

**THE SENIOR EDUCATION MANAGER'S  
LEGAL RIGHT TO PROFESSIONAL  
DEVELOPMENT**

by

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## DECLARATION

I, MANGENA WILLIAM NDLALA, HEREBY DECLARE THAT

*THE SENIOR EDUCATION MANAGER'S LEGAL RIGHT TO  
PROFESSIONAL DEVELOPMENT*

IS MY WORK IN BOTH CONCEPTION AND EXECUTION AND THAT  
THE SOURCES I HAVE USED HAVE BEEN DULY ACKNOWLEDGED  
IN THE FORM OF REFERENCES AND LISTED IN THE  
BIBLIOGRAPHY.

.....

DATE: .....

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## **DEDICATION**

This study is dedicated to all educators in general and senior education managers in particular who believe in the value of, and are committed to, life-long professional development as the key to efficiency and effectiveness in service delivery.



## SUMMARY

The purpose of this research project was to investigate the rights to, and responsibilities of Educators, concerning professional development with a view to establishing whether or not professional development is recognised and promoted at the senior management echelon in the education profession.

This study has found the following:

- The professional development of senior education managers is desirable and it is their legal right as well. It is, however, inadequately provided.
- Professional development courses introduce senior managers to new trends, practices and insights in the teaching profession and education management which may enhance efficiency and effectiveness in the service delivery, improve staff morale and increase productivity in education in general.
- The responsibility of professional development lies with the senior education manager himself/herself as well as the employer and the organised teaching profession. This implies the existence of a partnership in the provision of courses for professional growth.
- The improvement of the conditions of service and the qualifications of senior education managers contributes towards the improvement of quality education management, staff morale and increases productivity in the education profession.
- Application of the best management practices and the protection of managers' rights against unfair labour practices improve the image and enhance the professional status of the education profession.
- It has also been established that managers are, however, ignorant of their human rights and labour rights. There is, therefore, inadequate protection of their

employment rights, which undermines the dignity and status of the education profession.

- There is deterioration of professional standards of behavior due to the inadequate application of disciplinary measures in cases of misconduct.
- Negligence of duties and incompetence are major factors which denigrate the status and dignity of the senior managers.
- It was found that courses designed for managers in education are not preceded by appropriate needs analyses to ensure that training is needs-based and relevant.
- There is also a need for the development of professional trust between supervisors and managers. To ensure and encourage the development of such trust, it is required that performance appraisal should be preceded by the clarification of its objectives and procedures.
- Education managers require continuous exposure to processes and procedures through training and workshops in the application of the principles of the Labour Relations Act (No. 66 of 1995). This should also include a guided study of the Constitution (Act 108 of 1996) and the provisions of the Code of Conduct of the South African Council for Educators (SACE).

In conclusion, it should be recognised that the professional development of the senior manager is one of the most important strategies which may ensure efficiency and effectiveness in education management. This should form part of the conditions of service of the staff.

**Key words used in this thesis:**

Status, training needs analysis, senior education manager, educator, professional development, legal right.

## OPSOMMING

Die doel van hierdie navorsingsprojek was om die regte en verantwoordelikhede van opvoeders met betrekking tot professionele ontwikkeling te ondersoek met die oog daarop om te bepaal of professionele ontwikkeling erken en bevorder word op die senior bestuurders vlak in die onderwysprofessie al dan nie.

Hierdie studie het die volgende bevind:

- Die professionele ontwikkeling van senior bestuurders is wenslik en dit is ook hulle wetlike reg. Dit word egter nie voldoende voorsien nie.
- Professionele ontwikkelingskursusse maak senior bestuurders bewus van nuwe tendense, praktyke en insigte in die onderwysprofessie wat moontlik doeltreffendheid ten opsigte van dienslewering kan verhoog, die moraal van die personeel verbeter en produktiwiteit in die onderwys in die algemeen verhoog.
- Die verantwoordelikheid vir professionele ontwikkeling berus by die onderwyser self sowel as die werkgewer en die georganiseerde onderwysprofessie. Dit impliseer die bestaan van 'n vennootskap in die voorsiening van kursusse vir professionele ontwikkeling.
- Die verbetering van onderwysers se diensvoorwaardes en kwalifikasies dra ook by tot die verbetering van bestuurskwaliteit, moraal van die personeel en verhoging van produktiwiteit in die onderwysprofessie.
- Die toepassing van die beste bestuurspraktyke en die beskerming van bestuurders se regte teen onbillike arbeidspraktyke verbeter die beeld en verhoog die professionele status van die onderwysprofessie.
- Daar is ook bevind dat bestuurders onkundig is ten opsigte van hul mense en arbeidsregte. Daar is dus onvoldoende beskerming van hul indiensnemingsregte wat die waardigheid en

status van die onderwysprofessie aantas.

- Daar is agteruitgang van professionele gedragstandaarde as gevolg van die ontoereikende toepassing van dissiplinêre maatreëls in gevalle van wangedrag.
- Pligsversuim en onbekwaamheid is hoofsfaktore wat die status en waardigheid van die senior onderwysbestuurder aantas.
- Daar is bevind dat kursusse vir onderwysbestuurders nie voorafgegaan word deur toepaslike behoeftebepalings om te verseker dat die opleiding relevant en behoeftegebaseer is nie.
- Daar is 'n behoefte aan die ontwikkeling van vertroue tussen die toesighouers en die bestuurders. Om die ontwikkeling van sodanige vertroue aan te moedig, is dit noodsaaklik dat prestasiebeoordelings voorafgegaan word deur die verheldering van die prestasiebeoordelings se doelstellings en prosedures.
- Onderwysbestuurders benodig voortdurende blootstelling aan prosesse en prosedures deur opleiding en werksinkels in die toepassing van die Wet op Arbeidsverhoudinge (No. 66 van 1995). Dit behoort ook 'n begeleide studie van die Grondwet (Wet 108 van 1996) en die bepalinge van die Suid-Afrikaanse Raad vir Opvoeders (SARO) se gedragkode in te sluit.

Ter afsluiting moet daar besef word dat die professionele ontwikkeling van die senior onderwysbestuurders een van die belangrikste strategieë is wat doeltreffendheid in die onderwysbestuur verseker. Dit behoort deel te vorm van die diensvoorwaardes van onderwyspersoneel.

## LIST OF ABBREVIATIONS

AD	:	Assistant director
BCCT	:	British Columbia College of Teachers
CD	:	Chief Director
CELP	:	Inter-university Centre for Education Law and Education Policy
CHE	:	Committee of Heads of Education
CI	:	Circuit Inspector
CM	:	Circuit Manager
D	:	Director
DD	:	Deputy Director
DG	:	Director-General
DET	:	Department of Education and Training
EEA	:	Employment of Education and Training
EHR	:	Education Human Resources
ELRA	:	Education Labour Relations Act (Act No 76 of 1998)
ELRC	:	Education Labour Relations Council
EMD	:	Education Management Development
GTC	:	General Teaching Council for Scotland
HRD	:	Human Sciences Development
HSRC	:	Human Sciences Research Council
INSET	:	In-Service Education and Training
ILO	:	International Labour Organisation
JSTC	:	Junior Secondary Teacher's Certificate
LRA	:	Labour Relations Act (Act 66 of 1995)
MDC	:	Management Development Centre
NAPTOSA	:	National Professional Teachers' Organisation of South Africa
NGO	:	Non-Governmental Organisation
NSF	:	National Skills Fund
NQF	:	National Qualification Framework
OCT	:	Ontario College of Teachers



PAM	:	Personnel Administration Measures of 1999
PEC	:	Primary Education Certificate
PED	:	Primary Education Diploma
PSCBC	:	Public Service Co-ordinating Bargaining Council
PTC	:	Primary Teachers' Certificate
PTD	:	Primary Teachers' Diploma
RDP	:	Reconstruction and Development Programme
RSA	:	Republic of South Africa
SA	:	Subject Adviser
SACE	:	South African Council for Educators
SADTU	:	South African Democratic Teachers' Union
SAQA	:	South African Qualifications Authority
SARO	:	Suid-Afrikaanse Raad vir Opvoeders
SATC	:	South African Teachers' Council
SAOU	:	Suid-Afrikaanse Onderwysersunie
SARS	:	South African Revenue Service
SASA	:	South African Schools Act (Act 84 of 1996)
SDA	:	Skills Development Act (Act 97 of 1998)
SDT	:	Staff Development Team
SEC	:	Secondary Education Certificate
SED	:	Secondary Education Diploma
SETA	:	Sector Education and Training Authority
SPTC	:	Special Primary Teachers' Course
STD	:	Secondary Teachers' Diploma
TFC	:	Teachers' Federal Council
TNA	:	Training Needs Analysis
UNESCO	:	United Nations, Scientific and Cultural Organisation
USA	:	United States of America

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## CHAPTER 1

### ORIENTATION

#### 1.1 INTRODUCTION

The professional development of the senior education manager is one of the prerequisites for ensuring quality education. This can be brought about by developing a coherent strategy of support for staff, which is required for qualitative improvement in learning and teaching. Developing a coherent and a systematic strategy for professional development has a better chance of ensuring quality service and public accountability in education than an ad hoc approach. Pignatelli (1991:2) observes that "... the development of every individual is essential to the qualitative improvement of the education service." He further emphasizes that all staff have "rights and responsibilities" in this connection. This view is supported by the observation made by Burke (1987:3) who holds that teachers are learners and that they are required to show evidence of learning in order to gain legal entry into the profession. He further argues that if educators have knowledge of their subjects and professional requirements, they will be successful in directing the learning of others. The professional development of the senior education manager is thus about capacity building for the purpose of the improvement of quality management, teaching and learning.

The Task Team on Education Management Development (EMD) (Department of Education, 1996:24) makes an important point in their argument that "Management is about doing things and working with people to make things happen ... a process to which all contribute and in which everyone in an organisation ought to be involved." They also emphasize that the primary purpose of education management development is to improve the quality of teaching and learning practice in education.

Success in achieving the above depends upon the extent to which management capacity building is provided in the whole system, starting from school level. If teachers perform their duties, their integrity as a body of professionals will be enhanced. Where the service delivery

is perceived to be inadequate and hopelessly poor and where the practitioners project a negative or low image to the public, the latter is obliged to attached a low and negative status to the relevant profession. The relevant body of professionals is thus bound to be denigrated. Where the career image is high, the public honours and respects the teaching profession. What has been said above emphasizes that effective and efficient performance of one's duties has a positive impact on one's image, dignity and status.

It is also important to emphasize, however, that professional development is also enhanced by the profession's ability to:

- Provide quality service to the public.
- Produce committed and competent practitioners who are well prepared to render quality service to their respective communities.
- Enforce the observance of a work ethic and code of practice, thereby regulating the professional integrity of the practitioners.
- Produce practitioners who will be "... accountable for their actions to both the law and the controlling group" (Searle, 1987:2).

The above could be achieved if educators possess the required knowledge regarding their rights as ordinary citizens as well as their employment rights. The objectives of the Educational Labour Relations Act (ELRA) (Act 146 of 1993) are reflected as follows in Section 4:

- To maintain and promote labour peace in education.
- To provide labour disputes in education.
- To provide mechanisms for the resolution of disputes between employers and employees, and between employer organizations and employee organizations.
- To regulate collective bargaining.

The passing of the Labour Relations Act (Act 66 of 1995) repealed the Education Labour Relations Act of 1993 and changed the law governing labour relations by providing simple procedures for labour dispute resolution and by regulating employer and employee rights and

other related matters in order to give effect to Section 23 of the country's Constitution regarding the employment of educators and their rights.

## 1.2 PROBLEM STATEMENT

This study was necessitated by perceived uncertainty about the extent to which senior education managers receive guidance and support concerning their responsibilities and right to professional development.

The main questions considered in this study are the following:

- What impact does provision of professional development courses have on the management performance and service delivery of senior education managers in the education profession?
- What do provincial education departments in South Africa do to promote the professional development of senior education managers?
- What types of programmes/courses are desirable for enhancing the professional development of senior education managers and the protection of their individual and employment right?
- How does lack of knowledge of human rights, professional and ethical skills, obligations and responsibilities in education affect the senior education managers' professional development?
- What role does a professional code of conduct for senior education managers play in their professional development?
- Who are the role players in the professional development of senior education managers?

