## ACRONYMS

<table>
<thead>
<tr>
<th>ACRWC</th>
<th>African Charter on the Rights and Welfare of the Child</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CSTL</td>
<td>Care and Support for Teaching and Learning</td>
</tr>
<tr>
<td>ETGPS</td>
<td>Educational Testing, Guidance and Psychological Services</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICT</td>
<td>Ministry of Information, Communication and Technology</td>
</tr>
<tr>
<td>MoET</td>
<td>Ministry of Education and Training</td>
</tr>
<tr>
<td>PD</td>
<td>Positive Discipline</td>
</tr>
<tr>
<td>PTA</td>
<td>Parent/Teacher Association</td>
</tr>
<tr>
<td>SADC</td>
<td>Southern African Development Community</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
</tbody>
</table>
### GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse</td>
<td>The improper manipulation or treatment of a person, often to unfairly or improperly gain benefit. <em>Abuse</em> can come in many forms, such as: physical or verbal maltreatment, injury, assault, violation, rape, unjust practices, crimes, or other types of aggression.</td>
</tr>
<tr>
<td>Bullying</td>
<td>Behaviour that is repeated over time, includes deliberately harmful or aggressive behaviour and involves a power imbalance between the victim of the bullying and the perpetrator of the bullying. Injury or discomfort is inflected through physical contact, verbal attacks or psychological manipulation.</td>
</tr>
<tr>
<td>Bunking</td>
<td>A learner takes unauthorised absence from school.</td>
</tr>
<tr>
<td>Boycotting</td>
<td>A learner refuses to cooperate with or participate in a class activity or school event.</td>
</tr>
<tr>
<td>Child-friendly education</td>
<td>An education system that upholds the best interests of the child. Education systems and schools should be designed and run in a way that ensures that all children can learn in a safe, healthy, secure, stimulating and protected environment.</td>
</tr>
<tr>
<td>Code of conduct</td>
<td>A collection of rules and regulations that include what is and is not acceptable or expected behaviour.</td>
</tr>
<tr>
<td>Corporal Punishment</td>
<td>Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.</td>
</tr>
<tr>
<td>Child</td>
<td>A person under the age of 18.</td>
</tr>
<tr>
<td>Drug trafficking</td>
<td>The sale and distribution of illegal drugs.</td>
</tr>
<tr>
<td>Exploitation</td>
<td>To take unfair and, often, unlawful advantage of a person.</td>
</tr>
<tr>
<td>Educator</td>
<td>A person who provides instruction or education and who is registered as such in terms of regulations or legislation.</td>
</tr>
</tbody>
</table>
Grievous bodily harm | Serious physical injury inflicted on a person by the deliberate action of another.

Inclusivity | Embracing everyone regardless of their race, gender, age, sexual orientation, where they come from or any other characteristic.

Learner | A person enrolled in a school who attends classes in order to attain an appropriate level of mastery of a subject under the guidance of an educator.

Maltreatment | Cruel or violent treatment of a person.

Misbehaviour | Behaviour that does not meet with rules and what is considered acceptable behaviour.

Moderate chastisement | Any punishment that causes pain but not injury.

Neglect | Failure to provide a child under one’s care with proper food, clothing, shelter, supervision, medical care, or emotional stability.

Non-discrimination | Fair and unprejudiced treatment of different categories of people.

Positive Discipline | A discipline model used by schools, and in parenting, that focuses on the positive points of behaviour. It is based on the idea that there are no bad children, just good and bad behaviours.

Sexual harassment | Behaviour characterized by the making of unwelcome and inappropriate sexual remarks or physical advances.

Sexual abuse | The forcing of undesired sexual acts by one person upon another.

Trafficking | The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Vandalism | An action involving deliberate destruction of or damage to public or private property.
FOREWORD

The Ministry of Education and Training in an effort to promote safe, non-violent and protective enabling environment in Eswatini schools, has taken a stand to abolish all forms of corporal punishment in the school setting. The Ministry is replacing it with Positive Discipline (PD). The Ministry has therefore developed these guidelines to hand hold schools towards implementing the ethos of positive discipline. These Guidelines provide a clear guide to schools on alternative, positive methods of disciplining learners. It outlines the principles of positive discipline and how to respond to inappropriate behaviour with regards to the different levels of misbehaviour and consequences.

