

Preface

South African society has undergone major social, economic and political changes over the past few years as we have sought to establish a democratic and humane nation. Among the changes in the education sector has been the banning of corporal punishment in all schools under the South African Schools Act. This prohibition has recently been challenged in the Constitutional Court, but the appeal was dismissed. Therefore corporal punishment no longer has a place in our schools. Failure to comply with this prohibition could result in educators having to face charges of assault. This leaves schools with the responsibility of identifying and implementing alternative disciplinary practices and procedures. The ban has met with mixed responses from both educators and parents. Whatever their view, the question being asked by most people is what do we do now, what are our alternatives?

There is no doubt about the need for alternatives for corporal punishment. This we attempt to do in this report. The reality of the situation is that many educators face daily struggles in their school environment with issues of discipline. Many educators have found themselves in a position of not knowing what to do in the absence of corporal punishment. These educators are not alone in their struggle; even those educators who are committed to this change sometimes find themselves in a difficult situation.

If we are to have a positive culture of learning and teaching in our schools, the learning environment must be safe, orderly and conducive to learning. This document offers a response to the discipline dilemma. It deals with the legislation and the rationale for the banning of corporal punishment. It provides ideas on how the void can be filled through proactive and constructive alternatives that ultimately contribute to the growth of well-balanced children who are able to interact with each other and their world in a respectful, tolerant and responsible manner.

We begin by exploring the new legislation and reflect on the idea that the growth of a culture of democracy and peace in society demands that its citizens are able to uphold the values of justice, equality, freedom and tolerance. Corporal punishment is by its very nature, anti-human and ultimately an abusive practice that entrenches the idea that violence provides a solution to every problem in the classroom. The removal of corporal punishment and the elimination of other dehumanising practices in our schools are necessary steps towards the development of a culture of human rights in our country. Of course, rights must be exercised responsibly.

It is important to make a distinction between discipline and punishment. Punishment is based on the belief that if children are made to suffer for doing wrong, they will not repeat their inappropriate behaviour. This approach has done untold damage to countless children, often resulting in feelings of alienation, entrenched patterns of anti-social behaviour and even acts of violence. The second part of this document considers the distinct differences between punishment as a punitive measure and discipline as an educative and corrective practice.

Educators are given the opportunity to reflect on their own approaches to discipline in order to identify what they are getting right and where they perceive they still need to develop their approach. Educators are not expected to follow the same approach and to adopt the identical measures. There is room within the practice of positive discipline for individuality and creativity. There are many alternatives to corporal punishment, and it is through practice that they will be developed by learners, educators and parents.

Of course, the real challenge lies in the implementation and maintenance of disciplinary measures and procedures that uphold order in schools with understanding and compassion.



It requires energy, insight, consistency and rigour on the part of the educators and commitment and understanding on the part of learners and parents. School communities are empowered through the South African Schools Act to develop their own disciplinary code. The code of conduct is essential to the successful implementation of an alternative to corporal punishment as it sets up the framework and the consequences for misbehaviour in such a way that all parties will have clarity on where they stand with regard to issues of discipline. Such codes of conduct should be adopted with the participation of all parties.

Educators can play a critical role in the transformation and growth of our society through constructive and understanding work with children, by embracing change and working to create a school environment in which learners are safe and respected, where their voices are heard and they are able to learn without fear. Finding an alternative to corporal punishment is not an academic exercise, nor is it just something that must be done because the law demands it; it is ultimately what must be done for the sake of our children - it demands the commitment and passion of educators who care deeply for children and who want what is undoubtedly best for them.

The value of this report, therefore, is not in making out the case against corporal punishment and physical duress. The value is in the social contract it seeks for our schools, to ensure that the positive and constructive discipline that is sought is based on consensus among educators, learners and all who are associated with schooling. It provides an outline of future, reasonable conduct expected from those subject to necessary rules and those who must apply them. I hope that its creativity will convince teachers.

If I have a word of caution for schools it is that in implementing these guidelines, they should not over-complicate matters. They should set clear and agreed limits and simple remedies. They should seek always to carry pupils along with them, every step of the way, in the quest for discipline within an enlightened school vision and code. They should bear fully in mind that we are all now part of a democratic state, and democracy, supremely, implies tolerance and understanding. Such values do not just happen; we must work hard at it to achieve them.

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Minister of Education

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Introduction

Dear Educator

As you know, corporal punishment is against the law. Our Constitution guarantees the right to human dignity, equality, freedom and security. By using physical or psychological means to discipline or punish our children we are taking these rights away from them. Like most other democracies, South Africa has passed several laws that make corporal punishment illegal. This means that any educator who beats a child can be charged with assault and possibly sued for damages by parents.

In a society like ours with a long history of violence and abuse of human rights, it is not easy to make the transition to peace, tolerance and respect for human rights. Schools have a vital role to play in this process of transformation by nurturing these fundamental values in children. Whilst many educators are comfortable with the changes and have managed to identify and implement alternative strategies, others are battling to find alternatives to corporal punishment in their classrooms.

This booklet attempts to help you, the educator, to find more constructive ways of building a culture of discipline among learners: ways which will not only help us move towards a more peaceful and tolerant society, but which will help instill self-discipline in learners and encourage them to realise their academic potential and become mature and independent-thinking adults.

The booklet is divided into the following three parts;

- Part One:** **Why corporal punishment is banned**
- Part Two:** **Alternatives to corporal punishment in the classroom**
- Part Three:** **Disciplinary measures and procedures**

Part One

Why Corporal Punishment is banned

1.1 Introduction

Christian National Education was designed to support the apartheid system by schooling children to become passive citizens who would accept authority unquestioningly. Teachers were encouraged to use the cane during this era as a way of keeping control and dealing with those who stepped out of line. Beating children to discipline or punish them was simply taken for granted in a society so familiar with violence. During the 1970s, however when resistance to apartheid swelled, student organisations began to demand an end to abuse in the classroom and in the 1980s learners, educators and parents formed Education Without Fear to actively campaign against the whipping of children.

At the same time, international thinking about corporal punishment began to change. Increasingly, research showed a direct link between corporal punishment and levels of violence in society. Communities around the world began to see the scrapping of corporal punishment in schools as an important step towards creating more peaceful and tolerant societies. Now, in Europe, North America, Australia, Japan and many other countries, corporal punishment has been banned.

