTCOMES / BENEFITS

1 Fair and consistent application of sanctions.	2 Reduced risk of appeals and legal action.	3 Strengthened procedural fairness and accountability.
4 Educational value of discipline is promoted.	5 Restoration of relationships and positive school culture is supported.	6 Complies with legislation and education management requirements.

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

11. RECOMMENDATION 5 – PRIVACY, POPIA AND LEARNER INFORMATION

PRIORITY

HIGH PRIORITY

Ensure that the Code of Conduct clearly provides for the protection of learner information and complies with POPIA principles.

11.1 CURRENT SITUATION / GAP

- The Code of Conduct does not explicitly reference POPIA.
- There are no clear provisions regarding the collection, storage, use and discussion of learner information.
- It is unclear who has access to information and under what circumstances it may be shared.
- Digital records and communication channels are not clearly regulated.

11.2 RISK / IMPACT

- Risk of unauthorised use or distribution of personal information.
- Non-compliance with POPIA can lead to complaints to the Information Regulator and legal action.
- Loss of trust from parents and learners.
- Damage to the school's reputation and possible financial implications.

11.3 LEGISLATION / REFERENCES

- POPIA, 2013 (Act 4 of 2013) – applicable principles.
- PAJA principles of procedural fairness.
- Constitution of the RSA – Section 14 (right to privacy).
- WCED: Data Protection Guidelines for Schools.

11.4 RECOMMENDATION

- **COLLECTION OF INFORMATION:** Information is only collected for legitimate and necessary purposes.
- **STORAGE AND SECURITY:** Information is stored securely, physically and electronically, and only made available to authorised persons.
- **ACCESS TO INFORMATION:** Only persons with a necessary and authorised need for the information have access to learner information.
- **SHARING OF INFORMATION:** Information is not shared with third parties without proper consent, unless legally required.
- **PROTECTION OF MATTERS:** Learner discipline is only discussed in private and appropriate forums.
- **RETENTION AND DESTRUCTION:** Information is only retained for the required period and thereafter securely destroyed when no longer needed.

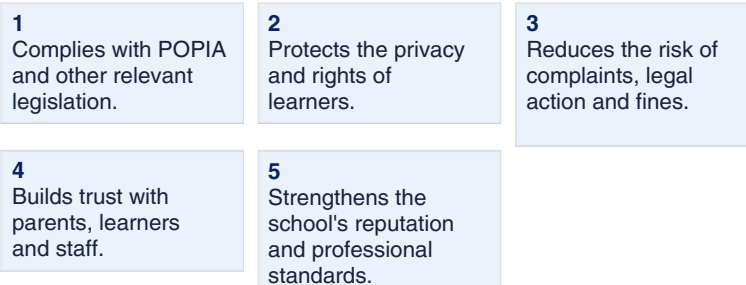
EXAMPLE OF WORDING FOR THE CODE

"The school commits to the protection of all personal information of learners in accordance with POPIA. Information will only be collected for legitimate purposes, stored securely, shared in a limited manner and only retained as required. Learner discipline and personal matters will be handled with confidentiality and respect."

11.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Review and rewrite the privacy section in accordance with POPIA. Develop a privacy policy or procedure for the school. - Provide training to staff on POPIA and responsible handling of learner information. - Conduct an audit of current information systems and security measures.	1 – 3 months

11.6 EXPECTED OUTCOMES / BENEFITS



PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

12. RECOMMENDATION 6 – CYBERBULLYING, SOCIAL MEDIA AND ONLINE BEHAVIOUR

PRIORITY

HIGH PRIORITY

Ensure that the Code of Conduct addresses the risks of online behaviour and is aligned with legislation and best practices for the safety and well-being of learners.

12.1 CURRENT SITUATION / GAP

- The Code of Conduct refers only to electronic devices and their physical use (phones, videos, typing devices and internet).
- No specific provisions on cyberbullying, online bullying, unauthorised distribution of imagery or misuse of social media.
- No guidelines on learner responsibility for online behaviour outside school hours that may affect the school community.
- No clear consequences for online misconduct that harms other learners or staff.