Corporal punishment models violence, aggressiveness, hostility, fear and revenge. This disrupts the process of child development and against the standards of the teaching profession. It also has negative long term effects if not addressed appropriately. PD aims at allowing the child to learn self-discipline and respect for others without fear and enable them to take responsibility for making good decisions and understand why these decisions are in their best interest.

The introduction of PD in schools is informed by the fact that the Kingdom of Eswatini, is a signatory to the Conventions on the Rights of the Child (CRC), and therefore has to put in place administrative measures upholding the rights of a child as per Article 19 (1). The guidelines aligns to the National Legislative measures in place, which are the Children’s Protection and Welfare Act 2012 and Sexual Offences and Domestic Violence Act 2018 amongst others.

The Study on the Drivers of Violence against Children shows that violent discipline including physical punishment and psychological aggression is the most prevalent form of violence against children, constituting 88%. MoET reports also reveal that a number of learners sustain serious injuries and some are fatal, in the hands of teachers while administering corporal punishment. It is against this backdrop that the Ministry has developed the guidelines for implementing PD.

Mr Bertram B. Stewart
The Principal Secretary for Ministry Education and Training
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1. INTRODUCTION

The Eswatini Ministry of Education and Training is moving towards the promotion of a culture of positive discipline. This move is in line with the country’s obligations to prohibit, by law, all forms of corporal punishment of children in the family, school, care institutions and juvenile system (Langwenya, 2014:10). In addition, the country has committed to developing awareness and education campaigns to promote positive, non-violent child-rearing practices.

In line with the overarching principles outlined in the international instruments that Eswatini has ratified, the country has undertaken to:

- Provide all children with a good education, proper health care, skills to learn and develop, love and security, time to play and recreation, safety and protection;
- Ensure special care for disabled children, homeless children, children without families, abused and neglected children, children affected by violence etc;
- Protect children from child labour and slavery, sexual abuse and exploitation, abuse and neglect, torture (Langwenya, 2014:8).

The Inqaba Initiative, launched in 2006, informs this move towards a positive discipline approach of. Inqaba is a rights-based concept that promotes child-friendly education in schools in Eswatini, including healthy, protective and secure learning environments. The standards formulated under the Inqaba Initiative rest on seven ‘Pillars’ which focus on quality teaching and learning standards and specifically highlights ‘[a] school with responsible citizens’, which calls on the Head Teacher to ensure that positive discipline is used in the school.

The purpose of the ‘Positive Discipline Guidelines’, therefore, is to ensure that corporal punishment is removed as a practice of school punishment and to provide a guide to schools on alternative, positive methods of discipline for learners.
2. ESWATINI INTERNATIONAL, REGIONAL, STATUTORY AND POLICY POSITIONS

Eswatini is guided, in terms of the discipline of its children, by international instruments that have been ratified, legislation that has been passed and policies that have been developed. These documents specifically call upon the country to eliminate all forms of corporal punishment and ensure a non-violent form of discipline is practiced.

2.1 International and regional obligations

Several international and regional instruments that have been signed, ratified and/or adopted by Eswatini inform the obligation to introduce positive discipline procedures in schools, namely:

2.1.1 Universal Declaration of Human Rights (UDHR)

Eswatini is a signatory to the UDHR and, therefore, must ensure that no one shall be tortured or subjected to cruel, inhuman or degrading treatment or punishment.

2.1.2 UN Sustainable Development Goals (SDGs)

As a member of the United Nations (UN), Eswatini must comply with the Sustainable Development Goals (SDGs), in particular, Target 16.2 which aims at ending abuse, exploitation, trafficking and all forms of violence against children.

