

TAFELBERG SCHOOL



Code of Conduct and Discipline Structure for Learners

1. PURPOSE OF THE CODE

- 1.1 This Code is aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process (SASA s. 8(2)).
- 1.2 This Code seeks to make clear to all members of the school community the expectations of Tafelberg School regarding the conduct of learners and the rights and responsibilities of parents, the principal, Representative Council of Learners, SGB members and educators.
- 1.3 The Code informs all members of the school community of the principles, policy and procedures which will inform all matters related to the Code and processes conducted in terms of the Code.

2. PRINCIPLES

- 2.1 The following must be observed in all matters concerning the Code:
 - 2.1.1 Democratic values which include the right of learners to participate in decision-making about matters affecting them at school and to have their views heard.
 - 2.1.2 Non-discrimination and equality
 - 2.1.3 Privacy, respect and dignity
 - 2.1.4 Non-violence and the freedom and security of person
 - 2.1.5 Freedom of expression and right to demonstrate and present petitions. This right may be limited.
 - 2.1.6 Safe and clean environment conducive to education.
- 2.2 The school values are to be respected in all conduct and rules:
 - 2.2.1 Respect
 - 2.2.2 Honesty
 - 2.2.3 Sound work/academic ethic
 - 2.2.4 Good conduct and appearance
- 2.3 Corporal punishment and initiation practices are not permitted by law.
- 2.4 The school has adopted a restorative approach to discipline.
- 2.5 Punishment, when necessary, should be corrective and not punitive as far as possible.
- 2.6 In all disciplinary matters, due process must be followed.
- 2.7 Incidents of serious misconduct will be managed using the processes prescribed in the WCED regulations on Learner Misconduct. The SGB may suspend a learner as a precaution and/or as a sanction subject to conditions and fair process. The SGB may recommend expulsion, but the HOD will make the decision and inform the learner and school. A learner who disputes the decision/finding of the HOD has the right of appeal to the MEC.

- 2.8 Serious misconduct that also constitutes a criminal offence will be referred to the police for investigation and thereafter to the courts if necessary.
- 2.9 All learners, parents and educators will have access to the Code and all changes will be brought to their attention using an appropriate method. Younger learners will be assisted to understand the content of the Code.

3 DEFINITIONS AND ACRONYMS

Unless listed below, words and terms are used with the same meaning as defined in the South African Schools Act.

Code	refers to the Code of Conduct for Learners at Tafelberg School.
school	refers to Tafelberg School.
school community	includes all learners, all members of staff, all parents and visitors to the school, and residents in the school neighbourhood.
WCED	Western Cape Education Department
HOD	the Head of Department of the Western Cape Education Department
MEC	Member of the Executive Council
SMT	School Management Team
SGB	School Governing Body
RCL	Representative Council of Learners

4 APPLICABLE LEGISLATION

This Code is compiled in accordance with relevant sections of the following legislation and amendments:

- Constitution of the Republic of South Africa Act 108 of 1996
- The South African Schools Act 84 of 1996, as amended (SASA)
- National Education Policy Act 27 of 1996
- The Employment of Educators Act 76 of 1998
- The Personnel Administration Measures (GN 170 in GG 39684 of 2016)
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Regulations for Safety Measures at Public Schools (GN 1040 in GG22754, 2001, as amended by GN R1128 in GG 29376 of 2006)
- National Policy on Management of Drug Abuse, and Devices to be used for drug testing (GN 3427 in GG 24172, 2002)
- Devices to be used and procedure to be followed for drug testing (GN 1140 in GG 31417, 2008)
- Policy on Learner Attendance (GN 361 in GG 33150, 2010)
- Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (GN 776 in GG 18900 of 15 May 1998) (Guidelines for a Code of Conduct)
- National strategy on discipline in schools (DBE, 2015)
- WCED Province School Education Act
- Relevant provincial regulations on Misconduct of Learners at Public Schools and Disciplinary Proceedings
- Relevant provincial policies, circulars, or manuals

5 APPLICATION AND SCOPE OF THE CODE

- 5.1 This Code applies to all learners of the school without exception (SASA s. 8(4)).
- 5.2 Learners over 18 years of age, despite being legally adults, remain learners while still enrolled at the school and therefore the Code is applicable to them.
- 5.3 Applications for exemption from a particular item in the Code must be made in writing to the SGB for consideration.
- 5.4 Educators, other staff, the SGB and parents must perform the functions and responsibilities assigned to them, respectively, in this Code.
- 5.5 This Code is applicable
 - 5.5.1 on school property.
 - 5.5.2 on a school outing/excursion/tour.
 - 5.5.3 at extra-curricular activities off the school property.
 - 5.5.4 on or in any mode of transport while the learner is in school uniform.
 - 5.5.5 at any time or place where the learner can be identified with the school, this includes in person or on social media.