12.2 RISK / IMPACT

- Cyberbullying and online harassment can cause serious emotional harm to learners.
- Distribution of imagery can lead to legal action, reputational damage and POPIA violations.
- Uncontrolled social media behaviour can damage the school's name and harm relationships.
- The school may be held liable if inadequate measures are taken to protect learners against online risks.

12.3 LEGISLATION / REFERENCES

- South African Schools Act (SASA), 1996 (Act 84 of 1996) – ss. 8, 8A, 9.
- BELA Amendments (2024).
- Cybercrimes Act, 2020 (Act 19 of 2020).
- POPIA, 2013 (Act 4 of 2013).
- Constitution of the RSA – Sections 10, 14 and 16.
- UN Convention on the Rights of the Child – Articles 3, 19 and 39.

12.4 RECOMMENDATION

- **ONLINE RESPONSIBILITY:** Learners bear responsibility for their online behaviour within and outside school hours if it has a negative impact on the school community.
- **CYBERBULLYING PROHIBITED:** Any form of cyberbullying, offensive, threatening, hate speech or harassment towards learners or staff is strictly prohibited.
- **IMAGERY AND PRIVACY:** No learner may take, store or distribute photos, videos or audio recordings of another person without consent.
- **SOCIAL MEDIA USE:** Learners may not use social media to harm, insult others or damage the school's reputation.
- **REPORTING:** Learners must immediately report any form of cyberbullying or other abuse to a teacher or the principal.
- **CONSEQUENCES:** Online behaviour will be subject to internal disciplinary procedures and a sanction system.

EXAMPLE OF WORDING FOR THE CODE

"Learners must at all times act responsibly and respectfully in the online world. Any form of cyberbullying, offensive behaviour, harassment, hate speech, unauthorised distribution of imagery or misuse of social media will be regarded as misconduct and dealt with according to the school's disciplinary procedures."

12.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
• Review and draft a new section on online behaviour and cyberbullying. • Develop an information campaign and guidelines for learners on responsible online use. • Provide training to staff on identifying and managing cyberbullying. • Create a clear reporting channel and support for victims.	1 – 3 months

12.6 EXPECTED OUTCOMES / BENEFITS

1 Reduces cyberbullying and online risks.	2 Protects learner well-being and privacy.	3 Complies with relevant legislation and standards.
4 Protects the school's reputation.	5 Creates a safe, respectful and responsible school culture.	

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

13. RECOMMENDATION 7 – EVIDENCE, DOCUMENTATION AND RECORD KEEPING

PRIORITY

HIGH PRIORITY

Ensure that the Code of Conduct contains clear procedures for the collection, storage and management of evidence and records.

13.1 CURRENT SITUATION / GAP

- The Code of Conduct refers to written records of offences, disciplinary measures and notices, but does not provide a complete process for evidence collection and record keeping.
- No clear guidelines on what evidence is acceptable and how it should be stored.
- No timeframe for retention or destruction of records.
- No provision for secure storage and access control of disciplinary records.

13.2 RISK / IMPACT

- Insufficient or poor documentation can lead to misunderstandings, disputes and unjustified outcomes.
- The school cannot always prove that proper procedures were followed.
- Loss or improper retention of records can have legal consequences.
- Risk of POPIA violations and infringement of learner rights.
- Difficulty in managing a consistent disciplinary history and trends.

13.3 LEGISLATION / REFERENCES

- South African Schools Act (SASA), 1996 (Act 84 of 1996) – s. 7, 8, 9, 10.
- PAJA principles of procedural fairness.
- POPIA, 2013 (Act 4 of 2013).
- Constitution of the RSA – Section 14.
- WCED: Administrative Records and Record Management.