2.1.3 The UN Convention on the Rights of the Child (CRC)

Eswatini ratified the Convention in 1995. In terms of article 19 of the CRC, children must be protected from all forms of physical and mental violence and, as such, requires States Parties to take, all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. In addition, article 37(a) provides that, “… no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”

With specific reference to school discipline, article 28(2) declares that, “States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child’s human dignity and in conformity with the present Convention.” This means that all forms of corporal punishment of children are prohibited in schools.

2.1.4 International Covenant on Civil and Political Rights (ICCPR)

Eswatini ratified the ICCPR in 2004 and, as such, must adhere to the requirement of Article 7, which has been interpreted to mean that all States Parties must protect children from corporal punishment (UN Human Rights Committee, 2008:108).
2.1.5 **African Charter on the Rights and Welfare of the Child (ACRWC)**

Eswatini has ratified the ACRWC and, as such, is bound to take measures to protect children from all forms of physical and mental abuse, including corporal punishment and other forms of humiliating and degrading punishment. In addition, the country is bound to take measures to protect children from all forms of torture, inhuman or degrading treatment, specifically physical or mental injury or abuse, neglect or maltreatment.

2.1.6 **The Southern African Development Community (SADC) Policy Framework on Care and Support for Teaching and Learning (CSTL)**

The Ministry of Education and Training and the Information, Communication and Technology Ministry have adopted the SADC policy framework, which is an overarching framework to promote a safe, caring, supportive learning and teaching environment.

### 3. NATIONAL OBLIGATIONS

#### 3.1 Applicable legislation

Eswatini is committed, through various statutory and other provisions, to ensure that corporal punishment is removed as a form of discipline in schools and that a positive discipline approach is adopted. However, there are some challenges regarding these provisions, which may not yet be updated or clear enough to reflect this approach. It is imperative, therefore, that all statutory and other relevant provisions are updated to conform to the principles of positive discipline.

##### 3.1.1 The Constitution Act of 2005

Section 18 (1) and (2) provides for the protection from inhumane or degrading treatment or punishment, and it spells out clearly that the dignity of every person is inviolable. Section 29 of the Constitution provides for the protection of children in situations where they are particularly vulnerable. However, paragraph 2 of section 29 permits “moderate chastisement,” which should be read in terms of the move towards a positive discipline approach.

##### 3.1.2 The Children’s Protection and Welfare Act of 2012

Section 14(2) of the Act explicitly instructs for the discipline of a child to be “in accordance with his age, physical, psychological, emotional and mental condition and [that] no discipline is justifiable if by reason of tender age or otherwise the child is incapable of understanding the purpose of the discipline.”
3.2 Rules and policies

3.2.1 The National Education and Training Sector Policy of 2018

A section on positive discipline is included in the policy under the section on institutional development. The section explains the rationale behind the move towards an approach of positive discipline, as well as the objectives of implementing such discipline and the actions to be taken to ensure the adoption of positive discipline practices in all education and training establishments. The section also clearly states that the goal of positive discipline is to replace all forms of corporal punishment with positive discipline.
POSITIVE DISCIPLINE IN SCHOOLS

1. DEFINITION AND ELEMENTS OF POSITIVE DISCIPLINE IN SCHOOLS

Positive discipline is a comprehensive, human-rights based approach that uses discipline to teach or train learners to obey rules or a code of behaviour rather than punish them (Kersey and Welker, 2010). Positive behaviour is promoted, which reduces the incidence of negative and risky behaviours in learners. Through this process of discipline, learners are more likely to succeed and thrive in school. Positive discipline provides learners with the skills to become responsible citizens.

Positive discipline involves the following responsive actions:

- Positive reinforcement, such as complimenting a good effort or improvement;
- Negative reinforcement, such as ignoring requests made in a demanding or rude tone of voice;
- Positive punishment, such as requiring a child to clean up a mess he/she has made or apologising for a minor misbehaviour; and
- Negative punishment, such as removing a privilege in response to poor behaviour (Namibia’s National Safe Schools Framework, 2018:27).