6 RIGHTS AND RESPONSIBILITIES OF THE SGB

- 6.1 The SGB is responsible for maintaining discipline in the school.
- 6.2 The SGB must adopt a Code of Conduct for Learners after consultation with the learners, parents, and educators of the school which should set moral values, norms, and principles, directed at a culture of mutual respect, tolerance, and peace.
- 6.3 Following referral to them by the principal, the SGB must conduct disciplinary hearings for learners charged with serious misconduct. The SGB must follow the process prescribed in the *Provincial Gazette Extraordinary 6939 of 15 December 2011* (see Annexure A)

7 RIGHTS AND RESPONSIBILITIES OF THE PRINCIPAL

- 7.1 The principal must ensure that good discipline in a safe learning environment is maintained in the school.
- 7.2 The principal must ensure that all learners and their parents have a copy of the Code and sign acknowledgement thereof.
- 7.3 The principal must ensure that the Code is implemented and take disciplinary action where it is breached.
- 7.4 The principal will determine whether a breach of the code constitutes serious misconduct that must be referred to the SGB for their action.
- 7.5 The principal (or his/her delegate) may conduct random searches of individuals and or groups of learners or the property of individuals and or a group of learners for any dangerous object or illegal drug if there is fair and reasonable suspicion. Any dangerous, banned or illicit object found, may be seized.
- 7.6 The search and seizure process will be conducted as provided for in the SASA and policy and notices in terms thereof, also refer to *#TBS013: Seize and Search Policy*

8 Rights and responsibilities of educators

- 8.1 Every educator is responsible for discipline at all times at the school and at school related activities. They have the responsibility in terms of the Personnel Administrative Measures and the Employment of Educators Act “to assist the principal in overseeing learner counselling and guidance, careers, discipline and the general welfare of all learners.”
- 8.2 An educator at the school shall have the same rights as a parent to control and discipline a learner according to the Code during the time the learner attends the school, any classroom, school function, school excursion or school related activities.
- 8.3 Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary in terms of this Code.
- 8.4 Serious misconduct must be referred to the principal of the school.

9 RIGHTS AND RESPONSIBILITIES OF PARENTS

- 9.1 The ultimate responsibility for learners’ behaviour rests with parents.
- 9.2 It is expected that parents will support the school and require learners to observe school rules and accept responsibility for any misbehaviour on the part of their children.
- 9.3 Parents are expected to cooperate with the school and attend meetings and/or disciplinary hearings concerning the conduct of their children when required to do so.
- 9.4 Parents have the right to act against any learner or person who unlawfully violates the rights of his/her child.

10 RIGHTS AND RESPONSIBILITIES OF THE RCL & PREFECT BODY

- 10.1 The RCL & Prefect Body has the responsibility for promoting adherence to the Code and the proper conduct of learners but does not have the authority or right to punish other learners.

11 RIGHTS AND RESPONSIBILITIES OF LEARNERS

- 11.1 Learners are required to adhere to this Code.
- 11.2 Learners enjoy the protection of this Code.
- 11.3 Learners are expected to respect the authority of those entitled to take disciplinary action in terms of this Code.
- 11.4 Learners have the right to due process in all disciplinary matters.

12 CODE DETAIL

We pledge ourselves to Tafelberg School, and to use our time and energies wisely to make this a place of excellence. Every learner is an ambassador of the school, and he/she will not do anything that will damage the reputation of the school.

In striving for this goal, we realise and accept that a Code of Conduct is necessary for all at Tafelberg, in order to achieve our full potential and to ensure the smooth running of our school, so that we the learners and educators, can make this truly a place of excellence, and a place in which we, the learners, can achieve our best in all spheres.

