



FOR PSA MEMBERS: LIMPOPO DEPARTMENT OF EDUCATION

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Protecting members' rights in SACE disciplinary proceedings: Victory for PSA member in Limpopo

A PSA member, appointed as an Educator at a primary school, faced serious disciplinary action after being charged with contravening the South African Council for Educators (SACE) Code of Professional Ethics. The allegation centred on an incident where the member was accused of acting in a disgraceful, improper, and unbecoming manner by allegedly assaulting a Grade-7 learner by pulling his ears.

During the disciplinary proceedings instituted by SACE, the PSA provided dedicated legal representation to the member. The parent and learner presented strong evidence against the educator, which ultimately led to a guilty finding for assault. The case's severity put the member's career at risk, as SACE has strict guidelines against any form of misconduct involving learners. Despite this challenging situation, the PSA skillfully submitted compelling mitigation arguments for the chairperson's consideration when determining an appropriate sanction. The member made several key undertakings, including a firm commitment to never repeat such behaviour, treating her role with dignity and respect, adopting constructive methods to manage discipline, and formally apologising for her actions.

As a result of the PSA's professional and strategic representation, the Ethics Committee imposed a balanced and rehabilitative sanction, which included:

- Suspension of the member's removal from the register of educators for a period of ten years if she does not commit a similar offence within that time.
- A fine equivalent to one month's salary, payable over a period of twelve months.
- A written letter of apology to the learner.
- Mandatory attendance of a developmental course/programme on learner discipline, at her own cost, with proof of completion submitted to the Council within six months.

The member was immensely relieved and satisfied with this outcome, especially considering that other educators in similar situations had been denied representation by rival unions under the notion that "educators should know better than to make themselves guilty of assaulting learners". This case serves as a crucial reminder that assault is a dismissible offence. However, owing to the PSA's expert intervention and unwavering commitment to members, the PSA successfully ensured that the member retained her registration with SACE and was given an opportunity for professional rehabilitation.

The PSA remains dedicated to protecting and defending the rights of members, ensuring fair treatment in all disciplinary processes.

Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / lawrence.muvhango@psa.co.za or Paulina Moloto on 082 880 8957 / paulina.moloto@psa.co.za.

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