1.2 Legislation banning corporal punishment

After 1994, when South Africa stepped out of isolation and adopted a new, democratic constitution guaranteeing the right to dignity, equality, freedom and security for all citizens, we followed the path of most other democracies by passing legislation to outlaw corporal punishment.

South Africa is a signatory to the **Convention on the Rights of the Child**, which compels it to pass laws and take social, educational and administrative measures to protect the child from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

The **African Charter on the Rights and Welfare of the Child** commits its member countries to the same measures and adds that they must take steps to ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child.

Section 12 of the **South African Constitution** states that: Everyone has the right not to be treated or punished in a cruel, inhuman or degrading way.

The **National Education Policy Act (1996)** says, No person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution.

The **South African Schools Act (1996)** says: (1) No person may administer corporal punishment at a school to a learner; (2) Any person who contravenes subsection 1 is guilty of an offense, and liable on conviction to a sentence which could be imposed for assault.

1.3 What is the definition of corporal punishment?

Any deliberate act against a child that inflicts pain or physical discomfort to punish or contain him/her. This includes, but is not limited to, spanking, slapping, pinching, paddling or hitting a child with a hand or with an object; denying or restricting a child's use of the toilet; denying meals, drink, heat and shelter, pushing or pulling a child with force, forcing the child to do exercise. (www.childadvocate.org.htm)

The United Nations changed its definition of torture in 1982 to include corporal punishment, including excessive chastisement as an educational or disciplinary measure.

1.4 Legal challenge to the banning of corporal punishment

Although most people accept that corporal punishment has no place in school or society, some still believe that to spare the rod is to spoil the child. They argue that their cultural and/or religious freedom is being curbed because they are no longer allowed to discipline children with physical force in their schools. Christian Education South Africa (CESA), an association of 209 independent Christian schools around the country, mounted two unsuccessful court challenges against the state, arguing that the SA Schools Act contravenes the Constitution by outlawing corporal punishment in independent schools as **well as** public schools, and that educators in these independent schools should be allowed to beat children if granted permission by parents. Constitutional Court Judge Pius Langa said in 1995 that, [Corporal punishment] is a practice which debases everyone involved in it ... so close to the 21st Century, juvenile whipping is cruel, it is inhuman and it is degrading. No compelling interest has been proved which can justify the practice. Nor has it been shown to be a significantly effective deterrent ... its effect is likely to be coarsened and degrading rather than rehabilitative.

In April 2000, the Constitutional Court heard the arguments of CESA versus the state again. The court in its judgment ruled against corporal punishment as being anti-constitutional and a violation of the basic human rights upheld in the South African Bill of Rights. It reiterated the duty of the state to take steps to diminish the amount of public and private violence in society and to protect all people, and children in particular, from harm.

In its judgment, it stated that, The prohibition of corporal punishment is part and parcel of a national programme to transform the education system and to bring it into line with the letter and spirit of the Constitution. The creation of uniform norms and standards for all schools, whether public or independent, is crucial for educational development. A coherent and principled system of discipline is integral to such development.

The two largest teacher unions, the South African Democratic Teachers Union and the National Professional Teachers Organisation of South Africa, have given their full support to the banning of corporal punishment and the development of alternative strategies for discipline.

1.5 Some common arguments against the banning of corporal punishment

Some educators believe that:

Children will neither show them respect nor develop the discipline to work hard unless they are beaten or threatened with being beaten. They feel that their power as educators has been taken away from them because they are not able to use corporal punishment.

Corporal punishment is quick and easy. Other methods require the time, patience and skill that educators often lack.

Non-violent approaches to discipline will not have any effect on hooligan learners, particularly when there is gangsterism and violence in a school.

Unless children are beaten, they will think they have got away with wrong doing and will repeat their misconduct.

The banning of corporal punishment has led to a deterioration in the behaviour of learners and bringing back the cane is the only way to restore a culture of learning in schools.

The only way to deal with difficult or disruptive learners with behavioural problems who don't respond to other disciplinary measures is to beat them.

Corporal punishment is a part of their culture or religious beliefs.

Since they themselves experienced no harmful effects from having been beaten as children, there is no reason why they should not use it too.

1.6 Why corporal punishment is not the solution

Extensive research shows that corporal punishment does not achieve the desired end - a culture of learning and discipline in the classroom. Instead, violence begets violence. Children exposed to violence in their homes and at school tend to use violence to solve problems, both as children and adults. Key research findings show that corporal punishment:

Does not build a culture of human rights, tolerance and respect.

Does not stop bad behaviour of difficult children. Instead, these children are punished over and over again for the same offenses.

Does not nurture self-discipline in children. Instead, it provokes aggression and feelings of revenge and leads to anti-social behaviour.

Does not make children feel responsible for their own actions. They worry about being caught, not about their personal responsibilities. This undermines the growth of self-discipline in children.

Takes children's focus away from the wrongdoing committed to the act of beating itself. Some learners brag about being beaten as something to be proud of, as a badge of bravery or success.

Undermines a caring relationship between learner and educator, which is critical for the development of all learners, particularly those with behavioural difficulties.

Undermines the self-esteem and confidence of children who have learning or behavioural problems and/or difficult home circumstances and contributes to negative feelings about school.

Stands in the way of proper communication between the educator and learner and therefore hides the real problems behind misconduct which need to be tackled, such as trauma, poverty-related problems and conflict at home.

Is an excuse for educators not to find more constructive approaches to discipline in the classroom and therefore reinforces bad or lazy teaching practices.

Has been shown to contribute to truancy and high drop-out rates in South African schools.

Is usually used by educators in a prejudiced way. Those learners who are usually beaten most tend to be older than their peers, from poor homes, black rather than white, boys rather than girls.

Helps accelerate difficult or rebellious learners down a path of violence and gangsterism.

1.7 Conclusion

The Constitutional Court judgment draws our attention to the impossibility of ignoring either our painful past when the claims of protesting youth were met with force rather than reason, or the extent of traumatic child abuse practiced in our society today...such broad considerations taken from past and present are highly relevant to the degree of legitimate concern that the state may have in an area loaded with social pain.