13.4 RECOMMENDATION

- **EVIDENCE COLLECTION:** Only relevant, lawful and reliable evidence is accepted and collected: testimony, statements, documents and digital evidence where applicable.
- **ACCEPTABLE EVIDENCE:** Determine what type of evidence is acceptable and how it should be secured.
- **DOCUMENTATION OF PROCESS:** Every step of the disciplinary process is fully motivated in writing: notices, meetings, proceedings, decisions, outcomes and appeals.
- **SECURE STORAGE:** Records are stored securely with limited access to authorised persons.
- **RETENTION AND DESTRUCTION:** Records are retained for a reasonable period according to applicable WCED record management requirements and only securely destroyed if there is no pending appeal or legal action.
- **ACCESS AND CONFIDENTIALITY:** Only persons with a legitimate interest have access; learner information is handled confidentially and only shared where legally required.

EXAMPLE OF WORDING FOR THE CODE

"The school shall handle all evidence and records with care, accuracy and in accordance with legislation. Only relevant and lawfully obtained evidence shall be used. All documentation of disciplinary processes shall be kept complete and secure and made available only to authorised persons."

13.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Review and draft a new process for evidence collection, evaluation and documentation. - Develop a standard form and record-keeping register for disciplinary matters. - Ensure secure digital and physical storage of records with access control. - Provide training to staff on documentation, evidence handling and POPIA. - Establish a policy for retention periods and destruction of records.	1 – 3 months

13.6 EXPECTED OUTCOMES / BENEFITS

1 Clear, consistent and defensible disciplinary processes.	2 Reduced risk of disputes, complaints and litigation.	3 Reliable records that provide proof of lawful action.
4 Protection of learner rights and personal information in line with POPIA.	5 Effective management of information for trend analysis and prevention.	

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

14. RECOMMENDATION 8 – REVIEW, UPDATING AND MANAGEMENT OF THE CODE OF CONDUCT

PRIORITY

HIGH PRIORITY

Ensure that the Code of Conduct is a living document that is regularly reviewed, lawfully updated and effectively managed.

14.1 CURRENT SITUATION / GAP

- The Code of Conduct does not clearly indicate how often review and updating will take place.
- No formal process for involvement of stakeholders (parents, learners, staff, SGB) is set out.
- No responsible person/structure for the management, implementation and monitoring of the code is identified.
- No mechanism for communication of amendments and training of staff and learners is described.

14.2 RISK / IMPACT

- Code can become outdated and no longer aligns with changing legislation or school needs.
- Uncertainty and inconsistent application.
- Lack of involvement can lead to resistance and poor compliance.
- Monitoring risk if the code is not regularly evaluated and procedurally fair.
- Staff and learners are not properly aware of amendments or new requirements.

14.3 LEGISLATION / REFERENCES

- South African Schools Act (SASA), 1996 (Act 84 of 1996) – ss. 7, 8, 9, 10.
- BELA Amendments (2024).
- PAJA principles of procedural fairness.
- Constitution of the RSA – Section 33 (right to fair administrative action).
- Management practice and principles of good corporate governance.

14.4 RECOMMENDATION

- **REVIEW CYCLE:** Establish a minimum review cycle or review whenever legislation or policy changes.
- **STAKEHOLDER INVOLVEMENT:** Involve parents, learners, staff and the SGB in the review and approval of the code.
- **RESPONSIBILITY AND MANAGEMENT:** Appoint a responsible person/committee for the implementation, monitoring and evaluation of the code.
- **COMMUNICATION AND TRAINING:** Communicate amendments to all stakeholders and provide training where necessary.
- **MONITORING AND EVALUATION:** Establish an annual monitoring and evaluation process to ensure compliance and effectiveness.
- **DOCUMENT CONTROL:** Maintain a version history and date of approval, and ensure that only the current version is used.

EXAMPLE OF WORDING FOR THE CODE

"This Code of Conduct shall be reviewed at least annually or whenever there is a change in legislation or policy. Stakeholders shall be involved in the review process. The principal and the School Governing Body shall be responsible for the implementation, monitoring and evaluation of the code."

14.5 IMPLEMENTATION ACTION

IMPLEMENTATION ACTION	TIMEFRAME
- Establish a review schedule (e.g. annually or as needed). - Appoint a review committee (SGB, SMT, staff, parents, learners). - Develop a review process and checklist to evaluate all relevant aspects. Document all amendments and date of approval. - Communicate and implement the updated code and provide training.	1 – 3 months

14.6 EXPECTED OUTCOMES / BENEFITS

1 Code remains legally accurate, relevant and up to date.	2 Increased involvement and ownership by all stakeholders.	3 Consistent application and better compliance with the policy.
4 Reduced legal risks and improved procedural fairness.	5 Improved school culture, learning environment and learner well-being.	6 Sustainable, effective and responsible management of discipline.