According to Burke (1987:3) an educator requires enough knowledge with quality and substance. Lack of this has serious implications for professional development in education management. The perceived nature and magnitude of the problem facing education administrators and managers today cannot be over-emphasized. There is considerable

ignorance of juridical matters. This problem also has a negative implication for professional development in education management.

The above observation is also true of senior managers who also need adequate knowledge in order to obviate negative juridical consequences in the performance of their management duties.

In reality, senior managers are occasionally faced with industrial action arising from day-to-day interaction with one another. In some cases senior education managers find themselves on the wrong side due to failure to apply appropriate procedures. This failure could be attributed to a lack of knowledge in these matters. The possible causes for the lack of appropriate knowledge is that most of the senior education managers are not given the support they need. During the nineties (90's), there was inadequate literature on legal aspects that focused on the rights and responsibilities of educators.

In schools previously controlled by the then Department of Education and Training and the education departments in the former homelands, problems associated with unfair labour practices usually prevailed. In most cases this phenomenon revealed itself in the rejection of some senior managers by educators on the grounds of alleged incompetence and other considerations. In most of these cases procedures were violated due to errors of judgement which resulted in labour disputes and usually necessitated legal intervention. Under such circumstances the violation of human and employment rights is unavoidable.

Between 1994 and 2000 a number of senior education managers in some provinces either voluntarily left their departments due to a lack of adequate guidance and support resulting in stressful work situations or faced suspension or dismissal due to misconduct arising from ignorance and perceived unprofessional or unethical execution of their duties and responsibilities. An example of this may include the unreasonable raising of examination marks in the name of moderation. Moderation of marks during examinations is allowed, but it should be done professionally and must, as far as possible, reflect a relatively realistic performance standard of the learners who are affected. This suggests that senior education

managers lack the kind of intervention which will provide them with adequate professional and ethical skills.

In the following paragraph the hypothesis emerging from these questions will be stated.

### **1.3 HYPOTHESES**

The main hypotheses in this study include the following:

- Providing professional development courses to senior managers in education will improve their management performance and service delivery as well as create a sound climate for professional duties.
- A senior education manager who participates in professional development courses performs his/her management duties and responsibilities effectively and efficiently.
- In provincial departments the opportunities for professional development of senior education are inadequately supported.
- Provision of relevant professional development courses to senior education managers enhances effective and efficient job performance, thus improving their image, dignity and integrity.

In paragraph 1.4 the purpose of this study will be discussed.

### **1.4 THE PURPOSE OF THE STUDY**

The purpose of this study is to investigate the rights and responsibilities of senior education managers concerning professional development. It is envisaged that this investigation will establish whether professional development is recognized as an important factor in performance management and service delivery of senior managers in the education profession. The problem stated in paragraph 1.2 will form the basis of the questions to be investigated in this study.



The findings emerging from this research project will enrich our understanding of senior managers' challenges regarding professional development and will determine the kind of strategies to be applied in providing an effective professional development programme for educators. Such findings will be disseminated to practising senior managers with a view to equipping them with the desired knowledge regarding their professional rights and duties. It is envisaged that some recommendations based on subsequent findings will be made on the areas in which senior education managers require strengthening. It is anticipated that this research project will reveal inadequacies in senior education managers' knowledge of their personal and employment rights, job content and other critical areas. This will enable the researcher to make informed conclusions emerging from this study.

## **1.5 DELIMITATIONS OF THE FIELD OF STUDY**

This research project notes that several studies have been made on in-service training and staff development with regard to the subject teacher, departmental head, deputy principal and the principal. Studies by Cawood and Gibbon (1985), Knoetze (1978), Schreuder, du Toit, Roesch and Shah (1993) and Calitz (1990) provide sufficient evidence to that effect. There seems, however, to be inadequate evidence of research conducted, if any, on the professional development of senior managers in education in the ranks of Deputy Directors of Education (or equivalent ranks) and above. The focus of this research project, therefore, is on the professional development of educators with reference to the senior managers in education in the Mpumalanga and KwaZulu-Natal Provinces (as defined in paragraph 1.7.2 below). The target respondents included circuit managers, subject/curriculum specialists, deputy directors and above responsible for various functions.

## **1.6 RESEARCH METHODOLOGY**

### **1.6.1 Choice of method**

The nature of a problem to be studied in a given research project determines the research methodology. Hart (1998:28) defines methodology as a system of methods and rules to



facilitate the collection and analysis of data. It provides the starting point for choosing an approach made up of theories, ideas, concepts and definitions of the topic. Methodology is therefore the basis of a critical activity consisting of making choices about the nature and character of the social world.

Research techniques, therefore, constitute an application of methodology. Hart (1998:44-45) further asserts that the bulk of research in the social sciences mainly aims at explaining, exploring and describing the occurrence and/or non-occurrence of some phenomenon. This means that scientific knowledge is obtained through the use of some types of methods which are dependable (reliable).

Mouton and Muller (in Mouton and Muller, 1998:2) define methodology as a “logic of social inquiry.” It is a systematic approach to research which involves a clear preference for certain methods and techniques within the framework of specific epistemological and ontological assumptions. They further make a distinction between methodology, methods and techniques. They contend that whereas methods and techniques refer to research tools such as survey, case study, statistics, experiments etc. methodology refers to the logic or underlying principles that are presupposed in the usage of such methods and techniques.

They further classify methodology into 2 main approaches to empirical social inquiry, namely:-

- The quantitative
- The qualitative

A quantitative approach was used to this study.

This involved the use of a questionnaire for data collection.

Various techniques and approaches in descriptive studies are interviews, questionnaires and standardized tests of performance (Cohen and Manion, 1995:83; Cates, 1985:95). Formal interviews and standardized tests were, however, not used in this study. Informal discussions

were held with some senior managers regarding the suitability of the design and content of the questionnaire.

The use of questionnaires was preferred for the advantages attached to it as discussed later in this paragraph and in paragraph 5.1.

The structure of the questionnaire and types of questions are discussed in paragraph 5.3.

Cates (1985:96) divides surveys into two types according to the length of time during which the researcher gathers data. Namely:

- **A cross sectional survey** which refers to a survey in which the researcher gathers data only once on the sample. This may include the use of questionnaires.
- If the researcher collects data repeatedly over a period of time, such a survey is known as a **longitudinal survey**. This type of survey could be divided into two as indicated below:
  - **A trend study**  
In which data is collected from all members of the same sample
  - **A cohort study**  
In which the researcher repeatedly draws samples from smaller specific populations over a period of time.

Mouly (1978:79) refers to a survey as "... a broad classification of research methodologies, comprising a variety of specific techniques and procedures similar from the stand point of their common purpose which is to determine the present status of a given phenomenon."

Mouly (1978:79) further distinguishes between descriptive and analytical studies. The former focuses on testing, evaluating and what may be called the questioning method, namely the use of questionnaires and interviews. On the other hand, the analytical approach is said to involve observation, rating and other analytical techniques. According to Mouly (1978:179) surveys

must do more than merely uncover data; they must interpret, synthesize and integrate the data in relation to the problem and point to their implication and interrelationship.

In surveys two major tools are used, viz. questionnaires and interviews. The major advantages of questionnaires are that they permit wide coverage at minimum expense in terms of both money and effort. Questionnaires not only afford a wide geographic coverage, but also reach persons who are difficult to contact. It offers greater validity through the selection of a large and more representative sample.

In this study questionnaires were mailed to respondents. Using of mailed questionnaires was chosen due to the fact that the researcher would not be able to reach all the respondents of the target group personally due to geographical reasons. To reach all the respondents of the target population or even a sample thereof, personally more time and money will be required. The use of this instrument therefore saves time and money. A questionnaire is easily standardized. Very little training of researchers is required. Further advantages in the use of questionnaires appear in paragraph 5.1.

Informal discussions were held with some senior education managers. This technique was applied to compensate for possible inherent weaknesses in the use of questionnaires. This activity clarified otherwise unclear responses to some questions contained in the questionnaires. Informal discussions were also considered because formal interviews were not conducted.

A structured (closed) questionnaire contains questions and suggests answers to the respondents, whereas unstructured (open) questionnaires do not include suggested answers (Ary *et al.*, 1972:170). Cohen and Manion (1995:92) speak of self completed and posted questionnaires to distinguish them for interviews. Cohen and Manion (1995:96) further highlight the following as important factors which may secure good response rates to postal/mailed questionnaires:

- Clarity of wording and simplicity of design

- Giving a variety of questions to allow respondents to express their view as well, rather than a one word answer to the questions
- Providing a covering letter to indicate the purpose of the survey (Cates 1985:97)
- Providing for follow-ups

Cates (1985:97) highlights the reliability and consistent presentation of items as advantages of the structured questionnaires. According to Ary *et al.*, (1972:170) a structured questionnaire is easily administered and results lend themselves to easy analysis. A few disadvantages which have been noted regarding mailed questionnaires include the following:

- Low return and sometimes non-returns
- A possibility of misinterpretation of questions due to poor formulation
- Difficulty to interpret subjects' responses
- Difficulty to check that the subject understands the questions
- Possible response bias

According to Wierma (1980:146) the use of questionnaires often comes under severe criticism for various reasons including the following:

- There is excessive non-response
- Items are often poorly constructed and organized
- Respondents are not truthful in their responses. This is a threat to the validity of results
- Questions are often perceived as dealing only with trivial information
- Data from different questions are difficult to synthesize

### **1.6.2 Pilot Study**

Macleod (in Terre Blanche and Durrheim 1999:298) observes that pilot studies are used to identify possible problems with proposed research using a small sample of respondents before the main study is conducted. He further highlights that pilot studies are conducted with either a sub-sample of the proposed sample or a small sample representative of the proposed sample.

There are two forms of pilot studies. These are:

- The so-called “free range with open-ended questions’ which allows for expression of opinion by respondents. Such opinions are used to improve the research.
- The second one is more structured. The advantages of the structured pilot study include the following:
  - It ensures that no ambiguous language is contained in the questionnaire
  - It helps the researcher to check the clarity of instruction and questions, administration time, layout, coding and data input
  - To conduct a preliminary data analysis.

In some instances a pilot study takes the form of interviewing respondents regarding their response (Macleod in Terre Blanche and Durrheim, 1999:298).

Peter and Franks, and Allison and Cassid cited in Mouton & Muller (1998:278) argue that in order for a pilot study to be conducted, there is a certain amount of background research to be done before preliminary questionnaires can be conducted.

A pilot study is conducted basically to:

- Fine-tune the interview/questionnaire
- Establish survey logic
- Uncover any hidden agenda (Franks & Cassid in Mouton & Muller 1998:279).

In this study the researcher discussed the questionnaire with some senior education managers regarding the essence of the study, questions construction, the length of the questionnaire and related aspects. The aim of this discussion was to enable the researcher to identify inherent weaknesses of the questionnaire before distribution to the respondents. This discussion basically aimed at ensuring the reliability of the research instrument and the validity of the research findings.

A study is said to be valid if the statements on the investigated hypothesis theories can be justified by the empirical results of the study. A study is, however, invalid if flaws in the study are detected which raise doubts about the justification of the statements (Mellenbergh in Mellenberg & Ader; 1999:325).

The discussion of the questionnaire with senior education managers in this study was also done as an alternative to an ordinary pilot study. The researcher therefore made use of a mailed questionnaire augmented by limited group discussions regarding the questionnaire.

### **1.6.3 Literature Study**

In this research project literature study was conducted for various reasons. Hart (1998:27) gives the following as the purpose of literature review in research:

- Distinguishing what has been done from what needs to be done
- Discovering the important variables relevant to the topic
- Synthesizing and gaining new perspectives
- Identifying relationships between ideas practice
- Establishing the context of the topic or problem
- Rationalising the significance of the problem
- Enhancing acquiring of the subject vocabulary, understanding the structure of the subject, relating ideas and theory application, identifying the main methodologies and research techniques used and placing the research in historical context.

The literature study on research methods, education policy, education management, professionalism and professionalisation, law and legal processes and procedures, in-service training, staff development and many others, provided an adequate framework for understanding the significance of the nature and importance of professional development of a senior education manager.

## 1.7 DEFINITIONS

### 1.7.1 Professional development

The word **professional** refers to belonging to a calling, a vocation requiring specialized knowledge and often long and intensive academic preparation (Longman Dictionary of the English language 1984:1178).