South Africa is a country with unusually high levels of violence, many educators (and learners) have to deal with the terrifying and constant threat of gangsterism, assaults on teachers and brutal rapes of schoolgirls. (Department of Education, 2000) Despite these violent realities, corporal punishment continued to be used in schools as a means of discipline. We need as a nation to take note of the conclusive findings of studies that have been done all over the world which have made it clear that it is unlikely that violence will ever be resolved through violence. There is in fact a growing body of international evidence which suggests that corporal punishment can be directly associated with the levels of interpersonal and community violence in a society. The research concludes that a society that aims to decrease levels of social violence should prohibit corporal punishment in schools. (Department of Education, 2000) Finding another way to handle discipline is thus an imperative for educators and ultimately critical for the well being of our nation.

Part Two

Alternatives to Corporal Punishment in the Classroom

It has been established in Part One of this document that corporal punishment is against the law, that it may contribute to growing social violence, that it is harmful to children and that it is in essence anti-educational. But, bearing in mind that:

many teachers have to deal with disruptive learners;
corporal punishment has been part of the history of many learners and teachers;
change is in itself often a difficult process, and;
that discipline is a recognised area of struggle for many teachers,

it is not surprising that there are educators and even parents who find this a difficult shift to make.

There are also those educators who believe that corporal punishment is wrong, but they don't always know what to use instead of physical force or the threat of it to maintain discipline and a culture of learning in the classroom. Discipline is a part of the daily life of learners and teachers, but it is not a simple issue; it demands a great deal of time, creativity, commitment and resources. Read on to explore some of the many constructive alternatives that are available to you.

2.1 Discipline versus Punishment

Before we consider alternatives to corporal punishment, it is important to explore the terms that we are using to talk about discipline. Many people use the words discipline and punishment to mean the same thing. Let us therefore take a closer look at these words and their associated meanings.

Corporal punishment was part of a bigger picture of an authoritarian approach to managing the school environment which was based on the view that children need to be controlled by adults and that measures such as sarcasm, shouting and other abusive forms of behaviour were ways of teaching children a lesson or ensuring that they were so afraid that they never stepped out of line. Many of the measures used to maintain discipline were reactive, punitive, humiliating and punishing rather than corrective, and nurturing.

The other view on managing the school environment is that discipline rather than punishment is used proactively and constructively. In such a system, learners experience an educative, corrective approach in which they learn to exercise self-control, respect others and accept the consequences of their actions.

According to the South African Schools Act, the main focus of the Code of Conduct must be positive discipline; it must not be punitive and punishment-oriented but should facilitate constructive learning. A commitment from educators to the challenge of discipline as a positive, learning process and thus to the underlying values and attitudes of peace, tolerance, respect, dignity and human rights is central to the implementation of this policy. We will therefore, for the purposes of clarity in this document, draw a distinction between discipline which we have already stated relies on constructive, corrective, rights based, educative practices and punishment, which is perceived as punitive, destructive and anti-educational.

2.2 Reflection

So, how does this make a difference to you? Take a minute to think about your own disciplinary practices by reflecting on these questions:

- Do you or have you ever used corporal punishment? Under what circumstances?
- Do you recognise why the change in focus from corporal punishment to alternatives is important?
- Are you willing to put in the extra energy and effort to make these changes?
- How will you deal with those days when it seems that nothing works?

If you have once used corporal punishment as a means of discipline, you are not alone; many teachers have only put away their canes or their wooden spoons since the introduction of the new legislation. Many of them have found or are exploring viable alternatives, whilst others have unfortunately reverted to other means of control through fear and humiliation such as sarcasm, making learners do degrading things like wearing their underwear on their heads or a name tag like I am a stupid boy hung around their necks. These punitive measures still single out the learner in such a way that she or he feels inadequate. For most learners this simply ends up denting their self-esteem even more, increasing their sense of alienation and in all probability entrenches their behavioural problems .

Take a look at the table below. Use it to continue your exploration of your approach to discipline. By exploring and confronting your approach, you may begin to discover the areas in which you could adopt alternatives as well as those areas in which you are using discipline effectively .

Do you use discipline positively or are you using it negatively as a way of keeping order and control?

Examine your approach - read through each of the boxes and put a tick in the box that you think you are most likely to use.	
Positive Punitive, destructive measures	Negative Corrective, constructive measures
Presents learners with possible alternatives - focuses on positive behaviour	Tell learners what NOT to do - often begins with the negative
Focuses on rewarding learners for effort as well as good behaviour	Attempts to control learner s behaviour by punishing bad behaviour
Learners attempt to keep the	Learners follow the rules

rules because they have been discussed and agreed upon Is respectful, dignified as well as physically and verbally non-violent The consequences of breaking a rule are directly related to the learner s behaviour Time out, if used, is open-ended and managed by the learner who determines his/her readiness to gain self-control, i.e. when the learner can return to the learning environment, depends on the learner s agreeing on the terms and then determining when he or she is ready to comply Is based on empathy and an understanding of the individual and his/her needs, abilities, circumstances and developmental stages Recognises that children have an innate sense of self-discipline and can be self-directed Redirects behaviour by selectively ignoring minor misbehaviour using reflection on an incident through give-and-take discussions and so on Mistakes are regarded as an	because of fear, threats or bribes Is controlling, negative and disrespectful. Involves a show of power, through sarcasm, beating, and humiliation The consequences of breaking a rule are often punitive, illogical and unrelated to the learner s behaviour Time out, if used, is meant to isolate and banish a learner for a set period of time. It is managed by the educator The needs and circumstances of learners are not taken into account and responses are thus often inappropriate and unempathetic Regards children as in need of control from an external source Good behaviour is associated with not being caught. Learners only behave so that they don t get caught out and are then punished Minor issues result in constant
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opportunity to learn. Learners are treated with empathy and are given the opportunity to expressed healthy remorse ☐	reprimands or punishment ☐
Behaviour, not learners, is the focus ☐	The learner is criticised ☐

Go back to the beginning of the table and count how many ticks you have in each column: which way do you lean - towards the positive or the negative? Identify ways that you can use discipline more constructively?

2.3 Establishing discipline in your classroom

A classroom climate based on mutual respect within which learners feel safe and affirmed will decrease the need for disciplinary action and develop learner's ability to practice self-discipline. By implementing a proactive approach, teachers can put things in place, which will safeguard the culture of learning, and teaching in their classrooms. Simple things like;

- preparing for lessons;
- exercising self-discipline;
- having extension work available;
- ensuring that teaching and learning happen consistently;
- ensuring that learners are stimulated;
- establishing class rules with the learners;
- making a space for time out or a conflict resolution corner;
- affirming learners;
- building positive relationships with learners;

are all strategies which will set the stage for a positive learning environment and can significantly reduce problems with discipline in the classroom.

