



DISCIPLINARY MATTERS

PRESENTED BY: ANKIA BESTER
DATE: 26 MAY 2022



DIE VERANDERING IN ONDERWYS
THE CHANGE IN EDUCATION



RIGHTS?

LEARNERS

+

PARENTS

=

ALL THE RIGHTS!



TEACHERS

=

NO RIGHTS!

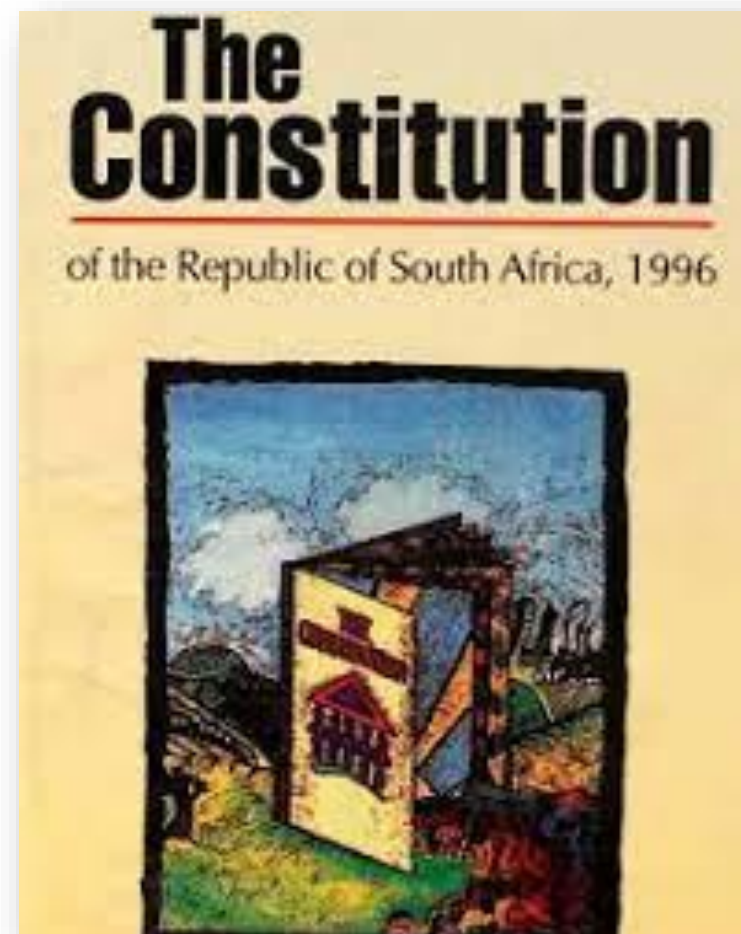


The Rights of the Educator

- As with every citizen of the country, educators have certain rights protected by the Constitution. The fundamental rights of educators are further protected by the tenets of common law and national legislation.

Educators are entitled to the following:

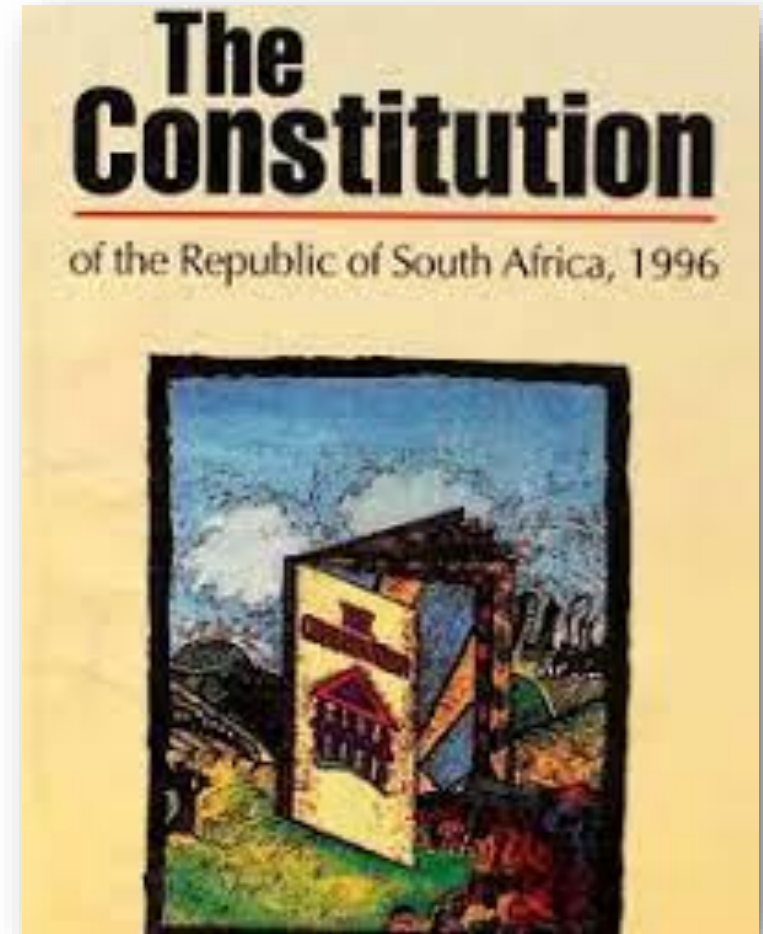
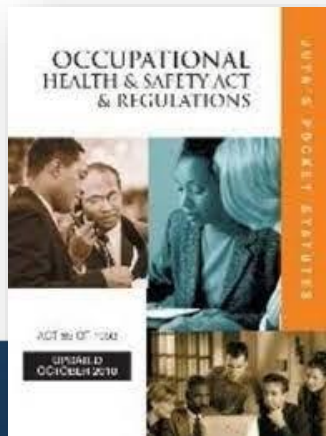
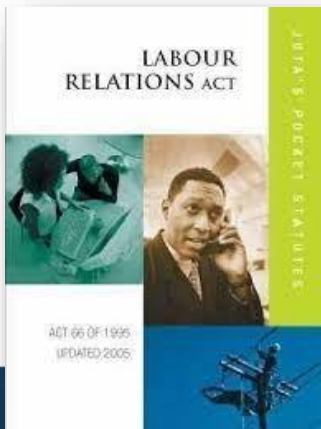
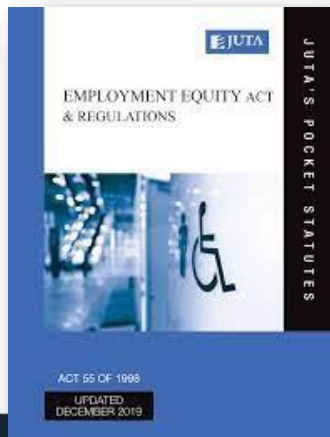
- Equality.
- Human dignity.
- Privacy: to live your life with the minimum of interference. This includes private, family and home life; physical and moral integrity; honour and reputation. An educator's right to privacy means that he or she also has the right not to be portrayed in a poor light or subjected to embarrassment, and has the right to confidentiality. Owing to the educator's public status, there is, however, a limit to the educator's right to privacy w.r.t. family life, sexual orientation and information about his or her state of health.
- Freedom of religion and opinion.
- Freedom of expression: Educators' freedom of expression can, however, be limited insofar as it threatens the other person's rights, or in the interest of education.
- Freedom of association.
- Political rights.
- Labour rights.
- Language and culture.
- Protection of and respect for the dignity of the educator. Bear in mind that this cannot be enforced, but is earned through personal conduct.