**Professional** also refers to belonging to, or connected to a profession/someone who is engaged in a pursuit of activity professionally. The South African Council for Educators (SACE) as a registered professional council, was established as per Government Gazette No 16037 of October 1994. With this development, the professionalism of the teaching profession was enhanced. In terms of the provisions of the SACE, educators have, since its establishment, been required to register and discharge their duties in a professional manner. The SACE Code of conduct regarding the educator and the profession provides that an educator should promote the ongoing development of education as a profession and that he/she has a professional obligation towards education and the induction of new members into the profession (De Villiers and Wethmar, 2000:37).

Authors have varying definitions of the concept *development*. According to Gregorc as quoted by Cawood and Gibbon (1985:15), there are four phases of a teacher's development, viz. *becoming, maturing, growing and full functioning*.

Cawood and Gibbon (1985:12) hold the view that in-service training and staff development promote the teacher's continued professional growth. Prinsloo and Beckman (1988:325) assert that all professions are subject to a process of development. The emphasis on what is developed varies. This means that different professions emphasize or highlight their characteristics in different ways.



The Task Team on Education Management Development (Department of Education, 1996:16) holds the view that South Africa's strategy for education management development should embrace three elements, viz:

- The ethos and practice of management, e.g. the development of managers, including education, training and supporting managers.
- People development, e.g. the development of management, which involves the articulation, and operationalising of the principles of good management practice.
- Organisational development, e.g. the development of organizations which includes developing and sustaining effective structures, systems and procedures for improved management.

The above observation suggests that the professional growth of the senior education manager reveals itself in a variety of competencies that are improved or activated according to needs. The ability to master and apply certain skills in one's duty, work or job is one of the indications of professional growth. If one no longer has such mastery, it suggests a need for empowerment through a designed programmed according to the needs, e.g. on entry into a new work situation or changed rank or job-description.

Professional growth is an outcome of a process of professional development. Dean (1993:3-4) states that terms, like *staff development*, *in-service educational training* and *professional development* tend to be used interchangeably for both the process of individual development and that of organizational growth.

In a nutshell, *professional development* refers to the provision of skills, competencies and attitudes required for efficient job performance by senior managers. The mastery of these skills leads to the improvement of quality education. In-service training tends to focus on specific skills or competences. Professional development focuses on broad issues such as attitudes, organizational cultures, etc.



In this study professional development should be understood to include all that is done to build and improve the capacity of senior managers in order to improve the quality of teaching and learning. It is important to take into account the above views of the Task Team on Education Management (Development of Education, 1996) regarding the elements of management development in understanding the meaning of professional development.

### 1.7.2 Educator

The word **educator** (instead of teacher) is used in recent South African education legislation like the Employment of Educators Act (EEA) (Act 76 of 1998).

In the SACE Code of Conduct (1999:9), the word *educator* means any person who teaches, educates or trains other persons or provides professional therapy at any school, technical college or college of education or assists in rendering professional services or performs education management services or education auxiliary services provided by, or in a department of education and any other person registered with the Council. Such a person's conditions of employment are also regulated by the Employment of Educators Act (Act 76 of 1998) and by the Manual for Development Appraisal (Department of Education, 1999:10).

To teach is to give systematic information to a person about skills or a subject, to enable a person to do something by instruction or training; to advocate a moral principle (e.g. tolerance) or to influence a person by example. The concept *educate* as defined by the Concise Oxford Dictionary (1990:373) has a broader meaning than the word *teach*. To educate is to give intellectual, moral and social instruction to somebody, especially as a formal prolonged process; a development of character.

An educator is therefore somebody who does not only teach but also imparts values, virtues, and norms to others. In education an educator is known by different ranks according to the focus of his/her function, e.g. deputy principal, principal, inspector, advisor, planner, director, Secretary for Education, education manager and many others. In this research project the term

educator will be used to mean senior education manager (see paragraph 1.7.3), unless the context in which it is used indicates otherwise.

### 1.7.3 Senior Education Manager

In this research project the term senior education manager will refer to out of school educators in senior positions, e.g. subject specialists, circuit manager and upwards. The term teacher will be used, as far as possible, to refer to school educators not in the rank of senior education managers.

Reference to the concept teacher(s) will be unavoidable in some instances due to the fact that one of the roles of senior education managers is that of enabling and assisting teachers to perform their duties effectively and efficiently.

### 1.7.4 Rights

According to Bray (2000:41), the right to ownership denotes having the power and capacity to do or exercise or account, the capacity to sell, use or destroy anything. This suggests that the word right has more than one meaning as will be seen in the following paragraphs.

Squelch (1999:14) observes that the term *right* implies the ability to claim something. This ability is synonymous with what Bray (2000:41) calls capacity or power as discussed above. The words *right* and *duties* should be understood within the context of a framework of relationships. While *right* refers to capacity or ability, duty implies an obligation to perform, e.g. a manager has a right to a salary while the employer has an obligation to ensure that he/she pays the employed manager.

From the Concise Oxford Dictionary (1990:1037) there is evidence that the word *right* has numerous meanings depending on the usage, e.g. *right* away, which means immediately; *right* means just or that which is morally or socially correct or fair. Prinsloo and Beckmann (1988:32) observe that the concept *right* is etymologically related to *right* in the sense of *right*

and *wrong*, and as such it is linked to *justice*. They acknowledge that it is also linked to the idea of entitlement. They also refer to Barrow who states that to have a right means to claim something. Cohen as quoted by Prinsloo and Beckmann (1988:32) observes that justified claims, which are regarded as entitlements, are contrasted it seems there is some subtle distinction perceived by Cohen. If you are *allowed, permitted or favoured*, it does not necessarily mean that you are entitled to the claim concerned.

Wringe as cited by Prinsloo & Beckmann (1988:32) distinguishes between “active claim rights of freedom” and “passive claim rights of freedom”. The former type refers to “a right to do something without interference by someone else”. The latter refers to “the right to be left alone and not to be hindered or harmed”. This has a prohibitive connotation. An important observation by Prinsloo and Beckmann (1988:330) is the fact that a right may be recognized or enforced by legislation. They also refer to Aiken and La Follette’s list of action that may be performed in respect of rights, i.e. rights may be exercised, confirmed, claimed, relinquished and waived by a person possessing particular rights. On the contrary, persons not having particular rights may respect, grant, allow, deny, restrict, infringe and violate them.

*To put right* means to correct a mistake or restore order; *in one’s right mind* means sane; *right angle* refers to an angle of 90 degrees. Right also refers to a legal entitlement, a justification, a fair claim. Jordan, Heaton, Blackbeard and du Plessis (1990:13) state that “... right denotes legal relationship.” There is always a right to things and a right against one another in respect of the objects (things) of their rights. The bearer (person) of rights is defined by Jordan *et al.* (1990:13) as the legal subject while the object of a right refers to everything to which one has a right.

Barnard, Cronje and Olivier (1986:1-2) make an important point on the implication of the relation between the legal subject and the legal object in respect of the legal object of a right. They state that “... A person’s right to an object, therefore, creates obligations for other legal subjects *vis-à-vis* the bearer of the right”. A full discussion of the kinds or categories of rights appears in paragraph 2.4. In the light of this connotation of right, the senior manager as an employee has a right to expect to be offered an opportunity for capacity building, which aims

at improving his/her capability to render quality service in education. This is what Prinsloo and Beckmann (1988:32) call a positive right. In this study, therefore, the connotation of rights as claims to entitlement will be maintained.

In this sense the relationship of rights and duties invokes an obligation and duty on the part of the employer to offer an opportunity to the senior education manager for professional development. On the other hand, the senior education manager should accept the responsibility to use the opportunities provided to improve his/her professional service performance.

### 1.7.5 Legal

Legal means *based on law* which could denote various sources such as the following listed by Bray (2000:57-60), viz., the Constitution, legislation, case law, common law, custom and others, which are discussed in greater detail in paragraph 2.2.

Bray (2000:10) summaries the characteristics of the law as follows:

- The law is a body of norms and rules that governs private (personal) and public (governmental) action and interaction.
- Society must accept these norms and rules as the law.
- The law must create (legal) order and certainty in society.
- The law is applied and enforced by instructions of the state such as department and courts.
- When the law is disobeyed, the offenders are punishable.

According to the Concise Oxford Dictionary (1990:676) the descriptive word *legal* means *based on law, falling within the province of law, required by law, permitted by law, recognized by law*. This word is derived from the concept *law*.

Writing about the link between rights and duties, Prinsloo and Beckmann (1988:33) observe that if a child has a right to be cared for, the parent/guardian has a moral and a legal right to educate the child.

Power as cited by Prinsloo and Beckmann (1988:35) also makes an important observation regarding education as follows: “Everyone should be offered enough opportunity to realize or actualized personal capacity”. According to Prinsloo and Beckmann (1988:35) “... Every person may ... justifiably expect an opportunity to transform his potentiality into reality”. This emphasizes also that employees are not entitled to capacity building (or professional development) only but will expect to be given the opportunity to develop.

The senior education manager as an employee is legally entitled to professional development in terms of the Labour Relations Act (Act 66 of 1995) which aims at improving his/her capacity to render quality service to clients on behalf of employer. The professional development of a senior manager is discussed in greater detail in Chapter 3.

## **1.8 ORGANISATION OF WORK**

**Chapter 1** contains the orientation to the study. It discusses the nature and scope of the problem, research method and the desirability of the project. It contains certain hypotheses and the purpose of study. Key concepts from the title of this project are clarified.

**Chapter 2** contains a literature review. In this chapter a literature study will be conducted with a view to establishing what the functions of law in education are. It also explores the question of rights as well as the responsibilities of the senior education manager.

**Chapter 3** deals with professional development of the senior education manager as a prerequisite for efficient and effective job performance. It discusses the characteristics of a profession, the desirability of professional development and the role of the professional organizations such as SACE, the GTC and Ontario College of Teachers.

**Chapter 4** deals with the legal status of the senior education manager and some problems affecting the senior education manager's professional development.

**Chapter 5** deals with a description and the application of research instruments. It also gives an analysis of data collected.

**Chapter 6** presents a review of the study, a summary of findings, conclusions and recommendations.

## **1.9 CONCLUSION**

This chapter gives a brief account of the background to the study, and highlights the nature of the problem. It indicates the scope, research method and the hypotheses. It defines terms and discusses the organization of the study. It therefore provides a point of departure for the subsequent chapters. The definition of the key concepts in paragraph 1.7 enabled the researcher to form a solid idea of the nature and scope of the study. This chapter, as such, forms a critical source of reference for the whole research project.

The functions of the law and the senior education manager's rights will be discussed in chapter 2.

## CHAPTER 2

### THE FUNCTION OF THE LAW OF EDUCATION\* AND THE SENIOR EDUCATION MANAGER'S RIGHTS REGARDING PROFESSIONAL DEVELOPMENT

#### 2.1 INTRODUCTION

Bray (2000:10) defines law as a body of norms and rules that must be accepted by society as its legal system. This chapter focuses on the nature and functions of law in general and of education law in particular. The discussion also explores the nature of the senior education manager's rights and duties as well as how these are related to his/her professional development. The critical issue in this Chapter is the importance of understanding the reason why senior education managers should have knowledge of their rights in relation to their own duties and responsibilities *vis-à-vis* others. Such a discussion will constitute a suitable theoretical framework for the subsequent chapters in this study.

#### 2.2 SOURCES OF LAW

In this section the researcher will give a brief account of the sources of South African law. Bray (2000:57) gives a brief discussion of these as indicated below:

- **The Constitution**

This, together with the Bill of Rights, is the supreme law of South Africa. Therefore no other law should be in conflict with it.

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\* The terms *education law* and *law of education* are used interchangeably in this study. They refer to legal principles applied in the field of education derived from the sources of law as discussed in paragraph 2.2



- **Legislation (laws or statutes):**

This constitutes a primary source of law, e.g. the Employment of Educators Act (Act 76 of 1998), The South African Schools Act (Act 84 of 1996) and the Labour Relations Act (Act 66 of 1995)

Original legislation passed by Parliament in the sphere of national government includes the South African Schools Act (Act 84 of 1996), the Labour Relations Act (Act 66 of 1995) and the Employment of Educators Act (Act 76 of 1998). Within the provincial sphere legislation includes the School Education Act 6 of 1995 (Gauteng) and the School Education Act 9 of 1995 (Northern Province). The sphere of municipal or local government legislation includes by-laws that are normally not relevant to education.

