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A LEGAL PERSPECTIVE ON THE ESTABLISHMENT OF ANTI-BULLYING POLICIES IN PUBLIC SCHOOLS

by

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I, Nicholus Tumelo Mollo, declare that "**A LEGAL PERSPECTIVE ON THE ESTABLISHMENT OF ANTI-BULLYING POLICIES IN PUBLIC SCHOOLS"** is my own work. It has never been submitted in any form for a degree or diploma before in any tertiary institution. Where work of others has been used, sources have been indicated and acknowledged by means of complete references.

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DEDICATION

This work is dedicated to my wife, Cathrine Sibayeka Mollo, for her patience, understanding and support during the years of my study and to our children, Tshepiso and Tswelopele.

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SUMMARY

Legal principles need to be considered when anti-bullying policies are established in public schools where bullying is taking place. The purpose of this study is to investigate how public schools establish anti-bullying policies and which legal principles are considered during the cyclic policy-making process. The research questions are: (1) How do public schools establish their anti-bullying policies? (2) Which legal principles are considered during the process of establishing anti-bullying policies? To answer these questions, four policies collected from participating schools were studied using a document study data collection method and eighteen participants were interviewed using semi-structured individual interviews. This research utilised a qualitative case study design. The study involved two primary schools and two secondary schools in the Witbank area. Themes such as needs analysis, type of policy used to deal with bullying, formulation of anti-bullying policy, policy implementation, policy monitoring and policy evaluation were developed. Research findings show that the content of the anti-bullying policies is not clearly incorporated and is not sufficient. Most policies have few legal principles that are relevant to bullying. There is insufficient stakeholder involvement in terms of needs identification, policy formulation, implementation and monitoring, as well as evaluation of policies that deal with bullying.

KEY WORDS

Bullying, anti-bullying policy, legal perspective, establishment, school, cyclic process, need identification, policy development, policy implementation and monitoring, policy evaluation.

CHAPTER 1

INTRODUCTION AND ORIENTATION

1.1 INTRODUCTION

The South African Schools Act 84 of 1996 (hereafter Schools Act) provides for the establishment of school governing bodies. This Act gives the school governing bodies a duty to ensure that schools are disciplined and provide an environment that is conducive to effective instruction and learning. Section 8 of the Schools Act states that school governing bodies must adopt a code of conduct for the learners after consulting the parents, educators and, in secondary schools, the learners.

Bullying takes place in every type of school. Educators and support staff members may do their best to eradicate it but every school has to face the problem at some time (Elliot, 2002:2). Bullying disturbs the culture of teaching and learning in schools. The establishment of anti-bullying policies as part of the learners' code of conduct can assist school governing bodies in ensuring that the culture of teaching and learning is taking place in schools. School governing bodies cannot work in isolation to eradicate the bullying problem. Parents, staff members and learners need to work in team when identifying a need, developing, implementing and evaluating anti-bullying policies.

On the 27th of July 1999, Professor Kader Asmal, the former Minister of Education, announced his "Tirisano: Call to Action", detailing South Africa's educational priorities and vision for the next five years. This is operationalised through an annual revised "Implementation Plan for Tirisano". The Tirisano statement acknowledges that "the educational condition of the majority of people in this country amounts to a national emergency". School safety is highlighted as a critical obstacle to learning (Department of Education, 1999).

Klopper (2006:1) states that the current Minister of Education, Naledi Pandor, indicated at a school safety colloquium in Pretoria that "many commentators,

angry parents, well wishers and general members of the public have written to me in the past few weeks with advice, suggestions and criticism. All agree that the presence of ill discipline, bullying, sexual abuse and violence in our schools point to a deep malaise that requires determined and urgent action. The writers and callers tell me we are in a tussle for the soul of the nation. I agree with them. If we allow violence, abuse and drugs to become a familiar and accepted part of schooling, our future is lost".

According to Joubert (2008:73) all schools should have anti-bullying strategies starting with the school's code of conduct. School can have a separate policy on bullying, as an addendum to the code of conduct, or it can be incorporated in the overall code of conduct, provided it is very clear.

Joubert (2008:34-35) states that the Code of Conduct adopted by a school could contain a set of moral values, norms and principles that the school community should uphold and promote as part of the roles and responsibilities of various stakeholders in the creation of a proper learning environment in schools. Furthermore, it should include the mission statement of the school, the school rules, must define misconduct and the due process to be followed when rules are infringed and also provide for legitimate disciplinary measures.

School management teams, school governing bodies, parents, teachers, non-teaching staff and in secondary schools, the learners, need to be capacitated about how to establish effective anti-bullying policies. Sharp and Thompson (1994a:63) discern four specific stages of a cyclic process that successful schools in the Sheffield study undertook in establishing their whole-school anti-bullying policy. The cyclic process of establishing anti-bullying policies includes the identification of a need to establish anti-bullying policy, policy development, policy implementation and policy evaluation. The concept of a *cyclic process* is defined in details in the theoretical framework.

1.2 PROBLEM STATEMENT

Behr (2000:47) in a study conducted at a middle to upper class school in Gauteng Province found that 45.5% of 608 learners experienced bullying at least once a year. 84% testified that they witnessed events of bullying once, while almost half witnessed bullying on three or more occasions that year. Similarly, Neser, Ovens, Van der Merwe, Morodi and Ladikos (2003:146) in their study that was conducted in South Tswane in which 203 grade 6 to 11 learners from 6 schools completed questionnaires, state that bullying is a reality in the daily life of the majority of the participants (learners). Of the respondents, 34.8% indicated that learners were bullied every day and 33.8% indicated once or twice a week.

In South Africa the majority of schools, if not all, experience bullying. This is experienced even after the government encouraged all schools to have a code of conduct for learners that also address bullying problems. Nearly 40% of South African children are victims of bullying and children who are bullied are victims of bullying and may even commit suicide. Bullies are more likely to be arrested for committing a crime and more likely to abuse their spouses in later life. Bullying happens in every school regardless of race or class (Department of Education, 1999).

The study by De Wet (2006:67) on Free State educators' experiences and recognition of bullying states that educators who took part in the research project were not only witnesses of learners being bullied, but were also the victims of educator-targeted bullying. More than half of the respondents were verbally abused by their learners. Educators were also, although to the lesser extent, the victims of direct physical, indirect verbal, as well as sexual educator-targeted bullying.

The inability of schools to deal with bullying poses a very serious threat to the effectiveness of anti-bullying policies. The cyclic process of establishing anti-bullying policies is a dynamic process, which is critical. Thus, the cyclic

process of establishing anti-bullying requires stakeholders that have knowledge, skills, values and positive attitude.

The cyclic process of establishing anti-bullying policies requires schools to be competent in identifying a need to establish anti-bullying policies, developing, implementing and evaluating anti-bullying policies.

Problems arise from competencies stated above. The problems are whether schools are competent to:

- identify a need for establishing anti-bullying;
- develop anti-bullying policies;
- implement anti-bullying policies;
- evaluate anti-bullying policies, and
- use legal principles when establishing anti-bullying policies.

1.3 RATIONALE

Since I started teaching twelve years ago, I have noticed that bullying is a serious problem in schools, even though many schools have anti-bullying policies. This is supported by the following shocking newspapers' reports that show that bullying is still taking place in schools:

Mom in court to 'stop school bully'. An East London mother has gone to court in a bid to obtain an interdict against a pupil accused of breaking her son's jaw (The Times, 12 June 2007) and (Citizen, 12 June 2007).

Parents sue government over daughter's death-leap, blame bullying letters (The Star, 07 February 2007).

Hi-tech bullying: cell phones used for 'abuse' (The Star, 10 February 2007).

The above shocking incidents indicate that schools need to establish effective anti-bullying policies.

The reason why I wanted to research this topic is that I wanted to find out how schools establish their anti-bullying policies. The significance of this study is that it contributes to the knowledge of education law and policy. The study also contributes to policy studies, especially on how the stages of the cyclic process are used when developing an anti-bullying policy. The study contributes to the field of education by providing knowledge about what happens in schools when anti-bullying policies are established. Persons who may be interested in the results are scholars, policymakers, educators, school management teams and school governing bodies.

1.4 RESEARCH QUESTIONS

Anti-bullying policies are very important in preventing and reducing bullying in our schools. Such policies should be established in order to combat bullying incidents that affect learners, educators and parents in our schools.

This research is based on the four specific stages of a cyclical process that successful schools in the Sheffield study undertook in establishing their whole-school anti-bullying policy (Sharp & Thompson, 1994a:63). These stages are:

- Identifying a need for policy development
- Policy development
- Implementing the policy
- Evaluation of policy.

The following questions were investigated:

1. How do public schools establish their anti-bullying policies?
2. Which legal principles are considered during the process of establishing anti-bullying policies?

1.5 AIM AND OBJECTIVES OF THE RESEARCH

1.5.1 Aim of the research

The purpose of this study is to investigate how public schools establish their anti-bullying policies and which legal principles are considered during the cyclic process.

This research focuses on the establishment of anti-bullying policies that deal with learner-on-learner bullying and educator-targeted (learner-on-educator) bullying. It is about anti-bullying policies that are implemented by the school to guide learners on how to conduct themselves. It does not focus on the establishment of anti-bullying policies that prohibit educators from bullying learners and their colleagues. Educators have their own code of conduct that guides their conduct. According to De Wet (2006:64) it may be concluded that the South African Council of Educators' (SACE) Code of Conduct by implication prohibits the bullying of learners by educators.

De Wet (2006:70) states that although the *Guidelines for the consideration of governing bodies in adopting a code of conduct for learners* (hereafter Guidelines) do not mention educator-targeted bullying, it could be argued that forbidding this could *mutatis mutandis* be made applicable to educator-targeted bullying.

Anti-bullying policies should protect all learners, educators and non-teaching staff members against learner-on-learner bullying and staff targeted bullying in our schools.

1.5.2 Objectives of the research

The objectives of this research are:

- To determine the legal framework that can be used to develop and to implement anti-bullying policies.
- To determine how anti-bullying policies are established.
- To determine which legal principles are considered when anti-bullying policies are established.

1.6 THEORETICAL FRAMEWORK AND CLARIFICATION OF CONCEPTS

1.6.1 Theoretical framework

According to Sharp and Thompson (1994a:62-63) the theory of establishing a whole-school anti-bullying policy was developed by sixteen primary schools and seven secondary schools that took part in the Sheffield Project. There are four specific stages of a cyclical process that successful schools in the Sheffield study developed in establishing their whole-school anti-bullying policies.

The word ‘cyclic’ means ‘occurring in cycles’. A cycle is a series of events that is regularly repeated in the same order (South African Concise Oxford Dictionary, 2002:288). The word ‘process’ means ‘a series of actions or steps towards achieving a particular end’ (South African Concise Oxford Dictionary, 2002:930). Sharp and Thompson (1994a:63) state that the cyclic process is a series of steps. For the purpose of this research a *cyclic process* is a series of anti-bullying events or actions or steps that are regularly repeated in the same order to deal with bullying in schools.

The cyclic process involves the following four steps that are implemented in a stage approach:

- Identifying a need for policy development

Motivation to change is a key factor in mobilising staff and governors to take action. Motivation increases commitment. It is common knowledge that all schools have some degree of bullying behaviour and this leads to an expectation that 'good' schools will make efforts to tackle the problem (Sharp & Thompson, 1994a:63).

- Policy development

Policy development is the formulation of the policy document drawing from the ideas and suggestions arising from consultation (Sharp & Thompson, 1994a:65).

- Implementing the policy

Implement means to 'use for a particular purpose' (South African Concise Oxford Dictionary, 2002:579). Implementation is the realisation of an application or execution of a plan, idea, model, design, specification, standard, algorithm, or policy. In this research implementation indicates the application or execution of an anti-bullying policy (Wikipedia, Free Encyclopaedia, 2007).

- Evaluating the policy

Evaluation is a process that involves looking back systematically at what has been accomplished and measuring the present position against the original aims (Coleman & Earley, 2005:152). Tools that can be used for evaluation purposes are questionnaires, interviews, observation and other tools that may

be appropriate (Coleman & Earley, 2005:156). Evaluation is undertaken in order to provide information on which professional judgements are based (Ramafoko, 2005:19).

Sources of education law such as the Constitution of the Republic of South Africa (Act 108 of 1996) (hereafter Constitution), legislation, common law and case law form the theoretical background of the study. The Constitution is the supreme law of the country. Legislation lays down rules and regulations regarding punishment of children, for example the Schools Act, the Children's Act 38 of 2005 (hereafter Children's Act), and provincial acts of the respective provinces. An important common law principle that regulates an educator's action is the rules of natural justice, which are now embodied in section 33 of the Constitution. Case law comprises court decisions that are recorded in law reports (Joubert & Prinsloo, 2009:110).

The sections of the Constitution that apply to this research are equality (section 9), human dignity (section 10), security (section 12), privacy (section 14), environment (section 24), children (section 26), education (section 29), just administrative action (section 33) and limitations (section 36).

The sections of the Schools Act that apply to this research are a code of conduct for learners (section 8), prohibition of corporal punishment (section 10) prohibition of initiation practices (section 10A) and the establishment of committees by the school governing body (section 30).

The sections of the Children's Act that apply to this research are proceedings, actions or decisions in a matter concerning a child (section 6(2), application of this Act (section 8), the child's best interests is of paramount importance (section 9) and parental responsibilities and rights (section 18(2).

The most common legal principles that apply to this research are *in loco parentis, rules of natural justice* and *diligens pater familias.*

The case judgements that apply to this research are *Dowling v Diocesan College and Others* 1999 (3) SA 847: School's liability for prefects' acts**,** *Danielle Antonie v Governing Body*, *The Settlers High School & Head Western Cape Education Department* (2002) (4) SA 738.: Human dignity, *High School Vryburg and the Governing Body of High School Vryburg v The Department of Education of the North West Province* (CA 185/99): The Right to due process.

The above stated theories were used to inform this study that aims at investigating how public schools establish their anti-bullying policies and which legal principles are considered during the cyclic process.

1.6.2 Clarification of concepts

Bullying

- Neser *et al.* (2003:127) define bullying as intentional, repeated hurtful acts, words or other behaviour, such as name-calling, threatening or shunning committed by a child or children against another child or children. They point out that the acts of bullying are not intentionally provoked by the victim and for such acts to be identified as bullying, an imbalance in real or perceived power must exist between the bully and the victim.

- Zeelie (2004:12) defines bullying as a deliberate, conscious desire to hurt, threaten and frighten someone.

- Sharp and Smith (1994:1) define bullying as a form of aggressive behaviour which is usually hurtful and deliberate. It is often persistent, sometimes continuing for weeks, months or even years and it is difficult for those being bullied to defend themselves.

For the purpose of this study bullying in schools means intentional and repeated hurtful acts of violence that take place verbally, physically,

psychologically, emotionally and sexually in a school. It is committed by a bully who is more powerful, to a victim who is not in a position to defend himself or herself.

Anti-bullying policy

- Anti-bullying – 'anti-' means 'opposed to' or 'against something' (South African Concise Oxford Dictionary, 2002:45). Therefore anti-bullying means "opposed to or against bullying".

- Policy – 'a course or principle of action adopted or proposed by an organisation or individual' (South African Concise Oxford Dictionary, 2002: 903).

  Kogan (1997:55) as cited by Ball (1990:3) states that policy is clearly a matter of the 'authoritative allocation of values'; policies are the operational statements of values, 'statements of prescriptive intent'.

  According to Ball (2006:14), policy can be defined as a text and a discourse. Ball also states that a policy is not one (text) or the other (discourse), but both.

  The policy itself is a statement of intent that guides action and organisation within the school. The policy therefore establishes a clear set of agreed aims that provide learners, staff and parents with a sense of direction and an understanding of the commitment of the school to do something about bullying behaviour (Sharp & Thompson, 1994b:23).

For the purpose of this study anti-bullying policy means a plan or principle of action adopted by the school to deal with bullying of learners. Documents such as the School Code of Conduct that deals with bullying, school anti-bullying policy that is separate from the code of conduct, safety policy that

deals with bullying, etc, are good examples of policy documents that are opposed to or deal with bullying of learners in schools.

Legal perspective

- *Legal* means of, based on, or required by law (South African Concise Oxford Dictionary, 2002:661).
- *Perspective* means a view or prospect (South African Concise Oxford Dictionary, 2002:870).

The legal status of a public school is provided for in section 15 of the Schools Act, which states that every public school is a juristic person with legal capacity to perform its functions in terms of this Act (Squelch, 2001:139).

For the purpose of this study, *legal perspective* means to view the establishment of anti-bullying policies based on legal principles. The Constitution, Schools Act, Children's Act, common law and case law will be considered.

Establishment

- *Establish* means to initiate or bring about (South African Concise Oxford Dictionary, 2002:395).

For the purpose of this study, *establish* means to initiate or bring about an anti-bullying policy in a school.

School

School means a public school or an independent school that enrols learners in one or more grades from grade R (Reception) to grade twelve (Schools Act, 1996).

1.7 RESEARCH DESIGN

1.7.1 Epistemology

According to Cohen, Manion and Morrison (2000:6) epistemology concerns the very bases of knowledge - its nature and forms, how it can be acquired, and how it can be communicated to other human beings. Epistemology relates to how things can be known – how truths or facts or physical laws, if they do exist, can be discovered and disclosed. Epistemology, therefore, looks at how one knows reality, the method for knowing the nature of reality, or how one comes to know reality – it assumes a relationship between the knower and the known (Nieuwenhuis, 2007b:55). This study is based on the interpretative paradigm. I intend to use an interpretative approach to acquire, know, and discover the knowledge of anti-bullying policies.

1.7.2 Research methodology

In this study I used a qualitative research approach. Qualitative research presents data as a narration with words (McMillan & Schumacher, 2001:15). This research is based on a case study design because I wanted to determine how schools establish their anti-bullying policies in depth. Case studies are often thought to involve qualitative rather than quantitative data and analysis (Griffiths, 2004:3).

Data were collected to find out how schools establish their anti-bullying policies. Semi-structured interviews and document analysis were used to collect the required data. Interview data were tape-recorded.

A non-probability sampling called purposive sampling was used. Purposive sampling is the method of sampling where researchers handpick the cases to be included in the sample on the basis of their judgement of their typicality. In this way, they build up a sample that is satisfactory to their specific needs. As its name suggests, the sample has been chosen for a specific purpose (Cohen *et al.,* 2000:103). For the selection of my respondents I relied on the

school principals. The documents that were analysed are the anti-bullying policies collected from the schools.

1.8 DATA ANALYSIS

In my data analysis I used qualitative data analysis. The following method was used (Creswell, 2002:259-267):

Data were organised into computer files. Audiotape recordings were converted into text data. Data were explored by reading through the transcripts in their entirely several times. I then read through all the transcripts and began with the process of coding the transcripts. After coding the entire text, I made a list of all code words. I reduced the list of codes to get themes or descriptions of the setting or participants. From the coding and the themes, I constructed a narrative description and possibly a visual display of the findings for my research report.