Positive discipline focuses on the consequences of inappropriate behaviour rather than punishment. The consequence must both resolve the issue at hand and provide a learning opportunity. Consequences must:

- Relate to the problem or issue;
- Be respectful, without imposing blame, shame or pain;
- Be reasonable, in the eyes of both the adult and the learner; and
- Be helpful for improving the situation (Namibia’s National Safe Schools Framework, 2018:27).
2. AIMS OF POSITIVE DISCIPLINE IN SCHOOLS

Positive discipline aims to promote non-violent responses to a learner’s inappropriate behaviour (Namibia’s National Safe Schools Framework, 2018:27). These responses include:

- With positive discipline, children are not hurt physically or emotionally as a form of punishment. Instead, they are taught skills to help them to handle difficult situations, thereby reducing future opportunities for inappropriate behaviour or poor decisions. These skills include respect for others, cooperation, communication and problem-solving.
- Positive discipline promotes positive decision-making through the early communication of expectations to learners and by encouraging positive behaviours from the start of the learner’s interaction with the school environment.
- Positive discipline is one of the fundamental elements of ensuring the rights of a learner to a school environment that is free from violence.
- Positive discipline is the equal protection of both learners and educators from harm. It ensures that both parties are treated with dignity and respect.

3. PRINCIPLES OF POSITIVE DISCIPLINE IN SCHOOLS

The principles of positive discipline in schools reflect a non-punitive approach to misbehaviour through positive response processes (Centre for Justice and Crime Prevention, 2012: 6), including:

3.1 Mutual respect and participation

This principle guides educators to respect a learner’s dignity and ensure mutual respect. It also calls for educators to ensure equal opportunities for participation of all learners generally and both boys and girls specifically.

3.2 Understanding

This principle guides educators to respect a learner’s motivation and life views. It provides guidance for educators on understanding the reasons behind the learner’s behaviour, which will assist the educator to try and deal with the learner’s negative beliefs behind the behaviour rather than trying to change the behaviour itself.

3.3 Encouragement versus praise

This principle shifts the focus from learner success to learner effort and improvement, thereby building the learner’s long-term self-esteem and personal empowerment.

3.4 Teaching better behaviour

This principle guides educators to be both kind and firm and focus on solutions instead of punishment. It is neither permissive nor punitive, and focuses on achieving educational goals in a safe learning environment. It also focuses on teaching learners personal skills, such as, self-discipline, cooperation, effective communication, respect, solidarity and concern for others (Assali et al, 2015:8).
3.5 Problem solving
This principle guides educators and learners to explore alternatives to behaviour. It encourages educators to work with learners to solve problems and to teach them problem solving skills.

3.6 Communication
This principle guides learners to develop a clear understanding of the school’s expectations and the consequences of not adhering to them. This is developed through discussion and agreement between the school and the learners.

3.7 Fairness
This principle guides the school on the promotion of justice, fairness and non-discrimination when engaging with the learners. It promotes the equal treatment of boys and girls in all matters relating to their rights and responsibilities as learners.

4. CLASSROOM MANAGEMENT
In order for positive discipline to be effectively implemented in schools, it is important for the classroom environment to be conducive to the principles of this discipline (Centre for Justice and Crime Prevention, 2012: 18). Effective classroom management ensures the creation of an environment and space that support the approach of positive discipline. It also makes teaching easier and less stressful, thereby reducing opportunities for inappropriate behaviour.

Techniques that can be used to ensure a positive classroom environment include:

4.1 Rules and procedures
Educators must establish the class rules and procedures with the learners at the beginning of the year. If necessary, these rules and procedures can be re-evaluated at the beginning of each term. Educators will ensure that the learners understand the reason for each rule and make copies of the rules and procedures, placing them where they can be seen in the classroom. The educator can also give each learner a copy of the rules and procedures and ask them to sign a copy, thereby making the rules an agreement between them and the educator.

The rules and procedures should apply equally to all the learners in the class, as well as to the educator. This is essential for the establishment of the mutual respect principle and for creating an environment of trust between the educator and the learners. When discipline is necessary, ensure that the action(s) taken are carried out firmly and consistently but fairly and equally.

4.2 Relationship building
Educators must create opportunities to get to know each learner. This will make each learner feel valued and also help the educator to understand if a learner has any personal difficulties that could translate into difficult behaviour in the class. By building these personal relationships, learners will feel respected and understood. This will also lay the foundation for open communication channels.
4.3 Professionalism

Educators must be on time and well prepared for lessons; they must create a positive but clear work ethic for the learners to model. Educators must re-evaluate their approach in the classroom and, if they find that something is not working, they should determine the possible reasons for this, including their own contribution towards the approach not working.

4.4 Learning materials

Educators must ensure that the work is relevant to the learners and include topics such as conflict management, problem solving and tolerance in the learning material. Educators must aim to build a cooperative learning environment in which the learners learn how to work together. All learners must have access to the learning materials.

4.5 Inclusivity

Educators must talk to and involve every learner. They must create opportunities to discuss, acknowledge and value the differences in people, generally, and those differences amongst their learner groups, specifically. The learners must be encouraged to listen to and respect the points of view of others in their classes.

4.6 Learners’ achievements

Learners who feel positive about themselves and their abilities will be more effective and behave better. Educators must acknowledge and reward the learners’ achievements, regardless of the level of those achievements. Educators must broaden the range of achievements so that they are not only focused on academic or sport excellence.

4.7 Learner responsibility

This reflects the management action behind rules and procedures. Learners must be involved in making the rules of the classroom. In addition, educators can give each learner an opportunity to be responsible for some part of the classroom activities.

4.8 Classroom layout

The layout of a classroom can contribute towards learning as well as the educator’s ability to manage the class. There are a number of ways to create classrooms that are more conducive to learning and constructive behaviour.

The classroom space should be well planned to allow for easy movement of the educator and the learners, including easy access to entrances. In addition, the desks should be arranged in such a way that the educator can monitor all the learners easily.
It is important to create different seating arrangements to improve the learners’ participation in different learning activities. Examples of classroom seating styles and their purpose include (Poorvu Centre for Teaching and Learning, 2018):

- **Traditional**
  The traditional classroom set-up typically consists of rows of fixed seating. Learners face the educator with their backs to one another. The highest communication interaction, between the educator and learners, typically occurs with learners in the first row or along the middle of the classroom. Learners in the back rows are more likely to be less engaged.

  This arrangement affords greater privacy and fewer distractions amongst older learners who are required to work on tasks independently; it does not work well with younger learners or where the educator requires class discussion.

- **Clusters**
  A classroom set-up may consist of the educator and learners sitting around a single large table. This seating arrangement can also be formed using four individual desks. Learners and educators all face one another in this arrangement, which can support whole-class as well as pair-wise dialogue. This arrangement is particularly effective with younger learners and groups that require greater instruction. It also allows for collaborative learning and inclusivity, where there may be learners of varying academic abilities placed together.

- **Horseshoe or semicircle**
  The horseshoe or semi-circle offers a modified roundtable set-up, where all learners face each other while the educator can move about the room. The horseshoe encourages discussion between learners and with the educator, although this set-up tends to encourage more engagement between the educator and learners directly opposite, with slightly less involvement for learners immediately adjacent to the educator. This arrangement also provides a clear view of the educator and the blackboard or screen.

- **Pods or pairs**
  This set-up is used when the educator places two learners at a table. Such pods or pairs promote collaborative work and discussion, while also supporting independent work.

### 4.9 Classroom atmosphere

In addition to the classroom layout, the atmosphere must also contribute to a positive and conducive learning process. Aspects of the classroom that support this include: a comfortable room temperature (as far as possible) so that the learners can concentrate more easily; a tidy classroom, which encourages respect for the classroom; accessible supplies and materials that are stored low enough for the learners to reach them; space for the learners to keep their personal belongings; and decorated classroom walls, especially of the learners’ work in order to motivate them to do their best.
RESPONDING TO INAPPROPRIATE BEHAVIOUR IN SCHOOLS

1. RESPONDING TO LEARNER MISBEHAVIOUR IN ESWATINI SCHOOLS

Despite all the methods that are introduced to foster positive behaviour in schools, learners will still behave inappropriately and break the school rules and regulations. In keeping with the positive discipline approach, it is essential to develop a clear set of guidelines that define what behaviour is considered inappropriate, what the consequences of that behaviour will be and who will enforce those consequences.

2. THE LANGUAGE OF POSITIVE DISCIPLINE

The move towards a positive discipline approach begins with the terminology used to define the behaviour that is inappropriate, as well as the person who is behaving inappropriately. In the past, the language used has reflected a punitive position to this behaviour, with words like ‘offender’ and ‘punishment’. These guidelines establish the new language to be used to define the issue of discipline in schools. The table below lists the previous terminology adopted and the new terminology to be used.

<table>
<thead>
<tr>
<th>OLD TERMINOLOGY</th>
<th>NEW TERMINOLOGY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discipline</td>
<td>Positive Discipline</td>
</tr>
<tr>
<td>Offender</td>
<td>Learner</td>
</tr>
<tr>
<td>Offended</td>
<td>Aggrieved Learner</td>
</tr>
<tr>
<td>Punishment</td>
<td>Consequences</td>
</tr>
<tr>
<td>Corporal Punishment</td>
<td>All references to corporal punishment will be removed from all discipline language</td>
</tr>
<tr>
<td>Misconduct</td>
<td>Misbehaviour</td>
</tr>
</tbody>
</table>
3. TYPES OF MISBEHAVIOUR AND CONSEQUENCES

In Eswatini, all schools must develop their own rules and codes of conduct. At the outset it is important to state that it is best to draw as little attention to misbehaviour as possible, as long as the behaviour does not pose a threat to other learners or seriously disrupt the class. However, it is important to address behaviour where it prevents other learners from participating or poses a threat to learners’ or educators’ safety. Although the strategies and consequences are provided as a guide, how these consequences are implemented depends on the development of a culture of positive discipline in the ethos of the school.

In terms of the approach of positive discipline, consequences of misbehaviour must (Namibia’s National Safe Schools Framework, 2018:29):

- Both resolve the issue at hand and provide a learning opportunity;
- Relate to the problem or issue;
- Ensure respect, without imposing blame, shame or pain;
- Be reasonable, in the eyes of both the adult and the learner;
- Be helpful for improving the situation; and
- Be revisited in feedback.

The consequences of misbehaviour are defined in terms of levels of misbehaviour and include the different types of misbehaviour, their level of seriousness (in line with legislation), their consequences and the person(s) responsible for dealing with the misbehaviour.¹ This information is listed in the table below.

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>TYPES OF MISBEHAVIOUR</th>
<th>TYPES OF CONSEQUENCES</th>
<th>DEALT WITH BY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1:</td>
<td>• Less serious/minor bullying</td>
<td>• Verbal warning</td>
<td>• Class teacher</td>
</tr>
<tr>
<td>Misbehaviour in the</td>
<td>• Lateness for school</td>
<td>• Extra work</td>
<td>• Guidance Counsellors (for repeated</td>
</tr>
<tr>
<td>classroom</td>
<td>• Eating in class</td>
<td>• Classroom chores</td>
<td>misbehaviour)</td>
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<td></td>
<td>• Use of vulgar language</td>
<td>• Make learner a class monitor</td>
<td>• Learner representative</td>
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<td></td>
<td>• Pushing/shoving</td>
<td>• Time out</td>
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<tr>
<td></td>
<td>• Noise-making</td>
<td>• Discussion about the learner’s</td>
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<tr>
<td></td>
<td>• Name-calling</td>
<td>behaviour</td>
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<td></td>
<td>• Copying (giraffing)</td>
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<td></td>
<td>• Incomplete class work/assignment</td>
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<td></td>
<td>• Back-chatting</td>
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<tr>
<td></td>
<td>• Disrupting the class</td>
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¹ The pregnancy of a learner is no longer considered misbehaviour.
## SCHOOL DISCIPLINE GUIDELINES