This Code of Conduct is based on:

- respect
- honesty
- sound work/academic ethic
- good conduct and appearance

and a mutual understanding, which includes the understanding that those who disregard the Code make themselves liable for disciplinary action.

12.1 RESPECT

- 12.1.1 educators, staff, learners and parents/guardians must treat each other with respect
- 12.1.2 learners must treat each other with respect
- 12.1.3 all must respect each other's physical well-being
- 12.1.4 all must respect each other's emotional well-being
- 12.1.5 all must respect each other's property
- 12.1.6 all must respect school property and grounds
- 12.1.7 all must respect the school's uniform and good name of the school
- 12.1.8 all sports persons must treat their opponents with respect
- 12.1.9 all must respect the religious, cultural and gender rights of educators and learners
- 12.1.10 all learners representing the school must treat others with respect

12.2 HONESTY

- 12.2.1 all must always be truthful in word and action
- 12.2.2 honesty must be practiced in all
- 12.2.3 in all academic spheres
- 12.2.4 all have the right to be heard in searching for the truth
- 12.2.5 all have the responsibility and are encouraged to report dishonesty in all areas of school life without fear or favor.

12.3 WORK ETHIC

- 12.3.1 classes must be kept clean, neat and tidy
- 12.3.2 all must be punctual at school and for classes
- 12.3.3 educators have the right to teach
- 12.3.4 all learners have the right to learn
- 12.3.5 all learners must commit themselves to their schoolwork
- 12.3.6 all homework and class work must be completed on time
- 12.3.7 correct books and equipment must be at school each day
- 12.3.8 books must be properly cared for
- 12.3.9 no unauthorised disruption of learning is to take place
- 12.3.10 nobody may leave the school grounds or the classroom without proper authority

12.4 APPEARANCE AND CONDUCT

- 12.4.1 personal appearance must be according to regulations set by the school
- 12.4.2 proper uniform to be worn correctly each day
- 12.4.3 no banned substances allowed on school property
- 12.4.4 no weapons and or dangerous objects are allowed on school property
- 12.4.5 no cigarette/tobacco matter, e-cigarettes, vapes or lighters/matches allowed on school property by learners or in possession while in school uniform
- 12.4.6 no drinking of alcoholic substances nor smoking (tobacco or other) allowed at school/school functions or in school uniform, by learners
- 12.4.7 no threatening or violent behaviour allowed at school/ school functions or while in school uniform
- 12.4.8 no engaging in acts of a sexual nature at school / school functions or while in school uniform

13 CONSEQUENCES

All learners and their parents/guardians must realise and accept that disregarding the Code will lead to certain consequences. The consequences are built in as a control measure to protect and aid the smooth running of the school and learning environment. The consequences are accepted by all learners at Tafelberg. The consequences will be meted out in fair and consistent manner by those in the relevant authority position, at different levels and the consequences will be carried out after fair and full representations. The School reserves the right to make any final decision in the best interests of all learners.

The following policies provide more detail in support of adherence to the Code.

- 13.1. Learner Attendance
- 13.2. Health, Safety & Security
- 13.3. Uniform & Appearance
- 13.4. Search & Seize
- 13.5. Anti-Bully
- 13.6. Social media & social networking
- 13.7. Learner pregnancies
- 13.8. Learner drivers
- 13.9. Exam rules
- 13.10. Learner supervision
- 13.11. Sexual harassment

14. MISCONDUCT & DISCIPLINE STRUCTURE:

Note that the school is a smoke free, drug free, bully free and gun/weapon free zone.
This list is not exhaustive.

14.1. CONTRAVENTIONS AND SANCTIONS:

Offences are divided into 3 categories according to the seriousness of the incident. Any of the listed sanctions may be applied in any order and any combination by the educators and Phase Heads. Only the Phase Heads may put learners into Afternoon DT and remove learners from classes.

