

# Disciplinary processes

**PRESENTED BY: Betsi Greyvenstein**  
DATE: 13 MAY 2021



DIE VERANDERING IN ONDERWYS  
THE CHANGE IN EDUCATION

**FACT: We work with people  
and people make mistakes**

## Procedures for Misconduct

- ✓ Corrective counselling
- ✓ Verbal warnings
- ✓ Written warning
- ✓ Final written warning
- ✓ Informal disciplinary hearing
- ✓ Formal disciplinary hearing



## Corrective counselling – normally done for less serious cases

- ✓ Determine the nature of the misconduct
- ✓ Bring the misconduct to the educator's attention
- ✓ Give the educator an opportunity to respond to the allegations
- ✓ After consultation with educator decide on a method to remedy the conduct
- ✓ Take steps to implement the decision





# Verbal warning – normally done for more serious cases

- ✓ Determine the nature of the misconduct
- ✓ Bring the misconduct to the educator's attention
- ✓ Give the educator the opportunity to respond to the allegations
- ✓ Decide on a method to remedy the action
- ✓ In serious cases the educator will receive a verbal warning
- ✓ The employer must record the warning



# Written warning

- ✓The written warning must be in accordance with Form A of 11(a) of Act 57 of 2001
- ✓Give a copy of the written warning to the educator.
- ✓The educator must acknowledge receipt of the copy
- ✓If educator refuses to sign, the warning must be handed to the educator in the presence of another educator, who shall sign in confirmation that the written warning was issued
- ✓The written warning must be filed in the educator's personal file
- ✓The written warning is valid for six months
- ✓If the educator disagrees with the written warning, he/she may lodge an objection
- ✓This must be filed with the written warning



## Example of Form A

FORM A

WRITTEN WARNING

[Form A substituted by s.11(a) of Act v57 of 2001.]

[DATE]

[NAME OF EMPLOYEE]

[PERSAL NO]

[PERSONAL DETAILS OF EMPLOYEE]

This is a written warning in terms of the disciplinary procedure. Should you engage in further misconduct, this written warning may be taken into account in determining a more serious sanction. The written warning will be place in your personal file and will remain valid for a period of six months from the date of the written warning. If you object to the warning or wish to furnish additional information, you may lodge a written objection or additional information which will b filed together with this warning. The nature of the misconduct is ....

.....  
SIGNATURE OF REPRESENTATIVE OF EMPLOYER

DATE

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF WITNESS

DATE





# Final written warning

- ✓ A final written warning must be in accordance with Form B
- ✓ The employer must give a copy of the final written warning to the employee, who must sign a copy to acknowledge receipt.
- ✓ If educator refuses to sign, the warning must be handed to the educator in the presence of another educator, who shall sign in confirmation that the written warning was issued
- ✓ The final written warning must be filed in the educator's personal file
- ✓ The written warning is valid for six months
- ✓ If the educator disagrees with the written warning, he/she may lodge an objection
- ✓ This must be filed with the written warning





## EXAMPLE OF FORM B FINAL WRITTEN WARNING

[Form B substituted by s.11(b) of Act 57 of 2001]

[DATE]

[NAME OF EMPLOYEE]

[PERSAL NO]

[PERSONAL DETAILS OF THE EMPLOYEE]

This is a final written warning in terms of the disciplinary procedure. Should you engage in further misconduct it would lead to formal misconduct proceedings being instituted against you. This final written warning will be placed in your personal file and will remain valid for a period of six months from the date of the written warning. Should you wish to do so, you may lodge a written objection to this final warning, or provide additional information which will be filed together with this final warning. The nature of the misconduct is .....

.....

SIGNATURE OF REPRESENTATIVE OF EMPLOYER

DATE

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF WITNESS (if applicable)

DATE



## Hearing

- ✓ The educator must receive at least 5 working days written notice of a hearing
- ✓ The written notice must be given in accordance with Form C
- ✓ The educator must acknowledge receipt of the notice by signing a copy of the notice.
- ✓ If the educator refuses to sign for the receipt of the notice, it must be given to the educator in the presence of a fellow educator, who must sign in confirmation that the notice was conveyed to the educator

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## Form C NOTICE OF DISCIPLINARY MEETING

[Form C substituted by s.11 (c) of Act 57 of 2001.]

