

**Suspension Policy at St John’s College**

1. **Preamble**

1.1 In addition to being subject to all the provisions of the Bill of Rights, independent schools are affected by the provisions of the SouthAfrican Schools Act, No. 84 of 1996 as amended. While this statute, per definition does cover all schools in SA [see definition of “school” in S1], it is clear that most sections of the Schools Act are not intended to regulate the activities of independent schools. The only exceptions to this exclusion are chapter 3 (“Independent Schools” S45 to S50), Section 53 (Transition provisions) and Chapter 7 (General Provisions: S58 to S64) which are applicable to independent schools.

1.2 The Schools Act’s Sections 8 / Code of conduct for pupils; 9 / Suspension and expulsion from public school and 10 / Prohibition of corporal punishment, are not technically applicable to pupils at registered independent schools. St John’s does, however, meet all the provisions of “good practice” through its own school-specific pupil discipline policies and procedures.

2. Exclusions (Suspensions or expulsions) from any independent school fall into the two broad areas:

2.1. **Exclusion for non-payment of fees**

The Business Manager of the school and his staff manage this process.

A school may exclude (suspend or expel) a pupil when fees are not paid, because the parents have broken the legal contract to pay fees. Best practice dictates that adequate warning must be given, especially before year-end exams.

2.2 **Exclusion on grounds of contravention of the rules** (Disciplinary suspension)

The Disciplinary Council panel and/or Boarding Housemasters manage this process.

An independent school has the right to exclude (suspend or expel) pupils who are in contravention of the rules as long as the school adheres to the “principle of procedurally fair practice or conduct”, which it does (“Disciplinary Code at St John’s College”).

This takes three forms:

2.2.1 **Pending a hearing:**

2.2.1.1 Suspension of the pupil from School activities pending the conducting of a formal hearing (i.e. if expulsion is a possible outcome) should ordinarily not be of a duration that would prejudice the educational rights of the pupil.

2.2.1.2 The disciplinary hearing should therefore be conducted as soon as possible after the suspension of the pupil takes effect. It should also be clearly indicated to the pupil / parents that this suspension is not a form of punishment, and is a practical arrangement to remove the pupil, temporarily and in the best interests of the School, the pupil and other pupils.

2.2.1.3 If the pupil was suspended prior to a Disciplinary Council hearing, and the DC recommends a period of suspension after hearing the case, the suspension period preceding the hearing will be considered as part of the suspension already served.

2.2.1.4 If the pupil has been suspended pending the completion of the hearing process, the submission of an appeal will not affect the suspension which will remain in effect until the appeal process has also been concluded. In the case of any other formal disciplinary action being imposed by the hearing Chairperson, the imposition of such action will be held in abeyance pending the appeal process.

2.2.2 **As a penalty:**

2.2.2.1 In exceptional cases, extended suspension from class or from School activities may be acceptable (and possibly appropriate in certain limited circumstances) as a severe form of punishment, and ONLY as an alternative to expulsion of a pupil by the School.

2.2.2.2 Suspension as a penalty can therefore only be agreed upon once a disciplinary hearing has been conducted, and the pupil has been found guilty of serious misconduct. In addition, an extended period of suspension should not be of such duration as to jeopardise the educational interests of the pupil. Such an extended and prejudicial suspension may then well lead to (justifiable) challenge on Constitutional rights grounds.

2.2.2.3 The pupil has the right to appeal against any a decision of expulsion or suspension made by the Disciplinary Council, within 5 days of the hearing’s outcome being communicated. The Appeals Committee shall consist of the Headmaster who will be assisted by two senior staff appointed by the Chairman of the Disciplinary Council.

2.2.3 **Exclusion (suspension or expulsion) from Boarding**

The Boarding Housemasters motivate this action to the Disciplinary Council, which is the body authorised to exclude pupils.

Boarders who are suspended from boarding only are still allowed to attend school as a dayboy. No reduction in school fees will be granted for the period of the suspension.

As in all suspension cases, boys are issued with a final warning applicable to boarding, and they may lose the option to board if they again have to appear before the Disciplinary Council on charges relating to a transgression of the boarding regulations.

Pupils who are suspended or expelled from boarding by the Disciplinary Council do have the right to appeal against that decision to the Headmaster’s Appeal Committee.

2.3 Although it is impossible to list every possible infringement for which the Disciplinary

Council would recommend suspension, a general consideration would be that expulsion would be too harsh a punishment for a first offense, but appropriate if the offence was repeated.

Discipline must, wherever feasible and effective, be applied progressively. Informal action for minor transgressions is generally applied at educator level, without a formal investigation being necessary. Repeated committing of a minor, similar or related offence will however result in progressively more severe and formal action being taken; particularly where a clear pattern or behaviour trend is indicated by the learner’s continued misconduct. This could lead to the pupil’s exclusion.

Notwithstanding the principle of progressive discipline, a serious first offence may justify a formal and severe penalty, and mitigate against the imposition of a lesser form of action.

In every case, however, the unique circumstances and the degree to which a boy has participated in the offense must be taken into account.

3. **Consequences of suspension**

3.1 Suspended pupils (with the possible exception of Matrics – see 3.6 below) are not permitted to be on the school property at any time during the period of their suspension. They are therefore excluded from all academic, sporting, cultural, spiritual and social activities at the school. In addition, they are not permitted to attend any academic, sporting or cultural activity at any other school where St John’s College is participating.

3.2 Where the nature of the academic work allows it, teachers are expected to forward notes and other information such as required reading to the suspended pupil for the duration of his suspension. This work may be sent electronically, via a fellow pupil or left at Reception for a family member to collect. Suspended boys are expected to complete all exercises and work sent home and to produce it on their return after suspension. Suspended pupils are expected to keep up to date with all classwork and produce evidence of this on their return.

3.3 On his return from suspension, the onus is on the pupil to ensure that any aspects of the curriculum which he has missed and requires clarification is caught up. He may approach the various Heads of Departments, attend regular consolidation lessons or arrange private tuition in order to do so.

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3.4 Any written test which is scheduled during the period of the pupil’s suspension must also be forwarded to the pupil (once his class has written it) in order for him to complete it at home as an exercise. The memorandum, where possible, must also be sent and the pupil must be encouraged to write and mark the test himself. Teachers are not expected to mark work done at home by suspended pupils, and are also not required to set an ‘alternative’ test for a suspended pupil to write on his return. In order for the academic staff to report as meaningfully as possible on suspended boys, and to ensure that a boy is not unreasonably advantaged or disadvantaged through missing tests written during his suspension, teachers will provide an accurate estimate of his ability based on his ranking within the class in previous tests.

3.5 Where a suspended pupil forms part of a group assessment task, the teacher must ensure that the other members of the group will not be penalised by the absence of one of their members by making an informed adjustment of the requirements of the task.

3.6 If the suspended pupil is in Matric, he will be allowed to come to school to complete any assessments which form part of his SBA portfolio. However, he may not wear any part of the school uniform and will complete his assessment in a separate venue to the rest of his class. The school will arrange a member of staff to supervise such assessments. Once he has completed his assessment, he is expected to leave the property immediately.