### Level 2: Misbehaviour by breaking the school rules and regulations

- Instilling violence
- Fighting
- Dishonesty
- Intentionally not wearing school uniform properly
- Use of cell phones in class
- Vandalism of school property
- More serious bullying
- Bunking class
- Selling sweets and other items in the classroom
- Malpractice (copying during assessment)

- Meeting with parents
- Written warning
- Daily behaviour report, signed by educator and learner
- Confiscate cell phones

- Class Teacher
- Senior Staff Teacher
- Deputy Head Teacher
- Parents
- Learner Representative

### Level 3: Serious misbehaviour or violation of school rules and regulations

- Inflicting minor injury on others
- Being racist, sexist or discriminatory
- Malpractice (copying during exams)
- Refusal to comply with consequences
- Stealing from other learners

- Marking down
- Positive disciplinary hearing
- Referral to counsellors and social workers
- School chores

- Head teacher
- School manager
- Parents
- School/Guidance counsellors (pre- and post-positive disciplinary hearing counselling)
- Social worker

### Level 4: Very serious misbehaviour or violation of school rules and regulations

- Causing intentional limited injury to others
- Inciting violence (boycotting schools)
- Common assault
- Absconding

- Positive disciplinary hearing
- Suspension from all school activities (for a limited period)

- Regional Education Officer
- School Manager
- School Administration
- Positive Disciplinary Committee
- School/Guidance Counsellors (pre- and post-positive disciplinary hearing counselling)
- Parents
- Social Worker
- Ministry of Education and Training (national level)

### Level 5: Criminal acts which violate school rules and regulations, and breach the law

- Possession of a dangerous weapon
- Substance abuse (possessing or using)
- Drug trafficking
- Engaging in sexual activities at school and/or during school events
- Sexual harassment (learner to educator and learner to learner)
- Sexual abuse, rape or assault
- Robbery or burglary
- Murder
- Assaulting an educator
- Assault (Grievous bodily harm)

- Positive disciplinary hearing
- Apply to the Ministry of Education and Training for expulsion or transfer of the learner to a juvenile school
- Community service ordered by a court
- Allow for civil or criminal prosecution
- Referral for drug rehabilitation

- School Administration
- School/Guidance Counsellors (pre- and post-positive disciplinary hearing counselling)
- Parents
- Social Worker
- Police
- Courts
- Ministry of Education and Training (national level)
4. POSITIVE DISCIPLINE AUTHORITIES

The existing authorities and procedures are to remain, in essence, the same for the implementation of positive discipline in schools, although changes have been made in terms of the language used and a few of the role-players involved in the determination of consequences. These authorities and procedures are defined as follows:

4.1 Consultative and Advisory Bodies

The Consultative and Advisory Bodies consist of the following authorities:

- The School Committee/Parent/Teacher’s Association (PTA)
- The Positive Disciplinary Committee
- The School Prefect Committee
- The School Guidance and Counselling Teacher
- The School Manager.

4.2 Delegated Authority

The Delegated Authority of the school remains the same. The Head Teacher continues to have the ultimate responsibility for ensuring that positive discipline is practised in his or her school. The deputy head of the school shall be responsible for dealing directly with cases that require some form of positive discipline measure within the lower levels of misbehavior and consequences. The Delegated Authority, therefore, includes:

- The Head Teacher
- The Deputy Head Teacher
- The Senior Teacher
- The Head of Department.

4.3 The Positive Disciplinary Committee

The Committee consists of:

- The Head Teacher
- The Deputy Head Teacher
- The chairman of the school committee
- A member of the school committee
- The Regional Education Officer
- A learner representative.