Let's explore these ideas on how a positive culture of learning and teaching can be created in more depth:

- **Adopt a whole school approach and make sure that your classroom discipline reflects the school's policies** - discipline is not only a classroom issue, it impacts on the whole school. Classroom and school strategies should be congruent. Create a climate in which these issues are discussed, evaluated and new strategies put in place. Co-operation and consistency among the staff will strengthen whatever individual teachers try to implement in their classes and give learners a sense of security, as they will know what to expect as well as what is expected of them.
- **Establish ground rules** - set class rules with your classes at the beginning of the year; you may choose to re-evaluate them at the beginning of each new term. Make sure that everybody understands the logic behind each rule. Put the rules where they can be seen or give each learner a copy: they could even sign it as an agreement with everybody in the class.

Class rules developed by a group of grade 6 learners:

talk quietly when working in small groups
 Listen when others are speaking - don't interrupt
 co-operate
 share thoughts with one another
 respect other people and their space
 think before you act
 share
 be on time for class
 complete all unfinished class work for homework

- **Be serious and consistent about the implementation of the rules** - the rules should apply equally to everybody in the class. Be fair - it is critical to a relationship of trust between yourself and the learners. Make sure that any disciplinary action is carried out firmly but fairly.
- **Know your learners and focus on relationship building** - build a relationship of trust in which learners feel respected, understood and recognised for who they are. Do things like: remember their names, get to know them, notice who seeks attention and who does not, be sincere, ask how they are if they have been ill, find out about their lives, talk to them, make it clear that you care about them, make time for them. Reach out to everybody, including those who may be part of a clique or a social group, including gangs. Send a message of inclusion and lay the foundation for open communication channels.
- **Manage the learning process and the learning environment enthusiastically and professionally** - your motto should be be prepared . Work for the day should always be well prepared, anticipate that some learners will finish before others and have something for them to do. Make sure that the work is relevant to the learners. Set up a learning environment that is conducive to learning, display learners work or involve them in setting up classroom displays. Be self-critical: if something does not work, consider all the reasons why this may be so, including that perhaps you could have done something differently.
- **Learning materials and methodology** include things like conflict management, problem solving, tolerance, anti-racism, gender sensitivity, and so on in your learning materials as well as in the way in which the classroom is managed. The methodology should provide the opportunity for learners to practice their skills in these particular areas as well as to build a co-operative learning environment in which learners understand the dynamics of working together and are able to give and take in a group situation.
- **Be inclusive** - leaving learners out, not reflecting an understanding of their needs, and so on could alienate them. Use materials, pictures, language, music, posters, magazines and so on that reflect the diversity of the class so that no learner feels left out or that his or her identity is not valued.
- **Give learners the opportunity to succeed** - we've all heard it said that success breeds success . Learners who feel positive about themselves and their ability to succeed will make better learners. Some traditions that have been around for a long time may contribute to some students feeling superior and others frustrated or inadequate. For example, only acknowledging those learners who obtain A aggregates as opposed to those learners who have worked to their best ability and achieved what is for them the equivalent of an A symbol may be frustrating to a learner who worked hard. Take steps to avoid favouritism and celebrate a broad range of student achievement.

- **Allow learners to take responsibility** - provide space for learners to be responsible, whether in the way they conduct themselves in the classroom, running a community project, taking care of a class pet or filling in the class list for the teacher. Being responsible for the day to day events that take place in the class, will develop their sense of self-worth as well as their ability to take responsibility for themselves and their communities.
- **Give attention seekers what they want** - attention! It is unlikely that learners who seek attention are going to stop doing what they are doing because they are being ignored. It is even more improbable that negative attention like being shouted at or responded to with sarcasm will stop them or impact positively on their behaviour. If a learner constantly seeks attention, albeit negatively, seek out ways that you can engage with him or her in a positive way, even if it is through simple strategies like giving them a task to do, sending them out of the room for a few minutes on an errand, or giving them responsibility for something or anything else that will acknowledge them.
- **Use professional assistance** - if there are learners who display particular difficulties in the classroom such as issues of socialisation, learning barriers, emotional difficulty, distress, aggressive behaviour, bullying and so on, seek help from your colleagues and if necessary from professionals such as psychologists or community counsellors.

A well-managed learning environment in which proactive strategies are put in place will reduce the need for disciplinary measures significantly. It will, however, not eradicate it. Tony Humphreys reminds us that discipline is part and parcel of human relationships and that it is vital to see it within that dynamic social process. (A different kind of discipline, 1998, p8) It is therefore important to put additional strategies in place, which preempt disciplinary situations that may arise so that they can be managed consistently with a minimum amount of disruption and stress.

2.4 Keeping discipline going in your classroom

Adopting a non-violent constructive approach to discipline does not mean that everybody will suddenly be using identical approaches. Although the law commits all educators to finding alternative ways of disciplining learners within a human rights based framework, everybody will not do this in the same way. Some educators might find that they use a number of different styles according to who they are, how they perceive the learner and his or her needs and their reading of the situation. Others might find that they feel most comfortable within the certainty of one particular style.

In the following section, we will consider four broad approaches to discipline. Read through each of them and try to identify where you would locate yourself.

Three boxes have been provided for your responses.

The key is

1 - sometimes; 2 - always; 3 - never

The Democrat

Involves learners in the developing and keeping of rules:

In the classroom learners are consulted on issues that arise between themselves and the educator.

Emphasis is placed on participation of all learners as the rights and responsibilities implicit in disciplinary codes.

The development and implementation of disciplinary codes and the consequences of breaking the code are a whole school process involving learners, educators, parents and other role players.

Do you use this as part of your approach?

1	2	3
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Strategies for Democratic Discipline

Democratic discipline place emphasis on the process which is based on participation and involvement. Procedures could include, allowing learners to explore their own ideas and feelings about behaviour, involving them in the development of code of conduct, agreeing on the consequences of good and bad behaviour, ensuring that the code fits with other school processes, involving parents and revisiting the process, evaluating it and changing things if necessary.