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CHAPTER 2: BILL OF RIGHTS

- ✓ Section 9: Equality
- ✓ Section 23: Labour relations
- ✓ Section 24: Environment



The Constitution

of the Republic of South Africa, 1996

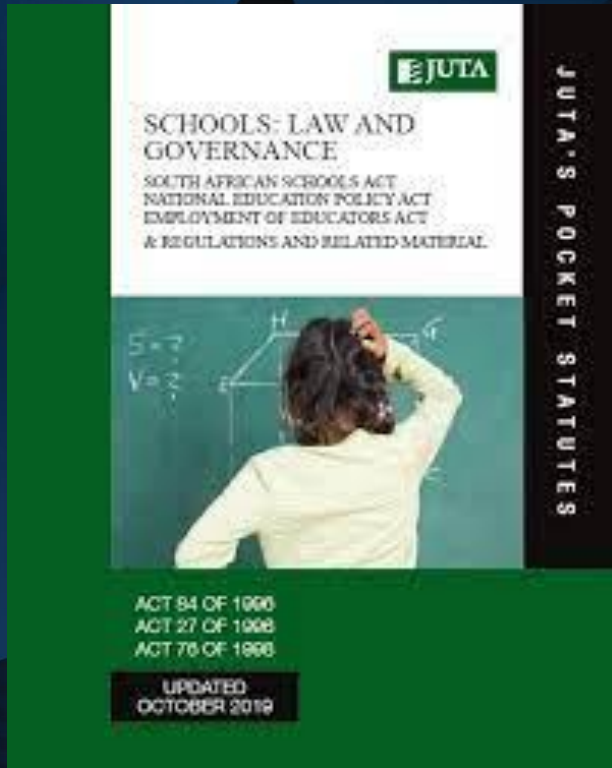


SEC 28

- (1)(d) : to be protected from maltreatment, neglect, abuse or degradation.
- (2) : A child's best interest are of paramount importance in every matter concerning the child.



SEC 29 : EDUCATION



SECTION 8 :

GOVERNING BODY MUST ADOPT A CODE OF CONDUCT FOR LEARNERS

SECTION 10 :

PROHIBITION OF CORPORAL PUNISHMENT

- (1) No person may administer corporal punishment at a school to a learner
- (2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which could be imposed for assault



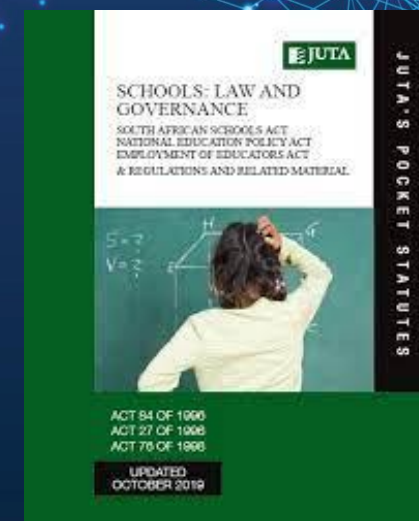
A cartoon illustration of a woman with long brown hair, wearing glasses, a dark blazer, and a black skirt. She is standing on the left side of the frame, pointing her right index finger towards the whiteboard. Her left hand is on her hip.