[DATE]

[NAME OF EMPLOYEE]

[PERSAL NO]

[PERSONAL DETAILS OF THE EMPLOYEE]

You are hereby given notice to attend a disciplinary hearing in terms of item 6 of the Disciplinary Code. The alleged misconduct is based on the following evidence:

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[A DETAILED DESCRIPTION OF THE ALLEGED MISCONDUCT MAY BE ATTACHED]

The hearing will be held at ..... [PLACE] on ..... [DATE] at ..... [TIME]. If you do not attend and cannot provide reasonable grounds for failing to attend, the hearing will be held in your absence. A fellow employee or a representative of a recognised union may represent you at the hearing. You may also be represented by a legal representative if the presiding officer so directs.

You may give evidence at the hearing and adduce evidence in the form of documents or through witnesses. You are entitled to question witnesses called by the employer. If the presiding officer finds that you are guilty of misconduct, you may present any relevant circumstances which you wish to be taken

Into account by the presiding officer in determining the sanction.

**SIGNATURE OF REPRESENTATIVE OF EMPLOYER**

**DATE**

**ACKNOWLEDGMENT OF RECEIPT BY EMPLOYEE**

**DATE**

**SIGNATURE OF WITNESS (If applicable)**

**DATE**



## Important!!!!

Educators may only appeal against the finding and resultant sanction of:

- ❖ Suspension without pay
- ❖ Demotion
- ❖ A fine
- ❖ A combination of the above sanctions together with warnings
- ❖ Dismissal

## ADVICE...

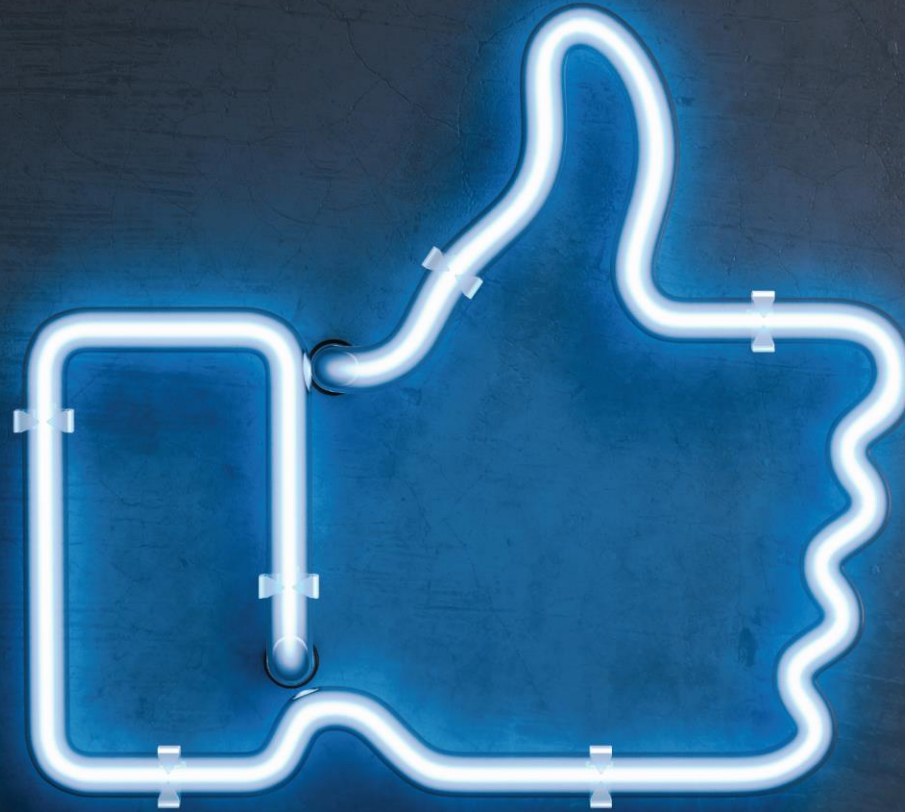
Don't hesitate to alert your circuit manager of a misconduct, e.g. when a teacher hit a child/racism/etc. Failing to do so can result in YOU being charged

## REMEMBER...

A paper trail **protects** you



# SAOU



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076 127 1921



SAOU National



saouteachers



SAOU YouTube