Democratic strategies of discipline are designed, to teach, to encourage students to respond for intrinsic and moral reasons, to let students know that they are cared for and that they must learn to care for others. Emphasis is given to sharing standards, customs, mores, agreement, values and commitments. Instead of striking behavioural contracts, the emphasis is on teachers and students together developing a social and moral constitution that spells out what is right and good for the community, what each member of the community can expect from others, and what each member must give in return. As a school moves toward democratic approaches, do s and don t that manage behaviour are exchanged for rights and wrongs that teach lessons about caring, citizenship and community. With a social and moral constitution in place, teachers can respond to disciplinary problems as follows:

The Event	What is happening? What is the student doing (not doing) that is causing a problem?
The Social Contract	What are our agreements? What are our commitments to one another, to the class, to the school? What does the class suggest the consequences of actions should be?
The Moral Connection	Why is what happening that is wrong? How has the standard failed?
Next Steps	What must be done to fix things up? What natural consequences will be endured? For grave infractions, what rational consequences must be endured?
Revisiting Commitments	Looking ahead, what are our commitments to one another and to this community? (Department of Education)

The Community Builder

Things beyond discipline to the issues that impact on the building of a community.
 Takes a holistic approach to create a classroom based on commitment, respect, care and dignity.
 Believes that through this process, discipline as something outside of the learner will be replaced by self-discipline .

Do you use this as part of your approach?

1	2	3
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Community building strategies

Community disciplinary processes challenge educators to think about the assumptions they make about the classroom and what they expect of learners. What it suggests is that the child might not be acting up the expectation or the environment (amongst others) might in itself be the problem.

There is no prescribed way of developing a classroom into a community. Department of Education documents on discipline (2000) give the following extract from Kohn to describe how this approach actually works in the classroom. ...care and trust are emphasised above restrictions and threats, where unity and pride (of accomplishment and purpose) replace winning and losing, and where each person is asked, helped and inspired to live up to such ideals and values as kindness, fairness and responsibility. (such) a classroom community seeks to meet each student's need to feel competent, connected to others and autonomous...Students are not only exposed to basic human values, they also have many opportunities to think about, discuss and act on those values, while gaining experiences that promote empathy and understanding of others.

The suggestions given in the Department of Education Document (2000) on establishing such a community are the following:

- **It takes time** : developing a spirit of community does not happen immediately or through some kind of blueprint or step by step procedure.
- **Respectful adults**: children are more likely to be respectful when they themselves feel respected by the adults who work with them. They are also more likely to show care for others if they feel cared for .
- **Communication**: teachers are authentic and unpatronising. They explain to learners what they are doing and why they are doing it. They ask learners for their opinions and are sincerely interested in their responses. Learners needs are met through open communication with their teacher who takes time to listen and enjoy private conversations with them.
- **Facilitate connection between learners**: Situations in which learners share with the rest of the class aspects of their identity so that they can build on their knowledge and understanding of one another . In that way relationships of respect are built.
- **Class-wide discussions**: The class as a community discusses together issues which affect them as a community.

- **Conflict resolution**: conflict is a natural part of life and according to educators who subscribe to this type of process, facilitates learning around the values, attitudes and skills associated with conflict resolution.

Community service can be employed as a disciplinary measure, the rationale being that, if one takes away from the community, it is right that one should put something back into it, this can be a very constructive process for learners.

The Behaviourist

The premise on which this school of thought is based is that people learn most effectively when their behaviour is reinforced by reward or by recognition. The behaviourist uses behaviour modification as a strategy by placing emphasis on:

Clear and consistent rules and expectations;
Clear and consistent consequences;
Thoughtful and strategic positive reinforcement; and,
The modelling of good behaviour.

Do you use this as part of your approach?

1	2	3
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Strategies for behavioural modification

1. **Setting expectations** according to Porteus and Vally, children like and need rules as long as they are clear and make sense. These rules should be based on the core values of classroom such as safety, respect, kindness and so on. Too many rules become confusing and inhibiting: make sure that rules provide a balance between structure and freedom.
2. **Positive reinforcement** behavioural strategies emphasise the importance of the reinforcement of positive behaviour. Children who behave in positive ways are given a positive response that encourage them to repeat this behaviour. Bad behaviour is prevented. The child's bad behaviour is observed by the educator who identifies triggers and thus finds strategies for diverting the bad behaviour before it becomes entrenched.
Some examples of positive reinforcement are as simple as a smile, praise, public acknowledgement, and so on. This system works most effectively when there are privileges attached to good behaviour. Reward systems may include things like star charts, badges or classroom awards.
3. **Consistent consequences** learners should know what the consequences of bad behaviour will be. The application of these consequences on the part of the teacher should be consistent. Consequences may include:
 - **Withdrawal of privileges** create activities the learner enjoy and are regularly part of when they behave well take away the privilege of being involved when there is a behavioural issue.
 - **time out** this strategy involves the removal of the learner from the situation in which he or she is unable to exercise self-discipline to a cooling down place. The space

used should encourage contemplation and self-reflection. Often there is a expectation of the learner to fulfil certain criteria before being able to leave this space and to communicate with the educator that he or she wishes to participate in the class activities once again and that the rules will once again be adhered to.

- **Daily reports** this is a system that gives learners the opportunity to reflect on their bad behavioural patterns and to give them on a daily basis to improve and receive reinforcement for that improvement. The teacher explains to the learner that he or she is going onto a daily report system and explains why. The form used is shown to them and the procedure of having it filled in by every teacher is demonstrated. at the end of the school day, the teacher and the learner look at the report together and discuss the entries. The report is then taken home and signed by the parents. The child starts the process again the next day. The system is stopped once the child has a clear sheet for three days.

4. **Model good behaviour** the teacher has the responsibility of being a living example of the kind of behaviour that is expected. This is based on the idea that children learn from role models. for example, if a child grows up with violence, he or she is likely to resort to it as a way of responding to difficulty. On the other hand, if they are met with a model of compassion, patience and understanding, they are more likely to adopt these behaviours for themselves.

The Emphathiser

Responds to the whole child and tries to see things from his/her poin of view. Might even overlook minor behavioural issues in order to avoid alienation does not waste time making silly rules that lend themselves to being broken regards behavioural issues as a reflection that the learner:

Is facing problems at home;
Has a learning barrier;
Is struggling with the learning environment or with teaching methods;
May feel alienated for a number of reasons.

Do you use this as part of your approach?

1	2	3
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Practical strategies

This approach is based on the idea that behavioural problems are rooted in practical real life issues faced by learners and that there is no quick fix for these problems. An educator who uses this approach will try to find out what problems underlie the child s behaviour .