1.9 DIVISION OF CHAPTERS

The chapters of this study have been arranged as follows:

1. Introduction and orientation
2. Literature review
3. Research design and methodology
4. Data analysis and findings
5. Conclusion and recommendations

1.10 SUMMERY

This study may contribute towards the understanding of how anti-bullying policies should be established and which legal principles should be considered when anti-bullying policies are established. Well established anti-bullying policies that consider legal principles can help in dealing with bullying in our schools.

The following chapters place the study within its particular context. These chapters are literature study; research design and methodology; data analysis and findings; conclusion and recommendations.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

Chapter 1 provides an overview of the research project. In this chapter, the process of establishing anti-bullying policies is explored. Relevant legislation that needs to be considered during the process of establishing anti-bullying policies is incorporated. This chapter includes the definition of bullying, forms of bullying, extent of bullying in public schools, causes of bullying, consequences of bullying, strategies to prevent or reduce bullying, the legal framework on bullying and the establishment of anti-bullying policies in public schools.

2.2 DEFINITION OF BULLYING

A learner is being bullied or victimised when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other learners (Olweus, 1993:9). Neser *et al.* (2003:127) define bullying among learners as intentional, repeated hurtful acts, words or other behaviour, such as name-calling, threatening or shunning committed by a child or children against another child or other children.

According to the State of Delaware bullying questionnaire, bullying means that one person, or group of persons, targets another person with repeated direct or indirect negative actions over a period of time, which are harmful to the target either emotionally or physically. A negative action occurs when a person knowingly inflicts, or attempts to inflict, physical or emotional injury or discomfort upon another person (State of Delaware Department of Justice, 2007).

Roberts Jr. (2006:14) defines bullying as combination of verbal and physical aggressions and aggravations directed from an agent (the bully) toward a target (the victim).

A Dutch psychologist, Van der Meer (quoted by De Wet, 2005:82) defines bullying as a systematic, psychological, physical or sexual act of violence by a pupil or a group of learners with respect to one or more classmates, who are not (any longer) in a position to defend themselves.

Elliott (2002:2) states that bullying can be physical, like a child being pushed, beaten or thumped with knuckles. It can involve a weapon and threats.

Bullying occurs when one child or group of children repeatedly hurts another child through actions or words (Sampson, 2002:29). According to Sampson (2002:3) when two persons of approximately the same strength (physical or psychological) are fighting or quarrelling, it is not bullying. Bullying rather entails repeated acts by someone perceived as physical or psychological more powerful.

Courts in western countries have created their own definitions of bullying. In *Mulvey v McDonagh* [2004] IEHC 48 the Irish High Court adopted guidelines that describe bullying as "repeated aggression, verbal, psychological or physical conducted by an individual or a group against others" (Mackinnon, 2007:15). In England, *Bradford-Smart v West Sussex CC* [2002] EWCA Civ07 held that bullying is "uncouth behaviour of a targeted and persistent nature" (Mackinnon, 2007:15). In Scotland bullying has been described as "a pernicious phenomenon, often involving criminal assaults by the bullies on their victims" (*Montgomery v Cumming* 1999 SCCR 178) (Mackinnon, 2007:15).

In the "*Tonganoxie High School case*" (US District Court, Kansas, 2004) school bullying is defined as "harassment", the pattern of which is "severe and pervasive, although some of the isolated incidents could be characterised as

mere insults, teasing and name calling, collectively they reflect much more" (Mackinnon, 2007:15).

For the purpose of this study bullying is a repeated and persistent hurtful act of violence that takes place verbally, physically, psychologically, emotionally or sexually. It is committed by a bully who is more powerful to a victim who is not in a position to defend himself or herself. It is done deliberately and it is intentional.

2.3 FORMS OF BULLYING

It is very important for educators, non-teaching staff members, parents and learners to know that not any behaviour that hurts can be classified as a bullying behaviour. As mentioned before, for hurtful behaviour to be classified as bullying, the leading figure in the war against bullying, Olweus (1993:9) states that one or more learners must be exposed, repeatedly and over time, to negative actions. There are specific behaviours that can be classified as bullying behaviours. Bullying can be physical, verbal, homophobic, emotional, sexual, cyber and racial.

According to Neser *et al.* (2003:128-129) the following are examples of bullying or victimisation:

- Physical bullying includes punching, poking, strangling, hair pulling, beating, biting, excessive tickling and direct vandalism.
- Verbal bullying includes acts such as hurtful name-calling, persistent teasing, gossip and racist remarks.
- Relational bullying occurs when a child is deliberately excluded from activities and very often takes place during break times.
- Emotional bullying includes terrorising, extorting, defaming, humiliating, blackmailing, and rating/ranking of personal characteristics such as race, disability or ethnicity, manipulating friendship, ostracising and peer pressure.

- Sexual bullying includes many of the above as well as exhibitionism, sexual positioning, sexual harassment and abuse involving actual physical contact and sexual assault.

Sampson (2002:2) adds other forms of bullying such as tripping, intimidation, rumour spreading, demands for money and theft of valued possessions. Neser *et al*. (2003:128-129) mention another form of bullying, namely direct vandalism. Sampson (2002:2) gives specific examples of direct vandalism, such as destruction of property and destruction of another's work.

Smith, Smith, Osborn and Samara (2008:9) in their research about content analysis of anti-bullying policies: progress and limitations mention other forms of bullying such as homophobic bullying (social or relationship-related bullying) and cyber bullying (bullying with cell phones).

Kepenekci and Cinkir (2006:198) in their study about bullying among Turkish high school students, in addition to the above forms of bullying, mention assault with a knife and rude physical jokes as other forms of bullying that take place in Turkish schools.

Learners need to know what constitutes bullying. They should not be blamed for what they do not know. A brief description of the above forms of bullying should be included in an anti-bullying policy of the school.

2.4 THE EXTENT OF BULLYING IN PUBLIC SCHOOLS

Recent studies on bullying show that the problem of bullying is more serious than expected (Stevens, De Bourdeaudhuij & Van Oost, 2000:196). De Wet (2005:83) in her study about the nature and extent of bullying in Free State secondary schools, states that many parents and educators are unaware of the levels of bullying to which their children and/or learners are exposed. Literature on bullying indicates that bullying is a problem in South Africa and in other countries.

2.4.1 The extent of learner-on-learner bullying in South African schools

Studies in South Africa indicate that learner-on-learner bullying takes place in South Africa. Neser *et al.* (2003:137-138) conducted a quantitative study in six primary and secondary schools in District 4, Tshwane South. In their study they found that 39,1 percent of the learners indicated that they had never been bullied during the 2002 school year and 42.5 percent indicated that they had been bullied once or twice a month (21.7%) or once or twice a year (20.8%). Of particular concern is frequent bullying, typically defined as bullying that occurs once a week or more. The prevalence of frequent bullying reported in the present investigation is 18.4 percent (2.9% every day and 15.5% once or twice a week). Thus bullying is a phenomenon with which the majority (60.9%) of the respondents was familiar and had experienced during 2002.

In the study that was conducted in Free State, De Wet (2005:84) states that learners of both genders were mostly exposed to direct and the second most to indirect verbal harassment. A relatively large percentage of boys (48.75%) were attacked by fellow learners, knocked and/or physically injured in another way. Direct, physical aggression is the third most common form of bullying to which boys were exposed.

In a study on Free State educators' experiences and recognition of bullying at schools, De Wet (2006:67) found that mostly educators were the witnesses of direct physical bullying. More than 40% of the educators indicated that they had witnessed incidents of physical bullying on a daily basis. The majority of Free State learners were exposed to direct verbal bullying on a weekly basis. Also, the majority of Free State educators were exposed to verbal educator-targeted bullying.

Smit (2003b:32) states that racist bullying has been a worrying feature in the sample (30%). Learners experienced racist teasing and name-calling. It could not be determined whether those learners of a non-white ethnic group

experienced more racist name-calling as the questionnaires were completed anonymously.

The above studies indicate that bullying of learners by other learners takes place in our South African schools. These studies prove that there is a need for schools to have anti-bullying policies that will help schools to deal with learner-on-learner bullying.

2.4.2 The extent of learner-on-learner bullying in other countries

On the basis of the nationwide survey one can estimate that 84 000 students, or 15 percent of the total in the Norwegian primary and junior high schools (568 000 students in 1983-4), were involved in bully/victim problems “now and then” or more frequently (fall 1983) – as bullies or victims. This percentage represents one student out of seven (Olweus, 1993:13).

Fekkes, Pijpers and Verloove-Vanhorick (2005:81-91) conducted a quantitative study in 32 Dutch elementary schools in which 2 766 children participated. The results of the study indicate that of the 2 766 children 16.2% were bullied regularly (seven times a month or more often), and more that 7% were bullied several times a week. A substantial number of children experienced name-calling (30,9%), the spreading of rumours (24.8%), were ignored or not allowed to participate (17.2%), or were kicked, hit or pushed (14.7%). Girls were more likely to experience the spreading of rumours, being ignored or not being allowed to participate, whereas boys were more likely to experience physical forms of bullying.

A Department of Education-funded project at Sheffield University found that 27% of learners who took part in the project in junior and middle schools in Sheffield were bullied. 10% indicated that they were bullied once a week or more frequently (Smith & Sharp, 1994:15).

In Turkey a study was conducted to investigate school bullying among public high school students. Of the total of 692 students who participated in the

study, everyone reported having been bullied. 35.3% had been bullied verbally, 35.5% had been bullied physically, 28% had been bullied emotionally, and 15.6% had been bullied sexually, at least once during the academic year. Most of the physical bullying took the form of pushing (60.5%), most of the verbal bullying was name-calling (52,0%), and emotional bullying was mainly humiliation (30.6%). Sexual acts as a form of bullying, which is using any form of words including slang which have a sexual meaning, was primarily sexual assault (23.3%) (Kepenekci & Cinkir, 2006:197-198).

The above studies indicate that bullying of learners by other learners takes place internationally; it is not only the South African problem. The problem of bullying needs to be dealt with internationally.

2.4.3 The extent of educator-targeted bullying in South African schools and in other countries

The literature indicates that anti-bullying policies that guide learners on how to behave themselves should also include ways of dealing with educator-targeted bullying.

De Wet (2006:67) found that Free State educators who took part in the research were not only witnesses of learners being bullied but were also the victims of educator-targeted bullying. De Wet (2006:66) Table 2 gives an overview of the respondents' experiences as victims of various types of bullying, from the most common to the least common types of bullying. The most common form of educator-targeted bullying is saying mean things to educators (things that hurt their feelings). The second form of bullying is when educators are bullied into giving up money, food, drinks or snacks. The third form of educator-targeted bullying is laying hands on educators (hitting, kicking, or pushing or hurting educators' body). The fourth form of educator-targeted bullying is spreading rumours about educators. The fifth form of educator-targeted bullying is making sexual comments that bother educators

(for instance, commenting on their bodies, calling them gays, talking about sex, etc).

The study by De Wet (2006:66-67) indicates that anti-bullying policies that guide learners on how to behave themselves should also include ways of dealing with educator-targeted bullying.

In a study on educator-targeted bullying in Inner London School, Pervin and Turner (1998:5) found that 91% of educators had at some stage in their teaching career suffered from educator-targeted bullying.

McGuckin and Lewis (2008:16) in their study called “Management of bullying in Northern Ireland schools: a pre-legislative survey” state that 30.7% of principals reported that educators in their school had reported being the victim of bullying behaviours. For educators the study indicates that 20,0% of perpetrators were learners.

2.4.4 The extent of non-teaching staff-targeted bullying

McGuckin and Lewis (2008:16-17) state that 12.1% of principals reported that non-teaching staff within their school had reported being the victim of bullying behaviours. For non-teaching staff, the study indicates that 21,2% of perpetrators were learners.

2.5 CAUSES OF BULLYING

In the public debate it has often been maintained that bullying is the direct consequence of competition for good marks at school. More specifically, it has been argued that the aggressive behaviour of the bullies towards their peers could be explained as a reaction to frustrations and failures at school (Olweus, 1993:28).

According to Olweus (1993:39-40) the following four factors have been found to be particularly important:

- Firstly the basic emotional attitude of the parents, mainly that of the primary caretaker (usually the mother), towards the boy is very important in particular the emotional attitude during his earlier years. A negative basic attitude, characterised by lack of warmth and involvement, clearly increases the risk that the boy will later become aggressive and hostile towards others.

- A second important factor is the extent to which the primary caretaker has been permissive and allowed aggressive behaviour on the part of the child. If the caretaker is generally permissive and "tolerant" without setting clear limits to aggressive behaviour towards peers, siblings and adults, the child's level of aggression is likely to increase.

- A third factor that has been found to raise the child's level of aggression is the parents' use of "power-assertive" child-rearing methods such as physical punishment and the like.

- Finally, the temperament of the child also plays a part in his or her development; an active and "hot-headed" temperament is more likely to develop into an aggressive youngster than is an ordinary or quieter temperament. The effect of this factor is smaller than those of the first two conditions mentioned above.

Roberts Jr. (2006:21) states that learners may be victimised because of their social status, specific needs and sexual identity.

Smit (2003a:88) states that from the literature review it has emerged that one could state that low self-esteem, insecurity and a need for control could be considered to be the key characteristics that lead to bullying.

Schools should be able to identify the causes of bullying and suggest strategies of preventing these causes. All stakeholders should participate because some of the causes of bullying are caused by them. If the causes of bullying have been identified and can be prevented, bullying will be reduced in schools. The anti-bullying policy should also specify the strategies that can be used to prevent the causes of bullying.

2.6 CONSEQUENCES OF BULLYING

Bullying can disturb the culture of instruction and learning in our schools. De Wet (2006:61) states that bullying can have negative consequences for the general school climate and for the rights of learners and educators to learn and instruct in a safe environment without fear.

Smit (2003a:88) states that from the literature it has emerged that the effects of bullying are far-reaching and results in victims suffering. Kaltiala-Heino, Rimpela, Marttunen, Rimpela and Rantanen (1999:348-351) concurs with Smit (2003a:88) by stating that in the research that they conducted there was an increased prevalence of depression and severe suicidal ideation among both those who were bullied and those who were bullies.

Bullying can also result in very serious crime when children become adults. Banks (1997:2) states that as established by studies in Scandinavian countries, a strong correlation appears to exist between bullying other students during the school years and experiencing legal or criminal troubles as adults.

Bullying can lead to school violence. In 1999 twelve students and one teacher were killed at Columbine High School in Littleton, Colorado. The year before Columbine, five persons were killed at Westside Middle School in Jonesboro, Arkansas. Post-event analysis produced evidence that the shooters, four boys ranging between 11 and 18-years old, were victims of bullying in their schools. The Secret Service and the U.S. Department of Education have reported that almost three-quarters of student shooters in these and other attacks

apparently felt bullied or threatened at school (The International Association of Chiefs of Police, 2006:2).

The effects of bullying on learners are far-reaching. They often become withdrawn and develop stress-related symptoms such as persistent headaches and stomach ailments. Some children even contemplate or commit suicide. Moreover, the effects of bullying can be long-lasting and may persist into adult life (Joubert, 2008:73).

Bullying can also result in learner absenteeism in schools. According to the research report that was conducted by the Weideman, Goga, Lopez, Mayet, Macun and Barry from the Community Agency for Social Enquiry and Joint Education Trust (2007:32 & 90) for the Department of Education, bullying contributes to learner absenteeism.

According to De Wet and Van Huyssteen (2005:42) the inflictors of initiation practices to learners regard it as mere ‘fun’, but psychologists say that it could cause lasting psychological damage like anxiety, depression, withdrawal and even aggression. It could also lead to poor academic performance and low self-esteem.

Anti-bullying policies in schools should indicate the consequences of bullying. This will assist learners, parents, educators and support staff to know that bullying has very bad consequences to learners, educators and the society. If learners, parents, educators and support staff can become aware of the negative impact of bullying, it will be easy for them to help in stopping bullying.

2.7 STRATEGIES TO PREVENT OR REDUCE BULLYING

According to section 24 of the Constitution and section 8 of the Schools Act, it is the responsibility of the school to create an environment that is secure. Included in developing a safe and happy environment, needs to be a plan that provides the children with strategies to deal with bullying (Zeelie, 2004:3).

Olweus (1993:64) provides several strategies that address ways to help reduce bullying. These strategies are the following:

General prerequisites

- Awareness and involvement

Measures at School Level

- Questionnaire survey
- School conference day on bully/victim problems
- Better supervision during recess and lunch time
- A more attractive school playground
- Contact telephone
- Meeting staff – parents
- Teacher groups for the development of the social milieu of the school
- Parent circles

Measures at Class Level

- Class rules against bullying: clarification, praise, and sanctions
- Regular class meetings
- Role playing, literature
- Common positive class activities
- Class meeting teacher- parents

Measures at Individual Level

- Serious talks with bullies and victims
- Serious talks with parents of involved students
- Teacher and parents using imagination
- Help from “neutral” learners
- Help and support for parents (parent folder, etc.)
- Discussion groups for parents of bullies and victims
- Change of class or school

Evers, Prochaska, Van Marter, Johnson and Prochaska (2007:398) in their research about transtheoretical-based bullying prevention effectiveness trials in middle schools and high schools state that the bullying prevention protocol includes the following:

- At school level, a Bullying Prevention Coordination Committee, an anonymous survey, a school conference day, improvement of supervision and outdoor environment and meetings with parents.
- At classroom level, classroom rules against bullying, positive and negative consequences, weekly classroom meetings and regular classroom meetings with parents.
- At student level, serious talks with bullies and victims.
- At family level, teacher and parent meetings. The programmes were designed to be ongoing across multiple grades.

2.8 LEGAL FRAMEWORK ON BULLYING

In South Africa there are many legal concepts, principles and procedures that guide society on whatever action to take when dealing with bullying. It is quite important for school governing bodies, school management teams, educators, parents and learners to know the law relating to bullying.

The legal duty for schools to prevent all forms of bullying is set out in the Constitution, Schools Act, Children's Act, common law and case law.

According to Bray (2000:58) an important form of subordinate legislation is passed by public schools: the school constitution, policies and code of conduct have to be drafted by the governing body in terms of national laws (e.g. the governing body drafts a code of conduct in accordance with the Schools Act and the guidelines offered by the Member of Executive Council in this regard). An anti-bullying policy is subordinate legislation. It has to be drafted by the governing body of the school in terms of the legislations such as the Constitution, Schools Act, Children's Act, common law and case law.