**YOUR
RESPONSIBILITIES
ACCORDING
TO
LEGISLATION**



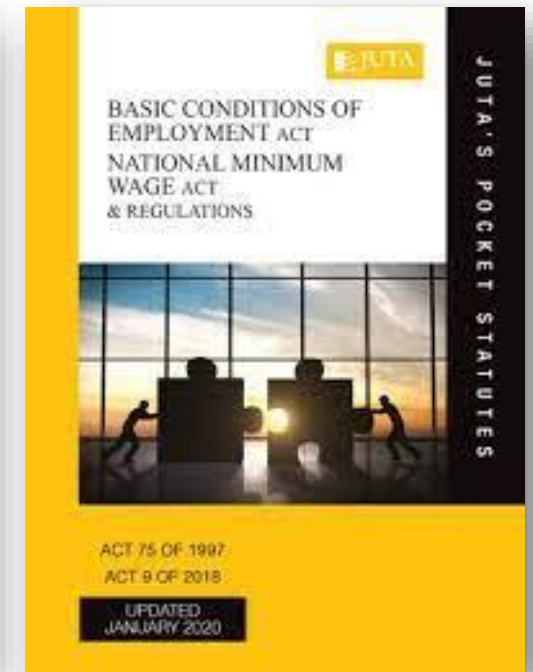
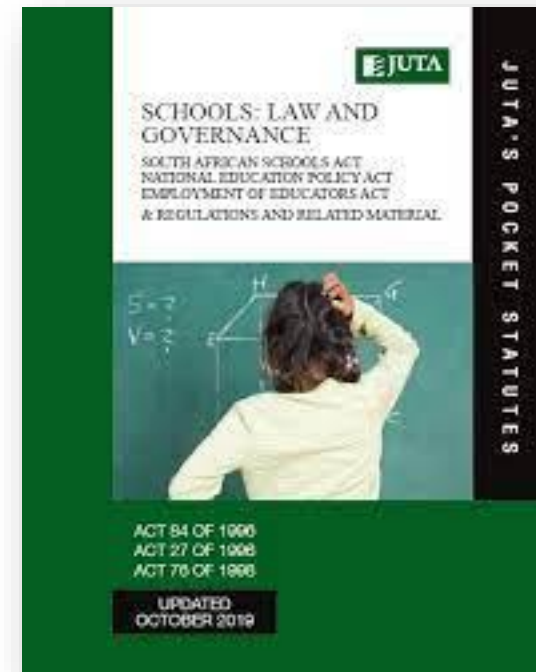
basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



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- Principal
 - Together with SGB governance of the school
 - Inform the SGB of legislation and their responsibilities
 - See that policies are applied at school = disciplinary policies / codes: learners; educators; parents
- Professional management of the school
 - Employer delegates certain responsibilities to the Principal:
 - Discipline educators





DISCIPLINARY
MATTERS:

LEARNERS



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basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



*Jy kan nie jou regte afdwing as jy
nie jou verpligtinge nakom nie.*

The logo for SAOU, featuring the letters 'S', 'A', 'O', and 'U' in a bold, sans-serif font. The 'S' and 'O' are blue, while the 'A' and 'U' are yellow. The letters are slightly shadowed, giving them a 3D appearance as if they are floating or resting on a surface. The background of the slide features a dark blue horizontal band and a white area with a cluster of white, 3D geometric shapes (polyhedrons) on the right side.



***Wat is my verpligtinge in terme
van my dienskontrak?***

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THE HOD'S AND PL 1 EDUCATOR'S RESPONSIBILITIES TOWARDS THE EMPLOYER (DEPARTMENT OF EDUCATION)

- *CHAPTER A SEC 4.5 OF THE PERSONNEL ADMINISTRATION MEASURES (EEA 76 OF 1998):*
 - CORE DUTIES AND RESPONSIBILITIES OF THE JOB:
 - EXTRA- & CO-CURRICULAR
 - **TO ASSIST THE PRINCIPAL IN OVERSEEING LEARNER DISCIPLINE**



THE **DEPUTY PRINCIPAL'S RESPONSIBILITIES** TOWARDS THE EMPLOYER (DEPARTMENT OF EDUCATION)

- *CHAPTER A SEC 4.3 OF THE PERSONNEL ADMINISTRATION MEASURES (EEA 76 OF 1998):*
 - CORE DUTIES AND RESPONSIBILITIES OF THE JOB:
 - GENERAL
 - **TO ASSIST THE PRINCIPAL IN HIS/HER DUTIES**
 - EXTRA- & CO-CURRICULAR
 - **TO ASSIST THE PRINCIPAL IN OVERSEEING LEARNER DISCIPLINE**



THE **PRINCIPAL'S RESPONSIBILITIES** TOWARDS THE EMPLOYER (DEPARTMENT OF EDUCATION)