The Department of Education Document (2000) cite Sonn (1999) on the common origins of behavioural problems. They include, issues such as:

family conflict;
Poverty in the home leading to stress and tension;
Violence in the neighbourhood and fear for personal safety in the home;
Racism, sexism, ageism and other forms of discrimination;
inability to cope with the physical and emotional changes of adolescence;

Unmet special learning needs;
 Bullying and intimidation either within the school or outside;
 Being ridiculed in class;
 Being different (accent, culture, religion) and then ridiculed or isolated at school;
 Death or divorce in the family.

The focus on the social and psychological causes of difficult behaviour provides important practical solutions to a wide range of discipline problems. It places emphasis on the early identification of learning barriers and social challenges, and the provision of, appropriate support and services to learners. In order to successfully begin to identify problems, an educator must be increasingly curious about the behaviour, personality, and life circumstances of each child. Being alert to each child, (Department of Education 2000) combined with the seeking out of information and help on the part of the teacher will result in the identification of a wide range of problems facing young people today.

Educators is not expected to be psychologists. They are, however, in a position where they work most directly with learners and should therefore be in touch with their behavioural problems. Their role is to understand the nature of the problem and to be able to identify appropriate help. In communities where support services are not available, a suggestion is that the educator has an even deeper responsibility to access the best programme forward in the face of scarce resources.

(Department of Education, 2000)

Part Three

Disciplinary measures and procedures

3.1 Code of conduct

Creating a positive learning environment by developing an incentive-based system that rewards good conduct and encourages self-discipline will go a long way towards lessening the need for disciplinary measures. However, when a learner misbehaves or is guilty of misconduct, disciplinary steps do have to be taken.

Disciplinary procedures to be followed by the school must be set out in the code of conduct drawn up by the school governing body. In terms of the South African Schools Act, each school must draw up its own code of conduct. This is an important part of the democratisation of education in South Africa, as it allows the school community to define its own needs and to design a disciplinary code that everybody owns. If the school does not have a code of conduct, the guideline code of conduct supplied by the provincial department or the national department must be used. Only Gauteng and Northern Cape provinces have so far drawn up guidelines for a code of conduct for schools.

Although codes of conduct drawn up by individual schools must not contradict the provincial or national code of conduct, which embraces the values enshrined in the Constitution and SA Schools Act, they should meet the unique needs of the school. The code of conduct is as much about the school's values, ethos and mission as it is about rules and regulations. It should be a positive document. The school governing body must draw up the code of conduct after an open and democratic process of consultation and negotiation with educators, learners and parents. All members of the school community should feel ownership of the code of conduct by playing a role in putting it together. The code of conduct should be displayed at the school and all learners should be familiar with it and comply with it.

3.2 Ethos governing the code of conduct

The code of conduct should be based on an ethos that is congruent with the South African Constitution, relevant legislation, and the vision and mission of the school. It should therefore:

- reflect the rights AND responsibilities of learners, educators and parents (see box).
- provide guidelines for conduct and set standards of moral behaviour.
- promote self-discipline and constructive learning.
- be based on mutual respect and tolerance.
- give learners a clear picture of what they should or should not do, which channels of communication they should use, as well as grievance procedures and due process to follow in the event of misconduct, for example, a disciplinary hearing.

3.3 Scope of the code of conduct

The school community needs to have a clear understanding of when the school code of conduct comes into effect. The code of conduct must be adhered to on school property before, during or after school hours and at all school events, both on and off school property. If the learner is wearing school uniform and is outside the school property but in view of the public, the code of conduct must also be complied with.

Areas to be covered in a code of conduct should include:

Area	Example
1 Introduction and preamble	Constitutionally, children have the right to education. Recognising that effective, skills-base, holistic education depends on a school environment in which there is a culture of learning and teaching, this right to education cannot be separated from the responsibilities of learners towards their own education and the rights and responsibilities of educators, parents and the wider school community. Junior School, strives to promote a professionally maintained educational environment which is founded in non-violence, and which upholds the principles of consensus, co-operation and tolerance.
2 The school's vision	...is a happy, stable, caring school creating a sense of belonging in all of its members. Maintaining a progressive, pro-active approach to our responsibility to building a nation, we provide an excellent standard of education. We integrate academic, cultural and sporting endeavours, spiritual and emotional development, and social awareness.
3 The Mission Statement	At we are committed to: - Creating a happy, safe, stable, caring environment through mutual dignity and respect - Maintaining a warm family identity - Providing relevant, meaningful and challenging education and staying ahead of educational developments - Communicating openly with all partners - Encouraging responsibility towards the community and the environment
4 Aim of the Code	The aim of the Code of Conduct is to maintain the disciplined and purposeful school environment that exists at Primary School. It is dedicated to the maintenance and improvement of the quality of the learning process through the refinement of the culture of effective learning and teaching as espoused by our Mission Statement.
5 The rights of learners	Every learner has the right: - to be treated fairly and the responsibility - to show respect to others - to be taught in a safe and disciplined school environment and the responsibility to uphold - school security and be co-operative

	to be treated with respect by the school community regardless of personal, cultural, racial, religious or other differences and the responsibility to be tolerant and considerate of others and their beliefs to express opinions politely and the responsibility to listen to and be tolerant of the opinions of others to security of oneself and one's possessions and the responsibility to respect others' personal safety and property and not damage or steal it to basic learning materials and the responsibility to look after school property to work in a clean and healthy environment and the responsibility to ensure that the school premises are kept clean and are not damaged or defaced to proper tuition, regular feedback and promptly marked assignments and the responsibility to take charge of his or her work and completing of projects and homework on time to punctual and consistent lessons and the responsibility to attend them on time
6. The rights and responsibilities of educators with regard to learners	Conduct themselves in a professional and responsible way Not use abusive language or behave in an abusive way Be punctual and report regularly for school and classes Be well-prepared for teaching their classes Mark homework and assignments within a reasonable time frame Respect all people and property Encourage an atmosphere of effective learning and teaching Plan flexible lessons that address the varied and special needs of learners Follow the rules, procedures and codes of conduct of the school, government and South African Council of Educators Ensure regular communication with parents and encourage their participation in school affairs
7. The rights and responsibilities of parents with regard to learners	Parents must make sure that: Their children go to school every day and are punctual Academic reports and follow-ups are forthcoming The rights of their children to learn are upheld Their children follow the rules and codes of the school