Figure 2.1. South African legal framework on bullying at school

The South African Constitution Act of 1996 (Bill of Rights)
-Section 9: Equality
-Section 10: Human dignity
-Section 12: Security
-Section 14: Privacy
-Section 24: Environment
-Section 28: Children
-Section 29: Education
-Section 33: Just administrative action
-Section 36: Limitations

National legislation

- **The South African Schools Act 84 of 1996**
  -**Section 8:** A Code of Conduct for learners
  -**Section 8A:** Random search and seizure and drug testing at school
  -**Section 10:** Prohibition of corporal punishment
  -**Section 10A:** Prohibition of initiation practices
  -**Section 30:** Committees of governing body

- **Children's Act 38 of 2005**
  Section 6 (2): Proceedings, actions or decisions in a matter concerning a child
  Section 8: Application of this Act
  Section 9: Best interests of child paramount
  Section 18 (2): Parental responsibilities and rights

Anti-bullying policy / Code of conduct with anti-bullying policy as an addendum

Common law
- Rules of natural justice embedded in section 33 of the Constitution
- In loco parentis
- Diligens pater familias

Case law
- Dowling v Diocesan College and Others 1999 (3) SA 847: Schools liability for prefects' acts
- Danielle Antonie v Governing Body, Settlers High School & Head Western Cape Education Department (2002) (4) SA 738: Human dignity
- High School Vryburg and the Governing Body of High School Vryburg v The Department of Education of the North West Province (CA 185/99): The right to due process.

2.8.1 The South African Constitution of 1996

The provisions of the Constitution that deal directly with education form the cornerstone of all education law. The most prominent of these is section 29 of the Bill of Rights that guarantees the right to basic and well as further education for everyone, which the state, through reasonable measures, must

make progressively available and accessible (Joubert, De Waal & Rossouw, 2004:79).

Prinsloo (2005:6) concurs with Joubert *et al.* (2004:79) by stating that the purpose of any school is to ensure effective instruction and learning and therefore the right to education (section 29 of the Constitution) is very important. He adds that in practice this also means that, in terms of section 9 of the Constitution (the equality clause), everyone has the right to equal access to education and the right not to be unfairly discriminated against on any of the grounds listed in the equality clause.

In a safe school environment every learner should at least have the right to human dignity (section 10 of the Constitution), the right to freedom and security of the person (section 12 of the Constitution) and the right to privacy (section 14 of the Constitution). In other words, learners should be respected and protected, they should be free from any form of violence and never be treated or punished in a cruel or inhuman or degrading way, and their right to privacy should be respected.

Joubert *et al.* (2004:79) state that section 12 and 24 of the Bill of Rights are very clear about everyone's right to be free of all forms of violence in a safe environment and section 28(1) (d) stipulates that every child has the right to be protected from maltreatment, neglect, abuse or degradation. Netshitahame and Van Vollenhoven (2002:313) also state that it is stipulated in the Constitution, section 24, that every person has the right to an environment that is not detrimental to his health or well-being. This right also applies to learners, and in principle protects them from being exposed to harmful environments, including the school.

The Constitution guarantees administrative justice as a fundamental right (section 33). It requires that all administrative actions be performed lawfully, reasonably and procedurally fair (Bray, 2005:136).

Section 36 of the Constitution states that the rights in the Bill of Rights may be limited only in terms of the law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom. According to Bray (2005:136) in the process of limiting and balancing rights on both sides, the limitation must serve the purpose of promoting the values of human dignity, equality and other fundamental freedoms.

The rights to equality, human dignity, security, privacy, children, education and just administrative action should be taken into consideration during the establishment of anti-bullying policies.

2.8.2 The South African Schools Act 84 of 1996

The Schools Act, in its preamble, aims to combat racism and sexism and all other forms of unfair discrimination and intolerance. It also upholds the rights of all learners, parents and educators, and promotes their acceptance of responsibility for the organisation and governance. This means that all forms of bullying such as racial bullying, sexual bullying, physical bullying, homophobic bullying, cyber bullying, emotional bullying, etc. are not acceptable in our country.

The following sections of the Schools Act need to be considered when anti-bullying policies are established:

Section 8 of the Schools Act indicates that a governing body of a public school must adopt a Code of Conduct after consultation with learners (in secondary schools), parents and educators of the school. The Code of Conduct must aim at establishing a discipline and purposeful school environment to facilitate effective education and learning in schools. An anti-bullying policy forms part of a Code of Conduct. The anti-bullying policy is a detailed policy that deals specifically with bullying. The anti-bullying policy

aims to establish a discipline environment and purposeful environment to facilitate effective teaching and learning in schools.

Where learners are bullying other learners and staff members using dangerous objects or drugs, section 8A(1) states that unless authorised by the principal for legitimate educational purpose, no person may bring a dangerous object or illegal drugs onto school premises or have such object or drug in his or her possession on school premises or during any school activity. Section 8A(2) states that subject to sub-section (3) the principal or his delegate may, at random, search learners or the property of a group of learners for any dangerous objects or illegal drugs if fair and reasonable suspicion has been established. Section 8A (3)-8A (14) specifies all relevant factors, conditions and procedures that should be considered during the process of searching learners.

The Code of Conduct must inform the learners of the way in which they should conduct themselves at school in preparation of their conduct and safety in civil society. It must set a standard of moral behaviour for learners and equip them with the expertise, knowledge and skills they would be expected to evince as worthy and responsible citizens. It must promote the civic responsibilities of the school and it must develop leadership.

Paragraph 1.4 of the Guidelines states that the main focus of the Code of Conduct must be positive discipline; it must not be punitive and punishment-orientated but should facilitate constructive learning. Paragraph 1.5 of the Guidelines mentions that in formulating a Code of Conduct as a consensus document and before adopting it, the governing body must involve parents, learners, educators and non-educators at that school. After the adoption of the Code of Conduct, each stakeholder must receive a copy. The above stakeholders must also be consulted when the Code of Conduct is reviewed annually or when any amendments are made. Paragraph 11(m) of the Guidelines for a code of conduct for learners states that bullying of other learners is an offence that may lead to suspension.

The Schools Act section 8(1) empowers the governing body of a school to maintain discipline in a school. Anti-bullying policies should facilitate this role. Oosthuizen and De Waal (2005:10) state that it is imperative that aspects related to the safety of learners, including the presence of drugs and dangerous weapons at school as well as harassment, bullying and fighting are properly addressed in the code of conduct.

Section 10A (1) of the Schools Act states that a person may not conduct or participate in any initiation practices against a learner at a school or in a hostel accommodating learners of a school. Section 10A (3) provides that for purpose of this Act, 'initiation practices' mean any act which in the process of initiation, admission into, or affiliation with, or as condition for continued membership of a school, a group, intra-mural or extra-mural activities, interschool sports team or organisation:

(a) endangers the mental or physical health or safety of a person;

(b) undermines the intrinsic worth of human beings by treating some as inferior to others;

(c) subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights;

(d) undermines the fundamental rights and values that underpin the Constitution;

(e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern; or

(f) destroys public or private property.

In terms of Section 10A of the Schools Act bullying practices that are in a form of initiation practices that take place in schools, especially in boarding colleges, are directly in contrast to the fundamental right to have one's dignity respected (section 10, SA Constitution), not to be treated or punished in a cruel, inhuman, or degrading way (section 12) and in some cases even the right to life (section 11) (De Wet & Van Huyssteen, 2005:41-42).

Section 30(1) of the Schools Act provides that governing bodies may establish committees, including an executive committee. Subsection (2) provides that school governing bodies may appoint persons who are not members of the governing body to such committees on grounds of expertise but a member of the governing body must chair each committee. This means that if the governing bodies of schools want to establish an anti-bullying committee that will deal with bullying in a school, they may establish it, but it must be chaired by a member of the school governing body.

School governing bodies should adopt a code of conduct. The anti-bullying policy becomes part of the code of conduct for learners to deal with bullying. Stakeholders such as parents, learners, educators and non-educators should be involved when anti-bullying policies are formulated and evaluated. School governing bodies should consider the above-mentioned legal principles when they establish their anti-bullying policies.

2.8.3 Children's Act 38 of 2005

Section 6 (2)(a) of the Children's Act provides that all proceedings, actions or decisions in a matter concerning a child must respect, protect, promote and fulfil the child's rights set out in the Bill of Rights.

Section 8 of the Children's Act provides that the rights that a child has in terms of this Act supplement the rights which a child has in terms of the Bill of Rights. All organs of state in any sphere of government and all officials, employees and representatives of an organ of state must respect, protect and promote the rights of children contained in this Act. A provision of this Act binds both natural and juristic persons, to the extent that it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.

Section 9 of the Children's Act provides that in all matters concerning the care, protection and well-being of a child, the standard that the child's best interest is of paramount importance must be applied.

Section 18(2) (a) of the Children's Act provides that the parental responsibilities and rights that a person may have in respect of a child, include the responsibility and the right to care for the child.

The Children's Act encourages everyone including all stakeholders in schools (parents, educators, non-teaching staff members and learners) to respect, protect, promote and fulfil children's rights set out in the Bill of Rights. It also provides that these stakeholders take care and protect children. Whatever the school is doing, it must take the child's best interest into consideration. Stakeholders should consider the Children's Act during the process of establishing the anti-bullying policies in their schools.

2.8.4 Common law

According to the Constitution Section (8) (1) the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state. Sub-section 2 provides that a provision of the Bill of Rights binds a natural or juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right. Sub-section (3) states that when applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court in order to give effect to a right in the Bill, must apply, or if necessary, develop the common law to the extent that legislation does not give effect to that right; and may develop rules of common law to limit the right, provided that the limitation is in accordance with section 36(1).

The court has established many common law principles in order to protect learners and educators from bullying. Common law principles such as *in loco parentis* and the *rule of natural justice* play an important role in dealing with

bullying in schools. During the establishment of anti-bullying policies this source of law should be considered.

Examples of legal concepts derived from common law are:

- reasonableness
- fairness
- negligence
- legal status and legal personhood.

When dealing with bullying in schools, the *rules of natural justice* that are embodied in Section 33(1) of the Constitution should be considered. The aims of the *rules of natural justice* are to ensure fairness and justice in all disciplinary actions.

School authority over a learner begins when the learner enters the school premises and ends when the learner leaves the school premises, and the authority also extends to learners on official school trips. During this time all educators act on behalf of the parents (*in loco parentis*) (Joubert & Prinsloo, 2009:156).

Educators have a duty of care towards learners. Therefore they should ensure that learners are not bullied on the school premises and during official school trips. In the case where a learner is bullied because of an educator's negligence, the educator will have failed to perform his/her duty of care. Joubert and Prinsloo (2009:147) state that the criterion adopted by law to establish whether a person has acted negligently is the reasonable person, *the bonus paterfamilias* (a prudent educator compared with a good father of the family).

Educators acting in the place of the parents also have an important duty of care towards the learners entrusted to them. The duty of educators is to accept the responsibility for the safety of learners from bullying for as long as

they are in their care, whether it be on or off school grounds or in or outside official school hours.

Learners also need to respect their educators just as they respect their biological parents because educators posses delegated parental authority. This means that learners are not allowed to bully their educators.

When dealing with bullying in schools, the due process needs to be taken into consideration. Due process includes both procedural due process, which refers to fair procedure, and substantive due process, which refers to the appropriateness and fairness of rules. The distinction is important because the actions of a school governing body will not only be reviewed in terms of the procedures it follows, but the rules applied by the governing body and the decisions taken may also be reviewed for reasonableness and fairness (Joubert & Prinsloo, 2009:130).

2.8.5 Case law

The practical application of the above-mentioned legal principles becomes clear from an analysis of relevant case law.

School's liability for prefects' act

In a case involving an independent school (*Dowling v Diocesan College and others*) 1999 (3) SA 847 (CPD) the parents of a boy who had been bullied and badly beaten and humiliated by two prefects won their case to institute legal proceedings against the school board. According to the findings of this case, schools have an obligation to protect the human dignity of their learners. The judge found that the assault had been carried out by duly appointed prefects, within the scope of their duties as prefects. Thus, schools are held liable for the actions of their prefects (Prinsloo, 2005:8).

Human dignity

In whatever decision the school takes to deal with bullying, it must consider that paragraph 4.3 of the Guidelines determines that "every learner has inherent dignity and has the right to have his/her human dignity respected". The issue of human dignity was also emphasised in the court case of *Danielle Antonie v Governing Body, The settler High School & Head Western Cape Education Department (2002) (4) SA 738.* This court case was based on a learner who challenged the school governing body who charged a fifteen-year-old Grade 10 learner with serious misconduct (and found her guilty) of defiance of the school code of conduct that required that "the hair must be tied up if it is below the collar". The court ruled in her favour and set the suspension aside, agreeing that the punishment could have both a negative effect on her development and her future career as well as infringed her dignity and self-esteem. The court referred to the official guidelines for adopting a learner code of conduct as a footing for its judgment (Joubert *et al.,* 2004:81). When bullies are disciplined, their human dignity should be respected.

The right to due process

During the establishment of anti-bullying policies, case law about "due process" should be considered. Joubert *et al.* (2004:82) explain the case law about the right to due process as follows:

In *High School Vryburg and the Governing Body of High School Vryburg v The Department of Education of the North West Province (CA 185/99)*, Andrew Babeile, a Grade 9 learner at Vryburg High School, appeared before the governing body on a charge of assault with the intent to do grievous bodily harm. It was alleged that on 17 February 1999, during a class break, Babeile stabbed another learner with the pair of scissors. It was also alleged that the learner he stabbed had done nothing to provoke him. Babeile appeared in court on 19 February 1999 and was granted R500 bail. He returned to school on 22 February, but was told to go home because he had been suspended.

He was back at school on 24 February after 800 members of African National Congress (ANC) and Congress of South African Students (COSAS) threatened to march to the school to demand his reinstatement. The school governing body held a disciplinary hearing and Babeile was suspended again, pending a decision from the Department of Education to expel him. A tussle occurred between the school governing body, the education department and pressure groups. Eventually, Judge Khumalo of the High Court examined the proceedings of the disciplinary hearing against Babeile and declared them null and void as there had been no fair hearing. He then ordered a hearing *de novo*. The implication of this judgement was that Babeile could not be expelled as requested by the school (section 9 of the Schools Act). The judgement was based mainly on the fact that Babeile's parents had not been notified, and the disciplinary committee had not applied the rules of natural justice.

Babeile's case was then moved to a criminal court. In May 2002 he was sentenced to five years imprisonment for attempted murder, of which two years were suspended. The Vryburg High School case opened up a serious debate, mainly due to the fact that Babeile was black and the other learner white. When Babeile had served one year of his sentence, the ANC Youth League protested outside the High Court and demanded that he be allowed to return to school. Babeile appealed to the President for clemency and was granted this after he had served almost two years in prison.

The following typical problems that limit access to equal educational opportunities come to the fore when examining the Babeile case:

- A lack of setting clear expectations for all.
  Access to equal educational opportunities can only be achieved if every learner and educator at every school has a clear understanding of the corresponding duties that the rights of human dignity, equality and freedom place upon them.
- A lack of establishing levels of acceptable behaviour.
  It is not clear from the Babeile case whether Vryburg High School's Code of Conduct addressed the issue of unacceptable behaviour such as bullying, carrying or using objects, or the issue of diversity.
- A lack of communication of consequences of unacceptable behaviour
  School rules, especially those related to acceptable behaviour and the consequences of breaking them, should be clearly specified and communicated to staff, learners and parents by means of a copy of the Code of Conduct, newsletters, and discussions during assemblies and in classes. Once the rules have been communicated, fair and consistent enforcement helps to maintain learners' respect for the school's disciplinary system.
- A lack of knowledge when implementing due process
  Judge Khumalo of the High court dismissed the application of Vryburg High School and its Governing Body because Babeile's disciplinary hearing had not been conducted according to the process principle in section 8(5) of the Schools Act.

The above case judgements give a clear indication that legal principles are applied by different courts in cases that involve the safety of learners. These case judgements indicate to schools that they should be careful when they establish anti-bullying policies. Legal principles such as taking reasonable steps to ensure safety, human dignity and the right to due process should be considered.

2.9 ESTABLISHMENT OF ANTI-BULLYING POLICY

As stated in the introduction, Sharp and Thompson (1994b:23) define a policy as a statement of intent which guides action and organisation within the school. The policy therefore establishes a clear set of agreed aims which provide learners, staff and parents with a sense of direction and an understanding of the commitment of the school to do something about bullying behaviour. Smith e*t al.* (2008:2) states that the school anti-bullying policy is perceived as a framework for signalling the school's commitment to anti-bullying work, organising its response (including both proactive and reactive strategies) and communicating this to all stakeholders in the school community.

Policy development

It is important that schools should be able to develop their own anti-bullying policies. During the policy development process it is very important to consult stakeholders such as learners, staff and parents. Sharp and Thompson (1994b:32) state that the wider and more thorough the consultation when devising a policy, the more likely it is to be successfully implemented. Sharp and Thompson (1994a:65) state that in the Sheffield study, those schools that had involved all staff meaningfully and purposefully in the whole process of policy development had the biggest decreases in bullying behaviour.

De Wet and Jacobs (2006:70) in their study that was undertaken in the Free State and the Eastern Cape about educator-targeted bullying, state that all role players, including the principal, members of governing bodies, learners, parents, educators and support staff should be involved in the development of an anti-bullying policy.

Smith *et al.* (2008:1) state that some schools have a separate anti-bullying policy, others include measures to tackle bullying within their overall school behaviour policy.

Zeelie (2004:63) conducted research that was based on managing bullying in primary schools. He states that many principals are generally not confident about the formulation of their schools' anti-bullying policies. Participants also mentioned that not all stakeholders are involved in the policy formulation.

In addition, Glover, Cartwright, Gough and Johnson (1998:92) state that it appears that those schools that tend towards the collegial pattern have become more successful, as judged by the consistency of staff and pupil understanding of the fundamentals of the policy.

Smith *et al*. (2008:4) state that the policies must be clear and comprehensive in the first instance if they are to be used properly by educators, pupils, parents and other members of the community.

Sharp and Thompson (1994b:35-37) also claim that when formulating policy, the following need to be considered:

- The aims of the policy
- A clear definition of bullying behaviour
- Strategies for prevention of bullying
- Reporting bullying
- Responding to bullying
- Roles and responsibilities of teachers, non-teaching staff, learners, parents and governors in implementing the policy
- Monitoring and evaluating the policy.

Schools in England are legally required to have anti-bullying policies but the little research reported so far suggests that they may lack coverage in important areas. An analysis of 142 school anti-bullying policies, from 115 primary schools and 27 secondary schools in one county was undertaken. Overall schools had about 40% of the items in their policies. A 31-item scoring scheme was devised to assess policy. Most included improving schools climate, a definition of bullying including reference to physical, verbal and

relational forms, and a statement regarding contact with parents when bullying incidents occurred. But many schools did not mention other important aspects and there was low coverage of responsibilities beyond those of teaching staff; following up incidents; management and use of records; and specific preventative measures such as playground work and peer support. There is infrequent mention of homophobic bullying, and of cyber bullying. There is little difference between policies from primary and secondary schools (Smith *et al.*, 2008:1).

