

Children expelled from private school after parent's improper behaviour at school event

We all enjoy attending our children's sporting events. We often, however, see parents supporting their children with improper behaviour such as screaming and shouting at their children or their children's team mates, blaming and threatening the coaches and questioning the umpires' decisions.

Predwin Preparatory School, a private primary school in Johannesburg, took steps in an endeavour to stop this bad behaviour. The school terminated the children's school contract after their father's improper behaviour at a series of school events.[1] The contract, regulating the relationship between the private school and the parents, included a clause allowing the school to cancel the contract for any reason. The school thus terminated the contract leading to the children being expelled due to their father's misconduct.

The parents immediately approached the court for relief, mainly arguing that the school had no right to terminate the contract as this termination infringes the children's' constitutional right to basic education as per Section 29 of the Constitution. They furthermore argued that the school did not act in the best interest of the minor children as prescribed in Section 28(2) of the Constitution.

The court found that the duty to provide basic education lies with the state. The constitutional right to basic education does not include a right to education at an independent private school. The court furthermore found that the school acted in the best interest of the children, as they not only considered the interest of the two expelled boys, but also considered the interest of all the other children attending the school. The father's misconduct had a negative impact on all the children and could not be tolerated.

This matter should serve as a warning to all parents to adjust their behaviour at school events in order to ensure that they do not make themselves guilty of the same conduct as in the above matter, which may have far reaching consequences.

Elmari Richter, Van Velden-Duffey Inc.

[1] A B and Another v Pridwin Preparatory School and Others (1134/2017) [2018] ZASCA 150; [2019] 1 All SA 1 (SCA); 2019 (1) SA 327 (SCA) (1 November 2018)