Subordinate legislation may be passed by MECs, including legislation on school rules and regulations, e.g. school constitutions, school policies and codes of conduct. Such legislation is enacted on authority contained in original legislation.

- **Case Law**

This refers to court decisions used to determine or provide guidelines in the application and interpretation of legal norms and standards in specific cases, e.g. *Sv Williams* 1995 SA BCLR 632 (CC) wherein the Constitutional Court interpreted the legal norm relating to corporal punishment of juvenile criminals. In judging the application of The Criminal Procedures Act (Act 57 of 1977), it was found that it was in conflict with the security of the person as contained in the Bill of Rights. Therefore the court declared the corporal punishment of juveniles unconstitutional.



- **Common Law:**

This includes mainly unwritten law of a country on the basis of which e.g. school rules may be formulated, such as the application of the *in loco parentis* principle (i.e. an educator acting on behalf of the parent in the school environment).

- **Custom:**

This is made up of unwritten rules of the community, e.g. customary law. The requirements are that it:

- \* must be reasonable
- \* must have existed for a long time
- \* its content must be clear, and
- \* it must be generally recognized and observed by the community.

Central to the law is the notion that the law characterizes the environment in which the senior education manager performs his/her functions or duties.

### **2.3 THE FUNCTIONS OF THE LAW**

Before the functions of the law are discussed, it is desirable to highlight the fact that there is a distinction between the mode of control of natural phenomena and that, which is applicable to human beings. It is important to note that natural phenomena (forces) such as gravity, motion and others are said to have no social law to obey or disobey. According to Hosten, Edwards, Nathan and Bosman (1983:3) natural phenomena are governed by the laws of the universe, which produce uniformity amongst the phenomena themselves. In this sense law is seen to connote a rigid uniformity.

On the other hand, human beings are subject to what is called a mechanism of social control which includes all the means at a society's disposal to "... persuade its members to think and

act in compliance with the norms (normative systems), that make up its culture” (Hosten et al., 1983:2). These include legal systems, ethics, etiquette and social conventions. Law is therefore one of the instruments of social control. The views of various authorities concerning the functions of the law will be discussed in the following paragraphs.

**2.3.1** According to Prinsloo and Beckmann (in Bondesio, Beckmann, Oosthuizen, Prinsloo & Van Wyk, 1989:6) “National law... **regulates the conduct of persons** on a large scale so effectively that peace and order are kept through a state or country...” This function of law emphasizes the notion of law as a means to an end, namely it harmonizes the co-existence of the people of a country. It further suggests that the law focuses on the conduct of individuals.

**2.3.2** Hosten *et al.*, (1983:16) states that the immediate object of law is the **resolution of social conflicts in order to preserve order and promote justice**. This observation suggests that the normal day-to-day interaction of individuals in a given society is bound to produce conflicts. Law therefore provides the possibility of a constant mechanism for solutions wherever the conflict occurs. Wille as cited in Searle (1987:104) sees law as “instruments of social control”.

**2.3.3** Wille as quoted in Searle (1987:104) contends that, in the widest sense, “... laws are simple rules of action... which oblige people to do certain acts and abstain from doing others.” He further argues that the laws of the state are not only binding but are also enforced on all inhabitants of the state. In this way they fulfil the function of regulating the conduct of persons on a large scale so that law and order can be maintained. What has been said above emphasizes the notion that **the law has a regulatory function** in a country.

**2.3.4** According to Barnard, Cronje and Oliver (1986:3), McQuaid-Mason, O’Brien and Greene (1995:10), the law has the function of regulating man’s relations with his / her fellowman with regard to objects/ possessions. Therefore **the law has a dual control function**: it involves the question of **protection of the right of an individual to**

**possessions and also imposes a duty (obligation) to respect other people's property.** This point is also emphasized by Beckmann, Klopper, Maree, Prinsloo and Roos (1995:10).

Bray (2000:85) discusses two forms or ways of enforcement of education law, namely:

- **Administrative (internal) control** that is applied/ effected by the school governing bodies, staff and other relevant stakeholders associated with the institution. It involves investigations and the resolution of disputes inside the education institution concerned. Such investigations are governed by internal procedures and remedies (Bray, 2000:86) within the framework of the South African Schools Act (Act 84 of 1996).

Bray (2000:87-88) emphasizes that "... all acts performed by the education administration must comply with the requirements for lawful administrative acts". The Constitution (Bray, 2000:89) refers to administrative acts as "administrative justice" which include the following:

- The administrative body / official must act within the ambit of his/ her authority.
- Administrative justice forms the basis of fair, just and reasonable conduct.

**Section 33 of the Bill of Rights provides that:**

- Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
- Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

The above-mentioned comments regarding the rights that are protected are supported by Rautenbach and Malherbe (1999:18). Referring to the provision of Section 33 of the Bill of Rights concerning the rights to be protected, they reaffirm that everyone has "... the right to

lawful, reasonable and procedurally fair administrative acts, and the right to be given written reasons when your rights have been adversely affected.” They concur with the observations of Bray as discussed above.

Bray (2000:89-90) further clarifies the following keywords used in the discussion. She states that “ to perform a **lawful act** means that all the requirements of the law must be complied with.”

Reasonable action requires that a decision taken by an official must be justifiable in terms of the offence that has been committed. Fair procedures refer to the manner in which the investigation / hearing has been conducted. This means the accused has to be informed of the charges against him/her, of the hearing/ enquiry, has to have the assurance that he/ she has to be assured that he/she will have an opportunity to present his/ her side of the story, has to have adequate time to prepare his/her defence, and that he/ she will receive written reasons no matter what decision will be taken.

It is only in this way that the law of education will be seen to regulate man’s relationship with his/ her fellow colleagues reasonably and fairly within the education administration.

- **Judicial Control**

Much has been said about administrative control as a form of the law of education. If a decision taken by the internal (administrative) control office is perceived by parents, teachers, etc. to be unfair, unreasonable, unlawful or unprocedural, the aggrieved has “... the right to have access to the courts, or where appropriate, another independent and impartial tribunal, to have legal disputes settled in a fair and public trial” (Rautenbach and Malherbe, 1999:18). This is provided for in Section 34 of the Bill of Rights.

An appeal by an aggrieved person will lead to a judicial review in which the court may decide to uphold or reject the previous decision. The judicial decision constitutes an authoritative decision that may be published in the law reports (Bray, 2000:86).

The high court also applies legal rules and principles to determine whether the investigation/ hearing has been procedurally correctly conducted and whether the decision is reasonable.

The courts follow specific procedures including following the application of the doctrine of precedents, regarding what type of evidence is allowed. Criminal cases are conducted in terms of the rules of criminal procedure; in civil cases the rules of civil procedures are followed, etc. (Bray 2000:92-93).

- 2.3.5** The desirability of professional control, according to Searle (1987:2), arises from four primary considerations, e.g. societal needs, societal expectations, the laws governing the rights of citizens as well as the need to develop services to society in an orderly manner. This emphasizes the role of law in providing a mechanism for professional control. It is important to note that the services rendered by a body of professionals may not automatically conform to the standards and norms set for good services.
- 2.3.6** In the teaching profession it is also desirable to promote and protect good professional practice by means of an effective mechanism that has a legal base. This has great significance. Prinsloo and Beckmann (1988:192) emphasize the reason for the development of an ethical code. They argue, "... An ethical code... articulates its professional ethics very clearly and simultaneously offers the community a guarantee that the service will be rendered in accordance with certain norms". They also rightly refer to the observation by Spies as cited by Prinsloo and Beckmann (1988:192) that "... the ideal mode of conduct of the professional person in the execution of his occupation as well as the fundamental principles which should apply in relationships with colleagues as well as relationships between the person rendering a service and the person receiving it, are laid down systematically and bindingly". This emphasizes that such mechanisms for social control should have the force of law. This is more so in order not only "... to protect the community against possible malpractices but, also to promote the community's confidence in the profession."

Regarding professional practices Searle (1987:2) states that practitioners have over time “... made a formal study of their area of practice and begun to organize themselves into professions ... to ensure development and to define standards of practice in the interest of the public service”.

The law governing the profession referred to above operates within the same frame of principles as those guiding the operation of the teaching profession. Professional registration, under a particular act of parliament, should therefore be understood in the light of an attempt to ensure that practitioners are properly educated and trained for their profession and that control over their practices is exercised by statutory means in the public interest.

#### 2.3.7 According to Kleyn and Viljoen (1998:12):

- Law consists of rules or regulations facilitating and regulating human interaction.
- It orders society and gives certainty about issues and norms.
- It is applied, interpreted and enforced by institutions of state in the form of prescripts and sanctions for non-compliance with legal rules. This means that at the centre of law there is regulation of human interaction.

On the functions of the law of education, Oosthuizen, Botha, Bray, Marais, Mentz, Van der Westhuizen and Van Schalkwyk (1992:4), advance the following important points:

- The law of education regulates the rights and obligations of the interested parties equitably. This implies recognition of the rights of stakeholders in education. According to Bray (2000:24) the law governs various legal relationships. In this way it brings about order in society.
- It contributes to the creation of harmony in the co-operation of all participants. Writing about the characteristics of the law, Bray (2000:24) observes that the law



maintains harmony (order) in society and restores the legal balance where legal rules are ignored or disobeyed.

- It creates a clear framework for the role of the teacher as a professional.
- It interprets the given statutory position to establish workable structures for education management, a view also expressed by Van Wyk (1987:11).
- The law of education establishes the authority of the teacher, especially that of the education manager. In this way the law of education does not only create order and harmony, but also it especially provides a secure educational environment in which the pupil may develop. Oosthuizen *et al.*, (1992:4) concur with the view of the function of law as that of creating harmony and order.

Central to the views of the various authors referred to above, is the notion that the law has a regulatory and harmonizing function in society in general and in education in particular. The discussion above has emphasized the notion that legal norms regulate human conduct and that they do not only impose a duty on legal subjects but they are also enforceable by organized bodies. It is important to refer to the view of Hosten *et al* (1983:11) regarding the role of legal and social norms. Hosten *et al* (1983:7) also recognize the fact that the rules of natural law are binding and enforceable on all the inhabitants of the state. It is also acknowledged that other normative human laws are neither universally binding nor invariably enforced. Such norms seek to regulate human conduct and share with other instruments of social control the same characteristics of a normative system.

The only distinction that can be made is that, while social norms are enforceable by communities, organized bodies enforce legal norms. Kleyn and Viljoen (1998:12) observe that the rules are interpreted, applied and, if necessary, enforced by institutions such as the police, traffic police or prison authority/ sheriff.

In paragraph 2.3.4 the enforcement of education law by means of administrative and judicial control was discussed. Section 34 of the Bill of Rights grants everybody the rights to have access to the courts to have legal disputes settled in a fair and public trial (Rautenbach and

Malherbe, 1999:18). This suggests that senior education managers should be knowledgeable about these provisions. An educator, who believes that his/ her case has not been handled in a fair manner administratively, has a right to appeal through the right channels, up to the High Court if necessary.

Writing about the importance of education law, De Groof (in De Groof and Bray, 1996:211) argues that education law is linked to social and social security laws (social status of staff members, students and teachers, application of labour law), civil law in general (individual and family rights, liability law), criminal law and tax law. In this way education law has the same function as that of the law in general.

De Groof (in De Groof and Bray, 1996:212) further asserts that education law has a service-based role according to which "... it can also spur on the reform process, establish a legitimate basis for a refurbished educational system and... provide a framework for lending support to democratization... when a society reaches a turning point in history."

The above observation emphasizes the role of education law as an interdisciplinary science as it cuts across different social sciences.

The law of education not only defines the role and duties but also protects the rights of educators and other stakeholders. The South African Council for Educators (SACE) defines certain conduct expected of educators in terms of which their professionalism is evaluated. The LRA, EEA, and SACE code of conduct provide regulatory frameworks for educators. The institution of disciplinary measures for misconduct in education is governed by the provisions of law contained in the sources referred to above. It is in this manner that order in the education sector is brought about.

From the above discussion it is clear that education law regulates the provision and management of education, and the rights, responsibilities and obligations of parents, educators and other bodies and organs responsible for education.



It is required of senior education managers to have a full understanding of the importance of legal rules in education, as these protect the interests of stakeholders and promote harmony in the education sector. The above statement is supported by the observation of Beckmann *et al.*, (1995:8) who see education law as a collection of legal rules that it regulates. In this manner it makes order and harmony possible in education. The following section will consider the question of senior education managers' rights and their relationship with the law.

## 2.4 CLASSIFICATION AND TYPES OF RIGHTS

As the above clarification has been made, a discussion of the types of rights follows:

### 2.4.1 Types of rights

There is agreement on the classification of rights between Bray (200:43), Jordan *et al.*, (1990:14) and Myburgh (1985:14). According to Jordan *et al.* (1990:14) rights are divided into four types, viz.

- **Real rights** which refer to the right to material things (i.e. right of ownership). e.g. of a pen, car, flock of sheep, etc.
- **Rights of personality** which refer to the right to personality, i.e. an object of right with broad economic value that may be irreplaceable, e.g. status, good name, reputation, privacy, honour and integrity. When the integrity of an individual is threatened, his dignity is also undermined.

Neethling, Potgieter and Visser (1996:26) provide a classification of personality rights. These include the:

- Right to physical liberty
- Right to dignity or honour
- Right to feelings
- Right to privacy

- Right to identity.

All these rights are protected in terms of the provisions of the Constitution and are justifiable.

- **Immaterial property rights** which refer to the right to things relating to creations of human intellect, e.g. works of art, literary works (invoking copyright), inventions, trade marks, patent trade names, etc.. Bray (2000:43) calls these intellectual property rights.
- **Personal property rights** ( obligatory rights) which refer to human action (as performance) consisting of the right to do something or not to do it, e.g. delivery of purchases, goods etc.

The above classification is similar to the one provided by Bray (2000:42). She observes that private law distinguishes between the above-mentioned four groups of rights that a legal subject can have.

#### 2.4.2 Categories of human rights

In a report on the need for the incorporation of the Bill of Rights into the Interim Constitution of South, the South African Law Commission (1991:11,12.17 & 18) highlighted the following **categories of human rights**:

- **First generation rights**

Bray (2000:46) also refers to them as *blue rights*. Maree (1995:2) refers to these as the most basic level of rights and observes that they are also known as civil rights, procedural rights or political civil liberties. These are classical Western civil and political rights centering upon the individual. It is important to note that the rights of an individual enjoy primary protection as opposed to other categories of rights. In the 1996 constitution the following are included:

Personal rights, e.g. the right to the protection of life (S.11), liberty and property (S.25).

Civil/ political rights, e.g. freedom of speech (S.16), of movement (S.21), of citizenship (S.20), freedom to privacy (S.14), to vote and be represented in government (S.19), to have legal representation (S.19) to assemble (S.12) and demonstrate (S.17) and not to be arbitrarily detained.

The above category of rights accentuates the privacy of an individual as a legal subject in all aspects of life. Maree (1995:3) observes that the first generations of rights are designed to limit state power and protect individuals against the state.

- **Second generation rights**

Bray (2000:46) refers to these as *red rights*. They are regarded as socio-economic rights and are said to be associated with a socialist view of the role of the state.

They are protected in terms of relevant sections in the Constitution, as indicated below: e.g. rights to social security (S.26+S.27), to own property (S.25), to contract, to join trade unions (S.23), the freedom to work, to choose one's occupation, to fair wages (S.22).

The choice of a career is facilitated by knowledge of the conditions of service of various careers.

- **Third generation rights**

Bray (2000:46) also refers to them as *green rights, solidarity rights or people's rights*.

They are regarded as the most recent ones, which include what are termed *people's rights* (Cachalia, Cheadle, Davis, Hayson, Maduna and Marcus). These include the right to peace, self-determination, control over natural resources, development and information, minority

rights and the right to clean and safe environment. According to Maree (1995:3) this category of right can be found in the African Charter on Human Rights.

Depending on the circumstance, all three of the categories of rights may apply to senior education managers' work.

This research study is about the senior education managers' right to professional development. Knowledge, application and protection of these rights are needed for the professional growth and enhancement of senior educators' professional status. If educators/senior managers are involved in litigation as a result of ignorance of their rights and obligations, their professional image and status are severely tarnished.

What follows is a distinction between the senior education manager as an ordinary citizen and practitioner with rights.

## **2.5. THE SENIOR EDUCATION MANAGER'S DUTIES AND RIGHTS**

### **2.5.1 Ordinary citizen's rights**

Prinsloo and Beckmann (1988:208) refer to the right of citizenship as "... a political status within the sphere of the public law, indicating the totality of a person's rights and competencies." They further clarify that the teacher is a citizen of the RSA and that he /she has particular civil and political rights. These rights, they argue, should not be negated.

They also refer to the provision in the ordinances on the educator's civil and political rights, the scope of which, they argue, should be clearly defined in the interest of the child's education. There seems to be evidence that it would be required of educators to exercise extreme responsibility in the expression of their civil and political rights while engaged in the education of the pupil. The above observation is also true of the senior education managers who should also exercise their civil and political rights in a responsible manner.

In his examination of Makarov 's combined theory, Venter as quoted by Carpenter (1987:374), concludes that citizenship is a legal condition, that determines status, depending on its fulfilment of legal requirements laid down by a particular state. It gives rise to a legal relationship from which reciprocal rights and duties arise; and these rights and duties have a bearing on the fact that a legal bond exists between the state and the individual. This view seems to be in agreement with those expressed by Prinsloo and Beckmann (1988:208) as well as Wiechers as cited by Carpenter (1987:372). The latter holds that citizenship indicates the citizen's status on the aggregate of an individual's political and civil rights. Van der Vyver as cited by Carpenter (1987:94) discusses the main categories of rights, which are protected and guaranteed. These are referred to as substantive and procedural rights.

According to Van der Vyver as quoted by Carpenter (1987:372), substantive rights are protected in terms of the relevant sections in the Constitution. These were discussed earlier in paragraphs 2.4.1 and 2.4.2.

The Bill of Rights grants rights to everyone, including educators and senior education managers.

Rautenbach and Malherbe (1999:16) refer to the right to have one's dignity as a human being protected. Senior education managers have a claim right to their dignity as contemplated in Section 10 of the Constitution. The dignity of a person requires that he/she has to be respected.

Further to this, section 23 of the Constitution states that a person has a right to fair labour practices and the various rights of workers, employers' organizations (Rautenbach and Malherbe, 1997:17)

Section 34 of the Constitution provides that an individual has a claim/right to have access to the courts, or where appropriate, another independent tribunal and to have legal disputes settled in a fair and public trial.

These are but a few of the rights being protected.

Senior education managers, like ordinary citizens, have claims to these rights.

A senior education manager, whose economic rights are guaranteed, has a greater chance of successful professional development than the one whose economic rights are either unknown to him/her, or not respected at all.

On the other hand, **procedural rights** relate mainly to the administration of justice. They include a fair trial in an open court by impartial, independent and qualified judges, legal representation, legal aid, no detention without trial, no cruel and inhumane punishment and no retrospectivity of charges or punishment.

The senior education manager as an ordinary citizen has a right to the categories of rights described above. Any infringement of these rights by another person constitutes a serious violation of a most important human right, which may serve as an indication of undermining of the integrity of the senior education manager as a citizen of a country.

Squelch (1999:36) refers to the procedure followed in the suspension of educators. Senior education managers should know these procedures and apply them fairly and justly in the administration of justice. They should also see to it that the procedures are fairly applied to them where applicable.

It is a requirement in terms of the Labour Relations Act (66 of 1995), that before suspending an educator, the employer has a duty to notify the educator in writing and inform the educator of the employer's intention to suspend the educator from the duty and reasons for the suspension (Squelch, 1999:35). This would be in compliance with Section 33 of the Constitution.

In the case *Moletsane v Premier of the Free State and Another* 1996(2) SA 95 (OPD) cited by Squelch (1999:35), the School Board suspended an educator pending a departmental investigation into alleged misconduct. The letter by the Head of the Free State Department of Education, suspending the teacher, reads as follows:

“ It has been decided in terms of Section 14(2) of the Educator’s Employment Act 138 of 1994, that you be suspended with immediate effect, pending a departmental investigation into alleged misconduct on your part.”

A closer look at the letter reveals that the reasons for suspension were not specified. The educator contended that this notice was invalid as it lacked reasons to justify her suspension.

The Court held that sufficient reasons had been given. The Court found that, notwithstanding the provision of Section 34(c) of the Constitution according to which “reasons” for a decision to suspend an employee should be given, the department’s decision was legitimate.

The lesson learned from this case is that the nature (seriousness) of the allegation determines the decision to be considered by the Court.

The various sources reveal evidence of agreement in support of the notion that the senior education manager as an ordinary citizen has rights that must be protected. The above discussion reveals that the senior education manager as an ordinary citizen is a legal subject with legal capacity. Barnard *et al.* (1986:2) define a legal subject as “...any entity which is recognized as such by the law and to which the law attributes the particular competency to have rights, duties and capacities.” The person’s attributes to which the law attaches certain consequences are central to the person’s capacity to be the bearer of rights.

Barnard *et al.* (1986:332-34) mention three competencies conferred by law on a person as a legal subject, namely (1) legal capacity, which means capacity to have rights and duties; (2) a capacity to act, which means a capacity to participate in legal interaction or to perform valid juristic acts. Barnard *et al.* (1986:33) further argue that valid juristic acts can be brought about if the law attaches consequences to a person’s declaration of intention; and Malherbe (1999:16-19) have listed the 30 rights that are protected. Each right is protected in terms of an enabling provision of the Constitution.



Section 34 of the Bill of Rights provides that everyone has the right to have access to the courts, or, where appropriate, another independent and impartial tribunal, to have legal disputes settled in fair and public manner (Rautenbach and Malherbe, 1999:18). This suggests that the capacity to appear in court is protected by law. The Bill of Rights guarantees that there will be no arbitrary decisions or exploitation of the accused.

Central to the capacities that have been discussed above is the understanding that a legal subject has status. The latter will be defined and fully discussed in paragraph 3.2.

A natural person has fundamental human rights, which are protected by the Bill of Rights. Infringement of these rights bears the consequences of legal liability. It is important to be extremely careful in interacting with fellow men and to bear in mind that they have rights as well.

This section dealt with the senior education manager as an ordinary citizen with rights that are protected and upheld. It has been established that the law of the country protects the rights of citizens. Infringements thereof constitute a serious violation of man's most important legal possession, *viz.* his psychophysical integrity.

The senior education manager as an employee is required in terms of the LRA to render the services agreed to with his/her employer in terms of a contract or terms and conditions of employment in terms of the Personnel Administration Measures (PAM) of 1999 (Squelch, 1999:15). Details of these duties are discussed and reflected in paragraph 2.4 above. In return the employer is required to provide the necessary facilities, remunerate the employee and provide safe and healthy working conditions to his/her opportunities for professional development to equip himself/herself to perform his/her work better.

The paragraph that follows below discusses the senior manager as a practitioner with employment rights.



### **2.5.2 The senior education manager's employment rights.**

In section 2.5.1 emphasis was placed on the importance of recognizing the fact that the senior education manager, as an individual citizen, has legal rights which require protection. This section discusses the protection of his/her employment rights. It therefore deals with the instruments, which exist to promote the employment rights and interests of the senior education manager, mainly by eradicating unfair labour practices.

According to Squelch (1999:15) the duties of employees (senior education managers included) in terms of common law are the following:

- to render the services agreed to.
- to fulfill their tasks with reasonable competence and efficiency.
- to carry out lawful instructions of the employer; and
- to be respectful and obedient.

This means that the senior education manager has to know the conditions of his/her employment. According to Prinsloo and Beckmann (1989:21), a link exists between rights and duties. While the senior education manager has a right to give orders relative to duties assigned to sub-ordinates, the latter, in return, have an obligation to perform the assignment / duties in accordance with the expected level. The sub-ordinates have a right to expect fair treatment (Wringe 1985:27).

In writing about trade unions in education, Prinsloo and Beckmann (1988:214-215) affirm that the Labour Relations Act (Act 28 of 1956) governed collective bargaining in South Africa. It did not allow public servants (including teachers) to establish trade unions, which did not have the right to negotiate conditions of service. It reinforced the fact that the senior education manager had an unequal relationship with his/her employer. This was applicable to the period before 27 April 1994. Act 28 of 1956 was repealed and replaced by the new Labour Relations Act (Act 66 of 1995). With the introduction of the Education Labour Relations Act (Act 146 of 1993), the position in the education sector has changed dramatically. The introduction of this

Act constitutes the greatest advancement in education management regarding the promotion and the protection of employment rights and the interests of educators. This Act provides broad aims whereby it seeks to bring about the following:

- The regulation of certain aspects of labour relations in education, including collective bargaining.
- The establishment of an Education Labour Relations Council.
- The registration of certain organizations in the profession to the council.
- Provision of matters connected with these issues.

Act 146 of 1993 was also repealed and replaced by the new Labour Relations Act (Act 66 of 1995). This means that the provisions of Act 146 of 1993, as amended, are now contained in Act 66 of 1995. The ability of educators to engage in negotiations and collective bargaining through an established negotiation chamber presents favourable opportunities for professional growth and development.

It is important to note that the Education Labour Relations Act (Act 146 of 1993) not only deals with the provision of a mechanism for the promotion of professional growth of the senior manager only, it also highlights the fundamental rights the law protects. In the above-mentioned Act the following fundamental rights of employees (i.e. educators) were entrenched:

- a) The right to establish or, subject to the rules of the organization concerned, to join any employee organization of their own choice, or to refrain from establishing or joining any employee organization.
- b) The right to negotiate collectively with the employer on matters that may arise out of the normal working relationship between employer and employees in their capacity as employees.
- c) \*The right to conclude agreements with the employer.

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\* Through this study unless the context indicates otherwise, the term “teacher” includes the term “educator”. The term “senior educator manager” refers to the out-of-school educator in a senior position such as circuit manager, curriculum specialist, deputy director or higher ranks.

- d) The right to defend the interests of the employee by taking appropriate lawful action.
- e) The right to have access to dispute settlement procedures with regard to dispute of rights as well as disputes of interest.
- f) The right to be protected against unfair labour practices.

The above exposition is congruent with the 1993 Constitution (Act 200 of 1993) with regard to the protection of the employee's and the employer's rights. Section 27 of Act 200 of 1993 provides for the protection of the employee's rights as follows:

- 1) Every person shall have a right to fair labour practices.
- 2) Workers shall have the right to form and join trade unions, and employers shall have the right to form and join an employer's organization.
- 3) Workers and employers shall have the right to organize and bargain collectively.
- 4) Workers and - shall have the right to strike for the purpose of collective bargaining.
- 5) Employers' recourse to lock-out for the purpose of collective bargaining shall not be impaired, subject to Section 33(1)

It is important to state that the senior education manager is entitled to professional development, which is a prerequisite for effective professional practice. It is important to note that, although the LRA (Act 66 of 1995) repealed the ELRA, resolutions concluded under the ELRA largely remain in force as if the ELRA were not repealed, subject to collective bargaining that may alter them (Item 12(2) of part C of Schedule 7 of the Labour Relations Act of 1995)

This discussion indicates that there is a need to recognize the relationship between employment and the fundamental rights of employees. Prinsloo (1993:7-8) rightly observes that “Die fundameteelste van menseregte is die reg van die mens om fisiek en geestelik te bestaan ... die sogenaamde reg op bestaan ... Die beskerming van die werker bly dus ‘n vereiste en vind nog steeds langs twee weë plaas, naamlik, deur die wetgewing van staatweë, en deur die vorming van werknemersorganisasies.” Job satisfaction rests on the premise held by Prinsloo that the rights of employees and those of the employer are protected by law.

The desirability of the State ‘s responsibility regarding the relationship between the employer and the employee emanates from the premises “... dat daar histories ‘n botsing van belange bestaan tussen die belange van die werker en werknemer” (Prinsloo, 1993:8-9). This means that, historically, conflict existed between the interest of the employer and that of the employee. Prinsloo argues that neither the employer nor the employee is in a position to resolve the conflict. He cites Kastner’s observation who held that, “In order to create an equilibrium of interests to promote sound labour relations and create dispute settlement mechanisms and taking national into account, labour policy was formulated and embodied in the various acts, regulations and other policy directives” (Prinsloo, 1993:9).

This observation clarifies and accentuates the desirability of the establishment of public policy governing the interests of the employer and the employee. Kahn-Fêud as quoted by Prinsloo (1993:9) rightly states that the aim of labour law is to regulate, to support and to restrain the power of management and the power of organized labour. It is also essential to agree with Prinsloo (1993:9) that the democratic labour rights of an employee flow from the premise that the employee has the right to work, the right to associate, the right to withhold labour, the right to protection and the right to development. These rights are also protected in Section 22 and 23 of the Constitution of 1996.

## **2.6 CONCLUSION**

This chapter deals with the function of the law of education and the senior education manager’s right and duties. It highlights the importance of law as regulating the conduct of persons, rights

and obligations of interested parties, thus bringing about order and harmony in the interaction of people in society.

The critical issue in this chapter is that senior education managers should be conversant with the rights so that they can apply this knowledge in relation to the execution of their own duties and responsibilities vis-à-vis others.

The law of education ensures the protection of the rights of practitioners in relation to their roles, duties and obligations. The enforcement of education law is by means of administrative and juricial control.

It does not only recognize the role of education administration (e.g. school governing bodies, educators, etc) in the enforcement of control, but also ensures that this is done in compliance with the requirements for lawful administrative acts. This chapter, therefore, forms part of the foundation and framework for this research project.

The next chapter deals with the professional development of the senior education manager.

## CHAPTER 3

### THE PROFESSIONAL DEVELOPMENT OF THE SENIOR EDUCATION MANAGER

#### 3.1 INTRODUCTION

The definition of the concepts *profession and professional development* given in Chapter 1 (1.7.1) is essential for understanding the necessity of the professional development of the senior education manager, which will be discussed in this chapter.

The professional development of an educator does not cease once he/she leaves an institution for pre-service training. It is a career long process of development, which begins with the educator's pre-service training and continues throughout his/her career practice until retirement.

The above observations are also true of senior education managers. This chapter will focus on the characteristics of a profession, aims and the desirability of professional and management development of the senior education managers, responsibility for own development and performance demands. This chapter will provide a further framework for the discussion of the findings in this study.

#### 3.2 CHARACTERISTICS OF A PROFESSION

The following have, *inter alia*, made substantive contributions regarding this subject, *viz.* Spies and Van Zyl (1997:1), the Human Science Research Council (HSRC, 981:68), Loots (in Vander Westhuizen *et al.*, 1990:34), Miller (in Landman, Mentz & Möller, 1982:2500, Bondesio, Beckmann, Oosthuizen, Prinsloo and Van Wyk (1989:146) and de Witt (1981:8-18).

From the above, it is obvious that much has been written about the characteristics of a profession and that most authors share a common understanding of the characteristics of a profession.

Spies and Van Zyl (1977:10) provide a model of those characteristics, which defines the essence of a profession. This model, with which many authors concur, centers around the following issues, service orientation, specialized knowledge, continuing research, professional authority of the practitioner and autonomy of the profession in developing and maintaining a professional ethical code.

### **3.2.1 Service orientation**

Spies and Van Zyl (1977:1) observe “Dit is kenmerkend van professies dat daar bepaalde hoë eise met betrekking tot gespesialiseerde kennis gestel word”. This knowledge as well as the required skills for successful professional practice is acquired through extensive training. This point is also acknowledged by Oosthuizen *et al.* (1922:93). To this effect de Witt (1981:10) observes that the student of education has to master an ever-increasing body of knowledge before he is qualified to teach on a permanent basis, while specialisation is increasing in post-graduate studies.

The above comments are supported by the HSRC report on the provision of education (1981). This report observes that the quality of the trainee teacher and the maintenance of the quality of training (Human Sciences Research Council, (1981:68), determine the status of a teacher’s profession. What has been said is true of senior education managers.

Bondesio and Berkhout (1987:15) also express an important view in support of the need for education practitioners to have intellectual abilities and expertise in their subject specializations. They observe that “... education almost without exception makes use of highly qualified labour.” This suggests that the duration of training for a profession is one of the important factors that may guarantee the acquisition of specialized knowledge.



According to Oosthuizen *et al.* (1992:93), it is essential that the teacher should be an authority on teaching and training which makes him an expert in another field. Like teachers in education, senior education managers should have authority and expertise in education management and training. It should be recognized that intellectual abilities and expertise in any given subject are brought about by research, which is a tool to effective professional development. These characteristics emphasized the supreme importance of training in professional development.

De Groof (1995:7) refers to one of the important guiding principles of the recommendations made by the joint Committee of the ILO and UNESCO. According to the above principle, "... advance in education depends largely on the qualifications and ability of the teaching staff in general and on the human, pedagogical and technical quality of individual teachers" De Groof (1995:7).

The above statement demonstrates clearly that communities should hold educators in high esteem. The communities appreciate the service rendered by educators very much, due to the position they occupy in the community.

Senior education managers, as out-of-school educators, also deserve to be held in high esteem by communities in general and educators in particular, in recognition of the education management positions they occupy in the community. Their qualifications and abilities to manage human and other resources in the public service will enhance the advancement of education in the community they serve.

In the Canadian case *Malcolm Ross v New Brunswick School District No 15*, Justice La Forest (1997:2) commented on the role teachers can play in the school system and in the wider community as follows: "Teachers occupy positions of trust and confidence, and exert considerable influence over their students as a result of their positions. The conduct of a teacher bears directly upon the community's perception of the ability of the teacher to fulfil such a position of trust and confidence, and upon the community's confidence in the public school system as a whole."



Although the case cited above relates to the role of educators at institutional level, it is important to note that what is said of teachers is also true of senior education managers who occupy positions of trust and confidence in education departments in particular and in communities at large.

Senior education managers must have certain competencies to be able to carry out their duties. If they possess such competence and carry out their duties efficiently and effectively they receive the honour and respect of their profession as a whole.

This suggests the importance of the acquisition of appropriate management capacity to ensure quality education. De Villiers and Wethmar (2000:13) refer to the assertion of the Department of Education that, for the educator to exercise authority/responsibility, he/she requires academic, occupational and professional competencies. This supports the notion that qualifications enhance the authority and status of an individual. If senior education managers have suitable qualifications, the appropriate skills and ability to address the education needs of the public, their role and contribution are recognised. This recognition improves their status as a body of education management professionals. Their morale and professional attitudes become positive.

Although it is a standard requirement for all professionals to train for their professions before career practice, many people who have not been trained as education managers, do perform management duties without having formal education management qualifications. This occurs mostly in those departments that are severely affected by a shortage of qualified education managers. This practice is common especially in the traditionally rural black communities. The duration of teacher training programmes in the colleges of education controlled by the former Department of Education and Training (DET) and the former homelands was three years, which had serious implications for academic standards. This means that college trained educators left colleges without a sufficient grounding in management practice skills.

On the other hand, technikons and colleges of education formerly controlled by the Transvaal Education Department Cape Education Department, Natal Education Department and the

Orange Free State Department offered four-year Higher Education Diplomas. Universities offered four-year concurrent degree-diploma qualifications or postgraduate diplomas.

Trained educators from the above institutions come out of colleges with adequate management theory to qualify them for classroom management positions. They would, however, be required to gain practical management experiences in order to be considered for senior management positions. It is for this reason that this study emphasizes desirability of providing professional development for senior education managers.

The establishment of the South African Council for Educators (SACE) was aimed at “... enhancing the development, integrity and prestige” of educators (Prinsloo in: De Groof *et al.*, 1998:84). The drawing up of the Code of Conduct for Educators will enable teachers to regulate their professional practice in a transparent and accountable manner.

The South African Council for Educators (SACE) provides important guidelines in the Code of Conduct for Educators according to which the professional practice of educators is regulated. The following guidelines from the SACE Code of Conduct for Educators covers a wide range of aspects of relationships of the educators with stakeholders in education:

- The relationships between the educator and
  - The learner
  - The parent
  - The community
  - His/her colleagues
  - SACE
  - His/her employer

An elaborate analysis of the Code of Conduct for Educators affecting the above areas of the relationships of educators is given by the Villiers and Wethmar (2000:35). Regarding the conduct of educators concerning their profession, de Villiers and Wethmar (2000:35) state that

an educator is required to acknowledge that exercising his/her professional duties occurs within a context of co-operation with and support of colleagues, and should therefore behave in a manner that enhances the dignity and status of the profession.

The mobilization of education and training resources under the slogan “Tirisano” (working together) as announced by the Minister of Education (July 1999) calls for and encourages the inculcation of the spirit of co-operation and working together towards a common national goal, ...” [a] better life for all” (De Villiers & Wethmar, 2000:35).

Working co-operatively in the execution of professional duties and responsibilities requires that the relationship of educators and senior education managers should be characterized by the following:

- Mutual co-operation with or without competition. Team spirit should prevail.
- Mutual trusts devoid of back-stabbing and malicious gossip.
- Mutual respect characterized by an unconditional desire to be polite, considerate and co-operative.
- Mutual consideration characterized by empathy and an unconditional desire to think for others as well.
- Commitment to sharing ideas for the benefit of the profession (De Villiers & Wethmar, 2000:35-36).

Keeping abreast of trends and developments in education ensures that new insights and skills are obtained. Senior education managers who understand the importance of upgrading their skills and updating their knowledge through research, seminars and other workshops will guarantee that the educators they supervise are strong resources for the effective learning of learners. This will ensure that the confidence and the honour the public and colleagues have for him/her, is not jeopardized.

The promotion of ongoing development in the education profession requires that educators, senior education managers included, should render their service in accordance with the ethical

code as embodies in the SACE code of conduct (De Villiers & Wethmar, 2000:37). This includes the upgrading of one's qualifications and skills through workshops and other forms of in-service training.

De Villiers and Wethmar (2000:38) refer to an important observation adapted from Van Loggerenberg. They argue that professional status cannot be demanded. It is acquired through diligence and careful adherence to the norms and standards of the Code of Conduct. This suggests that senior education managers should earn their recognition and status through genuine hard work and commitment to their duties and responsibilities.

Providing induction courses to young education managers introduces them to the practical tasks of the education profession. It assists young teachers in gaining confidence in the skills they possess and generates enthusiasm as they undertake their new tasks. Senior education managers are also required to accept, as their professional obligation, the provision of induction courses for all new members joining their teams.

The importance of the induction of new employees is recognized by renowned educationists and senior education managers in this country. The Chief Director of Education of the Free State Province made the following appeal at an annual conference of Free State Teachers' Association regarding the provision of appropriate and positive leadership to young teachers:

*I appeal to you to endeavour to exert a positive influence on young teachers on your staff ... their job satisfaction and morale depend, to a great extent, on the example and attitude of the principal and their more experienced colleagues (De Villiers & Wethmar, 2000:38).*

The foregoing discussion confirms that the promotion of the professionalisation of the education (teaching) profession, is a mammoth task. It demands concerted efforts from professional practitioners and relevant stakeholders. Above all, it requires unconditional commitment to service and the best method of delivery of the relevant services. It is only then that the practitioners will be accorded the professional status they deserve. Senior education managers are required to follow this approach in the execution of their functions.

A concern about the inherent negative effects of under qualification has been expressed by various authorities as indicated above. The HSRC report (1981:68) emphasizes the need for higher qualifications in the teaching profession. This suggests that the acquisition of specialized knowledge and authority in the respective subjects may not be guaranteed where the duration of training is short.

Writing about the achievements of the General Teaching Council for Scotland (GTC) Beverage (in GTC, 1991:7) observes that the concern about the number of unqualified teachers during the 1950s and 1960s led to the establishment of this Council in 1965 with the main purpose of improving the quality of the education system by controlling entry to the teaching profession and providing a substantial measure of professional self-government. The above observation suggests that the need for the maintenance of standards in education receives priority attention in Scotland.

Some of the important contributions of the GTC include locating the role or place of induction in the improvement of the quality of education in Scotland. Induction of senior education managers would bring about improvement of management effectiveness and efficiency.

Wong (2002:52), asserts that new teachers need more than mentors; they need induction programmes that acculturate them to the school and equip them for the classroom. An education program includes all activities that train and support new senior managers. It may be said that a well organized induction programme, will enable newly appointed senior managers to become committed to their task with a common vision.

Wong (2002:1) regards induction as the best form of professional development. It is important to note that the value of induction in the improvement of educator or manager effectiveness is acknowledged in other countries apart from Scotland.

Dr Sutherland, the former Registrar of the General Teaching Council for Scotland, addressed the 21 Anniversary International Conference of the Department of Education Management of

the University of Pretoria on the topic “An international perspective on the movement towards the professionalisation of teaching: some principles, tension and dilemmas”.

Sutherland’s paper (in Department of Education Management, 2000:98) is composed of three parts, covering *inter alia* the following aspects:

- The origin, composition and the role of the Scottish Council. The circumstances under which the Scottish Council was established include the following:
  - Severe and worsening shortage of teachers
  - Lamentable standard of entry to the profession
  - Dissatisfaction with the inconsistency of standards of teaching
  - Low morale of staff
  - Low salaries in comparison with other professions
  - Perceptions that the profession lacked status and prestige
  - The perception that the views of teachers were not heeded and that control of their own profession was not in their hands

Furthermore, the functions, which the Scottish Council began performing after its establishment in 1965, were highlighted. Such functions included the following:

- Advising the Ministry of Education on the training and qualifications of teachers
- Maintaining a register of teachers qualified/eligible to teach in state schools
- Overseeing standards of entry to the profession
- Advising on the supply of teachers
- Exercising disciplinary powers in relation to registration

The above background information is also important for our understanding of reasons for the establishment of the SACE in South Africa.

Sutherland (in Department of Education Management, 2000:102-103) reports some of the great achievements of the Scottish Council which include the following:

- Professional status:

Teaching is held in higher esteem in Scotland than in any other part of the U.K., hence the high morale of teachers.

- Professional standards:

Uniform standards all over Scotland are maintained by the profession. Unqualified teachers have been replaced by graduates. Probation forms part of the national system of the supply of teachers.

- High standards of professional training:

This is brought about by a rigorous selection process, relevant course content, searching course evaluation and more structured school placement of prospective teachers.

- Professional voice:

The GTC for Scotland serves as a voice of the teaching profession, consulted by government on major professional issues.

Sutherland's paper referred to above, demonstrates the importance of recognizing the capabilities of educators in advising the ministry of education for Scotland on the appropriate qualifications, training, and standards of entry to the profession and the supply of educators. When educators' capabilities and contributions are recognized, and the educators are involved in matters relating to their profession, their status is enhanced.



The role of the SACE in South Africa as discussed elsewhere in this thesis including paragraph 3.2.2 should also be seen in the light of the Scottish GTC.

The comments about the function of the GTC suggest the underlying principle of the professionalisation of teaching.

From Sutherland's paper it appears that the GTC for Scotland attracted the attention of other countries regarding the role of similar structures. It is necessary to refer to examples of international interests (global trends) in the establishment of a professional council, which include the following:

- England and Wales, which abandoned the idea of a professional council in the 1970s due to union rejection, have now resuscitated the interest.

Although the idea of establishing a professional council was abandoned in the 70's, Wales currently has a General Teaching Council for Wales. The latter receives a budget of over \$1.m for continuing professional development projects from the Welsh Assembly. Responding to some questions regarding training of teachers, Jane Davidson replied as follows: "We are committed to ensuring that all teachers in Wales have the opportunity to fulfil their potential .... I have made a further \$5.m available for the coming year 2002/2003." (Education Parliamentary Monitor. 3/18/2002 p.61). This emphasizes the observation that the role of professional development in the improvement of quality education cannot be adequately emphasized.

- Although the joint initiatives of the Republic of Ireland and Northern Ireland collapsed earlier owing to lack of support, it is observed that the Republic of Ireland has launched a fresh initiative.

From the above discussions it seems evident that teacher unions and government have had serious disagreement regarding the establishment of councils. It would appear that different perceptions exist regarding roles and other related matters. However, the current interest in



establishing councils suggests that there is an emerging mutual understanding of the importance of such bodies internationally.

Reference is also made to the teachers' Federal Council of South Africa, now abolished, which was an earlier attempt to model the teaching profession along the lines of the GTC. However, it was mainly for white teachers. The SACE has been established as a legitimate council to deal with the welfare of all educators irrespective of race, colour, language or religion.

Other initiatives include the New Zealand Board of Teacher Registration, a voluntary body as well as those mentioned below.

The lessons learned from the GTC include the fact that the professionalisation of the education profession is now an international trend. Sutherland (in the Department of Education Management, 2000:109) observes that governments seem to:

- Accept that the teaching profession has the capacity to manage its own affairs.
- Recognise that standards in the education profession can only be enhanced by its practitioners and not by external forces.
- Agree to share power with the profession.

There is also a need for similar requirements with regard to senior education managers. Senior education managers in education have a mammoth task to ensure that the status of the education profession is improved by doing everything possible to protect the good values to be promoted. According to Futrell (1991:22) "... quality assurance and control require that organizations" such as the GTC in Scotland, the Ontario College of Teachers, the British Columbia College of Teachers in Canada and others, "should work in concert to oppose efforts to dilute or lower standards within the teaching profession." This indicates that the employment of unqualified teachers has raised concerns in countries where this practice prevailed. This lesson is essential for the provision of management development in South Africa.

Quality assurance measures in Ontario are put in place by means of the development of what is called “The Standards of Practice for the Teaching Profession”, adopted and approved by the Council of the Ontario College of Teachers on 19 November, 1999. These standards comprise profound statements of practice, *viz*: Commitment to students and student learning; professional knowledge as foundation of teaching practice; teaching practice as the application of professional knowledge and understanding of the context of student learning, leadership and community. This requires of the educator to create and sustain communities in the workplaces.

The justification of the continued utilization and retention of unqualified teachers in South Africa requires urgent close study, seeing that this may not guarantee quality teaching. This is also true of the appointment of senior managers without professional preparation.

Appointing a senior education managers without professional preparation means appointing an incumbent who does not meet the minimum requirements for the position of a senior education manager. This may include lack of relevant or related experience (i.e. management in public or public sector, NGO, etc.). The incumbent may be without minimum qualifications or training in management. Appointments of this nature may bring about very disastrous management repercussions if not accompanied by relevant capacity building in the form of workshops.

### **3.2.2 Professional autonomy or right to self-determination**

The organized teaching profession is able to exercise control over its members. It is, however, necessary to note that some improvement is required with regard to the professional control role in the teaching profession in South Africa. Spies and Van Zyl as cited in Oosthuizen *et al.* (1992:92-95) argue that when a society to whom a professional service is rendered is convinced that a specific service is indispensable, that profession is awarded certain authority and privileges. This emphasizes the process whereby organizations acquire their autonomy.

In the beginning of this section (3.2.2) reference has been made to professional autonomy or self-determination. Development of professional autonomy or self-determination is brought about by the ability of the profession to put in place its own control measures.

It may be necessary to emphasize that putting in place any control measure should not be regarded as the only thing that will ensure professional autonomy. What is of great requirement is the ability of the profession to apply/implement the formulated measures to actually ensure compliance with “the rules of the games”, regarding professional matters.

The Ontario College of Teachers is a self-regulatory body for the teaching profession which is required to articulate the essence of its existence (Ontario College of Teachers, 1999:1). The essence of the existence of the teaching profession is its ability to adhere to service standards or the standards of practice as it is called in Ontario. The Standards of Practice for the Teaching Profession as developed by the Ontario College for Teachers describe what it means to be a member of a teaching profession. Its major focus is quality assurance in the teaching profession.

The operations of the Ontario College of Teachers are thus based on the provisions of the Standards of Practice for the Teaching Profession, which have the following key elements:

Commitment to students and student learning, professional knowledge, teaching practice, leadership and community and on-going professional learning. This means that the above serves as a yardstick against which the success of the Ontario teachers’ body is evaluated.

The Standards of Practice for the Teaching profession were developed to support the following principles:

- The standard of practice describe the skills, knowledge and values inherent to the profession which include goals, aspiration and fostering of student learning through a variety of roles in education.

- Standards of practice are reflective of the beliefs and values expressed by the participants in the development process. The participants should recognize the contribution which is made by the teaching profession to society. The participants are required to emphasize the need to ensure accreditation of programmes by the college.

In their professional duties Senior Education Managers are expected to have the required skills, knowledge and shared values of the educators they supervise.

- The standards of practice recognize and value diversity in teaching. By recognizing diversity at workplaces, senior education managers will know that a wide range of management styles will be required to deal with and benefit from the diversity of experiences and cultures at workplaces within the South African context.
- The standards of practice are based on the premises that personal and professional growth is a developmental process that enable senior managers to move through a variety of career stages in life. This means that these standards provide a framework for an on-going professional growth through learning programmes that are designed according to, and to meet the needs of education managers at all levels (Ontario College of Teachers, 1999:3).