Smith *et al.* (2008:4-6) designed a content analysis for anti-bullying policies. Their content analysis had 31 categories that were divided into four sections: (A) 11 categories concerning the definition of bullying; (B) 11 categories concerning reporting and responding to bullying; (C) 4 categories concerning recording bullying and evaluating the policy; and (D) 5 categories on strategies for preventing bullying.

Anti-bullying policies that have clear aims can assist in preventing and reducing bullying in schools. The Scottish Council for Research in Education Centre (2005:2) states that the aims of an anti-bullying policy can include the following:

- Preventing bullying
- Dealing with bullying if it occurs
- Building on a school discipline policy
- Fitting in with a social education policy.

Zeelie (2004:32-33) includes an example of a framework for a no-bullying policy. The aims that are mentioned in the policy are to:

- provide for a safe learning environment;
- protect children against bullying;
- provide support for victims, bullies and parents; and
- provide guidelines on how to deal with bullying.

Learners, staff members and parents should use different strategies to prevent and reduce bullying. De Wet (2005:88) recommends that the first step in combating bullying is to establish an anti-bullying programme. An effective anti-bullying programme should involve the entire school community rather than focus on the perpetrators and victims alone. The Olweus bullying prevention programme is one of the programmes that can be used in school to prevent and reduce bullying.

Reporting of bullying incidents can be one of the strategies of reducing bullying. Neser *et al.* (2003:140) in their study titled *Bullying in schools: A general overview* found that of the victims who shared their experiences with others, 43.5% had told friends, followed by parents (31.9%), siblings (30.9%) and a teacher or other adult at school (18.8%). Noticeably more female than male learners were willing to discuss the victimisation incidents with parents (38.2% females and 24.7% males), siblings (33.6% females and 27.8% males) and friends (49.1% females and 36.1% males). Respondents in lower grades were more willing to tell others about being bullied than those in higher grades.

Implementing the policy

Teachers, non-teaching staff, learners, parents and school governing bodies have roles and responsibilities to implement anti-bullying policies.

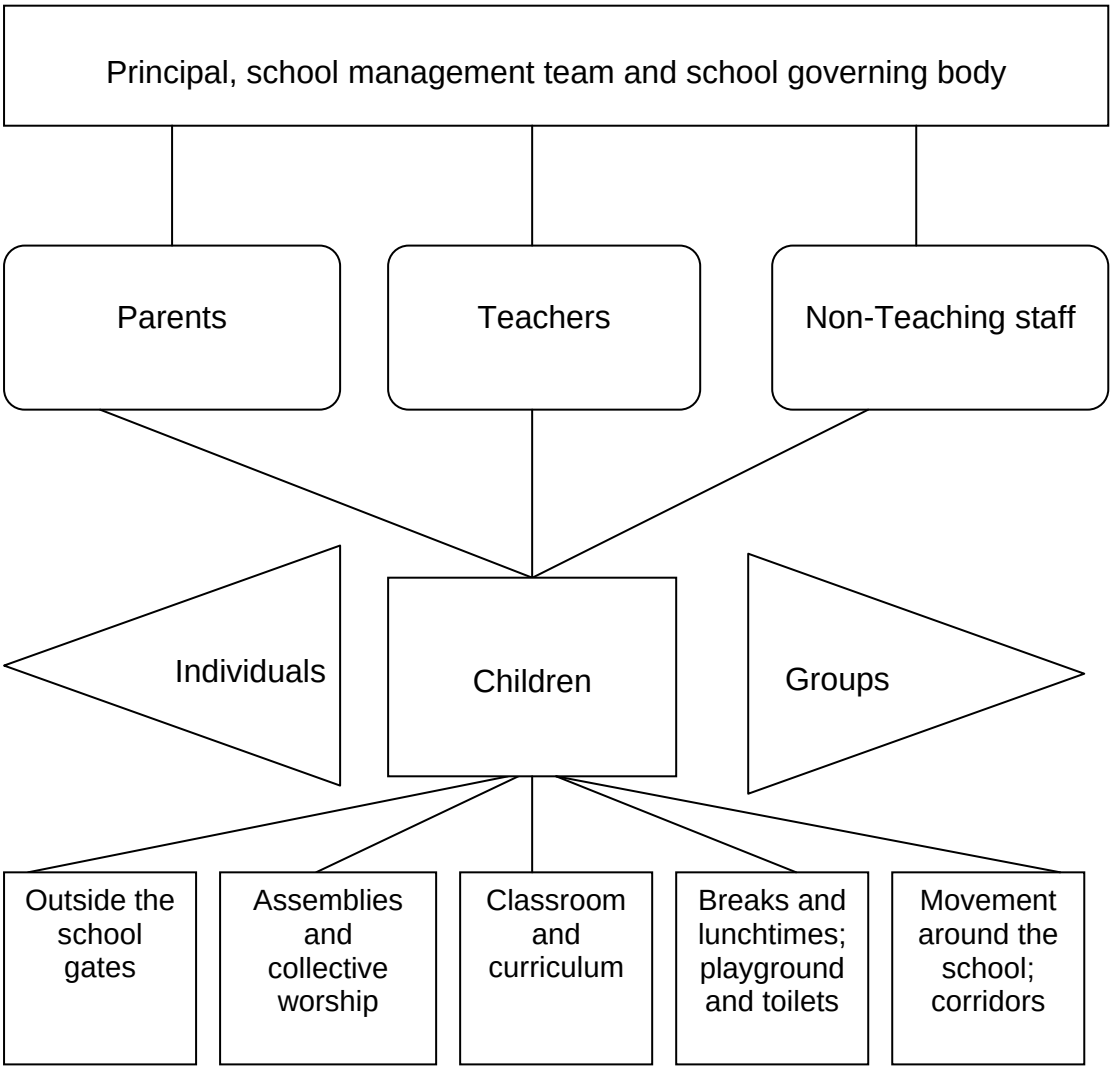
Successful implementation of anti-bullying policy depends on how stakeholders are being involved in policy formulation and adoption. Some stakeholders such as learners, staff and parents in schools can sometimes resist implementing a policy if they have not been involved in its formulation and adoption. They feel that they do not own the policy.

In addition, there is also evidence that while there may be a widespread ownership of the policy, with the majority of staff feeling that they have made a worthwhile contribution to the discussion, there is also a need for either a

group of staff or an individual to maintain the momentum lest the priority be overtaken by a more pressing concern amongst the staff. If anti-bullying is not high on the agenda of the leader and opportunities are not offered for active staff participation in managing change the necessary collegiality for enhanced value systems may not exist (Glover *et al.,* 1998:92).

According to Sharp and Thompson (1994b:23-24) the policy can be implemented at a number of levels. Schools that are attempting to change attitudes and behaviour in their school must make a concerted effort to address the problem in all parts of the school system.

Figure 2.2 Levels of implementation of a whole-school anti-bullying policy (Adapted from Sharp and Thompson, 1994b:24)



Once the policy has been finalised it needs to be communicated and recommunicated. Assemblies, tutorial work, staff meetings and family meetings can be used to remind people of the policy. In the busy climate of today's schools, it is too easy for a policy to be forgotten over time. Many staff members who were interviewed in the Sheffield study made reference to the problems they faced keeping the anti-bullying policy fresh in the minds of colleagues and learners (Smith & Sharp, 1994:67).

Training of all school staff is an essential part of ensuring that the policy is accepted by the whole school. There are many opportunities to promote the policy: during assemblies; lessons, projects, role-play or stories can indicate what learners can do to prevent bullying (National Assembly for Wales Circular No. 23/2003, 2003:3). McGuckin and Lewis (2008:16) in their study state that 98.6% of principals mentioned that their teaching staff received training and guidance regarding bully/victim problem through in-service training and support. 64.2% of non-teaching staff members had received training and guidance regarding bully/victim problems. This proves that all staff members should be trained on how to deal with bullying in schools.

The anti-bullying policy implementation process also needs to be monitored. In monitoring the policy, a key member of staff identifies progress and enables follow-up, showing whether the policy is really effective. Schools should make clear under what circumstances records should be used for monitoring, how long they will be kept and who has access to them. Schools should be aware of the temptation of using the existence of an anti-bullying policy to deny the existence of bullying. In monitoring the policy's effectiveness, the views of the learners should be sought on how the policy is working. Any areas where problems persist, and where further work may be needed, should be identified (National Assembly for Wales Circular No. 23/2003, 2003:4).

Evaluation

According to the National Assembly for Wales Circular No. 23/2003 (2003:4) schools should use data from monitoring and feedback, that staff, families,

learners and governors provide, to review and update the policy at least once every school year. A report each term should be made available to governors, parents and staff. After one year, schools typically find that:

- staff are more vigilant and responsive to bullying;
- fewer learners report being bullied or that they bully others;
- more learners say they would not join in bullying someone else; and
- more learners would tell a member of staff if they have been bullied.

It does not mean that when a school has an anti-bullying policy, then bullying will not take place. It depends on how the policy is formulated (quality) and how it is implemented. It might happen that the policy is more detailed but it is not well implemented or vice versa. That is why it is important that the process of evaluation finds out where the process of establishing the policy needs to be improved. Questionnaires can be used to evaluate the extent of bullying after the policy has been implemented. Joubert (2008:73) states that questionnaires on bullying are useful for gathering information about the extent and nature of bullying in a school.

The following researchers state the importance of evaluating anti-bullying policies so that they can make an impact:

Glover *et al.* (1998:89-105) conducted a study that considered aspects of the management of change as illustrated in 25 secondary schools that have progressed along different paths to implement an anti-bullying policy for their learners. Their report indicates that the extent of staff ownership is an important element in the eventual success of a scheme because it can promote a shared value system and ensure consistency in policy application. They also state that problems arising from the subjectivity of policy interpretation and contextual pressures are likely to affect outcomes and the importance of effective and continuing evaluation. The success of policy, as opposed to cultural influences, is considered through the use of questionnaire results and analysis of reports. The paper concludes that policy creation does make some difference to school experience for learners but ongoing revision

is needed and that the fundamental culture of the school is more important than the policy in securing change.

Woods and Wolke (2003:381-401) who conducted a study that was investigating whether the quality of school anti-bullying policies allows the drawing of any conclusions about the extent of bullying problems in schools. That is, do schools with a more detailed anti-bullying policy have lower rates of bullying? A total of 2377 children in primary schools (six year olds/year two: 1072; eight year olds/year four: 1305) were individually interviewed using a standard interview about bullying experiences. A detailed content analysis scheme that closely followed the core whole-school intervention approach was carried out on a total of 34 schools: 24.5% of the children reported being directly victimised very frequently and 45.9% reported being relationally victimised frequently or very frequently. No correlation between the content and quality of anti-bullying policies and the prevalence of direct bullying behaviour was found. Conversely, an inverse relationship was found for relational bullying behaviour: schools with the most detailed and comprehensive anti-bullying policies had a higher incidence of relational bullying and victimisation behaviour. Inspection of school anti-bullying policies per se provides little guide to the actual amount of direct bullying behaviour in schools.

After the September 11 ethnic tensions in the United States Katz conducted the first major study of 2062 young people in an inner city London borough. In her study she states that though schools are obliged to have anti-bullying policies in place, almost half of learners do not believe their school has one. Meanwhile, half of those who say their schools do have a policy consider it ineffective (Katz, 2002:56-57). This means that there is a need for anti-bullying policies to be evaluated.

2.10 SUMMARY

This chapter deals with the definition of bullying, forms of bullying, the extent of bullying in public schools, causes of bullying, consequences of bullying and the strategies to prevent or reduce bullying.

Part of this literature review has been based on the legal framework that should be considered when establishing anti-bullying policies. The legal framework is based on the South African laws such as the Constitution, the Schools Act and the Children's Act. Common law and case law that are relevant to our South African context have been analysed.

Another part of the literature review is based on the process of establishing anti-bullying policies. The stages of the process of establishing anti-bullying policies such as identifying a need for policy development, policy development, implementing the policy and evaluation of the policy have been discussed.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

In the previous chapter the literature review about how bullying is defined, forms of bullying, the extent of bullying in public schools, causes of bullying, consequences of bullying, strategies to prevent or reduce bullying, the legal framework on bullying and the establishment of anti-bullying policies in public schools was presented.

In this chapter the research design and the methodology that have been used to collect information from the participants about how public schools establish their anti-bullying policies and which legal principles are considered during the cyclic process are discussed. The chapter also discusses how data have been analysed and interpreted. Validity, reliability, limitations, delimitations and ethical considerations of this study are also discussed in this chapter.

3.2 RESEARCH DESIGN

According to McMillan and Schumacher (2001:166) research design refers to a plan for selecting subjects, research sites and data collection procedures to answer the research question(s). The research design of this study is case study research design. As stated in Chapter 1, the research approach used in this study is qualitative. Nieuwenhuis (2007b:55) states that qualitative research acknowledges an interactive relationship between the researcher and participants as well as between the participants and their own experiences and how they have constructed reality based on those experiences. Qualitative research techniques collect data primarily in the form of words rather than numbers. The study provides a detailed narrative description, analysis and interpretation of phenomena (McMillan & Schumacher, 2001:41). Qualitative data collection techniques were used to collect data.

3.2.1 Case study research design

Leedy and Ormrod (2005:135) state that in a case study a particular individual, programme or event is studied in depth for a defined period of time. Creswell (2007:73) defines a case study as the study of an issue explored through one or more cases within a bounded system. The type of case study used in this study is a collective case study (multiple case study). Creswell (2007:74) states that in a collective case study (multiple case study) the one issue or concern is again selected but the enquirer selects multiple case studies to illustrate the issue. Hancock and Algozzine (2006:33) state that a collective design is used to better understand the theory or problem by combining information from smaller cases. The research involved a collective case study (multiple case study) because four schools (two primary schools and two high schools) were used. The researcher studied how several schools establish their anti-bullying policies.

In this research the researcher selected to study two issues. These two issues are phrased as research questions. They are the following:

1. How do public schools establish their anti-bullying policies?
2. Which legal principles are considered during the process of establishing anti-bullying policies?

3.2.2 Epistemology

As stated in Chapter 1, according to Cohen, Manion and Morrison (2000:6) epistemology concerns the very bases of knowledge – its nature and forms, how it can be acquired and how it can be communicated to other human beings. It is also mentioned in Chapter 1 that epistemology relates to how things can be known – how truths or facts or physical laws, if they do exist, can be discovered and disclosed. It is also stated in Chapter 1 that epistemology looks at how one knows reality, the method for knowing the nature of reality, or how one comes to know reality – it assumes a relationship between the knower and the known (Nieuwenhuis, 2007b:55).

This study is based on an interpretative approach. The researcher in this regard believes that the world is made up of people with their own assumptions, intentions, attitudes, beliefs and values, and that the way of knowing reality is by exploring the experiences of others regarding a specific phenomenon – an attempt to see how others have constructed reality by asking about it (Nieuwenhuis, 2007b:55). According to Cohen *et al.* (2000:23) interpretative researchers begin with individuals and set out to understand their interpretations of the world around them.

In this study there was interaction between the researcher and participants where the researcher interviewed the participants and the participants responded based on their experiences. Another method that was used is document analysis where anti-bullying policies from the participating schools were analysed. These two research methods were used to acquire knowledge from the participants.

3.2.3 Data collection techniques

Data collection techniques explain how the researcher obtained the data. McMillan and Schumacher (2001:39) state that another way to classify research is to examine the technique used in the study to collect the data. That is, how has the researcher obtained the data? In this study document analysis and semi-structured interviews were used as data collection techniques.

3.2.3.1 Document analysis

According to the South African Concise Oxford Dictionary (2002:341) a document is a piece of written, printed, or electronic matter that provides information or evidence or that serves as an official record. McMillan and Schumacher (2001:42) state that a document is a record of the past events that is written or printed; they may be anecdotal notes, letters, diaries, and documents. Manyaka (2006:44) states that document study in education

involves the study of documents such as policy statements, hand books, annual reports, minutes of meetings, transcripts of students' work and institutional databases.

Creswell (2002:209) states that documents:

- provide valuable information in helping researchers understand central phenomenon in qualitative studies;
- represent a good source for text (word) data for a qualitative study. They provide the advantage of being in the language and words of the participants, who have usually given thoughtful attention to them;
- are ready for analysis without the necessary transcription.

For the purpose of this research, policies that are used to deal with bullying (anti-bullying policies) have been studied. Document analysis provided data that help in answering the research questions of this study.

The following process was followed during document analysis:

1. Anti-bullying policies were collected from four schools.
2. Anti-bullying policies were studied to check how they are written and how they meet the required standards as mentioned in the literature review.
3. A schedule for each and every policy was filled in.

FORMAT AND CONTENT OF DOCUMENT ANALYSIS SCHEDULE

The document analysis had sixteen categories divided into five sections:

SECTION A

The question in this section is meant to investigate what schools use as their anti-bullying policies.

SECTION B

Questions in this section are meant to find out how the anti-bullying policies were formulated.

SECTION C:

Questions in this section aim at finding out how schools implement and monitor their anti-bullying policies.

SECTION D:

Questions in this section investigate how schools evaluate their anti-bullying policies.

SECTION E:

This section is intended to find out how schools consider education law when establishing their anti-bullying policies.

3.2.3.2 Interviews

In this study semi-structured interviews were used to collect data. Semi-structured questions have no choices from which the interviewee selects an answer. Rather, the question is phrased to allow for individual responses. It is an open-ended question but is fairly specific in its intent (McMillan & Schumacher, 2001:269). An interview involves the gathering of data through direct verbal interaction between individuals (Cohen *et al*., 2000:269 and McMillan & Schumacher, 2001:267). Gay and Airasian (2003:209) state that an interview is a purposeful interaction between two or more people focused on one person trying to get information from the other person.

Face-to-face interviews and telephone interviews were used to collect data from the participants. Face-to-face interviews were used for the main interviews and telephone interviews were used to make follow-ups with the participants. Slavin (2007:106) states that face-to-face interviews provide perhaps the greatest opportunity for survey researchers to obtain elaborated responses to questions that cannot be answered simply. For example,

respondents in a face-to-face interview might expand on an answer by explaining why they hold a particular opinion or provide detailed descriptions of events or practices that they would never take the time to write down.

In this study the interviewer gathered data about the legal perspective on the establishment of anti-bullying policies in public schools. After obtaining permission from the participants, interviews were tape-recorded. De Vos, Strydom, Founce and Delport (2005:298) state that if possible, and if permission has been obtained from the participants, the researcher should record interviews on tape or video. The interview method was used because it offers other information that would not be obtained through document analysis.

Interview schedules were determined. The schedules had questions that are related to what is asked orally with related prompting and probing questions for further information or response.

FORMAT AND CONTENT OF QUESTIONS FOR INTERVIEWS

SECTION A

This section intends to find out how schools identify a need for the development of an anti-bullying policy.

SECTION B

Questions in this section require the interviewees to provide information about how schools develop their anti-bullying policies.

