

REGULATIONS RELATING TO DISCIPLINING, SUSPENSION AND EXPULSION OF LEARNERS AT PUBLIC SCHOOLS IN THE WESTERN CAPE

Under the powers vested in me by section 61(2) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), I, PENELOPE ANN VINJEVOLD, Head of the Western Cape Education Department, hereby delegate the powers vested in me by the Regulations relating to the disciplining, suspension and expulsion of learners at public schools, as published in Provincial Gazette Extraordinary 5190 dated 31 October 1997, as set out hereunder, to the holders of the posts as indicated opposite each power. When an official acts in a higher post, the rule applies that the powers attached to the higher post, are entrusted to him or her.

SECTION	EXECUTIVE POWER	DESCRIPTION OF POWER	CURRENT DELEGATION	PROPOSED DELEGATION	SPECIFIC CONDITIONS (IF ANY)	MOTIVATION	REMARKS
2(5)	HOD	If disciplinary proceedings are not conducted within seven school days after the precautionary suspension of the learner, the governing body must obtain the approval of the Head of Department for the continuation of this suspension of such learner.	HOD	IMG MANAGER	N/A		
8(3)	HOD	The Head of Department must consider the recommendation by the governing body and must decide whether or not to expel a learner within 14 days of receiving such recommendation.	HOD	HOD	N/A		
8(4)	HOD	If the Head of Department decides not to expel the learner, the Head of Department may, after consultation with the governing body, impose a suitable sanction on the learner, which must be implemented by the governing body.	HOD	HOD	N/A		

8(5)	HOD	If the Head of Department decides not to impose a sanction on the learner, the Head of Department must refer the matter back to the governing body, for an alternative sanction in terms of the school's code of conduct contemplated in section 8 of the Act.	HOD	HOD	N/A		
10(1)	HOD	If a learner who is subject to compulsory attendance in terms of section 3 of the Act is expelled from a school, the Head of Department must make an alternative arrangement for his or her placement at a school.	HOD	DISTRICT DIRECTOR	N/A		
10(3)	HOD	If a learner has appealed in the manner contemplated in regulation 9(1), such learner must, pending the outcome of the appeal, be given access to education in the manner determined by the Head of Department after consultation with the principal.	HOD	DISTRICT DIRECTOR	N/A		

APPROVED

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HEAD OF DEPARTMENT

DATE: