

## THE INTERNATIONAL SCHOOL OF CAPE TOWN: DISCIPLINARY CODE AND PROCEDURE:

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### 1. PURPOSE OF THE DISCIPLINARY CODE AND PROCEDURE

- 1.1. It is the duty of the employee to maintain reasonable efficiency and to comply with the terms and conditions of service.
- 1.2. It is regarded as part of the responsibility of the school to exercise discipline where work performance or behaviour of employees is unacceptable or unsatisfactory or an employee fails to meet the standard terms and conditions of service.
- 1.3. The purpose of discipline is to regulate behaviour and not to merely punish transgressions. Discipline must be seen as a total concept which embraces communication of rules and regulations, retraining, encouragement and guidance as well as punitive measures.
- 1.4. All disciplinary action should be handled fairly. Where necessary the matter should be investigated before taking action and due regard given to the circumstances of each case, to mitigating factors and the right of the employee to state their case, be represented and to call and cross examine witnesses.

The disciplinary code and procedure provides a management guideline and is set out for this purpose.

### 2. DEFINITIONS

**"Principal"** shall mean the Head of The International School of Cape Town or an appropriately appointed Deputy.

**"Immediate Superior"** shall mean the Key Stage Head, where this applies, or the employee's line manager.

**"Nominee"** shall mean a person duly authorised to stand in for any level of management.

**"Day"** shall mean any working day as it applies to the employee concerned.

**"Representative"** shall be a fellow employee asked by the accused employee to assist with their case.

The use of the gender neutral pronouns *them, their, they* is to reference any individual person.

### 3. DISCIPLINARY PROCEDURE

Where breaches of discipline occur the disciplinary action that may be taken would include a written

warning, a final warning, or dismissal. Verbal warning may have been previously given, but unless there is a written record of these, they play no part in this process.

### 3.1. Written Warnings

- 3.1.1. In the event of disciplinary action other than dismissal, the Principal or their nominee shall make it clear to the employee who has committed the offence that they are taking disciplinary action and the employee shall be advised of the alleged breach of discipline. The employee will be allowed a fair and reasonable opportunity to make a representation and be assisted by their representative if they so wish.
- 3.1.2. The Principal or their nominee shall record an exact account of the offence, the date, and the type of written warning. They shall prepare the written warning and ask the employee to sign it after they have explained the contents to the employee.
- 3.1.3. The signing of a written warning by an employee means that they acknowledge receipt of the warning and understand the contents thereof.
- 3.1.4. In the event of the employee refusing to sign the written warning, the signing of the same by a witness shall be sufficient proof of the fact that the employee was warned in accordance with the contents thereof.
- 3.1.5. The employee shall be given a copy of the written warning and a copy is to be filed in the employee's personal file.
- 3.1.6. Written warnings for different offences shall be accumulative for the purpose of penalty.
- 3.1.7. Written warnings shall lapse after six months have passed subsequent to the date of the warning. Final warnings shall lapse after twelve months subsequent to the date of the warning.

### 3.2. Final Warnings

Where, in terms of the disciplinary code, a final warning is justified, the Principal should follow the same procedure set out in 3.1. above and record that the warning given is a final warning.

### 3.3. Dismissal

- 3.3.1. The dismissal of an employee shall only occur as the result of an enquiry.
- 3.3.2. No notice pay shall be applicable in the event of summary dismissal.

### 3.4. Enquiries

#### 3.4.1. Need for convening an enquiry.

- 3.4.1.1. Where previous written warnings or a final warning are operative, or where the offence may require more severe disciplinary action, the Principal shall immediately refer the matter for enquiry.
- 3.4.1.2. Where dismissal may be an appropriate disciplinary sanction, an enquiry shall be convened by the Principal or their nominee
- 3.4.1.3. The employee shall be given not less than 3 days notice of the hearing, excluding weekends and public holidays, to allow the employee to prepare for the hearing. The Principal or their nominee shall issue the employee concerned with written notification specifying the charges to be answered at the enquiry, as well as the date, time and venue for such an enquiry.

#### 3.4.2. Constitution and procedures of an enquiry

- 3.4.2.1. The enquiry shall be composed of the following persons:
  - Chairperson** - Principal or person appointed by the Board of Governors.
  - Key Stage Head** - to put the case of ISCT.
  - Translator** - where necessary.
  - Representative** - Fellow employee
  - Witnesses** - called by either side.
  - The employee** - as per notice of enquiry.
- 3.4.2.2. The chairperson shall cause the proceedings to be recorded. A tape recorder or other recording device may be used where this is considered necessary.
- 3.4.2.3. At the outset of the enquiry, the employee shall be informed that the alleged offence is a dismissible offence, and that the alleged misconduct is serious.
- 3.4.2.4. The enquiry shall be conducted in accordance with the rules of natural justice, and the employee shall have the offence put to them and shall have the opportunity to reply personally or through their



representative, and may call witnesses to give evidence on their behalf, and to cross examine any witnesses called by ISCT.

- 3.4.2.5. After considering the evidence as a whole, and the representations and argument advanced on behalf of the employee, the chairperson may adjourn the enquiry and reconvene it for the purposes of announcing the verdict, guilty or not guilty of each charge. Should the verdict be guilty, the enquiry shall hear factors in mitigation where after the decision on disciplinary action, if any, shall be taken. The decision shall be communicated to the employee in the presence of their representative.
- 3.4.2.6. If the matter has been referred from an earlier stage, the chairperson may approve, reject or vary the disciplinary action recommended.
- 3.4.2.7. A disciplinary form shall be prepared by the Principal or their nominee and the employee asked to sign it, after having had its contents explained to them. The signature of a witness will suffice as proof of the decision having been properly conveyed in the event of the employee refusing to sign.
- 3.4.2.8. A copy of the disciplinary form shall be given to the employee and a copy filed on the employee's personal file.
- 3.4.2.9. Should the employee deny either that they committed the offence or wishes to challenge the fairness of the penalty; they may lodge an appeal in accordance with paragraph 3.6. hereof.

### 3.5. Appeal Procedure

#### 3.5.1. Appeal against disciplinary action other than dismissal.

- 3.5.1.1. The employee may appeal to the Board, Principal or their nominee within three working days and may be assisted by a representative.
- 3.5.1.2. The decision of the Board, Principal or their nominee shall be binding and final.



3.5.2. Appeal against dismissal.

- 3.5.2.1. The employee who has been dismissed may lodge an appeal in writing against the dismissal within three working days. The reasons for the appeal must be clearly indicated on the prescribed appeal form. Further appeal to the CCMA must be done within 30 days.
- 3.5.2.2. An appeal enquiry shall be convened by the Board or their nominee as soon as is practicable.
- 3.5.2.3. If the dismissal decision of the first enquiry is upheld, the employee will be paid up to the date they were dismissed.
- 3.5.2.4. If the dismissal decision of the first enquiry is reversed, the employee will be reinstated and shall have the right to continuous service, full back pay and any benefits accrued until the date of the reinstatement, subject to the appeal enquiry substituting an alternative disciplinary action.

4. **DISCIPLINARY CODE**

4.1. Introduction

The purpose of the disciplinary code is to describe in broad terms the standards of performance, conduct and rules which are applicable in the work situation and to list examples of circumstances which can lead to warnings and dismissal of employees.

4.2. Code of Discipline

**Description of Offence**

**Action Taken**

	<b>1st Offence</b>	<b>2nd Offence</b>	<b>3rd Offence</b>
Loafing, loitering or not being at your workplace when you are expected there.	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Late for work or leaving work early	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Poor quality of work and not working to standards	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Unauthorized absence from work	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Failure to adhere to dress code	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Unauthorized or misuse of employer's property	<b>1<sup>st</sup> Warning</b>	<b>Final Warning</b>	<b>Dismissal</b>
Sleeping on the job	<b>Final Warning</b>	<b>Dismissal</b>	
Injury to others and damage to or loss of property through negligence	<b>Final Warning</b>	<b>Dismissal</b>	
Refusal to carry out instructions	<b>Final Warning</b>	<b>Dismissal</b>	



Insubordination, insolence, abusive or insulting language /signs	<b>Final Warning</b>	<b>Dismissal</b>	
Failure to wear safety apparel or equipment	<b>Final Warning</b>	<b>Dismissal</b>	
Negligent driving, ignoring driving regulations or unauthorised use of vehicles	<b>Final Warning</b>	<b>Dismissal</b>	
Failure to report an accident or damage to property	<b>Final Warning</b>	<b>Dismissal</b>	
Failure to attend meetings	<b>Final Warning</b>	<b>Dismissal</b>	
Unprofessional conduct	<b>Final Warning</b>	<b>Dismissal</b>	
Wilful damage to property or gross negligence resulting in damage or loss of property	<b>Dismissal</b>		
Dishonesty, unauthorised possession of employer's or private property	<b>Dismissal</b>		
Under the influence of alcohol, sale of drugs, alcohol or the unauthorized possession of a weapon	<b>Dismissal</b>		
Obstruction, subversion, incitement or intimidation of employees or pupils	<b>Dismissal</b>		
Bringing ISCT name into disrepute	<b>Dismissal</b>		
Conviction of a criminal offence affecting the employee's position at the school	<b>Dismissal</b>		
Any act justifying dismissal in law	<b>Dismissal</b>		

## GRIEVANCE PROCEDURE

### 5.1. Purpose of Grievance Procedure

The grievance procedure provides a formal channel for the upward communication of grievances. Its purpose is to ensure that grievances are considered and resolved as close as possible to the point of origin and as speedily as practicable.

### 5.2. Definitions

**"Grievance"** shall be a dissatisfaction of an employee or a group of employees pertaining to an interpersonal work-related problem or to the workplace.