SECTION C

Questions in this section aim at finding out how schools implement and monitor their anti-bullying policies.

SECTION D

Questions in this section investigate how schools evaluate their anti-bullying policies.

SECTION E

This section intends to find out how schools consider education law when establishing their anti-bullying policies.

3.2.4 SAMPLING

Tuckman (1994:237) states that the first step in sampling is to define the population. Once it has been done, the researcher can select a sample or representative group from this population to serve as respondents.

The population for this study includes principals, educators, non-teaching staff members, parents and learners. Participants that have knowledge about the establishment of anti-bullying policies were selected. McMillan and Schumacher (2001:433) state that selection of participants for in-depth interviews begins with a description of the desired attributes or profile of persons who would have knowledge of the topic. The sample or representative group includes four principals, four educators, four non-teaching staff members, four parents and two learners. The total number of participants sampled is eighteen.

As indicated in Chapter 1 the type of sampling used in this research is a non-probability sampling called purposive sampling. The school principal assisted in the process of selecting participants. The documents analysed are the anti-bullying policies collected from the schools.

The study did not involve participants that are minors (under 18), mentally compromised, or otherwise not legally competent to consent to their participation. The participants were blacks, Indian and whites. Males and females participated in the study. The time limit for each face-to-face interview was thirty minutes each.

The principal was requested to identify the relevant participants having knowledge about the topic. Participation was voluntary. No inducement was offered to participants who participated in this study.

3.2.4.1 Choice of schools in the study

Four schools (two primary schools and two secondary schools) in the Witbank 2 Circuit of Mpumalanga Province that have anti-bullying policies were chosen. Two schools (one primary school and one secondary school) are situated in the township and the other two schools (one primary school and one secondary school) are situated in town.

Schools with anti-bullying policies were selected because they offer relevant information and the participants talk from experience. To find out whether the sampled schools had policies that deal with bullying, principals were asked whether their schools do have policies that deal with bullying or not.

Access to the selected schools was negotiated. A first formal application letter to request for permission to conduct research in the circuit was sent to the Mpumalanga Department of Education, Witbank 2 Circuit. This was done after receiving confirmation from the selected schools that they were prepared to allow the research process to be conducted in their schools. McMillan and Schumacher (2001:432) state that choosing a site is a negotiation process to obtain freedom of access to a site that is suitable for the research problem and feasible for the researcher's resources of time, mobility and skills. McMillan and Schumacher (2001:432) further state that some researchers make formal contact after informal confirmation that the research proposal will be positively reviewed.

After permission had been received from the Mpumalanga Department of Education, formal application letters were sent to selected schools to request a permission to conduct the research.

3.2.4.2 School site visits

Principals from four schools were phoned to make an appointment to visit the school. After receiving permission to visit the selected schools, arrangements were made to meet with the principals individually. During the meeting the following information was given to the principals:

- The title of the research project
- The purpose of this study
- What is expected of the participants in the study
- The participants' rights in the study.

The principal was given a chance to ask questions if he/she did not understand and needed clarity. The same information was given to participants. Participants who were willing to participate were requested to sign informed consent forms. Appointments for interviews were arranged. The principal was requested to provide the researcher with the policy that the school uses to deal with bullying.

3.3 DATA ANALYSIS AND INTERPRETATION

Data analysis is primarily an inductive process of organising the data into categories and identifying patterns (relationships) among categories (McMillan and Schumacher, 2001:461).

Qualitative data analysis was used to analyse the data. The following method was used (Creswell, 2002:259-267):

The data that had been collected from interviews and document analysis were arranged systematically into computer files. Conversion of interview data that had been recorded in the audiotape was successfully done. Transcripts were read several times with the intention to explore data. Details were studied with a view to trying to get a sense of the interview as a whole before breaking it

into parts (Agar, 1980:103 as quoted by Creswell, 2002:265). Writing memos in the margins of transcripts helped in this initial process of exploring data.

Typed transcripts were read and typed after conducting interviews and doing document analysis. The process of coding the transcripts was implemented. After coding the entire text, a list of all code words was made. Similar codes were clustered together and the long list of codes was reduced to a smaller, more manageable number. Specific quotes from participants that support the codes were circled. The list of codes was reduced to get themes or descriptions of the setting or participants. From the coding and the themes, narrative description and possibly a visual display of the findings for the research report were constructed.

3.4 VALIDITY AND RELIABILITY

Nieuwenhuis (2007c:80) states that it is generally accepted that engaging multiple methods of data collection, such as observation, interviews and document analyses leads to trustworthiness. In this study, data sources such as individual interviews and document analysis were used.

Cohen *et al*. (2000:121) indicate that one way of validating interview measures is to compare the interview measure with another measure that has already been shown to be valid. This kind of comparison is termed ‘convergent validity’. Vithal and Jansen (2004:33) state that a researcher may check for validity by comparing findings of one instrument with findings from other instruments. In this study interview measure was compared with document analysis measure. In order to validate the document analysis, document analysis measure was compared with interview measure.

Raw data were verified during informal conversations with participants. Nieuwenhuis (2007a:113) states that during an informal conversation with participants the researcher can sound out his/her initial understanding with them to verify whether his/her interpretation of what they have shared with him/her is correct. Follow-up interviews are done telephonically.

Notes of the research and analysis process for this study were kept. Nieuwenhuis (2007a:114) indicates that a journal of decisions that are taken during the research process should be kept. He further states that the analysis process should be documented so that another person can see the decisions that have been taken, how the analysis was done and the researcher arrived at the interpretation.

Simple language was used to ensure that the participants understood the questions. Where they did not hear very well, the questioned were rephrased.

3.5 LIMITATIONS AND DELIMITATIONS OF THE STUDY

3.5.1 Limitations

Limitations have been acknowledged to appreciate what constraints were imposed on the study, and to understand the context in which the research claims are set (Vithal & Jansen, 2004:35). Some limitations that were encountered are access, time, resources, availability and credibility. The study was limited to anti-bullying policies that deal with bullying behaviour such as learner-on-learner bullying, learner-on-educator bullying and learner-to-non-teaching staff member bullying only. This was a small scale research involving only four schools.

3.5.2 Delimitations

Ethical clearance was received from the University of Pretoria. The location of study was in the Witbank 2 Circuit of Mpumalanga Province. One principal, one educator, one support staff member, one parent and one learner per school knowledgeable about the establishment of anti-bullying policies were interviewed. The study was conducted in two primary schools and two secondary schools. The selected criteria of study were interviews and document analysis.

3.6 ETHICAL CONSIDERATIONS

After permission had been granted, participants were met before the research to explain to them the purpose and the importance of the study. It was explained to them that the researcher subscribes to the following principles:

- *Voluntary participation* in research, implying that the participants might withdraw from the research at any time.
- *Informed consent*, meaning that research participants must at all times be fully informed about the research process and purposes, and must give consent to their participation in the research.
- *Safety in participation*; put differently, that the human respondents should not be placed at risk or harm of any kind, e.g. research with young children.
- *Privacy*, meaning that the *confidentiality* and *anonymity* of human respondents should be protected at all times.
- *Trust*, which implies that human respondents will not contribute to any acts of deception or betrayal in the research process or its published outcomes.

Letters of informed consent were given to the participants. An informed consent is the procedure in which the individual chooses whether to participate in an investigation after being informed of facts that would be likely to influence their decisions (Diener & Crandall, 1978 as cited by Cohen *et al.,* 2000:51). Consent thus protects and respects the right of self-determination and places some of the responsibility on the participant should anything go wrong in the research (Cohen *et al.,* 2000:51).

The letter of informed consent contained the following information:

1. The title of the research project
2. Short description of the aims of the research project
3. What is expected of the participants in the study

4. The participants' rights in the study (e.g. confidentiality/anonymity, voluntary participation and withdrawal)
5. An informed consent clause containing the following:
    a. The name of the participant
    b. A statement that the participant has fully understood the implications of participation and is aware of his/her rights in the research process
    c. Name and signature of the participant with the date
6. If the participant is to provide personal details for further contact, a statement about the confidentiality of these details would be added.

It was made clear to participants that they could end their participation in the study anytime. The following clause appears in the letter of informed consent: "If you are willing to participate in this study, please sign this letter as a declaration of your consent, i.e. that you participate in this project willingly and that you may withdraw from the research project at any time. Participation in this phase of the project does not obligate you to participate in follow-up individual interviews. However, should you decide to participate in follow-up interviews your participation is still voluntary and you may withdraw at any time. Under no circumstances will the identity of interview participants be made known to any parties or organisations that may be involved in the research process and/or which have some form of power over the participants".

3.7 SUMMARY

Chapter 3 focuses on the research design and methodology. It includes the research design, case study, epistemology, qualitative research, data collection techniques, sampling, data analysis and interpretation. The data collection methods include document analysis and interviews. Validity, reliability, limitations, delimitations and ethical considerations of this study are also discussed in this chapter. Chapter 4 concentrates on the analysis and interpretation of data.

CHAPTER 4

DATA ANALYSIS AND FINDINGS

4.1 INTRODUCTION

Chapter 3 of the study describes the research design and methodology of this study. This chapter focuses on the findings of the study on how public schools establish their anti-bullying policies and which legal principles are considered during the four stages of establishing an anti-bullying policy.

The research approach used in this study is qualitative. Document analysis and semi-structured interviews were used as data collection techniques. Findings are presented using illustrative case studies of four schools.

4.2 DATA ANALYSIS

As stated in Chapter 1, data were collected and organised. Transcripts were typed and coded. Beyond having a general understanding of the data that had been collected through document analysis and interviews, data were examined in detail to describe what was learned and themes were developed from the data (Creswell, 2002:265). The following themes were developed from the data collected through document analysis:

- Type of policy used to deal with bullying
- Formulation of anti-bullying policy
- Policy implementation and monitoring
- Policy evaluation

The data that were collected through interviews led to the development of the following themes:

- Needs analysis
- Formulation of anti-bullying policy
- Policy implementation and monitoring
- Policy evaluation

The four schools where data were collected were allocated names as school A, school B, school C and school D. The case study of each and every school was formulated using data from document analysis and interviews.

In the existing policies, the researcher analysed how public schools formulate their anti-bullying policies and which legal principles they considered during the process of formulating anti-bullying policies.

The main questions that were used during document analysis are the following:

- What type of anti-bullying policy does the school use?
- How is the anti-bullying policy formulated?
- How is the anti-bullying policy implemented and monitored?
- How is the anti-bullying policy evaluated?
- Which legal principles are considered when establishing an anti-bullying policy?

The following are the main questions that were used during interviews:

- How did the school identify the need for anti-bullying policy?
- How is the anti-bullying policy developed?
- How is the anti-bullying policy implemented and monitored?
- How is the anti-bullying policy evaluated?

- Which legal principles are considered when establishing an anti-bullying policy?

4.3 FINDINGS FROM DOCUMENT ANALYSIS

Sharp and Thompson (1994b:35-37) claim that when formulating policy, the following need to be included in the anti-bullying policy:

- The aims of the policy
- A clear definition of bullying behaviour
- Strategies for prevention of bullying
- Reporting bullying
- Responding to bullying
- Roles and responsibilities of teachers, non-teaching staff, pupils, parents and governors in implementing the policy
- Monitoring and evaluating the policy

Smith *et al.* (2008:4-6) describe the content that an anti-bullying policy should contain. They mention that anti-bullying policies should have categories that deal with the definition of bullying, reporting and responding to bullying, recording bullying, evaluating the policy and strategies for preventing bullying.

4.3.1 School A

4.3.1.1 Description of school and its environment

School A is a public high school situated in the suburbs of Witbank. The school has 753 learners, 35 educators and 9 non-teaching staff members. It has 27 classrooms. It starts from Grade 8 and ends with Grade 12. The school is situated in an average socio-economic community. The school is properly fenced with well-maintained buildings.

4.3.1.2 Type of policy used to deal with bullying

The school makes use of an anti-bullying policy that is incorporated in the overall code of conduct for learners to deal with bullying.

4.3.1.3 Formulation of anti-bullying policy

The policy of school A does not have aims that intend to address bullying and does not have a definition of bullying. Only few transgressions that are related to bullying and their sanctions are found in the policy. Strategies for preventing bullying are not included in the policy. It does not guide the victims on how to report bullying and it does not guide learners, educators, parents and the non-teaching staff on how to respond to bullying incidents. The policy keeps learners and educators safe from bullying. It does not say anything about the protection of non-teaching staff members from staff-targeted bullying.

The policy does not say anything about follow-up actions to see whether the sanctions have been effective. It states that when a learner's conduct is below the school's acceptable norms, then it may be advisable to counsel such a learner. It does not say anything about other strategies of supporting victims.

With regard to education law, the policy does mention the rights of learners and parents. It also states that parents and educators have the legal authority to conduct a search of any learner or property for possessions of the learners. This statement is incorrectly reflected as it is in conflict with section 8A (2) of the Education Law Amendment Act, 2007 which states that the principal or his or her delegate may, at random, search any group of learners, or the property of a group of learners for any dangerous object or illegal drug if fair and reasonable suspicion has been established. The statement can lead to educators and parents searching learners without being delegated by the principal. The policy makes references to a few legal principles that are relevant to bullying.

4.3.1.4 Policy implementation and monitoring

The policy has responsibilities for educators, learners and parents. Only few of these responsibilities are relevant to learner bullying. It does not mention the roles and responsibilities of the non-teaching staff and the school governing body. It mentions the role of a disciplinary committee. Though the policy does not specifically state how bullying incidents should be recorded, it does state that the disciplinary committee must keep a record of the proceedings of the hearing. It also states that counselling details must not be entered on the disciplinary record. It does not state how the policy content should be communicated to educators, non-teaching staff, parents and learners. The policy does not say anything about the monitoring of the policy implementation.

4.3.1.5 Policy evaluation

The policy does not state anything about how the policy should be reviewed and updated.

4.3.1.6 Overview

From the data collected in school A using document analysis, it emerged that school A does not have a separate anti-bullying policy. Anti-bullying content is not sufficiently included in the policy. The policy makes reference to a few legal principles that are relevant to bullying. The policy has a statement that is in conflict with section 8A (2) of the Education Law Amendment Act, 2007 that provides a procedure for conducting the search of learners and their property. It gives educators and parents a legal authority to search learners. It does specify the correct procedures to be followed.

4.3.2 School B

4.3.2.1 Description of school and its environment

School B is a public primary school that offers Grade 1 to Grade 7. The school is located in the suburbs of Witbank. It is attended by 1 040 learners. There are 35 educators and 10 non-teaching staff members. The school can be placed in an average socio-economic bracket. The buildings and the fence of the school are in good condition.

4.3.2.2 Type of policy used to deal with bullying

The type of policy that is used to deal with bullying in school B is an anti-bullying policy that is embodied in the overall code of conduct for learners.

4.3.2.3 Formulation of anti-bullying policy

The standard of the policy with regard to the aims that are relevant to bullying, the definition of bullying, bullying offences, sanctions for bullying, strategies for preventing bullying, responding to bullying and making follow-ups on imposed sanctions is the same as in school A. With regard to guiding victims on how to report bullying incidents, it states that injury on the school grounds must first be reported to educators on ground duty before going to the secretary. Learners are the only ones who are saved from bullying harm by this policy.

The policy states that it is reconcilable with the South Africa Schools Act, the Human Rights Charter and the Constitution of South Africa. The policy mentions a few legal principles that are appropriate to bullying.

4.3.2.4 Policy implementation and monitoring

Roles and responsibilities for educators, learners, parents, non-teaching staff members and the school governing body are not stated in the policy. The

policy states the procedure for reporting injury. It does not say anything about recording bullying incidents and communicating the content to educators, non-teaching staff members, parents and learners. As in school A, the policy does not state anything about monitoring of policy implementation.

4.3.2.5 Policy evaluation

The standard of the school B policy concerning policy reviewing and updating is similar to that of school A.

4.3.2.6 Overview

The anti-bullying policy of school B is not separate from the code of conduct. It has little information that shows any consideration for the South African legal framework on bullying at school. The policy does not have sufficient anti-bullying content.

4.3.3 School C

4.3.3.1 Description of the school and its environment

School C is found in the township of Witbank. It is a public high school with 26 classrooms that are attended by 1 474 learners. It has 47 educators and 9 non-teaching staff members. The feeder area of this school is the community where most families are poor. The school offers Grade 8 to Grade 12. The school buildings are well maintained and properly fenced.

4.3.3.2 Type of policy used to deal with bullying

The school uses an anti-bullying policy that is included in the overall code of conduct for learners.

4.3.3.3 Formulation of anti-bullying policy

The policy has aims but they are not meant to address bullying. They aim at creating a disciplined school in general. The standard of the policy in terms of the definition of bullying, forms of bullying, sanctions for bullying, protection of victims and making follow-ups on imposed sanctions is the same as in school A.

The policy contains strategies for preventing bullying. It does guide learners and educators on how to report bullying. It does not guide parents and the non-teaching staff on how to report bullying incidents. It guides the victims, learners and educators on how to respond to bullying incidents. It does not guide parents and the non-teaching staff members on how to respond to bullying incidents.

With regard to education law the policy mentions that the vision of the school is to uphold the constitution of South Africa in so far as the rights of the learners and staff members are concerned. The policy contains legal principles from the South African Schools Act of 1996. A few legal principles that are relevant to bullying are included in the policy.

4.3.3.4 Policy implementation and monitoring

The policy does not specifically state any role and responsibility of learners, educators, parents and school governing body in the implementation of the policy, especially as far as bullying issues are concerned.

The school uses an Individual Record of Learner Misconduct and the School Register of Misconduct to record bullying incidents. The conditions of the policy with regard to communicating the content of the policy and the monitoring of the policy implementation are the same as in school A.

4.3.3.5 Policy evaluation

The standard of the policy with regard to policy reviewing and updating is the same as that of school A.

4.3.3.6 Overview

School C's anti-bullying policy is not separate from the Code of Conduct for learner. The content of the school's anti-bullying policy is limited. Most of the content that the anti-bullying policy should have is not included in the policy. References to legal principles that are relevant to bullying are very few.

4.3.4 School D

4.3.4.1 Description of school and its environment

School D is a public primary school that operates in a poor socio-economic township of Witbank. It has 26 classrooms that accommodate 1 203 learners. The school consists of 33 educators and 5 non-teaching staff members. Instruction and learning take place from Grade 1 to Grade 7. Its buildings are well maintained and the fence is in a good condition.

4.3.4.2 Type of policy used to deal with bullying

The school uses a policy on learner behaviour to deal with bullying. It is separate from the overall code of conduct.

4.3.4.3 Formulation of anti-bullying policy

The aim of the policy is to teach learners to behave well. The standard of the policy concerning the definition of bullying, bullying prevention strategies, guidelines on reporting bullying, responding to bullying incidents and making follow-ups on imposed sanctions is the same as that of school A. Not many forms of bullying and sanctions that are used to deal with the forms of bullying

are mentioned in the policy. The policy protects learners and it does not specifically protect educators and non-teaching staff members from staff-targeted bullying.