PROFESSIONAL IMPLEMENTATION FOCUS

The recommendation is designed as a practical strengthening of the existing Code of Conduct. Implementation should be managed according to the school's capacity, internal responsibilities and applicable approval processes.

15. SUMMARY OF PRIORITY RECOMMENDATIONS

The following summary provides an overview of the eight recommendations arising from this audit, with an indication of the applicable priority level.

NO.	RECOMMENDATION	DESCRIPTION	PRIORITY
1	Definitions and legislative references	Add a clear definitions section and a legislative references section to ensure consistent interpretation and application.	HIGH
2	Learner rights and procedural fairness	Strengthen the protection of learner rights and clearly outline rights, representation, fairness and appeal.	HIGH
3	Role of parents/guardians and communication	Clearly indicate the role, responsibilities and communication processes with parents/guardians.	HIGH
4	Disciplinary sanctions and proportionality	Ensure that sanctions are fair, consistent, educationally justifiable and proportionate to the seriousness of the misconduct.	HIGH
5	Privacy, POPIA and learner information	Comply with POPIA principles with clear guidelines for the collection, storage, use, access and sharing of learner information.	HIGH
6	Cyberbullying, social media and online behaviour	Review and strengthen the policy on online activities, cyberbullying and social media in line with legislation and best practice.	HIGH
7	Evidence, documentation and record keeping	Standardise processes for the collection, storage and management of evidence and records for defensible outcomes.	HIGH
8	Review, updating and management of the Code of Conduct	Establish a formal review and management process to keep the code legally accurate, relevant and up to date.	HIGH

PROFESSIONAL PERSPECTIVE

The eight recommendations do not necessarily represent serious shortcomings in the existing Code of Conduct. They are targeted improvements that focus on further strengthening the existing framework, reducing legal and procedural risks and supporting consistent application.

16. IMPLEMENTATION PRIORITIES AND NEXT STEPS

The following steps provide a practical framework for implementing the recommendations in this report.

01**FINALISE**

Finalise and implement all proposed amendments as set out in this report.

02**TRAIN**

Ensure regular training of staff, learners and SGB members on the Code of Conduct and procedures.

03**COMMUNICATE**

Communicate the Code of Conduct clearly and regularly to all stakeholders.

04**MONITOR**

Monitor implementation and evaluate annually to maintain relevance and effectiveness.

05**BUILD**

Build a positive school culture where values, respect and accountability are paramount.

17. GENERAL CONCLUSION AND PROFESSIONAL EVALUATION

This conclusion provides an overview of the school's strengths, the value of the current Code of Conduct and the purpose of the eight recommendations to further strengthen and align the code with the BELA amendments and best practices.

1. STRENGTHS OF THE CURRENT CODE OF CONDUCT

- EduDiscipline High School's Code of Conduct is a comprehensive and well-structured document with many positive elements.
- It provides a clear framework for learner discipline with appropriate categories of offences and sanctions, a defined disciplinary process, and requirements for notification and documentation.
- The code supports a consistent and educational approach to discipline and provides for stakeholder involvement and regular review.

2. PROFESSIONAL EVALUATION

The audit shows that EduDiscipline High

- School already has a strong foundation for an effective discipline management framework.
- The Code of Conduct is sufficient to support the maintenance of order, safety and respect in the school community.
- The eight recommendations are targeted improvements and not indications of major shortcomings.

3. GENERAL CONCLUSION

- The school has a well-developed Code of Conduct that already provides a solid framework.
- By implementing the identified improvements, the school can ensure that the code supports current legal requirements and becomes a practical model for effective discipline and learner well-being.
- With a clear implementation plan and involvement of all stakeholders, the school is well positioned for excellent disciplinary management.

