

t: 012 436 0900 / e: regsdienste@saou.co.za / w: www.saou.co.za

Regsdienste Nuusbrief | Legal Services Newsletter

Insig 4 van 2020 | Insight 4 of 2020

03/03/2020

AFWESIGE LEERERS

WAT IS DIE SKOOL SE VERANTWOORDELIKHEID?

Vroeër in die jaar was daar weereens 'n tragedie wat die aandag gevestig het op wat gebeur wanneer 'n leerder nie by die skool opdaag nie. In hierdie ongelukkige saak is die dogter toe later opgespoor as 'n moordslagoffer. Dit, nadat die voog van die kind die skool ingelig het dat die kind vermis word.

Dit is hier waar ons versigtig moet wees met die benadering tot hierdie saak. In hierdie aangeleentheid word die skool nie beskuldig dat hul niks gedoen het toe die leerder nie by die skool opgedaag het nie, maar eerder omdat hul versuim het om op te tree nadat die voog hul ingelig het dat die kind vermis word.

Two vrae ontstaan hieruit

- Wat moes die skool gedoen het nadat hul ingelig was van die vermiste kind?
- Wat is die korrekte proses wat gevolg moet word wanneer 'n leerder afwesig is.

ABSENT LEARNERS

WHAT IS THE SCHOOL'S RESPONSIBILITY?

Earlier this year another tragic event drew the attention to what happens when a learner does not arrive at school. In this tragedy a girl learner was later found murdered. This, after the guardian of the child had informed the school that the child was missing.

It is here that we need to be cautious when addressing this matter. In the matter under discussion, the school is not blamed because they did not report the girl as absent, but rather that they failed to react when the child's grandmother informed them that the learner was missing.

Two questions arise from this

- What should the school have done when informed of the missing learner?
- And secondly, what is the correct procedure when a learner is absent from school?

VERMISTE LEERDER	MISSING LEARNER
<p>Oorweeg die volgende feitestel:</p> <p>'n Paniek bevange ouer bel die skool en lig die skool in dat hul kind nie die vorige dag huis toe gekom het nie. Wat behoort die skool te doen?</p> <p>Die antwoord, soos met die menigte moeilike situasies waarmee opvoeders op 'n daaglikse basis gekonfronteer word is: “Wat sal die redelike persoon doen?”</p> <p>Daar kan 'n aantal moontlike reaksies wees. Waarby ingesluit kan word:</p> <ul style="list-style-type: none"> • Om te verseker dat die relevante outoriteite wel ingelig is van die situasie; • Om te bevestig of die leerder nie dalk by die skool is nie, en indien nie, om by die leerder se vriende te navraag te doen of hulle nie dalk inligting het oor waar hul medeleerder kan wees nie; en • Om bystand te verleen aan enige voortspruitende ondersoek of soektog sover as wat dit redelik moontlik is, maar om terselfdertyd enige moontlike ontwrigting van die onderrig by die skool te bestuur en te minimaliseer. <p>'n Goeie toets sal wees, wat sal jy doen as dit jou kind was...? (*in loco parentis.)</p>	<p>Consider the following scenario:</p> <p>A frantic parent phones the school informing them that their child did not come home the previous day. What should the school do?</p> <p>The answer, as with many difficult situations that educators are confronted with on a daily basis is: “What would the reasonable person do?”</p> <p>There may be many plausible reactions. They may include:</p> <ul style="list-style-type: none"> • Ensuring that the relevant authorities have been informed of the possible situation; • Verifying if the learner was absent from school as well and if so, to verify with the learner’s friends to hear if they heard or know anything about the learner’s whereabouts; and • Assisting in any subsequent investigation or search as far as reasonably possible whilst also managing and minimizing any possible disturbance to the teaching and learning at the school. <p>A good test would be, what would you do if it was your child...? (*in loco parentis.)</p>
AFWESIGE LEERDER	ABSENT LEARNER
<p>Wat gebeur wanneer 'n leerder afwesig is sonder enige ooglopende rede? Die antwoord, ingevolge beleid is ... niks. Slegs wanneer 'n kind vir drie aaneenlopende dae afwesig is ontstaan daar 'n verpligting op die skool om op te tree en navrae te doen oor waarom die kind afwesig is.</p> <p>Die detail van hierdie bepalings kan in die Beleid op Skoolbywoning gevind word soos in die onderstaande skakel. <i>(Onthou om na die afsonderlike Provinsiale Beleide te kyk wat grotendeels in ooreenstemming behoort te wees met die Nasionale Beleid).</i></p>	<p>What happens when a child is absent from school with no indication as to why? The answer, according to Policy is ...nothing. Only when a child is absent for three consecutive days does a duty arise for the school to act and enquire as to why the child is absent.</p> <p>The detail of these measures can be found in the Policy on Learner Attendance as seen in the link below. <i>(Remember to check the separate Provincial Policies, which should be in line with the National Policy).</i></p>
<p>KLIC HIER VIR DIE BELEID OP</p>	<p>CLICK HERE FOR THE POLICY ON</p>

SKOOLBYWONINGS	LEARNER ATTENDANCE
<p>Hierdie is opsigself bitter moeilik om toe te pas by sommige skole waar 'n 70% bywoning 'n goeie dag is. Maar oorweeg die volgende: Die voorstel is dat, waar prakties moontlik, daar gepoog moet word om nogtans te probeer bevestig waar die leerder is wat nie die oggend by die skool opdaag het nie, waarna opgetree kan word soos wat 'n redelike opvoeder sou in 'n soortgelyke situasie.</p>	<p>This in itself is near impossible at some schools where 70% learner attendance is a good day. But consider this: The suggestion that, where possible and practicable, tries to ascertain the whereabouts of a learner who is not at school, and act in the same manner that a reasonable educator would do in such a situation!</p>
<p>U MAG DALK NET 'N KIND SE LEWE RED</p>	<p>YOU MIGHT JUST SAVE A CHILD'S LIFE</p>
 <p data-bbox="209 1039 1406 1122"> 01 2 023 1333 SAOU DIENSENTRUM SAOU SERVICE CENTRE saou@saou.co.za </p>	