

**EXPERIENCES AND CHALLENGES OF EVIDENCE LEADERS
("PROSECUTORS") IN LEARNER DISCIPLINARY HEARINGS
IN PUBLIC SCHOOLS**

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SUMMARY

After the abolition of corporal punishment at schools, teachers have been faced with an increase in unacceptable learner behaviour and threatening situations in their classrooms. An urgent need arose to address learner discipline in innovative ways. Disciplinary hearings that deal with cases of serious misconduct represent a shift away from authoritarian control towards a corrective and restorative approach. This article presents views of educators that had acted as evidence leaders ("ELs") at disciplinary hearings. Qualitative data was collected through semi-structured interviews in a district of the Gauteng Education Department. AtlasTi software was utilised to analyse the verbatim interview transcriptions. Educators that usually served as evidence leaders ("prosecutors"), but had not been trained in law, experienced problems in conducting quasi-judicial functions without proper support and training. ELs regularly experience animosity from parents and learners; are frustrated by the unwillingness and failure of the provincial education departments to act in accordance with an SGB recommendation. Disciplinary hearings are time-consuming and lawyers representing learners complicate rather than facilitate the process. These weaknesses jeopardise the efficacy and fairness of the process and may ultimately defeat the purpose of a disciplinary hearing.

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