	Their children are healthy, clean and neat They tell school authorities about any problem concerning their children or other children/people in the school They don't use abusive language or behave in an abusive way They discuss reports, homework and assignments with children They supply their children with the basic resources needed for school work and homework They become involved in the school's activities They pay school fees determined by the school governing body They provide the school with their children's original birth certificates, previous reports and residency permits (if they are not South African citizens) if the school requests this information They have the right to participate in the life of the school as provision is made for the democratic governance of schools (SGBs)
8 School Rules, Regulations and Provisions	Time-keeping/absenteeism These include abiding by school times, following procedures set by the school for absenteeism, medical appointments etc Dress code and appearance Uniform requirements and rules relating to appearance such as length of hair, no jewellery allowed, etc - this code should be agreed to by all role-players and may in no way contravene provision made in the Constitution for freedom of expression Miscellaneous Rules relating to, for example, cleanliness of classrooms and school, bringing possessions to school, consuming food, breaking school equipment Medical treatment and emergencies Procedures for illness and medical emergencies Textbooks and stationery When textbooks are issued, who owns them, what procedures must be taken if they are damaged or lost Reports on academic progress When reports are issued, parental responsibility regarding signing of reports

	Meetings and communication Compulsory and voluntary meetings between educators and parents, the school governing body and other school or parent committees School fees When fees must be paid, notice of the withdrawal of child a from the school Discipline and punishment The purpose of discipline and punishment should be constructive and not destructive; (see p) educative rather than punitive. The aim of discipline should be to educate and nurture values of tolerance, respect and self-discipline in the learner rather than to victimise, seek revenge or belittle him/her .
9. Infringement of the code of conduct and school rules	Levels of misconduct The school code of conduct should identify different categories of misconduct or misbehaviour and grade them according to how serious they are. Educators, learners and parents need to be clear on when action will be taken, who will take action and what actions will be taken for each different category. (see pages 25 27)
10. Jurisdiction and scope of the code of conduct	This code of conduct is in force: - On school property, prior to, during and following regular school hours - At all official school events, both within and outside the regular school hours where such school events are held under the auspices of the school management structures - At all official school events which are held off the school property At all times when the learner is dressed in the school uniform and is recognisable as such both o the school property or in the public view outside the school
The information in this table is based on three sources: Alexander Road High School Code of Conduct, Sacred Heart College R & D and Barnato Park High School.	

3.4 Dealing with misconduct

The Communication process

See Annexure A

Level 1 - misconduct inside the classroom

Failing to be in class on time, bunking classes, failing to finish homework, failing to respond to reasonable instructions, being dishonest with minor consequences.

Examples of disciplinary actions for misconduct inside the classroom - Carried out by class educator

- Verbal warnings;
- Community service;
- Demerits - losing credits which have already been gained;
- Additional work which is constructive and which possibly relates to the misconduct;
- Small menial tasks like tidying up the classroom;
- Detention in which learners use their time constructively but within the confines of the classroom i.e. they cannot participate in extra-mural activities or go home.

Level 2 - misconduct by breaking school rules

Frequently repeating Level 1 misconduct and not responding to disciplinary measures taken by the educator, smoking or carrying tobacco, leaving school without permission, using abusive language, interrupting education in the classroom, showing disrespect for another person, engaging in minor vandalism like graffiti, being dishonest with more serious consequences.

Examples of disciplinary action for misconduct which breaks school rules - Carried out by higher authority such as the head of department:

- Any of the disciplinary actions listed above;
- Disciplinary talk with the learner;
- Talks with learner's parents or guardians;
- Written warnings;
- Signing contract with learner who agrees to improve;

Daily report taken by learner and signed by all educators;
Performing duties that improve the school environment such as cleaning, gardening or administrative tasks.

Level 3 - serious misconduct or serious violation of school codes

Frequently repeating Level 2 misconduct, where action taken by school authorities is considered ineffective, inflicting minor injury on another person, gambling, being severely disruptive of classes, forging documents or signatures with minor consequences, using racist, sexist or other discriminatory behaviour, possessing or distributing pornographic, racist or sexist materials, possessing dangerous weapons, theft, vandalism, cheating during exams.

Note: If the principal has good reason to suspect a learner of carrying drugs, stolen property, weapons or pornographic material onto the school property, the principal or an educator may search him/her. A person of the same sex must conduct the search in private and the dignity of the learner must be respected.

Examples of disciplinary actions for serious misconduct carried out by the principal or referred to an outside agency for counselling:

- Any of the disciplinary actions listed above;
- Written warning of the possibility of suspension from the school;
- Referral to a counsellor or social worker;
- Community service, once permission is granted by the provincial education department.

Level 4 - very serious misconduct or very serious violations of school codes

Repetition of Level 3 misconduct where disciplinary action has been ineffective, threatening another person with a dangerous weapon, causing intentional limited injury to another person, verbally threatening the safety of another person, engaging in sexual abuse such as grabbing, engaging in sexual activity, selling drugs, possessing or using alcohol or drugs or being drunk or under the influence of narcotics, disrupting the entire school: for example, boycotting or staging a picket without consent, forging documents or signatures with serious consequences.

Examples of punishments for very serious misconduct - Carried out by the principal or the school governing body together with the provincial education department

- Any of the disciplinary actions listed above;
- Referral of learner to an outside agency for counselling;
- Application to the provincial education department for limited suspension from all school activities.

Level 5 - criminal acts which not only violate school codes but which breach the law

Repetition of Level 4 acts, intending to inflict major physical injury on another person (assault), intentionally using a dangerous weapon, sexual harassment, sexual abuse and rape, robbery, major theft, breaking and entering locked premises, murder.

Examples of disciplinary actions for criminal misconduct - Carried out by the principal and the school governing body together with the provincial education department:

Application to the provincial education department for expulsion or transfer of the learner from the school;

Allow for criminal or civil prosecutions which may follow, given that the misconduct is of a criminal nature.

Suspension and expulsion

After a fair disciplinary hearing (see below) the school governing body may suspend a learner from attending school either as a punishment for no longer than one week or pending a decision made by the head of department as to whether the learner should be expelled from school or not. The learner may be expelled from a public school only by the Head of Department (HoD) and only if found guilty of serious misconduct after a fair hearing. The learner at a public school or his/her parent may appeal against expulsion to the provincial MEC for education. If the learner is expelled, the HoD must find an alternative school for him/her.