**"Principal"** shall mean the Principal or his appointed nominee, as appropriate.

**"Key Stage Head"** shall mean the relevant Key Stage Head as appropriate.

**"Immediate Superior"** shall mean the employee's line manager or Key Stage Head where this applies.

**"Nominee"** shall mean a person duly authorised to stand in for any level of Management.



"Day" shall mean any day excluding Saturdays, except where Saturday is a working day, Sundays, Public Holidays and school holidays (where the employee is entitled to school holidays).

5.3. Grievance Procedure

5.3.1. a grievance should be lodged by an employee within three working days of the occurrence which gave rise.

5.3.2. No employee or employee representative shall leave their normal place of work or engage in any grievance discussion without prior permission.

5.3.3. The employer and the employee lodging the grievance may agree to waive the stages and time limits stated herein, so that the grievance may be resolved more quickly.

5.4. Procedure for the Individual Grievance

5.4.1. **Stage 1: Immediate Superior**

5.4.1.1. The employee shall first raise the grievance with their immediate line manager.

5.4.1.2. If the Immediate Superior or their nominee is unable to respond to the grievance within three working days of it having been lodged, the employee who may be assisted by an employee representative shall refer the matter to the Key Stage Head.

5.4.1.3. Should the grievance concern the employee's Immediate Superior, or if the immediate line manager is the Key Stage Head, the employee may proceed immediately to stage 2.

5.4.2. **Stage 2 : Key Stage Head:**

5.4.2.1. Grievance shall be submitted in writing on a grievance form.

5.4.2.2. The Key Stage Head or their nominee shall endeavour to resolve the problem within two working days and inform the employee accordingly.



5.4.2.3. If the problem is not resolved to the satisfaction of the employee within two working days they may proceed to stage 3.

5.4. 3. **Stage 3 : Principal**

5.4.3.1. The written grievance shall be submitted to the Principal.

5.4.3.2. The Principal or his nominee shall take the necessary steps to resolve the grievance and shall convene a meeting within two working days, at which the aggrieved employee, their representative and any other person who, in the opinion of the Principal, should attend.

5.4.3.3. The Principal shall give a decision within three working days, which decision shall be final and binding.

5.5. Procedure for Group Grievance

5.5.1. If the grievance affects or is common to a group of employees then the employees concerned shall consult and appoint an employee representative during the next break in working time.

5.5.2. The employee representative shall then follow the procedure detailed in Stage 1,2 and 3 accompanied, if necessary by two other employees.

5.5.3. In no circumstances, shall a group of employees stop work in order to lodge a grievance. Only the employee representing the group may raise the grievance during working hours.





**Grievance Form**

DATE OF GRIEVANCE: \_\_\_\_\_

EMPLOYEE'S NAME: \_\_\_\_\_

NATURE OF GRIEVANCE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
EMPLOYEE SIGNATURE/DATE

ACTION TAKEN: STAGE 2

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MANAGEMENT SIGNATURE/DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE/DATE

ACTION TAKEN: STAGE 3:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MANAGEMENT SIGNATURE/DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE/DATE



**NOTICE OF DISCIPLINARY ENQUIRY**

EMPLOYEE 'S NAME: \_\_\_\_\_

You are hereby given notice that a disciplinary enquiry is to be held to hear the following allegation(s) which have been made against you:

(Copies of previous letters of warning have been attached.)

\_\_\_\_\_  
\_\_\_\_\_

You are entitled to be represented by a fellow employee of your choice; this person shall not be a witness to the alleged offence(s) nor another accused. You must notify management at least eight hours before the enquiry of the name of your representative, so that arrangements can be made for their attendance. You must ensure that this person is fully briefed before the enquiry.

You will be given the opportunity to challenge evidence against you, by cross examining the witnesses.

You will be entitled to put your case and call witnesses.

The enquiry will be held at the **International School of Cape Town: Place:** \_\_\_\_\_ on Date: \_\_\_\_\_  
**at time:** \_\_\_\_\_.

\_\_\_\_\_  
MANAGEMENT SIGNATURE/DATE

\_\_\_\_\_  
RECEIVED BY / DATE

\_\_\_\_\_  
WITNESSED BY/DATE



**DISCIPLINARY FORM**

EMPLOYEE'S NAME: \_\_\_\_\_

DESCRIPTION OF OCCURRENCE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEE'S COMMENT: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PREVIOUS WARNINGS: \_\_\_\_\_

\_\_\_\_\_

PREVIOUS WARNINGS: \_\_\_\_\_

\_\_\_\_\_

DISCIPLINARY ACTION TAKEN: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature/Date

\_\_\_\_\_  
Management Signature/Date

\_\_\_\_\_  
Witness Signature/Date



**APPEAL FORM**

NAME: \_\_\_\_\_

NATURE OF APPEAL: \_\_\_\_\_

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\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

APPEAL ENQUIRY HELD ON: \_\_\_\_\_

PRESENT AT ENQUIRY: \_\_\_\_\_

OUTCOME OF APPEAL ENQUIRY: \_\_\_\_\_

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\_\_\_\_\_  
APPEAL ENQUIRY CHAIRMAN

\_\_\_\_\_  
DATE

Employee informed of outcome in the presence of:

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