THE PURPOSE OF THIS AUDIT

The purpose of this audit is to strengthen, refine and prepare an already comprehensive and valuable policy document for implementation in a dynamic and legislation-driven educational environment.

18. RECOMMENDATIONS FOR SUSTAINABILITY

The following recommendations are aimed at promoting the implementation, maintenance and continuous improvement of the Code of Conduct for Learners, so that it remains a dynamic and practical instrument that supports learner behaviour, safety and a positive school culture.

NO.	RECOMMENDATION	PRIORITY	TIMEFRAME
1	ONGOING TRAINING AND ORIENTATION Ensure that all staff, learners, SGB members and parents are regularly trained and oriented regarding the Code of Conduct, procedures and their roles.	MODERATE	Ongoing.
2	EFFECTIVE COMMUNICATION Communicate the Code of Conduct regularly and clearly via various channels (newsletters, school website, meetings, orientations and platforms) and ensure accessibility for all stakeholders.	MODERATE	Ongoing.
3	MONITORING AND EVALUATION Monitor the implementation of the Code of Conduct regularly and evaluate its effectiveness annually or as needed.	LOW	Annually.
4	ONGOING REVIEW AND UPDATING Review and update the Code of Conduct at least once a year to ensure that it remains relevant, legally compliant and practically applicable.	LOW	Annually.
5	STAKEHOLDER INVOLVEMENT Actively involve all stakeholders in the review process to promote ownership, understanding and support.	MODERATE	Ongoing.
6	ENFORCEMENT AND DUE PROCESS Ensure consistent, fair and transparent application of the Code of Conduct according to regulated procedures and legal protections.	MODERATE	Ongoing.
7	DOCUMENTATION AND RECORD-KEEPING Keep accurate records of all incidents, interventions, disciplinary steps and communication for accountability and follow-up.	LOW	Ongoing.
8	PROMOTE A POSITIVE SCHOOL CULTURE Focus on value-driven behaviour, respect, responsibility and community building to create a safe, inclusive and supportive learning environment.	LOW	Ongoing.

IMPORTANT NOTE

The timeframes are guidelines and can be adjusted according to the school's context and capacity. Progress must be regularly monitored and reported to the SGB.

IMPORTANT QUALIFICATION

The priority classification does not mean that the existing Code of Conduct is deficient or unusable. The recommendations are aimed at further strengthening an already comprehensive document and reducing areas of potential legal, procedural and governance risks.

19. CONCLUSION AND CLOSING STATEMENT

CLOSING STATEMENT

"EduDiscipline High School demonstrates a genuine commitment to progressive school management, fairness and learner development. By implementing the recommendations in this report, the school will strengthen its compliance with legislation, reduce risks and continue building a culture of trust, safety and excellence."

"EduDiscipline thanks the school for the opportunity to conduct this evaluation and stands ready to provide further support with the implementation, training and ongoing monitoring of the recommendations."

KEY FINDINGS

- The Code of Conduct reflects the school's values and promotes respect, responsibility and community involvement. There is a
- clear procedural framework for disciplinary action and hearing processes.
- Certain articles require revision to ensure full alignment with BELA and other applicable legislation.
- Clearer formulation, definitions and categories of misconduct will improve consistency and fairness.
- Monitoring, training and ongoing communication are critical for sustainable implementation.

GENERAL RECOMMENDATIONS

- Finalise and implement all proposed amendments as set out in this report.
- Ensure regular training of staff, learners and SGB members on the Code of Conduct and procedures.
- Communicate the Code of Conduct clearly and regularly to all stakeholders.
- Monitor implementation and evaluate annually to maintain relevance and effectiveness.
- Build a positive school culture where values, respect and accountability are paramount.

"Together we build safe schools, fair processes and clear accountability."

IMPORTANT NOTE

The recommendations in this report are guidelines and can be adjusted according to the school's context and capacity. Progress must be regularly monitored and reported to the SGB.

IMPORTANT QUALIFICATION

The priority classification does not mean that the existing Code of Conduct is deficient or unusable. The recommendations are aimed at further strengthening an already comprehensive document and reducing areas of potential legal, procedural and governance risks.