Concerning education law, the policy does not make reference to any legal principles that are relevant to bullying.

4.3.4.4 Policy implementation and monitoring

The standard of the policy with regard to the role and responsibility of learners, educators, parents and school governing body is the same as that of school C. It is also the same concerning the issues about the implementation of the policy, especially on bullying issues and communicating the policy content to educators, non-teaching staff members, parents and learners. As in school A, there is nothing that is indicated in the policy of school D that concerns the monitoring of policy implementation.

4.3.4.5 Policy evaluation

The standard of the policy in terms of its updating and review is the same as that of school A.

4.3.4.6 Overview

School D has a separate behaviour policy that deals with bullying. Aspects that should be contained in an anti-bullying school policy are insufficient. The policy has little content that an anti-bullying policy should have. A few aspects of the policy are relevant to bullying. The anti-bullying content of the policy is not adequate. The policy does not make reference to any legal principles that are relevant to bullying.

4.4 FINDINGS FROM INTERVIEWS

4.4.1 School A

4.4.1.1 Needs analysis

The principal stated that they had not conducted a survey yet. He mentioned that he got information through reports from learners. He responded: “Our learners have confidence in me. They come and report to me”.

The educator and the non-teaching staff member said that they are given a chance to express their opinions, feelings and comments regarding bullying. The learner mentioned that bullying is not a major problem in their school. He said: “We have never had a major problem of bullying in the school”.

The educator and the non-teaching staff member stated that they are made aware when there is bullying in school. The educator said: “Their duties are if there is a fighting going on, they must report to the teacher on duty and the teacher will come to me”. The parent mentioned that she is not aware of any bullying by learners. She stated: “No, I was not aware, but I am sure it happens in each and every school”. The learner said: “It used to take place, but now is cooling down”.

4.4.1.2 Formulation of anti-bullying policy

The principal said that they do involve learners, educators, parents, members of school governing body and the school management team in policy formulation. The learner, the educator and the parent stated that they are involved in policy formulation. The non-teaching staff member indicated that they are not involved. She mentioned: “I wont’ say we are involved, no, not at all”.

When the principal was asked what is included in the policy that they use to deal with bullying, he said: “There are guidelines and systems. There is also a

complaint and appeal process". The educator stated that in the booklet there are procedures to handle transgressions. The non-teaching staff member mentioned that they know what is in the policy, but did not mention anything that is included in the policy. The parent mentioned that the policy contains all the disciplinary procedures and all the rules of the school. She did not mention anything about bullying. She stated: "It is difficult for me to say everything". The learner said: "We just know that no learner should fight in the school grounds, no smoking and that's about that".

Concerning the legal principles that are based on bullying, the principal stated that the policy does protect learners. He explained that the policy do not protect educators against educator-targeted bullying. The principal said: "That is still a grey area". He further mentioned that the policy might not protect the non-teaching staff members. The non-teaching staff member supported the principal by mentioning that the policy does not cover them at all. The parent stated that she thinks that the policy is working. The learner stated that the policy protects learners.

The principal added that when they established the anti-bullying policy, they considered the Schools Act. The educator did not have specific law in mind. He indicated: "I don't have specific law in mind, but you know the whole thing is about human rights". The non-teaching staff member also mentioned that human rights need to be considered. The learner said that he forgot the legal principles. He stated: "I know them but I forgot them".

4.4.1.3 Policy implementation and monitoring

The principal stated that one school management team member and he were responsible for policy implementation. The principal stated: "Well, I as principal should take the biggest responsibility. So, I have given him a lot of work". The educator said that educators who are the heads of the grades, school management team members and learners who serve on the executive of learner representative council are involved in the process of implementing the policy. The non-teaching staff member stated that they are busy with the

policy all the time. The parent indicated that the school governing body plays a role only when the disciplinary steps are taken. She stated: “Otherwise the necessary step are to be taken by the management of the school. So, only when they get to a disciplinary hearing the school governing body gets involved”. The learner stated that they bring bullies to the office and then to the heads of grades. He said: “The head of the grade will either suspend that person or take him/her to detention”.

The learner and the principal stated that educators communicate the policy by discussing it with learners. The principal said parents are informed about the policy in the parents’ evenings and the non-teaching staff will know it when they type it and they are represented in the school governing body as well. The non-teaching staff member confirmed what was said by the principal. The educator and the parent stated that they provide learners with study guides that contain the rules.

According to the principal there is no training that they received from the Department of Education regarding bullying in schools. He said, “We just train them by going through the rules with them”. The educator, the non-teaching staff member and the parent stated that they had never received any training to help them to deal with learner bullying. The educator mentioned: “No, we handle it with the experience we have”. The learner explained that they attended the leadership training that dealt with bullying and how to deal with all the problems with learners. It was organised by a certain family in Balmoral, half way Pretoria.

The principal stated that the school management team, Mr X and he were responsible for monitoring the implementation of the policy. The educator (Mr X) said that he was the manager of discipline in the school. The non-teaching staff member mentioned that as they were part of the staff of the school, it was their duty to see to it that learners are protected. The parent stated that her role was one of following-up and management would be managing that. The learner said that he monitored the implementation of the policy.

The principal mentioned that they keep their records in a filing system, the computer and study guides. He stated that records stay for a time while the child is still enrolled as a learner in their school. With regard to who have access to documents, he said, “The principal, the school management team and the staff can have them by asking permission. The secretary knows it because is the one who does filing for us”.

4.4.1.4 Policy evaluation

It was mentioned by the principal that they reviewed and updated the policy. He said: “At the end of the year we sit and say: Are we happy with the book? Mr X must see that this book is updated”. The educator and learner stated that they were involved in reviewing and updating the policy. “We all come together and we put our new initiatives and we revise what we have to revise. We do it at the end of the year”, remarked the educator. The non-teaching staff member said that they are not involved in reviewing and updating the policy. She said, “I don’t think we get involved as non-teaching staff. Not with making rules. We get rules. We don’t help in the process of making rules”. The parent indicated that they review and update the policy. She mentioned, “We do review our policy from time to time”.

According to the principal the school governing body and disciplinary committee report once a term. The principal indicated that it sometimes happens that it might be more than once a term if there is a need. The educator said that they get reports at least once a week. The non-teaching staff member stated that they either do not get to know about it or it fades away or it gets handled before it becomes a problem. The parent said that they do not get bullying reports because bullying does not happen very often. The learner mentioned that they do not get that many reports.

4.4.1.5 Overview

The survey about bullying was never conducted in school A. The educator and the non-teaching staff member got a chance to express their opinions,

feelings and comments about bullying. Both of them were also made aware that bullying exists in the school.

The learner, the educator and the parent were consulted and involved during the formulation of the policy. The non-teaching staff member was never involved. The content of the policy that is relevant to bullying was not specifically mentioned by the learner, the non-teaching staff member and the parent. The principal and the educator mentioned a few aspects of the policy that are relevant to bullying. The policy protects learners against bullying. The policy does not state anything about protecting educators and non-teaching staff members against staff-targeted bullying. The school considers the Schools Act and the human rights when formulating the policy.

The learner, the educator and the non-teaching staff member are involved in the process of implementing the policy. The parent is involved only during the disciplinary process. The policy is communicated to learners, educators, non-teaching staff members and parents through meetings. Learners are given study guides that contain the policy. No training was provided to educators, non-teaching staff members and parents except that learners who are involved in school leadership attended the training that was organised by private people. The School Management Team, Mr X and the principal are responsible for monitoring the implementation of the policy and the parent makes follow-ups. The school uses a filing system, computer and study guides to record bullying incidents. Records are kept for the period that the learner is still enrolled in the school.

Educators, learners and parents are involved in the process of reviewing and updating the policy. The non-teaching staff members are not involved. Parents do not get bullying reports. Learners do not get any bullying reports.

4.4.2 School B

4.4.2.1 Needs analysis

In school B no formal survey was ever conducted regarding bullying. The principal stated: “I never gave them a questionnaire, but I investigated each case which came to my attention”.

The parent and the educator mentioned that they do express their opinions, feelings and comments in meetings regarding bullying. The educator said: “Yes, we do express our feelings in the staff meetings”. The non-teaching staff member stated that non-teaching staff members do not express their opinions, feelings and comments regarding bullying. She said: “I am in the office of the school. So, I am not working with the children as such as educators and the head-master do. So, I won’t be in a position to make any comment about bullying of children”.

The educator, the non-teaching staff member and the parent stated that they are made aware if there is bullying that takes place in the school. The educator indicated: “The prefects make me aware if there is bullying”. The non-teaching staff member said: “Yes, we are aware of bullying because children come to the office if there is something wrong”. The parent said that schools get reports about bullying because parents do not teach them to fight their own battles. The parent mentioned: “It is because of children that are not taught to fight their own battles. Many times it involves many small and stupid incidents”.

4.4.2.2 Formulation of anti-bullying policy

The principal mentioned that educators and parents are consulted and involved in the process of developing the policy. The educator and the parent agreed with what the principal said. The non-teaching staff member stated that they are not involved. She said: “No, not really. We are not really involved in the policy making of this kind. Not in the office”.

About the content of the policy that is used to deal with bullying, the principal stated: “Safety of each and every child. That is what we want to do. That is what we try to do, to prevent bullying”. The educator stated that they treat each and every child fairly and they respect each and every individual. The non-teaching staff member and the parent seemed to have forgotten the content of the policy. She said: “It was long ago but I think I will remember”. The parent stated: “Yes, but I don’t think I can tell you what it says”.

With regard to how the policy protects learners, educators and non-teaching staff members, the principal indicated that it protects all of them. The educator and the non-teaching staff member agreed with the principal.

On the issue of the principles of education law, the principal and the parent stated that they consider human rights when they establish the anti-bullying policy. The educators indicated that they also consider that every child has a right to be educated. The non-teaching staff member said that they consider the Schools Act.

4.4.2.3 Policy implementation and monitoring

The principal stated that each and everybody is involved in the implementation of the policy. He said: “Each and everybody at school must take ownership of that because we are all involved in that”. The parents also stated that the school governing body implements the policy. The non-teaching staff member indicated that they are not involved in the process of implementing the policy. She mentioned: “No, I don’t think the support staff members have the right to discipline the learners because we are not in that position”.

The principal, the educator, the non-teaching staff member and the parent indicated that the policy is communicated to learners, educators, non-teaching staff members and parents. The principal stated: “Every child has a copy of the code of conduct”. The educator mentioned: “We go through the rules with

the staff members during staff meetings". The parent said that the school does communicate with parents. The parent stated: "Parents get memos".

On the issue of training about how to deal with bullying, the principal indicated that speakers are invited to speak about bullying. The principal said: "With the speakers, we even invite the South African Police Services as well". The educator, the non-teaching staff member and the parent indicated that they never received any training about bullying.

When it comes to monitoring, the principal stated that members of the school management team and he are responsible for monitoring the implementation of the policy. The non-teaching staff member said: "If we don't know what to do in such circumstances, there will be chaos in the school. So, definitely we have to play a role".

The principal indicated that they use the register for record-keeping. He mentioned: "For any infringement, bullying and even abandoning homework, they write it down and the register is checked every week by the Head of Department". The principal continued: "If it is a very dangerous thing, we must keep it longer; we highlight the important things and keep them, but minor things we let go". The principal stated that he does not give the file to any parent, but he shows the page that needs to be signed by the parent and asks the parent to sign it. He said: "It is confidential".

4.4.2.4 Policy evaluation

The principal indicated that they change the policy every year. The principal said: "If it is necessary to change it immediately then we do it. But at the end of each year we check all our policies and evaluate them so that they are ready for the next year". The educator stated that they either change the policy at the beginning of the year or at the end the year. The non-teaching staff members said that the principal goes to them to discuss new issues that should be included in the policy.

The principal mentioned that they listen to the views of learners. He explained: “You can’t say that children do not know anything. You must listen to them, because they are on the ground”.

Concerning the report backs, the principal gives report backs in meetings. The parent agreed and said they do get reports on bullying. The educator and the non-teaching staff member disagreed as they said that they do not get report backs.

4.4.2.5 Overview

With regard to conducting the bullying survey, school B is similar to school A. The parent and the educator were given a chance to express their opinions, feeling and comments regarding bullying. The non-teaching staff member did not get such a chance. The educator, the non-teaching staff member and the parent were made aware that there is bullying that takes place in the school.

The educator and the parent were consulted and involved in the process of policy-making. The non-teaching staff member was never involved. The principal and the educator mentioned a few aspects of the policy that deal with bullying. The parent and the non-teaching staff member seemed to have forgotten about the content of the policy. The policy protects learners, educators and non-teaching staff members against bullying. The school considers human rights and the South Schools Act when formulating the policy. The policy does not have enough legal principles that are relevant to bullying.

The principal said that everyone is involved in the process of implementing the policy but the non-teaching staff member mentioned that she was never involved. The policy is communicated to learners, educators, non-teaching staff members and parents. There is no formal training on bullying. The principal invites speakers to come and speak to learners about bullying. The school management team and the non-teaching staff members were involved in the process of monitoring the implementation of the policy. Bullying

incidents are recorded in a register. There is no specific period for keeping bullying records. It depends on the seriousness of the infringement. The file for bullying records is confidential.

The policy is reviewed and updated every year. If it is necessary to review and update the policy immediately, the school does so. The policy is evaluated at the beginning or the end of every year. The principal listens to the views of learners when they come to him and he also discusses them with the non-teaching staff members. The principal said that reports are discussed in meetings. Parents do get reports on bullying. The educator and the non-teaching staff member said that they do not get these reports.

4.4.3 School C

4.4.3.1 Needs analysis

The principal indicated that he never conducted any survey to find out about bullying behaviour. The principal said: “I never conducted any survey to find out about bullying behaviour, but experience informed me that there is a need to deal with bullying”.

The educator, the parent and the learner mentioned that they were asked to express their opinions, feelings and comments about bullying. The educator said: “We talk about it at management level as well as with the whole school evaluation team”. The learner stated: “Yes, I was asked to express my opinion by my life orientation educator”. The non-teaching staff member indicated that as non-teaching staff member, she was never asked to express her opinions, feelings and comments regarding bullying.

The educator said: “We see it everyday; we don’t even have to be made aware of it”. The non-teaching staff member, parent and learner said that they were made aware of the fact that bullying is taking place. The non-teaching staff member stated: “Yes, when we talk with educators, they do mention that there is bullying that is taking place in our school”.

4.4.3.2 Formulation of anti-bullying policy

On the issue of consultation and involvement in policy formulation, the principal stated that the school involves educators and school governing body members when developing the policy. The principal complained about the involvement of parents and educators. He said: “Some educators and parents do not contribute or contribute little in such meetings; instead, they copy policies from other schools”.

The educator, the learner and the parent indicated that they are involved in the process of policy-making. The non-teaching staff member stated that they are only involved in the process of typing the policy.

In response to the question that was asked about what is included in their school’s anti-bullying policy, the principal responded: “Corporal punishment is out. Other punishments are not effective, because learners do not take you seriously. Even when you suspend them, they enjoy staying at home. They regard that as a holiday”. The educator mentioned that in their policy, bullying does not feature as bullying but as some kind of violence. The non-teaching staff member and the parent said that they had forgotten what is included in the policy. The non-teaching staff member stated: “When I type it, I read it so that I can know it. For now I have forgotten it”. The parent said: “Let me not lie, I do not remember what is in the policy. The learner mentioned that the policy does not allow things such as drugs, carrying of knives and having silly relationships that will lead to bullying.

The principal indicated that the code of conduct sometimes protects learners. He stated: “The code of conduct cannot be implemented because of departmental policies. I won’t say it is effective because then there would be no bullying in our school”. The educator also stated: “Teachers are not protected”. The non-teaching staff member said: “I think it does not say anything about us because we are not directly involved with learners. The

parent indicated that the policy protects everyone. The learner stated that learners are protected by the policy against bullying.

The principal said that when they develop the policy they consider the Schools Act and the Constitution, especially the principles that say no corporal punishment is allowed. The non-teaching staff member stated that the school considered the Schools Act when they develop the policy. The parent seems to feel unprotected. The parent indicated: “I wonder how we can survive in this country where policies do not protect us because bullying is very dangerous and it starts at home”.

4.4.3.3 Policy implementation and monitoring

The principal indicated that the disciplinary committee is responsible for the implementation of the policy. The educator stated that it is not easy to implement the policy. The educator said: “That one is not easy. I am sure you have seen in one of the newspapers of what has happened in our school. The educator was bullied by a learner, but at the end the educator ended up in jail”. The principal also felt that legal principles protect learners more than educators. The principal stated: “They can enter my office and pour water over everything; there is nothing I can do”. The non-teaching staff member mentioned that they are not involved in the implementation of the policy. The parent said that they expect the school management team to implement the policy. The learner stated that he is involved in the process of implementing the policy.

“When new learners are admitted to our school they are given a code of conduct to read, and I am not sure that they read it”, said the principal. The principal further indicated that they communicate the policy with parents using parent meetings and for educators they use staff meetings. The educator mentioned that the policy is communicated to them. The non-teaching staff member indicated: “There is no communication of policies to us as non-teaching staff members”. The parent said: “What I have noticed is that after we have drawn up policy, it seems as if we have drawn a policy for somebody

to go and focus on it. We do not follow it". The learner stated that they have peer education classes where they teach learners about bullying.

The principal, educator, non-teaching staff member, parent and learner stated that they never received any training for bullying. The principal said: "There is no training; I just read new policies to the staff members".

The principal stated that he is the one who is responsible for monitoring the implementation of the policy. The educator said: "There is not much of an effective role except sometimes I think we react when it happens". The non-teaching staff member indicated: "We have no role as non-teaching staff members". The parent stated: "We have a problem in monitoring the implementation". The learner mentioned that they check whether learners what is in the code of conduct or they just look at the paper.

The school uses a register to record bullying incidents. The principal indicated: "I have a register in which all bullying incidents are recorded. Records are kept for a period of about 3 to 4 years. Everyone has access to the records with my permission".

4.4.3.4 Policy evaluation

The principal said that the policies are evaluated when the new governing body comes into office. The principal stated: "Usually this takes place after 3 years. Policies are also evaluated if there is a new policy from the Department of Education that compels us to review our policy".

The educator mentioned that the update of the policy usually goes with changes in the country that directly affect some policies that they have in their school. The educator indicated: "If there is something that has definitely changed we have to adjust our policies". The non-teaching staff member said: "We are not involved in reviewing and updating the policy. We are only involved in typing the policy". The parents stated that they are involved in the review and updating of the policy. The learner indicated: "Not all the time.

They give me a chance sometimes, but most of the things that I give them do not appear in the code of conduct".

The principal stated that he listens to the views of all stakeholders. He said: "I call meetings. I present the matter to the stakeholders. Those who contribute, their contributions are recorded".