- *CHAPTER A SEC 4.2 OF THE PERSONNEL ADMINISTRATION MEASURES (EEA 76 OF 1998):*
 - CORE DUTIES AND RESPONSIBILITIES OF THE JOB:
 - GENERAL / ADMINISTRATIVE
 - **TO BE RESPONSIBLE FOR THE PROFESSIONAL MANAGEMENT OF A PUBLIC SCHOOL**
 - INTERACTION WITH STAKE-HOLDERS
 - **TO SERVE ON THE GOVERNING BODY OF THE SCHOOL AND RENDER ALL NECESSARY ASSISTANCE TO THE GOVERNING BODY IN THE PERFORMANCE OF THEIR FUNCTIONS IN TERMS OF THE SASA.**



THE **PRINCIPAL'S RESPONSIBILITIES** TOWARDS THE EMPLOYER (DEPARTMENT OF EDUCATION)

- *SEC 16A (2)(a)(vi) OF SASA*
 - **THE IMPLEMENTATION OF POLICY AND LEGISLATION**
- *SEC 16A (2)(d) OF SASA*
 - **ASSIST THE SGB IN HANDLING DISCIPLINARY MATTERS PERTAINING TO LEARNERS**
- *SEC 16A(2)(f) OF SASA*
 - **INFORM THE SGB ABOUT POLICY AND LEGSLATION**



**MOENIE VERANTWOORDELIKHEID VAT
VIR IETS WAT NIE JOU
VERANTWOORDELIKHEID IS NIE**



WHO IS RESPONSIBLE FOR THE DISCIPLINE OF LEARNERS?

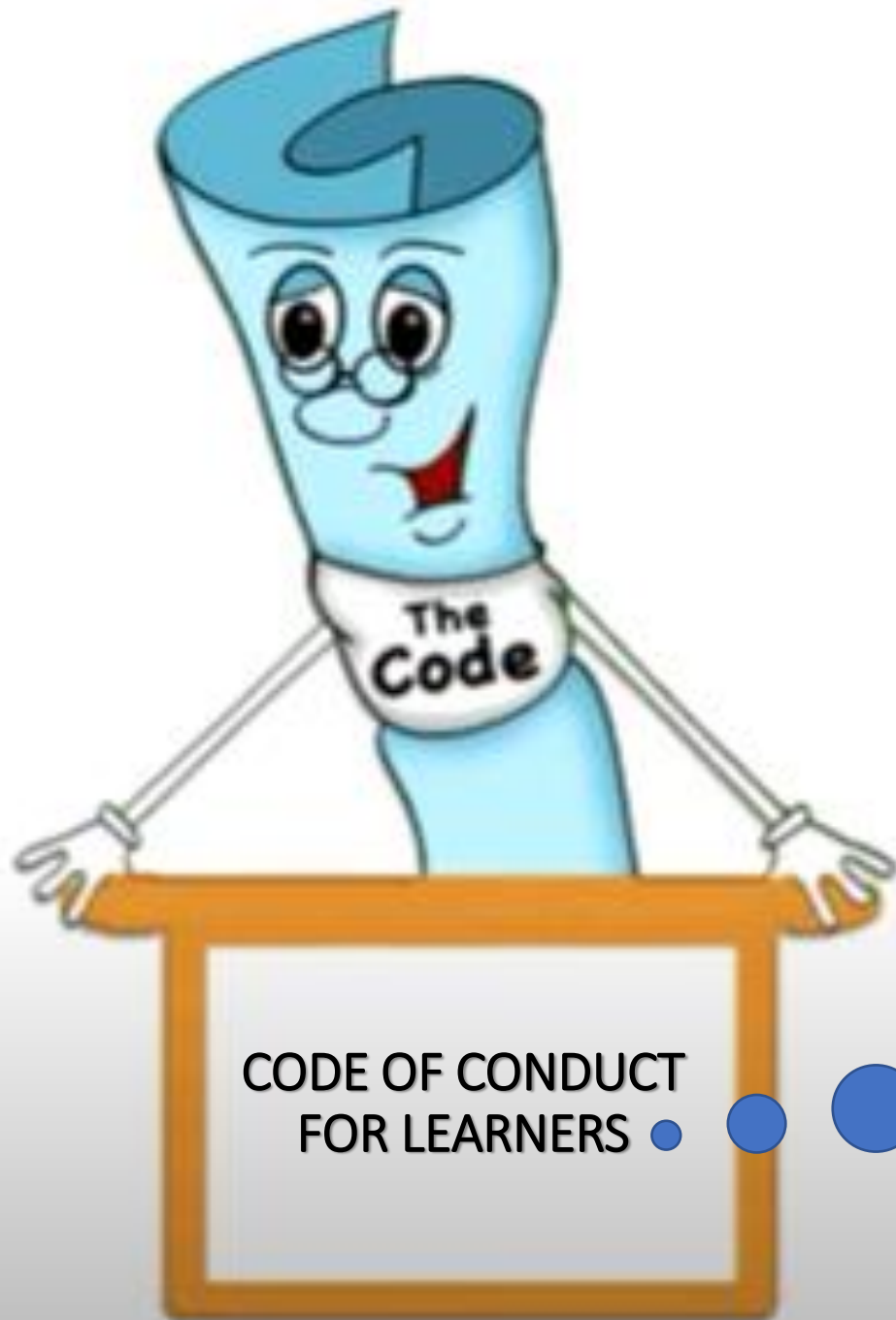
**THE SGB AND SCHOOL PRINCIPAL
IN TERMS OF POLICY**