Disciplinary hearing or tribunal

This is similar to a court case held at a school, but it is not a court of law. A hearing takes place when very serious misconduct occurs. The principal must refer the problem to the school governing body, without at this stage mentioning the name of the learner. The school governing body must make arrangements for a disciplinary hearing. It has to guarantee the learner a fair hearing, otherwise its decisions may be challenged. It may not contravene the Bill of Rights, the Constitution and the provincial education department's regulations. Before the hearing, the SGB must appoint one or two people to check whether the case is serious enough to warrant the hearing. If the SGB decides to go ahead, it must appoint in writing a tribunal of three people to the hearing. These three people do not have to be members of the SGB. They may be outsiders, such as a retired school principal, a church minister or a magistrate, but they must be neutral and in no way involved with the problem. The tribunal or disciplinary committee must follow due process in conducting the hearing.

Due process for the hearing

The members of the tribunal must not know beforehand about the details of the problem and must draw their conclusions on the basis of the evidence put before them during their own investigation of the learner's misconduct. The recommendations they make to the SGB must include disciplinary or corrective steps to help the learner stop his/her unacceptable behaviour.

The principal must communicate the charges brought against the learner in writing and must inform the learner and his/her parents at least five days before the hearing of the date, time and venue for the hearing. The principal must also warn the learner and his/her parents that the hearing could result in the learner's expulsion or suspension from the school.

The learner and his/her parents must be told that they have the right to bring evidence to the tribunal and that the learner or his/her representative has the right to tell his/her side of the story. The tribunal does not have the right to exclude lawyers from the hearing.

The learner charged with misconduct and his/her parents may attend the hearing but cannot be forced to give evidence.

Witnesses may be called and anyone at the hearing, including the learner and/or the parents, may question such witnesses. However, this must be done in a fair way and the learner who stands accused always has the right to reply.

All participants at the hearing must have access to all documents presented. These can include written statements, school records, character references, etc.

Everything said at the hearing must be recorded word for word. Tape or video recordings may be made.

The accused learner and his/her parents have the right to make statements in mitigation, in other words, to give explanations for what has occurred and to ask the tribunal members to be lenient in their decision.

After the hearing, the tribunal or hearing committee must make its recommendations to the SGB. The SGB does not have to accept these recommendations and it may refer some matters back to the tribunal.

(Sources: Sacred Heart College R & D, Barnato Park High School)

3.5 Developing your own disciplinary code

We will now consider five steps to follow when establishing a disciplinary code in your school.

See Annexure B

PUTTING A DISCIPLINARY PROCEDURE IN PLACE

STEP 1:

Think about the general purpose of education and what your school's overall aims and outcomes are. Develop a vision for your school which supports the achievement of these aims and outcomes.

Use these questions to help you to complete step 1:

- What is the purpose of education?
- What are your school's overall goals with regard to education?
- Does your school have a vision? What is it? Is it a shared vision? Does it relate to your ideas on the purpose of education?
- How does the vision for your school impact on the day to day life of the school?
- Does your school have a mission? Is it a shared mission? What does it say?

STEP 2:

Once the vision and the mission of your school are in place, you are ready to plan a disciplinary code by setting goals and developing ways to meet those goals. Make sure your disciplinary policy is in line with the overall vision and mission of the school.

Use these questions to help you to complete step 2:

- What role does discipline play in the daily life of your school?
- i.e. what happens in the school environment at the beginning of the day, at the end of the day, on the sports field, in the classroom?
- What do you want your discipline policy to achieve?
- Does your current disciplinary code match the school's overall vision?
- Are the vision and the mission for the school in keeping with the Constitution, other relevant legislation and policy documents?
- Does your disciplinary policy reflect these values?
- How will the school community (parents, teachers, learners) benefit from this policy?
- How will the policy affect the way you manage your classroom?
- How will you know if your strategy is working?
- How will you evaluate your goals and plans?
- What action plan will you have to put in place to ensure that your policy is implemented?

STEP 3

The implementation of a disciplinary policy needs to be supported by school structures and procedures. Decide which structures these should be and what role they should play in dealing with discipline, i.e. how will decisions be made, who will be accountable to whom, what responsibilities the structures will have, what communication procedures will be used, how activities will be co-ordinated and what rules will govern these activities.

Use these questions to help you complete step 3:

- Which structures do you need to have in place to deal with discipline?
- Who should be represented on these structures?
- Who will make decisions? How will they be made?
- Who will be accountable to whom?

How will the broader school community be involved in the process?
 Which structures are already in place? Do you need to add or take away anything?
 Can the present leadership and management style cope with the disciplinary policy?
 Does the policy allow for shared leadership?
 Is part of the strategy to develop the leadership capacity of all role players?

STEP 4

Does the school have the physical resources it needs to implement the disciplinary policy effectively? For example, if one part of your policy is to keep in touch with parents, are there ways of getting in touch with parents, do you have up to date records, are there ways that parents can reach the relevant people, do you send home regular communications?

Use these questions to help you complete step 4:

What technical resources do you need to implement your policy?
 What technical resources do you have? What is missing?
 How can you obtain the resources you need?
 Who will take care of the resources?

STEP 5

Implementation and evaluation - all the planning has been done, you are now at the stage where you can implement (activate) your disciplinary procedure. It is essential that you keep evaluating its effectiveness by checking the responses of learners, parents and teachers and of course, monitoring its impact. You might find that you have to revisit step 1 or make some minor adjustments if it is not working well. Evaluation should be an ongoing part of your disciplinary code and procedure, as that which works well for a time, can always be improved.

Use these questions to help you complete step 5:

Does everybody know what is expected of him or her?
 How is the implementation process working? Do a check with teachers, administrators, learners and parents.
 Are the effects of the policy apparent? I.e. is there a change in the culture of learning and teaching? Negative? Positive?
 Evaluate instances where more serious procedures were used by getting feedback from role players on the process and its impact.

How will the broader school community be involved in the process?
 Which structures are already in place? Do you need to add or take away anything?
 Can the present leadership and management style cope with the disciplinary policy?
 Does the policy allow for shared leadership?
 Is part of the strategy to develop the leadership capacity of all role players?

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 Who will take care of the resources?

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