The principal said that they do not have a specific period for reporting. The educator stated that there is no specific report that they get, except that they have records of mishaps by learner to a learner and learner to an educator that are always available in the principal's office. The non-teaching staff member indicated that they do not get reports about bullying. The parent said that they get reports about bullying in parent meetings. The learner stated that they get reports when bullying incidents take place. The learner said: "When there are children who are fighting in the class, you will just hear children screaming and I will go straight to that class and stop them".

4.4.3.5 Overview

School C is similar to school A in conducting a survey regarding bullying. The educator and the learner were asked to express their opinions, feelings and comments about bullying. The non-teaching staff member was never asked to express her opinions, feelings and comments regarding bullying. The educator stated that they witness bullying every day and they do not even wait for someone to make them aware that bullying is taking place. The non-teaching staff member, the learner and the parent were made aware that bullying is taking place in the school.

The educator, the learner and the parent were involved in the process of policy- making. The non-teaching staff member was only involved in typing the policy. The principal, the educator and the learner mentioned a few aspects of the policy that deal with bullying. The non-teaching staff member and the parent did not remember the content of the policy that is relevant to bullying. Educators and non-teaching staff members are not protected by the

policy against learner bullying. According to the principal, the policy sometimes protects learners. The learner and the parent said that learners are protected by the policy. The school considers the Schools Act and the Constitution. The principal is worried about the abolishment of corporal punishment.

In school C, the disciplinary committee is the one that ensures that the anti-bullying policy is implemented. The educator said that it is not easy to implement the anti-bullying policy in their school. The principal and the educator felt that legal principles do not protect staff members. School C has a similar practice as school B with regard to the involvement of non-teaching staff members in the implementation of the policy. The parent expects the school management team to implement the policy. The learner is involved in the process of implementing the policy. The policy is communicated to learners, educators and parents. The policy has never been communicated to non-teaching staff members. The principal, the educator, the non-teaching staff member, the parent and the learner never received training regarding bullying. School C uses a register to record bullying incidents. Bullying records are kept for a period of about three to four years. Everyone can access bullying records with the principal's permission.

Policies are evaluated when the new school governing body comes into office, usually after three years. Policies are reviewed and updated when there are changes in the policies of the country. Educators are involved in the process of evaluating the policy. Parents are sometimes given a chance to evaluate the policy. The non-teaching staff member has never been involved in the process of evaluating the policy.

The school does not have a specific period for reporting. Educators do not get reports on bullying except mishaps by learner to learner and learner to educator. Parents and learners get reports on bullying. Non-teaching staff members do not get reports.

4.4.4 School D

4.4.4.1 Needs analysis

The school has not conducted any formal survey. The principal feels that the reports he gets from parents and educators regarding bullying serve as a survey. He said: “I will say, ‘Yes we did conduct a survey’, in the sense that we had a lot of reports coming in from parents and educators”.

The educator stated that educators are invited to express their opinions, feelings and comments regarding bullying behaviour in the school. The non-teaching staff member and the parent indicated that they were never asked to express their opinions, feelings and comments regarding bullying behaviour in the school.

The educator, the non-teaching staff member and the parent stated that they have been made aware that bullying takes place in their school. The parent said: “Yes, the principal told me because my brother’s child was bullying other children”.

4.4.4.2 Formulation of anti-bullying policy

The principal indicated that when they formulate the policy they consult and involve the school management team, educators, school governing body and parents. The educator and the parent also supported the principal by saying that they are involved as educators and parents in meetings. The non-teaching staff member stated that they are not involved. She said: “No, most of the time I was never involved in the process of developing the policy”.

About what is included in the policy, the principal said: “What is included I think is about behaviour. Although I cannot remember everything in a proper logical order, learners are being taught how to behave”. The educator mentioned that he does not remember anything about the content of the policy. The non-teaching staff member stated: “I typed it. I know it, but I can’t

say a word of it". The parent indicated: "Sometimes I do not read. They told us about it. Someone just read it to us. We do not have copies. We don't know what is in the policy".

The principal said that the policy protect learners, educators and the non-teaching staff. He stated: "With us being a primary school we do not really have that problem of learners who are bullying educators. We just have learners who do not respect educators. It is the same with non-teaching staff". The educator indicated that he does not remember well any clause from the policy, but as far as he knows currently educators are protected. The non-teaching staff member said: "No, I don't remember anything from the policy that is said about the non-teaching staff members, because I think they did not include this". The parent stated that the policy protects learners from corporal punishment. If children bully others, they call their parents and discuss the matter.

4.4.4.3 Policy implementation and monitoring

As in school C, the principal indicated that the disciplinary committee is the one that is responsible for the implementation of the policy. The committee is formed by members from the school governing body, teaching staff, school management team and the principal. The principal said: "The educators see to it that the policy is implemented because they have the policy". He further stated: "If the prefects identify the learner that is bullying other learners, they will alert the educators, then the educator will address the issue and if the educator fails, he or she will take it to the committee".

The educator mentioned that educators are involved in the process of implementing the policy. The non-teaching staff member said that she is not involved in the implementation, but only during the typing of the policy. The parent said: "You cannot say that you will make sure that children do not bully each other. Learners sometimes disobey the policy and bully each other".

On the issue of communicating the policy, the principal said that they have assembly three times a week where they read the values of the school. The principal added: “Then we also have school rules which are displayed in the classrooms, with the values of the school, the motto and everything”. “The policy is communicated to parents through parent meetings and newsletters and with educators and non-teaching staff members through staff meetings”. The educator also added by saying that they use classroom policy and classroom rules. He stated: “But the main fact is that each and every classroom in our school has classroom policies which include actions of bullying. The educator mentioned that copies of policies that deal with bullying are not given to learners and parents. They give such copies to class managers. The non-teaching staff member indicated that the policy is not communicated to them as non-teaching staff members. She said: “No. They do not communicate the policy to us”. The parent indicated that the policy is communicated to parents through meetings.

The principal, the non-teaching staff member, the parent and the learner indicated that they never received any training regarding bullying. The principal said: “There is no formal training”. The educator was the most fortunate because he had received training to help workers who are involved in bullying incidents. He received the training while he was working in the private sector.

With regard to who is responsible for monitoring the implementation of the policy, the principal indicated that he is the one that is responsible. The school uses a computer to keep records of bullying.

4.4.4.4 Policy evaluation

The principal said that the policy is evaluated once a year, either at the beginning of the year or at the end of the year. The educator stated that they were never involved as educators. The non-teaching staff member also said that they are not involved. She stated: “No, as I said it is the school management team and the committee most of the time that do that”. The

parent indicated that she does not know how parents are involved in the review and updating of the policy because sometimes she does not attend meetings.

The principal stated that they distribute the report to parents once a quarter; to members of the school governing body every month; to educators twice a month and to learners they do it in assembly. He further stated that with the non-teaching staff, they call the meeting and teach them what steps to take whenever they see a learner doing something wrong. The educator mentioned that they get reports from meetings that are held once a week; sometimes it takes two weeks to get the report about bullying. The non-teaching staff member said that they do not often get reports. She said: “Not often, there is a lot of bullying, but as I said sometimes the principal or the deputy principal just mentions it informally. Then is when I become aware that there is something”. She mentioned that parents do get report during meetings.

4.4.4.5 Overview

The school has not conducted any formal survey. The principal felt that the reports he got from parents and educators regarding bullying might serve as a survey. The educator was given a chance to express his opinions, feelings and comments regarding bullying. The parent and the non-teaching staff member were not given a chance to express their opinions, feelings and comments regarding bullying. The educator, the non-teaching staff member and the parent were made aware that bullying is taking place in the school.

The school management team, the school governing body, educators and parents were involved in the process of formulating the policy. As in school C, the non-teaching staff member from school D never participated in the process of formulating the policy. The principal mentioned a few aspects of the policy that deal with bullying. The educator, the non-teaching staff member and the parent did not remember the content of the policy. The principal, the educator and the parent felt that learners, educators and non-

teaching staff members are protected by the policy against bullying. The non-teaching staff member felt that non-teaching staff members are not protected by the policy.

The disciplinary committee is responsible for the implementation of the policy. The educator has been involved in the process of implementing the policy. In school D, the involvement of non-teaching staff member in policy implementation is similar to that in school B. The policy is communicated to learners during assembly. Learners are never provided with the copies of the policies that deal with bullying. Copies of such policies are given to class managers. The policy was communicated to educators and parents through meetings. The policy is never communicated to the non-teaching staff members.

The principal, the non-teaching staff member, the parent and the learner have not undergone any training about how to deal with bullying. The educator received training while he was working in the private sector and the training was not intended for children at school but for workers. In school D the principal is the one who is responsible for monitoring the implementation of the policy.

The policy is evaluated once a year, either at the beginning of the year or at the end of the year. Educators are not involved in the process of reviewing and updating the policy. They were promised that they would be involved before the end of the second term, but that did not take place. The non-teaching staff members are also not involved. The parent does not know how parents are involved in the review and updating of the policy because sometimes she does not attend meetings. Reports about bullying are distributed to parents once a term during meetings. School governing body members get reports every month during meetings. Educators receive reports once a week or twice a week during meetings. Learners receive reports in assembly. Non-teaching staff members also receive reports about bullying.

4.5 SUMMARY OF THE FINDINGS OF THE STUDY

From the document analysis and interviews the following can be regarded as the major findings.

4.51 Type of policy used to deal with bullying

The type of policy that is used by the school may influence the effectiveness of dealing with bullying in the school. As stated in Chapter 1, schools can have a separate policy on bullying, as an addendum to the code of conduct, or it can be incorporated in the overall code of conduct provided it is very clear (Joubert, 2008:73). The following are the findings from the collected data:

- **Lack of separate anti-bullying policies**

School A, B and C do not have separate anti-bullying policies. They make use of the code of conduct to deal with bullying. School D has a separate behaviour policy that deals specifically with bullying. Some of the participants mentioned other aspects of the policy that were not relevant to bullying. These policies do not clearly state how schools should deal with bullying.

4.5.2 Needs analysis

Lack of identifying the need for anti-bullying policies may aggravate bullying behaviour in schools. The following are the findings from the collected data:

- **Lack of survey regarding bullying**

All four school have not conducted any formal survey regarding bullying in their schools. School D considers reports from parents and educators as a survey.

- **Insufficient stakeholder involvement on needs analysis**

School B, C and D do not give their non-teaching staff members a chance to express their opinions, feelings and comments about bullying. In school D parents are never given a chance to express their opinions, feelings and comments about bullying.

- **Insufficient awareness**

In school A the parent is not aware that bullying takes place in the school. Other participants from the same school are aware that bullying takes place in the school. In school B, C and D all participants are made aware that bullying takes place in their schools. Some are informed by the principal, some by the deputy principal, some by parents and some by educators. Some see it happening.

4.5.3 Policy formulation

If all stakeholders are not meaningfully and purposefully involved in the process of policy formulation and the policies are not detailed, dealing with bullying may not be effective. The following are the findings from the collected data:

- **Insufficient stakeholder involvement in policy formulation**

In all four schools non-teaching staff members are not involved in the process of formulating the policy. Most of the people, including the non-teaching staff members themselves, believe that the non-teaching staff members should not be involved in the process of anti-bullying policy formulation, implementation and evaluation. They believe it is the case because they are not directly involved with learners. McGuckin and Lewis (2008:16-17) have shown that non-teaching staff members are bullied. Squelch (2001:138) indicates that

non-teaching staff members should be safe in school. A safe school may be defined as one that is free of danger and possible harm; a place in which non-teachers, teachers and learners can work, instruct and learn without fear of ridicule, intimidation, harassment, humiliation and violence. One of the principals complained about the involvement of parents and educators. He said that some educators and parents do not contribute or contribute little in meetings when policies are formulated; instead, they copy policies as they come from other schools.

- **Lack of detailed anti-bullying policy**

All four schools do not have a detailed anti-bullying policy. Most of the information that should be included in the policy was mentioned by the participants during interviews but is not included in their school policies. This indicates that stakeholders have rich information but they do not know how to formulate detailed anti-bullying policies. Most participants from the four schools mentioned a few aspects (content) of the policy that deal with bullying. From all four schools' policies, the researcher noted that in most cases the analysed policies were developed with the intention of protecting learners. Only a few aspects in some of the policies protect educators and non-teaching members against staff-targeted bullying.

- **Insufficient and incorrect reference to legal principles**

The policies of school A, B and C make reference to a few legal principles that are relevant to bullying. The policy of school D does not make reference to any legal principle that is relevant to bullying. The policy of school A has a statement that permits educators and parents to search learners or the property of learners. This statement is in conflict with section 8A(2) of the Education Law Amendment Act, 2007 which indicates that the principal or his/her delegate may, at random, search any group of learners, or the property of a group of learners.

4.5.4 Policy implementation and monitoring

Policy implementation and monitoring will not be effective if stakeholders are not involved, anti-bullying committees are not formed, legal principles are not considered, communication is ineffective and training is lacking. The following are the findings from the collected data:

- **Insufficient involvement in policy implementation and monitoring**

In school B, C and D the non-teaching staff members are not involved in policy implementation. In school A the parent is only involved during the disciplinary process. In school C the parent expects the school management team to implement the policy.

The policies of all four schools that participated in this study do not state anything about the issue of monitoring the implementation of the policy. In all four schools principals are involved in monitoring the implementation of the policy. In addition to the principals, school A, B and C do involve other stakeholders in the monitoring process.

- **Lack of anti-bullying committee**

In all four schools that participated in this study, there are no anti-bullying committees that are specifically responsible for dealing with bullying.

- **Insufficient communication**

School D does not provide learners and parents with the policy that deals with bullying. Copies of policies are given to class managers. School C does not communicate policies to the non-teaching staff members. In school D there are contradicting statements about communicating the policy to non-teaching staff members. The principal says that he does communicate the policy to the

non-teaching staff members. The non-teaching staff members state that the policy is not communicated to them.

- **Lack of training regarding bullying**

Out of eighteen participants who were interviewed, only two participants underwent training regarding bullying. They received training from the private company/institution. One of the two participants who received training was trained on how to deal with worker bullying, not learner bullying.

4.5.5 Policy evaluation

Anti-bulling policies that are not evaluated by all stakeholders are not effective. If stakeholders do not get reports, they end up not knowing whether the policy is effective or not. The following are the findings from the collected data:

- **Insufficient involvement in policy evaluation**

In school A, C and D the non-teaching staff members are not involved in the process of evaluating the policy that deals with bullying. School D does not involve the educators and the non-teaching staff members in the process of reviewing the policy that deals with bullying. The learner from school C complained that his input is not included during the review and updating of the policy. The parent from school C is not involved in policy evaluation. The parent from school D indicated that she does not know how parents are involved because sometimes she does not attend meetings.

- **The difficulty of implementing legal principles**

The principal and the educator of school C indicated that it is difficult to implement legal principles to deal with bullying. They stated that the legal

principles do not protect staff members from staff-targeted bullying. These principles protect learners more than staff members.

- **Insufficient report back**

In school A, the non-teaching staff member and the parent said that they do not get reports on bullying. In school B, the educator and the non-teaching staff member do not receive reports. In school C, the educator and the non-teaching staff member do not receive reports.

4.6 SUMMARY

This chapter deals with data analysis and findings from the four schools. On reflecting on the data obtained from the document analysis and interviews it becomes evident that the establishment of anti-bullying policies in public schools is a matter of concern and cannot be neglected.

Case studies of four schools were developed and discussed. Each and every case study of a school has an overview. The summary of the findings have been discussed. The main purpose of Chapter 4 is to discuss how public schools establish their anti-bullying policies and which legal principles are considered during the stages of establishing anti-bullying policies.

The following chapter deals with the conclusion and includes recommendations and suggested solutions to the problem of establishing anti-bullying policies in public schools.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

In this study the establishment of anti-bullying policies in public schools is investigated. Legal principles that are considered by public schools when establishing anti-bullying policies have also been investigated.

Document analysis and semi-structured interviews were conducted in order to answer the research questions about how public schools establish their anti-bullying policies and which legal principles are considered during the process of establishing anti-bullying policies. Collected data were analysed and the results of document analysis and interviews were summarised and reported. The findings of the research were interpreted. It was concluded that, in general, the content of the anti-bullying policies is not clearly incorporated and is not sufficient. Most policies have few legal principles that are relevant to bullying. There is insufficient stakeholder involvement in terms of needs identification, policy formulation, implementation and monitoring, as well as evaluation of policies that deal with bullying.

5.2 CONCLUSIONS

From the literature study and the findings, the following conclusions can be drawn:

- Three schools that participated in this study do not have separate anti-bullying policies. The content that deals with bullying is not clearly incorporated within the code of conduct. This makes it difficult for most of the stakeholders to mention the bullying content that is included in their learners' code of conduct. Referring to the literature that has been used in this study, Smith *et al.* (2008:1) state that some schools have a separate anti-bullying policy; others include measures to tackle bullying within their

overall school behaviour policy. Joubert (2008:73) states that schools can have a separate policy on bullying as an addendum to the code of conduct, or it can be incorporated into the overall code of conduct, provided it is very clear.

- In all four schools where the study was conducted there are no detailed anti-bullying policies. Most of the content that should be included in the anti-bullying policy is omitted from the policy. Emerging from the literature, Smith *et al*. (2008:4) state that the policies must be clear and comprehensive in the first instance if they are to be used properly by educators, pupils, parents and other members of the community.

- All four schools never conducted formal surveys using questionnaires or interviews that would guide them to know more about the need to have anti-bullying policies in their schools. In most cases they rely on their experiences and reports. Joubert (2008:73) states that questionnaires on bullying are useful for gathering information about the extent and nature of bullying in a school.

- Some schools do not make their stakeholders be aware of the fact that bullying takes place in their schools. Communication with some of the stakeholders seem to be poor. In one of the schools, learners and parents do not get policies. As indicated in the literature study, Smith *et al*. (2008:2) state that the school anti-bullying policy is thus perceived as a framework for signalling the school's commitment to anti-bullying work, organising its response (including both proactive and reactive strategies), and communicating this to all stakeholders in the school community. Paragraph 1.5of the Guidelines (1998) states that after adoption of the code of conduct, each stakeholder must receive a copy thereof.

- Some schools do not involve all stakeholders in the process of identifying the need for anti-bullying policies, policy implementation, monitoring of policy implementation and policy evaluation. Three schools do not give

their non-teaching staff members a chance to express their opinions, feelings and comments about bullying. One school does the same to parents. The four schools do not involve non-teaching staff members in policy formulation. Three schools do not involve non-teaching staff members in policy implementation. Three schools do not involve non-teaching staff members in the process of evaluating the policy. All in all, in three schools there were participants who stated that they are not involved in the process of evaluating the policy. In most cases the non-teaching staff members are not involved in the above-mentioned processes. From the literature study, paragraph 1.5. Of the Guidelines (1998) states that in formulating a code of conduct as a consensus document and before adopting it, the governing body must involve the parents, learners, educators, and non-educators at the school.