WHO IS RESPONSIBLE TO DISCIPLINE PARENTS?

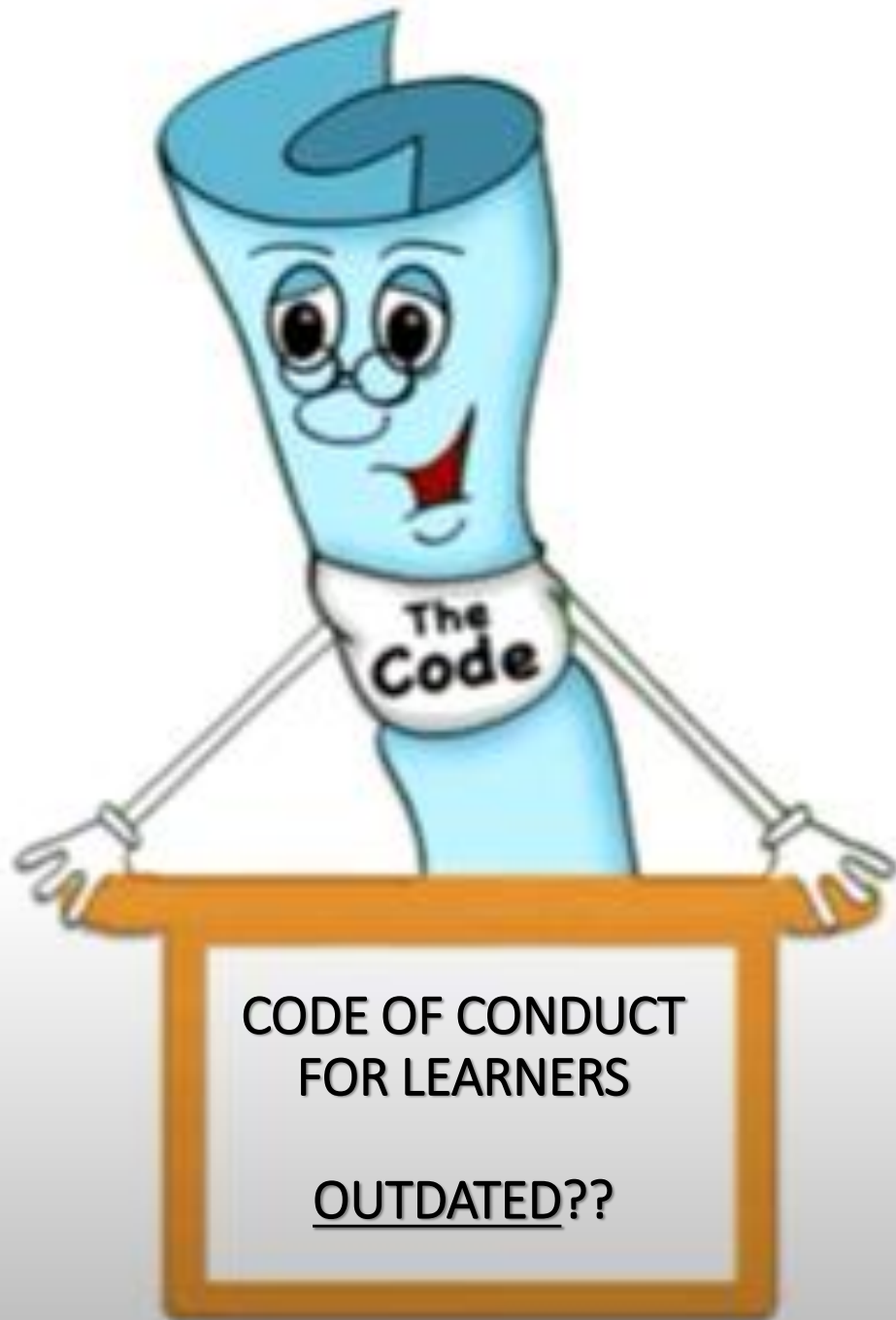
**THE SGB AND SCHOOL PRINCIPAL IN TERMS OF
POLICY**