CATEGORY 1 (Educators Guideline)

CONTRAVENTION/OFFENCE	SANCTION
Include but not limited to the following: Books /diary / equipment not at school Classroom misbehaviour Corridor misbehaviour Playground misbehaviour Reply slips not returned Copying / cheating (class and homework) Lying / dishonesty Spitting Throwing objects, without causing injury Littering Bunking class Late for school Late for class / lines P.E. clothes not at school Appearance: hair, clothes, shoes, shirt Bad sportsmanship Breakages: windows etc. (accidental) Abusive / unacceptable language Public display of affection (hugging, holding hands etc.)	Referral to Afternoon DT Verbal/written warning Writing out Written apology Break DT Contact parents Pay replacement costs

Repeat offenders – Multiple offences: After interventions, refer to Phase Heads who will contact parents and punish according to Category 2 sanctions.

CATEGORY 2

The Phase Heads will deal with all Category 2 offences and repeat offenders after the educators have initially dealt with the offence.

CONTRAVENTION/OFFENCE	SANCTION
Include but not limited to: Repeat of any Category 1 offences Disregard/defying authority Disruptive behaviour Bullying of any form Bunking School Undesirable literature/images Leaving school grounds without permission Entering out of bounds areas Pattern of absenteeism Disrespect towards adults/staff Disregarding safety measures	Contact Parents Banned from school activities/awards/leadership roles Parent meeting Letter of warning Isolation Intervention/remedial courses Afternoon DT Monitor card School contract Safe Schools informed

Repeat offenders: Contact parents and punishment according to Category 3 sanctions.

CATEGORY 3

The Deputy Principal will deal with all Category 3 offences and repeat offenders.

CONTRAVENTION/OFFENCE	SANCTION
Include but not limited to: Repeat offences of category 2 Verbal and physical abuse towards adults/staff Smoking or vaping any substance or form In possession/under the influence of alcohol Theft Vandalism Assault and or physical abuse Physical fighting with learner or staff member Threats to do bodily harm Sexual harassment Sexual misconduct/acts of a sexual nature Possession or distribution of pornographic material Bringing the schools name into disrepute Disgraceful / improper conduct Possession of dangerous objects/weapons Possession of banned substances Trading/consuming of banned substances Repeated absenteeism Convicted by a court Dishonesty in examinations/standardised tests etc.	Restitution for vandalised property Community service Courses to modify behaviour Banned from school activities/awards/leadership roles Written warning Contracts Afternoon DT Saturday DT Cautionary self-regulation period Diversion Programmes Expulsion/Suspension (refer to principal) SAPS/Metro Police School Governing Body Hearing/Meeting WCED intervention Report to Safe Schools Referral to private clinical interventions Referral to SAIC/DIAC

14.2. BREAKAGES

Procedure for accidental breakage of school property or equipment by learners.

14.2.1. Learner/educator must report the incident to the Estate Manager/ class teacher:

- name of learner
- grade of learner
- date of incident
- what was broken e.g. window etc.

14.2.2. The Estate Manager will note it in a register and will cost the repairs.

14.2.3. The invoice of costs will be sent to the parent.

14.2.4. Payment to the bursar who will issue a receipt and inform the Estate Manager of payment.

14.2.5. Should the costs not be paid within two (2) months, the Estate Manager will inform the Principal, who may refer the matter to the school debt collecting agency.

14.3. J-BOARDS/SKATEBOARDS/BICYCLES/ROLLERBLADES

Any contravention of these regulations will result in the said items being confiscated until the end of the term.

14.3.1. Bicycles must be stored in the bicycle enclosure in the morning.

14.3.2. Bicycles are stored at own risk

14.3.3. Bicycles must be pushed from the school main gate to the bicycle enclosure in the morning and back to the gate in the afternoons.

14.3.4. Learners may not carry their J-boards or skateboards from class to class.

14.3.5. J-boards, Skateboards and rollerblades must be stored in lockers

14.3.6. Skateboarding and rollerblading may only take place in the designated area and with the appropriate protective gear.

14.3.7. No skateboarding, cycling or rollerblading in the school building.

14.4. TELEPHONE CALLS / CELL-PHONES

14.4.1. Learners are not allowed to use the secretary's telephone to make calls.

14.4.2. Phones calls from the secretary's office will only be made on request of an HOD/Sports coach.

14.4.3. Learners are to hand in their cellphones in the morning during register period for safe-keeping until end of day.

14.4.4. Cellphones found on learners during school times will be confiscated until the end of term.
Only the SIM card/s and memory card/s will be returned to the learner.

14.4.5. The school will not be held responsible for a stolen cell phone / tablet / smart watch if it was not handed in to the register teacher in the morning.

14.4.6. All cellphones handed in to an educator for safe-keeping becomes the responsibility of the educator concerned.

14.5. SMOKING/VAPING/ALCOHOL

Smoking/use of tobacco products/E-Cigarettes/Vapes (0% OR OTHER) and drinking of alcohol by learners on school property and/or at any school function is strictly forbidden, as the school is a declared smoke free zone.

Refer to the *#TBS013: Search and seizure and alcoholic liquor and illegal drug testing policy.*

14.6. UNIFORM & APPEARANCE DEFAULTS

14.6.1. Learners not wearing the proper school uniform must have a letter addressed to the Principal explaining why the learner is not dressed according to the regulations.

14.6.2. The letter will only suffice for one weeks.

14.6.3. Non-school clothing items will be confiscated and returned at the end of the day.

14.6.4. All learners are required to always comply with the uniform and hair policy.

14.6.5. Failure to comply will result in the appropriate action taken against the learner.

The school management reserves the right to implement appropriate consequences/sanction as follows:

- Step 1: Verbal warning to learner and or learner is isolated for the day
- Step 2: If not corrected after verbal warning – communication with the parent via phone call, sms or email. (24 hrs to correct the hair issue)
- Step 3: If not corrected after communication with parent – afternoon DT, which cannot be cancelled
- Step 4: Referred to the SGB discipline committee

Refer to the *#TBS001: Uniform & Appearance Policy*

14.7. CONFISCATED ITEMS

All confiscated items such as jewelry, phones etc. will be returned at the end of the term. Confiscated goods will be marked and stored in the school safe. Learners will be issued with an acknowledge of item confiscated slip.

Dangerous objects that were confiscated must be collected by the parents and will not be handed to the learner directly.

Alcohol/ banned/ illegal substances and or any other items illegally objects will be handed over to the SAPS.

14.8. I-PODS / MP 3 PLAYERS / SMART WATCHES / ELECTRONIC DEVICES etc.

Learners bring the above-mentioned items to school at own risk — we would prefer that they not be brought to school. If brought to school, learners must lock these items in their lockers or hand them in during register period.

The school will not be held responsible if any of these items are stolen.

Should these items be used/switched on during school times, they will be confiscated.

Earphones/headphones must not be worn during school time (unless specified on the ISP of the learner).

14.9. LEARNERS DRIVING MOTOR VEHICLES

Should a learner wish to drive himself/herself to school and park the vehicle at school, the following conditions must be met:

- Letter from the parent to the principal requesting their child be allowed to drive to school, and park the vehicle at the school.
- Copy of the learner's valid driver's license and proof of insurance be given to the principal.
- Learners must park their vehicles in the allocated parking area and obtain a parking disc from Deputy Principal.
- Learners are required to pay a fee per year for parking.
- Parking on the school grounds is at own risk.
- Learners will not be allowed to go to their vehicles during school hours.
- Failure to comply with any of the above conditions will result in immediate suspension of the concession to park the vehicle on school grounds.

15. SERIOUS MISCONDUCT

15.1. Disciplinary action for serious misconduct: SGB disciplinary hearing procedures

15.2. Due Process

A learner who is alleged to have committed an act classified as serious misconduct where suspension or expulsion could be the disciplinary sanction, shall be entitled to a formal disciplinary hearing (due process) prior to any decision to suspend or expel such a learner.

15.2.1. The preliminary procedures

- 15.2.1.1. After the investigation has been conducted and referred to the SGB for disciplinary action, the hearing must be conducted according to procedure laid down in Western provincial regulations (see Annexure A).
- 15.2.1.2. The learner's parents/guardians must be notified in writing of the offence which the learner has allegedly committed.
- 15.2.1.3. The learner and his/her parents/guardians must be notified in writing of the date, time, and venue of the hearing, within XX hours of the occurrence of the alleged offence.
- 15.2.1.4. The hearing must be held within the number of days specified in provincial regulations.

15.2.2. Formal hearing procedure

- 15.2.2.1. During the hearing, the learner has the right to
 - be represented or assisted by an adult.
 - be furnished with information relating to the charge.
 - present his/her case (i.e. to be heard).
 - question any witness.
 - use an interpreter.