- All four schools do not have anti-bullying committees. Section 30(1) of the Schools Act provides that governing bodies may establish committees, including an executive committee. The school governing body may appoint persons who are not members of the governing body to such committees on the grounds of expertise but a member of the governing body must chair this committee.

- Out of eighteen participants that took part in this study, only two participants received training regarding bullying; this training was previously provided by private providers. In the literature study McGuckin and Lewis (2008:16) state that in Northern Ireland, 98.6% of principals mentioned that their staff members had received training and guidance regarding bullying. 64.2% of the non-teaching staff had received training and guidance regarding bully/victim problems.

- Most schools that participated in this study have anti-bullying policies that have few legal principles that are relevant to bullying. One school has a policy that contains a statement that is conflict with section 8A (2) of the Education Law Amendment Act, 2007. Some of the participants feel that it

is difficult to implement the legal principles to deal with bullying. They feel that legal principles do not protect staff members from staff targeted bullying. They protect learners more than staff members. From the literature study for this research Bray (2000:58) states that policies should be drafted in terms of national laws. Joubert, *et al.* (2004:79) state that section 12 and 24 of the Bill of Rights are very clear about everyone's right to be free from all forms of violence in a safe environment.

- In three schools where the study was conducted some of the stakeholders do not get reports on bullying. As indicated in the literature study, the National Assembly for Wales Circular No. 23/2003 (2003:4) states that each term a report should be made available to governors, parents and staff.

5.3 RECOMMENDATIONS

5.3.1 Formulation of separate anti-bullying policies

Schools should have a separate anti-bullying policy. Alternatively, they can opt to include it as an addendum in the code of conduct. Incorporating the anti-bullying policy in the overall code of conduct is possible, but it has proved to be difficult for schools that have never received training on how to incorporate an anti-bullying policy in the overall code of conduct. As indicated in findings, existing anti-bullying policies are not very clear. Incorporating the anti-bullying policy in the overall code of conduct should be considered to be a last option.

5.3.2 Formulation of detailed anti-bullying policies

Schools should have detailed anti-bullying policies. Detailed anti-bullying policies assist stakeholders to have proper understanding of bullying. The content of an anti-bullying policy should be rich. It is recommended that the anti-bullying policy should contain the following:

- Aims that state what the school wants to achieve with regard to anti-bullying.
- A clear definition of bullying behaviour. The definition of bullying should include the bullying of learners, educators and non-teaching staff by learners.
- Strategies for the prevention of bullying. The policy should mention something about teaching learners not to bully, encouraging co-operative behaviour, rewarding good behaviour, improving good climate, creating a safe environment (Sharp & Thompson, 1994b:36 and Smith *et al.*, 2008:6) and the duty of care.
- A statement that indicates how, where and when should learners, staff members and parents report bullying incidents.
- A statement that indicates how stakeholders should respond to bullying.
- A statement that indicates that bullying cases will be recorded and who is responsible for coordinating the recording system (Smith *et al.*, 2008:6), where records will be kept and for how long.
- A statement that indicates the roles and responsibilities of educators, non-teaching staff members, learners, parents and governors in four stages of establishing an anti-bullying policy.
- A statement that indicates how the implementation of the policy will be monitored and how the policy will be evaluated. The policy should mention something about the periodic review and updating of the policy.
- A statement that indicates which legal principles are considered when dealing with bullying. Legal rules must be accessible, clear and unambiguous. Persons who obey the rules must understand what is expected of them (Bray, 2005:135).

5.3.3 Conducting surveys on bullying

Schools should conduct formal surveys that will inform them about the extent of bullying in their schools. Schools can design their own bullying questionnaires or can use the Delaware Bullying questionnaire or any other suitable readily designed bullying questionnaire. Interviews can also be used.

5.3.4 Conducting anti-bullying awareness campaigns

Schools should have anti-bullying awareness campaigns and they should make all stakeholders aware of the fact that bullying takes place in their schools. School Governing Body members should also be made aware of this.

5.3.5 Involvement of all stakeholders

Schools should involve all stakeholders during the process of identifying the need for anti-bullying policies, policy formulation, policy implementation, monitoring of policy implementation and policy evaluation.

5.3.6 Establishment of anti-bullying committees

Schools should have anti-bullying committees. In the event where schools have safety committees, members of such a committee can be tasked to deal with bullying as long as there are people who will focus on bullying issues. Anti-bullying committees should include learners, educators, non-teaching staff members, parents, the school governing body, the school management team and other stakeholder as required by the school. People with relevant skills such as counsellors, police officers, etc, can also be adopted to serve on the committee.

5.3.7 Improving communication with all stakeholders

Communication with all stakeholders needs to be improved. All stakeholders should be given anti-bullying policies. Meetings in which issues that concern bullying are discussed, should be organised.

5.3.8 Providing training on how to deal with bullying

All stakeholders should be trained to deal with bullying. The training should empower them to conduct bullying surveys, to formulate anti-bullying policies and programmes, and to implement, monitor and evaluate the implementation. The training should also make stakeholders aware of the legal principles that are relevant to bullying and how to use them. The Department of Education and schools should organise such training.

5.3.9 Considering legal principles when dealing with bullying

Stakeholders should be equipped with knowledge on how to implement the legal principles to deal with bullying. They should be familiar with education law and amendments that are made in education law so that their policies do not violate applicable legal principles. They should know how to use legal principles that protect them from learners who bully them.

5.3.10 Improving reporting mechanisms

Stakeholders should get reports about bullying from the anti-bullying committees. Meetings and schools' newsletters can be used to provide information to all stakeholders.

5.4 RECOMMENDATION FOR FURTHER STUDY

The following topics for further study emerged from this research:

5.4.1. The legal role of the disciplinary committee on issues that concern bullying of learners and staff members.
5.4.2. Involvement of parents who are school governing body members in the process of formulating anti-bullying policies.

5.5 SUMMARY

This chapter contains the conclusion to the study and the recommendations. The purpose of this study is to investigate how public schools in Witbank 2 circuit establish their anti-bullying policies and which legal principles are considered during the four stages of establishing an anti-bullying policy. Principals, educators, non-teaching staff, learners and parents provided data to answer the research questions of this study. Recommendations on what public schools should do in order to establish effective anti-bullying policies and which legal principles should be considered when establishing anti-bullying policies were provided. As this study about the legal perspective on the establishment of anti-bullying policy in public schools is not the last word, recommendations for further study were made. The establishment of anti-bullying policies and the consideration of legal principles when establishing anti-bullying policies should be improved in our schools.

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Annexure A

100 1908 - 2008
UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Enq: Mollo N.T.
Cell: 083 767 0330

P.O. Box 17454
Witbank
1035
Date:……

The Circuit Manager
Mpumalanga Education Department
Witbank 2 Circuit
Private Bag x 7270
Witbank
1035

Dear Madam

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN WITBANK 2 CIRCUIT

I hereby humbly request your permission to conduct research in Witbank 2 Circuit schools.

I am a Master of Education (Education Leadership) student at the University of Pretoria. The research that I intend to conduct is based on the following topic: **"A legal perspective on the establishment of anti-bullying policies in public schools"**.

The process of collecting data will start as soon as my ethical application has been approved by the Ethical Committee of the University of Pretoria. Research findings will be made available to the Department of Education.

I hope that my request will receive your favourable consideration.

Yours faithfully

_____
Mollo N.T. (Mr.)
Student Number: 26336643

Annexure B

MPUMALANGA PROVINCIAL GOVERNMENT

WITBANK CIRCUIT TWO
EADIE STREET
TRIANGLE BUILDING 1035
WITBANK
1035
TEL 013 6901044

P/B X 7270
WITBANK
1035

FAX 013 6903834

DEPARTMENT OF EDUCATION

Litiko leTemfundvo Umnyango Wemfundu Department van Onderwys Umnyango wezeMfundo

ENQUIRIES: M.I. BASHELE **14/03/08**

Mr Mollo N.T.
Student No. 26336643

Dear Sir

REQUEST FOR A RESEARCH DATA COLLECTION IN THE WITBANK 2 SCHOOLS

The department has given permission for your research in the schools.
Please take note of the following:

1. The process of the research should not temper with the actual process of teaching and learning.
2. A letter of appointment be forwarded to the specific schools.

Wishing you the best in your studies.

BASHELE M.I.
CIRCUIT MANAGER

DEPARTMENT OF EDUCATION
MPUMALANGA PROVINCE
2008 -04- 16
WITBANK CIRCUIT No 2
P/BAG X 7270 WITBANK 1035

UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Annexure C

Enq: Mollo N.T.
Cell: 083 767 0330

P.O. Box 17454
Witbank
1035
Date:……

The Principal
……
……
……
……..

Dear Sir / Madam

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN YOUR SCHOOL

I hereby humbly request your permission to conduct research in your school.

I am a Master of Education (Education Leadership) student at the University of Pretoria. The research that I intend to conduct is based on the following topic: **"A legal perspective on the establishment of anti-bullying policies in public schools"**.

The purpose of this study is to investigate how schools establish their anti-bullying policies and which legal principles are considered during the process. I intend to interview the principal, one educator, one non-teaching staff member, one parent and one learner (secondary schools) per school. Data will be collected using interviews and document analysis. Interviews will be conducted at any date and time that suits you. I have to complete the process of collecting data before the 26th of September 2008. The venue for interviews will be at your school. Interviews will take 30 minutes for each participant.

I subscribe to the following ethical principles:

- *voluntary participation* in research, implying that the participants might withdraw from the research at any time.
- *informed consent*, meaning that research participants must at all times be fully informed about the research process and purposes, and must give consent for their participation in the research.
- *safety in participation*; put differently, that the human respondents should not be placed at risk or harm of any kind.
- *privacy*, meaning that the *confidentiality* and *anonymity* of respondents should be protected at all times.

- *trust*, which implies that respondents will not contribute to any acts of deception or betrayal in the research process or its published outcomes.

Attached please find a copy of permission from the Mpumalanga Department of Education, Witbank Circuit 2.

I hope that my request will receive your favourable consideration as I am looking forward to receiving feedback from you.

Yours faithfully

_____
Mollo N.T. (Mr.)
Student Number: 26336643

UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Annexure D

UNIVERSITY OF PRETORIA

FACULTY OF EDUCATION

RESEARCH ETHICS COMMITTEE

CLEARANCE CERTIFICATE	**CLEARANCE NUMBER :** EM08/06/01
DEGREE AND PROJECT	A legal perspective on the establishment of antibullying policies in public schools.
INVESTIGATOR(S)	Nicholus Mollo - 26336643
SUPERVISOR	Prof Rika Joubert
DEPARTMENT	Education Management and Policy Studies
DATE	28 July 2008
DECISION OF THE COMMITTEE	APPROVED

CHAIRPERSON OF ETHICS COMMITTEE Dr S Human-Vogel

DATE 18 October 2006

This ethical clearance certificate is issued subject to the following conditions:

1. A signed personal declaration of responsibility
2. If the research question changes significantly so as to alter the nature of the study, a new application for ethical clearance must be submitted
3. It remains the applicant's responsibility to ensure that all the necessary forms for informed consent are kept for future queries.

Please quote the clearance number in all enquiries.

Annexure E

100 1908 - 2008 UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Enq: Mollo N.T.
Cell: 083 767 0330

P.O. Box 17454
Witbank
1035
Date:……

Dear Participant

RE: REQUEST FOR YOUR CONSENT TO PARTICIPATE IN THE RESEARCH PROJECT

You are invited to participate in research aimed at collecting information about how schools establish their anti-bullying policies.

I am a registered students for the M.Ed: Education Leadership at the University of Pretoria and this study is done as part of my Master's degree.

Your participation in this research project remains voluntary. Should you declare yourself willing to participate in an individual interview, confidentiality and anonymity are guaranteed. You may decide to withdraw at any stage should you wish not to continue with an interview. You will be fully informed about the research process and purposes. You will not be placed at risk or harm of any kind. You will not be respondent to any acts of deception or betrayal in the research process or its published outcomes.

Title of research project
The following is the title of the research project: "A legal perspective on the establishment of anti-bullying policies in public schools".

Short description of the aims of the research
The purpose of this study is to investigate how schools establish their anti-bullying policies and which legal principles are considered during the cyclic process.

What is expected of you as a participant in the study?
I will meet with you individually to explain what this study is about. During the meeting I will give you more information about the following:
-The title of the research project,
-The purpose of this study,
-What is expected of you in the study, and
-Your rights as participant in this study.
You will be given a chance to ask questions if you do not understand and need clarity. If you are willing to participate you will be requested to sign the consent letter. Before the interview, one copy of an anti-bullying policy will be requested from the principal. An appointment for 30 minutes interview will be

arranged with an individual participant. During the interview, you will be expected to answer the questions that are in the interview schedule. The interview will be tape-recorded.

Benefits

This study is important because it will benefit participants such as school management teams, educators, parents and learners with knowledge of how anti-bullying policies are established. This study will also contribute to the body of knowledge in the field of education law and on how anti-bullying policies are established in schools. Recommendations will also empower you by providing knowledge on how effective anti-bullying policies are established. By being involved in this study, you are given a chance to contribute to policy development.

Declaration of your consent

If you are willing to participate in this study, please sign this letter as a declaration of your consent, i.e. that you participate in this project willingly and that you understand that you may withdraw from the research project at any time. Participation in this phase of the project does not obligate you to participate in follow-up individual interviews. However, should you decide to participate in follow-up interviews your participation is still voluntary and you may withdraw at any time. Under no circumstances will your identity be made known to any parties or organisations that may be involved in the research process and/ or which has some form of power over you.

Authorisation

I hereby declare that I understand the content of this consent letter and agree to participate in this study.

Name of participant:…….

Signature of participant:…….. Date :……..

I hope that my request will receive your favourable consideration as I am looking forward to receiving feedback from you.

Yours faithfully

_____
Nicholus Tumelo Mollo (Mr.)
UP-Student number: 26336643

Annexure F

DOCUMENT ANALYSIS SCHEDULE

Name of school (pseudonym):_____ Date: _____

SECTION A

Anti-bullying policy

1 What does the school use as its anti-bullying policy?

The school uses (tick):

☐ (a) a separate policy on bullying.

☐ (b) an anti-bullying policy as an addendum to the code of conduct.

☐ (c) an anti-bullying policy that is incorporated into the overall code of conduct.

☐ (d) other type of anti-bullying policy (please specify) _____
_____

SECTION B

Formulation of anti-bullying policy

2 What are the aims of an anti-bullying policy? _____
_____

3 What is the definition of bullying? _____
_____
_____

4 Which types of bullying are mentioned in the policy?
_____
_____
_____

_____

_____

5 Which strategies for preventing bullying are mentioned in the policy?

_____

_____

_____

6 According to the policy how should the victims of bullying report bullying incidents?

_____

_____

_____

7 According to the policy how should educators, non-teaching staff members, parents and learners respond to bullying incidents and reports about bullying?

Educators:_____

_____

Non-teaching staff members:_____

_____

Parents:_____

_____

Learners:_____

_____

8 How does the policy protect learners, educators and non-teaching staff members?

_____

_____

9 How does the policy mention whether the sanctions applied for bullying will depend on the type or severity of incidents?

_____

_____

10 What does the policy say about the follow-up actions to see whether the sanctions have been effective?

_____

_____

_____

11 What does the policy suggest about ways of supporting the victim and helping the bully?

_____

_____

_____

SECTION C

Policy implementation and monitoring

12 What does the policy say are the roles and responsibilities of:

- educators:_____

  _____
- non-teaching staff members:_____

  _____
- learners:_____

  _____
- parents:_____

  _____
- school governing body:_____

  _____

13 What does the policy say about recording bullying incidents?

_____

_____

14 What does the policy say about communicating the policy content to educators, non-teaching staff members, parents and learners?_____

_____

_____

SECTION D

Evaluation of anti-bullying policies

15 What does the policy say about periodic review and updating the policy?

_____

_____

_____

SECTION E

Consideration of education law when establishing anti-bullying policies

16 Which legal principles are considered when establishing anti-bullying policies?

16.1 Legal principles from the South African Constitution of 1996 (Bill of Rights):

_____

_____

_____

16.2 Legal principles from the South African Schools Act 84 of 1996:

_____

_____

_____

16.3 Legal principles from common law:

_____

_____

_____

Annexure G

INTERVIEW SCHEDULE FOR PRINCIPALS

SECTION A

Identifying a need

- Have you ever conducted a survey to find out about bullying behaviours that take place in the school? If yes, who did that, when and how?

SECTION B

Policy development

- Whom does the school consult and involve when developing the policy that deals with bullying and what are their roles?
- What is included in your school's anti-bullying policy (framework for an anti-bullying policy)?
- How does the policy protect learners, educators and non-teaching staff members?

SECTION C

Anti-bullying policy implementation and monitoring

- Who is responsible for the implementation of the anti-bullying policy and what are their roles?
- How is the policy communicated (promoted) to learners, parents, educators and non-teaching staff members?
- How are educators, non-teaching staff members, learners and members of school governing bodies trained about how to deal with bullying?
- Who is responsible for monitoring the implementation of the policy?

- How does the school keep a records of bullying incidents? How long are they kept and who has access to them?

SECTION D

Evaluation of anti-bullying policies

- How often does the school evaluate the policy?
- How often does the school review and update the policy?
- How do you listen to the views of the learners, educators and non-teaching staff members about how the policy is working?
- How often is the report distributed to members of school governing body, parents, educators, non-teaching staff members and learners?

SECTION E

Consideration of education law when establishing anti-bullying policies

- Which legal principles do you consider when you develop and implement anti-bullying policies?

Annexure H

INTERVIEW SCHEDULE FOR EDUCATORS, NON-TEACHING STAFF MEMBERS, PARENTS AND LEARNERS

SECTION A

Identifying a need (awareness giving and information giving)

- Have you ever been asked to express your opinions/ feelings/ comments about bullying behaviour that takes place in your school? If yes, who did that, when and how?
- Have you ever been made aware that bullying takes place in your school? If yes, who told you, when and how?

SECTION B

Policy development

- How are you involved or consulted during the process of developing the policy? If you are involved, what is your role?
- What is included in your school's anti-bullying policy (framework for an anti-bullying policy)?
- How does the policy protect learners, educators and non-teaching staff members?

SECTION C

Policy implementation and monitoring

- How are you involved in the process of implementing the policy and what is your role?
- How is the policy communicated (promoted) to learners, educators, non- teaching staff members and parents?
- Have you ever undergone any training about how to deal with bullying?

- What is your role in monitoring the implementation of the anti-bullying policy?

SECTION D

Evaluation of anti-bullying policies

- How are you involved in the review and updating of the policy?
- How often do you get a report about bullying?

SECTION E:

Consideration of education law when establishing anti-bullying policies

- Which are the legal principles that come into your mind when you deal with bullying at your school?