APPLIED STRICTLY
AND CONSISTANTLY
BY EACH AND EVERY
EDUCATOR

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DISCIPLINARY
MATTERS:
EDUCATORS



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA



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SECTION 18 MISCONDUCT

- Less serious types of misconduct
- Informal disciplinary process

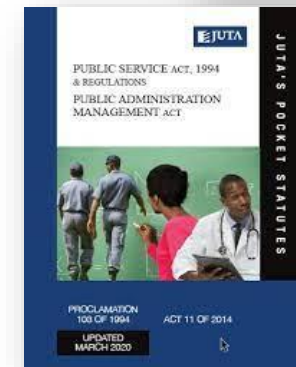
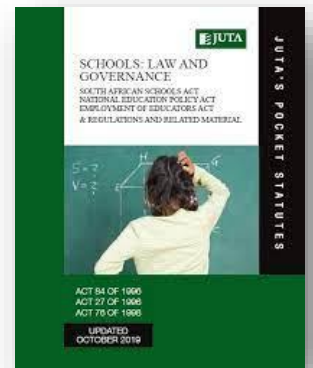
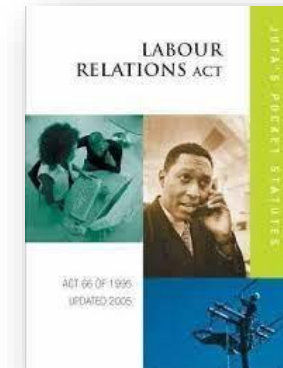
SECTION 17 MISCONDUCT

- Serious types of misconduct
- Must be reported to the employer

DISMISSABLE OFFENCES

- ✓ ALL SECTION 17 OFFENCES
 - ✓ THEFT
 - ✓ FRAUD
 - ✓ DISHONESTY
- ✓ FINANCIAL MISCONDUCT
 - ✓ ASSAULT
- ✓ CORPORAL PUNISHMENT
 - ✓ HARASSMENT

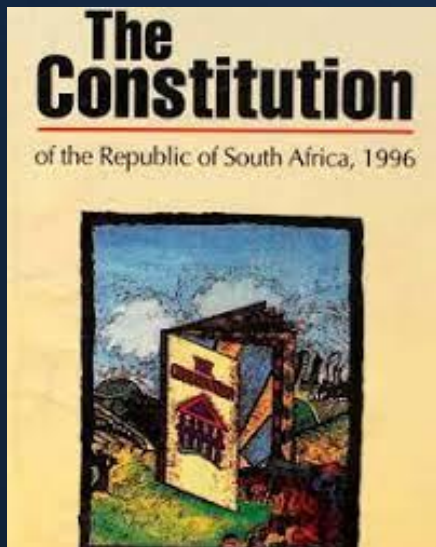
REPORT



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NO SUPPORT?