- 15.2.2.2. The presenter will read out any allegations against the learner
- 15.2.2.3. The learner will admit or deny allegations
- 15.2.2.4. The presenter shall present school's evidence to support allegations
- 15.2.2.5. The learner and his/her representatives have the right to cross-question the school's evidence
- 15.2.2.6. The learner and his/her representatives have the right to present evidence in support of defense
- 15.2.2.7. The presenter has the right to cross-question the evidence
- 15.2.2.8. The learner or representatives have the right to summarise and submit a closing argument
- 15.2.2.9. The disciplinary committee chairperson shall summarise and adjourn the hearing
- 15.2.2.10. The disciplinary committee shall keep a record of the proceedings and of the evidence
- 15.2.2.11. The disciplinary committee will reach a finding according to provisions of the provincial regulations.

15.2.3. Procedures following the hearing

- 15.2.3.1. The learner and his/her parents/guardians will be informed in writing of the decision.
- 15.2.3.2. The results of the hearing should be communicated within 72 hours after the conclusion of the hearing.
- 15.2.3.3. Should the penalty be expulsion the chairperson shall advise the learner and his/her parents/representative that the learner has the right to appeal against the penalty in writing to the provincial department of education.

15.2.4. Appeal procedure

- 15.2.4.1. If a learner or parent is dissatisfied with an internal disciplinary decision, excluding expulsion, he/she may appeal in writing to the principal.
- 15.2.4.2. The principal or SGB shall appoint a board of appeal and arrange for the appeal to be heard within fourteen (14) days, unless otherwise agreed to by the parties.
- 15.2.4.3. The learner will have the right to be represented or assisted by an adult.
- 15.2.4.4. No person who was involved in the disciplinary process which found the learner guilty may serve on the board of appeal.
- 15.2.4.5. The hearing of an appeal shall be conducted according to fair administrative practice.
- 15.2.4.6. A learner, or a parent of a learner, who has been expelled from the school by the HOD may appeal to the MEC against the decision. The provincial regulations will be adhered to.

16. DECLARATION OF EDUCATORS' RIGHTS

In so far as the SA Schools Act, SACE and the Tafelberg School Code of Conduct place certain responsibilities on educators, these same documents confer authority on educators to manage their classrooms and discipline their charges accordingly. Furthermore, they and the SA Constitution confer certain rights to educators. To make Tafelberg school a place of excellence and to create, and maintain, an environment conducive to teaching and learning, we the educators of Tafelberg School take to be self-evident the following rights.

- 16.1. to be treated with respect
- 16.2. to teach unhindered by disruptive elements
- 16.3. to discipline learners according to approved school policy, relevant Acts and conventions
- 16.4. to expect that reasonable requests will be carried out without argument
- 16.5. not to be verbally abused
- 16.6. not to be verbally or physically threatened
- 16.7. to work in a safe and clean environment

The educators wish to work and co-operate with learners and parents to maintain a sound academic ethos at Tafelberg School and trust this Declaration will help towards achieving this worthwhile goal.

17. PLEDGE OF SUPPORT

It is understood that Educators, parents and learners pledge to support the Code of Conduct and discipline policy of Tafelberg School.

It is important that learners and parents/guardians familiarize themselves with the contents of the Code of Conduct and discipline structure. The structure will be explained at school, but we urge parents/guardians to discuss the policy with their children.

We, the staff at Tafelberg, wish all our learners a happy and successful year, and know that with their co-operation and support we can help them achieve their full potential.

18. SHORT TITLE

This policy shall be known as the **LEARNER CODE OF CONDUCT**

19. APPROVAL

This Policy for Tafelberg School was adopted by the Governing Body of Tafelberg School at a meeting held at the school on 2022/09/12

TITLE OF POLICY	LEARNER CODE OF CONDUCT and DISCIPLINE STRUCTURE
POLICY NUMBER	#TBS005
DATE APPROVED BY SGB	2023/01/30
EFFECTIVE DATE	2023/01/31
EXPIRY DATE	This School Policy remains in force until amended or replaced <u>and</u> approved by the SGB.
REVIEW DATE	<i>The SGB will review this policy at least once a year</i>
AMENDMENT HISTORY	2024/08/13 Reviewed & amended