4.4 The Review Board

The Review Board consists of:

- The Director of Education and Training
- The Director of Educational Testing, Guidance and Psychological Services (ETGPS)
- Legal Advisors in the Ministry of Education and Training.
5. POSITIVE DISCIPLINE PROCEDURES

Positive discipline procedures must, as far as possible, involve the following initial interventions:

- Understand the learner’s behaviour by conducting a thorough investigation;
- Acknowledge the issue that contributed towards the misbehaviour;
- Review alternative actions the learner could have taken, with the learner and his or her parent(s); and
- Impose immediate consequences.

5.1 Positive discipline implementation

The procedures to be followed when implementing positive discipline measures include the following:

1. The school must create a Positive School Disciplinary Committee. The role of the Committee is to advise the Director of Education and Training on the positive discipline procedures to be followed by the school, including the rules and regulations and codes of conduct. The Committee will also advise the school regarding the positive discipline measure to be used in specific cases of learner misbehaviour, as per the levels outlined in the table above. The Committee must investigate alleged incidences of misbehaviour from levels 3 to 5 of the *Levels of Misbehaviour and Consequences* and make recommendations for the procedures to be followed and the types of consequences to be enforced, also in accordance with levels 3 to 5 outlined in the *Levels of Misbehaviour and Consequences*.

2. All cases of misbehaviour and their consequences must be recorded from level 2 to 5 of the *Levels of Misbehaviour and Consequences*.

3. The rules and regulations must be followed according to the *Levels of Misbehaviour and Consequences*.

4. The Head Teacher must contact the parents, where necessary as defined in the *Levels of Misbehaviour and Consequences*.

5. Any recommended suspension or expulsion of a learner must be communicated to the Director of Education, through the Regional Education Officer.

6. All schools must keep a record of positive discipline implementation from levels 2 to 5 of the *Levels of Misbehaviour and Consequences*. The record must be kept in a Positive Discipline (PD) Case File. Each entry must include the following information:

- The name of the learner;
- The grade of the learner;
- The age of the learner;
- The date of the incident;
- The nature of the misbehaviour;
- The action taken;
- Proof that the aggrieved learner or other person(s) has been informed of the steps to be taken;
- Proof that the learner who has misbehaved has been informed of the steps to be taken;
- All consultations that have taken place with authorities;
- Any communication that has been sent concerning the learner who has misbehaved; and
- Any responses to communication regarding this incident, including from:
  - The Positive Disciplinary Committee
  - A Ministry official
  - A parent(s).
1. TRAINING ON POSITIVE DISCIPLINE IN SCHOOLS IN ESWATINI

The Ministry of Education and Training must develop training programmes on positive discipline in schools. These training programmes must be presented to the following groups:

- Relevant government bodies, including but not limited to:
  - Education
  - Police
  - Social Welfare
  - Health
- Schools and authorities, including:
  - Positive Disciplinary Committees
  - Consultative and advisory bodies
  - Delegated authorities
  - Review boards
  - Head and deputy head teachers
  - Teachers
  - Learners (as part of the curriculum)
- Parents and communities
- Non-governmental organizations.
2. TRAINING MODULES

The training programmes must include the following modules:

7. The legal framework supporting positive discipline;
8. Misconceptions of positive discipline;
9. The difference between punishment and discipline;
10. The difference between negative disciplinary approaches like corporal punishment and positive discipline, and the key aspects of the positive discipline approach;
11. The consequences of negative discipline and the underlying principles of positive discipline;
12. The reasons for misbehaviour and how to respond and discipline positively rather than negatively, using the *Levels of Misbehaviour and Consequences*;
13. The guidelines on implementing a school positive discipline approach;
14. Tools, techniques and resources for educators to implement a positive discipline approach in the classroom, including in the curriculum;
15. What is violence;
16. Dealing with children with behavioural difficulties; and
17. Unpacking the biblical perspective of positive discipline.
APPENDIX A: BIBLIOGRAPHY

- Poorvu Centre for Teaching and Learning, 2018. Classroom Seating Arrangements. Yale University. Available at: https://poorvucenter.yale.edu/ClassroomSeatingArrangements