DWING JOU REGTE AF!



UNDERSTAND THE BALANCE

Lady Justice



“Those in the know say the sword stands for authority while the blindfold represents impartiality: the fair and equal administration of the law, without corruption, favour, greed or prejudice. The scales represent the weighing of evidence, but does the balance always reflect the true picture, or only the one we perceive it to be? After more than two decades of frequenting the corridors of our courts, it is not a question I can easily answer.

But it must be said that Lady Justice does not always have an easy task, sometimes, perhaps, because often she is lied to. She needs to be a strong woman to see through it all. On occasion, she may fail.

Lady Justice’s patience is sometimes tested, and often, she is asked to choose the side of right under extremely difficult circumstances.

Yet, I do want to believe that, more often than not, she is fair, as she plays an important role in bringing closure to many aggrieved families.”

Zelda Venter
1 Sept 2020

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CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA



The first icon of the Constitutional Court, depicts people sheltering under a canopy of branches - a representation of the Constitution's protective role and a reference to a theme that runs through the Court, that of justice under a tree. The idea comes from traditional African societies: this was where people would meet to resolve disputes.

UNDERSTAND THE BALANCE!

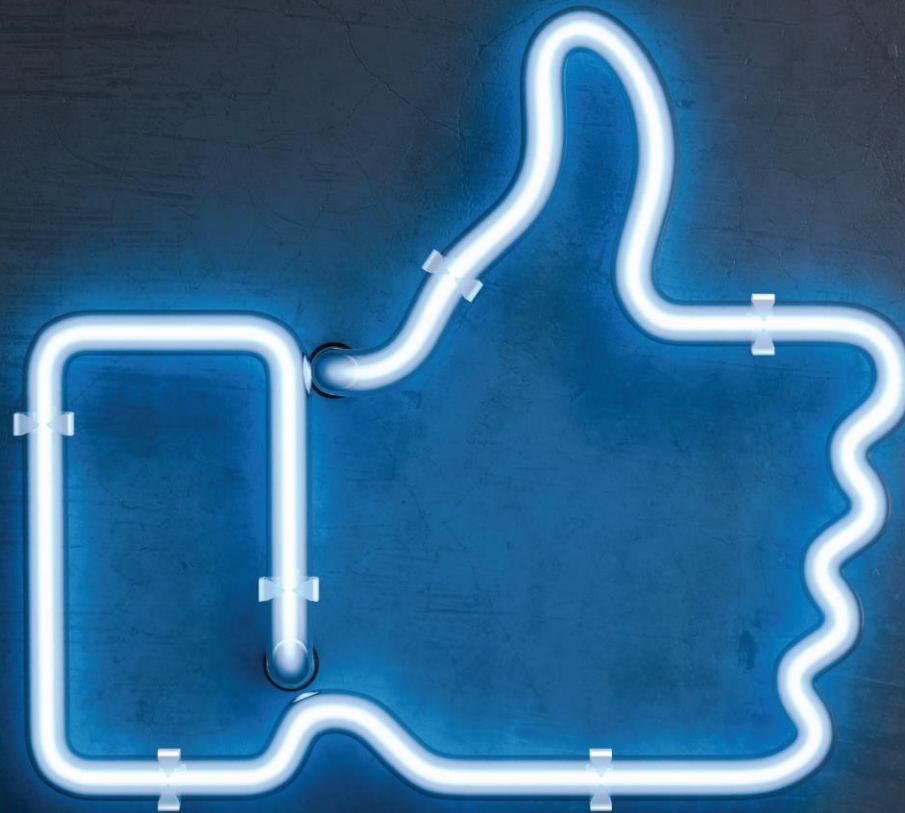


WITH RIGHTS COMES RESPONSIBILITIES

YOU CANNOT ENFORCE YOUR RIGHTS IF YOU DID NOT COMPLY WITH YOUR RESPONSIBILITIES



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