The development of the Standards of Practice and the Ethical Standards for the Teaching Profession in Ontario is one of the indicators of having established some control measures for professional control to ensure professional autonomy and self-determination.

As a self-regulating body, the Ontario College of Teachers developed the Standards of Practice for the Teaching Profession to serve a range of purposes including the following:

- To focus on the responsibility of the teaching profession to enhance student learning.
- To clarify knowledge, skills and values required in the teaching profession.
- To provide a common understanding of what makes “being a teacher” a unique profession.
- To provide a basis for on-going professional and personal growth.
- To represent the aspiration and goals of the teaching profession.

- To enhance the dignity of the teaching profession.
- To acknowledge the contribution of the teaching profession to its community (Ontario).
- To assist the College in fulfilling its mandate to govern the practice of teaching in the public interest. (Ontario College of Teachers, 1999:4)

The purpose for which control measures were put in place in Ontario is important for understanding the reasons why it would be necessary to establish similar professional control measures for senior education managers in South Africa.

The purpose for which standards of practice are developed also has to do with enhancement of the status of a profession as well as the integrity and dignity of its practitioners.

A detailed exposition of the status of senior managers in education has been discussed in Chapter 4.

Van Vuuren (1984:44) also highlights the following indicators of professional autonomy:

- Control of certain aspects of training
- Control of professional registration
- Control of the conduct of practitioners within the profession

What has been said suggests that organizations earn their professional autonomy if there is sufficient evidence and conviction that they indeed provide a service to the public. If a profession renders worthwhile service, and there is demonstrable dedication and commitment on the part of the profession to render such good service to the public, the latter develops confidence and trust in the capacity of the profession for self-determination and control, and thus quality assurance.

The conditions for the recognition of professionalisation and the professional status of a profession have been captured above. This point has been captured by Wilenski as cited by Prinsloo and Beckmann (1988:326) as discussed in paragraph 3.2.4 and 4.2.1. Steyn

(1991:125-128) in his inaugural address as professor, discusses the characteristics of a profession. The key issues include recognition and acceptance of the specialized knowledge individuals in the profession should have. It calls for public conviction that such a group possesses knowledge to warrant the granting of professional autonomy. Accordingly, Steyn (1991:128) states that:

“Deur middel van ‘n etiese kode wat wetlike sanksionering het, verkry ‘n professie outonomie ingevolge die beoefening van dienslewering met verantwoordbaarheid teenoor die klient.”

This means that through a Code of ethics a profession acquire its autonomy regarding the execution of duties with responsibility in relation to the clients. The establishment of a Code of ethics for the Ontario Teaching Profession has been discussed in section 3.2.3. This code serves as an example of a statement of purpose why a code of ethics exists.

While sources reveal that autonomy is one of the characteristics of a profession, there is also an acknowledgement of the fact that no profession can be completely autonomous. This point is highlighted by Van Tonder as quoted by Oosthuizen *et al.* (1992) and Landman, Mentz and Möller (1982:95). Landman *et al.* (1982) observe that state schools under the supervision and control of the state are not autonomous. They also suggest that the profession be entrusted with the responsibility of providing education service to the public.

The Education Labour Relations Act (Act 147 of 1993) provides, in Section 6, for the establishment of a national registration body for education, *viz.* The South African Council for Educators. Article vii of Resolution 4 of the Education Labour Relations Act published in the Government Notice No. R1804 of 17 October 1994 refers to the powers and functions of this professional council. In terms to the said Government Notice, the Council has the authority to:

- Determine minimum criteria for the professional registration or provisional registration of employees as defined in Section 1 of Act 146 of 1993.



- Keep a register of employees as defined in the Act and of every other person who complies with the minimum criteria for the professional registration or provisional registration referred to above.
- Establish a code of conduct for employees as defined in Section 1 of Act 146 of 1993.
- Establish a fair and equitable disciplinary inquiry procedures and appoint a disciplinary committee of the council to perform those functions assigned to it in terms of such disciplinary inquiry procedures.
- Determine the nature and extent of disciplinary measures that the council may take against an employee or former employee registered with the council and found guilty of a breach of the above-mentioned code of conduct. Such measures may include, but shall not be limited to, an order that the name of the accused be struck from the register referred to above.
- Determine compulsory monthly fees payable to the Council.

The Code of Conduct drawn up by SACE will empower the profession to regulate itself with great accountability. Such a code of conduct determines the ethical grounds for the educator's relationship with the community, other colleagues, the teaching profession, the employers and the Council as cited by Conradie in De Groof *et al.* (1998:84).

In conclusion, it is essential to stress that professional autonomy demands accountability. This suggests that accountability in the practice of one's profession is an important requirement for professional autonomy.

### **3.2.3 Developing and maintaining a clear professional ethical code of conduct**



The Council of the Ontario College of Teachers approved their ethical standards for the teaching profession on the 8 June, 2000. The overall purpose of ethical standards statements are the following:

- To clarify the ethics of the profession.
- To inspire the quality of behaviour which reflects the honour and dignity of the profession.
- To encourage and emphasize those positive attributes of professional conduct which characterize strong and effective teaching.
- To enable the profession to declare itself publicly accountable.

In a nutshell, the Ontario College of Teachers regards the teaching profession as playing the role of fostering the growth of dedicated and competent educators who must uphold the dignity and honour of the profession through their practice.

From the article cited above on the “Ethical Standards for the Teaching Profession it is stated that the ethical standards combined with the standards of practice serve as a foundation for accredited pre-service and in-service programmes for teachers in Ontario. The standards of practice for the Ontario teachers have been discussed in section 3.2.2.

Prinsloo and Beckmann (1988:326) state that an important phase in the development of a profession is the establishment of its own professional council, which will enable the profession to watch over training, registration and professional discipline. The establishment of SACE fulfils the requirements mentioned above (paragraph 3.2.2) with regard to the teaching profession in South Africa.

Although various authorities referred to in paragraph 3.2 have described what they regard as characteristics of a profession, it is also important to examine Wilenski’s view as cited in Prinsloo and Beckmann (1988:326) on the distinguishing features of a profession. Legal monopoly and a code of conduct are regarded as the key features of a profession.

According to Wilenski as quoted by Prinsloo & Beckmann (1988:326), a legal monopoly is given to a profession if it is seen to be, or is fit to conduct its business in the public interest. In short, the profession will be required to demonstrate a spirit of public service. If this is not seen to be prevailing, the public may not accord the profession concerned the respect or honour which is normally accorded to professions whose business is acknowledged as service to the public. This point has also been highlighted earlier in paragraph 3.2.2.

The second feature (i.e. having a code of conduct) serves as an indicator that the group of practitioners are willing to or actually undertake to render a public service. Prinsloo and Beckmann (1988:326) further point out that a code of conduct gives assurances regarding the rendering of service. This means that a body of professionals without a code of conduct will be without direction regarding its welfare and that of its clients and its disciplinary requirements.

Pound as cited by Prinsloo and Beckmann (1988:326) argues that "... by a profession we mean more than a calling which has a dignity." He further states that the term "profession" refers to a group of men pursuing a learned art as a "common calling in the spirit of public service". Pound's view concurs with that of Wilenski regarding the main objective or clientele for which the profession should be seen to exist. The "spirit of public service" is the criterion of the basis of which the business of the group of people is evaluated.

The SACE Code of Conduct is, by its nature and focus, an indication that the education profession has capacity to conduct its professional business in a manner that effective service delivery will be guaranteed. The code of conduct will be further discussed below.

It is important to refer to Steyn's view (1991:128) on the role of an ethical code in the professionalisation of the education profession. He refers to Pitout's interpretation of an ethical code which guides members of a profession and serves as rules for the profession regarding how the members should carry out their duties as well as how they should conduct themselves. Sockett as quoted by Steyn (1991:128) argues that through a code, accountability to the client is guaranteed (see also paragraphs 4.2.1 and 4.2.2).

Earlier in this section, reference was made to the purposes of ethical standards for the teaching profession for Ontario. It is important to emphasize that ethical standards serve as a means for professional control of teachers by defining mainly their relationship with their direct clients (i.e. learners and other relevant stakeholders emphasize the importance of a healthy relationship between teachers and learners regarding respect, impartiality of treatment, maintaining confidentiality of information affecting the learners, adherence to and providing a model regarding the cultural, spiritual values, freedom, social justice, democracy and the environment, sound relationship with parents, co-operation with other agencies, compliance with the Act and regulations). It is clear that adherence to the above ethical standards will improve the senior managers sense of professional understanding.

A body of professionals eventually aspires to have a code of ethics as a mechanism for professional control. A code of ethics for profession standardizes the professional practice and interaction of its members. It has a regulatory effect on the interaction of members and the public. The regulatory effect is brought about by the fact that individuals accord respect to one another's rights in work situations. In this way the possibilities of mutual exploitation and malpractice between the practitioner and the client are minimised.

According to Möller as quoted in Landmann *et al.* (1982:250) a prescribed code of conduct protects both the practitioner and the client. This view is also expressed by de Witt (1981:15) who observes that a code of conduct protects the practitioner and the public as well as the reputation of the profession.

Oosthuizen *et al.* (1992:95) observes that a professional ethical code usually provides for "ideal conduct" as well as the reputation of the profession in terms of:

- The execution of the duties of a profession
- Collegial relationships
- The relationships between the profession and its clients

In this sense it may be asserted that defining relationships enables a profession to exercise effective control over its affairs. In that way the teaching profession may enjoy appropriate autonomy.

The most important element of a code of ethics is the inculcation of a spirit of professional growth rather than a tendency to negatively eliminate members from the profession. The encouragement of teachers to adhere to the provisions and requirements of the professional code of conduct constantly guarantees the development of a professional approach in the teaching profession.

- The powers and functions of the South African Council for Educators contemplated in Article vii of Resolution 4 of the Labour Relations Act (Act 146 of 1993) are described as follows: “The council shall establish a professional code of conduct for employees as defined in Section 1 of Act 146 of 1993”.

In short, it may be asserted that the formulation of a professional code of conduct is one of the most important obligatory steps in enhancing the professionalism of an organization.

Van Vuuren (1984:45) argues that a professional person is afforded a valid guide for everyday conduct by induction courses. This may be one of the most effective ways of introducing new teachers to their lifelong career.

The difference between professions and non-professions does not appear to lie in the absence or presence of the characteristics of a profession but rather in the degree, extent or intensity to which they present themselves in a given profession.

The registration of teachers with the SACE before they are appointed to a teaching post entitles the teacher to be on the list of licensed educators. Breaching the provisions of the Code of Conduct may lead to the striking of the name of the offender off the register. This implies that such an educator would cease to practice as an educator.

With regard to the underlying interests in the disciplinary process, Prinsloo and Beckmann (1988:327) observe that emphasis is placed on the following:

- The interest of the community

The child's interest should enjoy top priority. There should be demonstrable evidence that service is rendered in the interest of and for the benefit the community being served.

- The interest of the profession

This suggests that the teacher as an individual has certain rights and dignity. In terms of the Constitution (Act 108 of 1996) every one has inherent dignity and the right to have such dignity respected and protected. In a discussion of the characteristics and status of recognized professions, Van Wyk (In Bondesio *et al.*, 1989:147) highlights what he regards as the cornerstone of professionalism, *viz.*

- \* professional training
- \* professional task performance
- \* professional conduct
- \* professional control

Bondesio (in Prinsloo & Beckmann, 1988) emphasizes that professionalism finds concrete expression in the practice of a profession. Further to this he argues that “Die beroep word professioneel op grond van die voldoening aan professionele eise deur die beoefenaars van die beroep.” This means that a profession becomes professional if it satisfies or meets the needs of its practitioners. It is stated that each profession has a particular status and image in the community. Professional status is said to be determined by the law.

Apart from complying with various criteria contained in the characteristics of a profession, professionals should:

- Conduct their professional business according to acceptable methods.
- Remain scholars (life-long learners) if they want to maintain professional quality.
- Develop a self evaluating and monitoring mechanism.

The above points, if adhered to, may add value to the maintenance of professionalism in the education. Senior education managers are required, like any other professionals, to uphold the good image of their profession.

#### **3.2.4 A true profession offers its practitioners a vocation and full career opportunities**

The professional identity and integrity of senior education managers require protection. This has a better chance of ensuring more recruits becoming interested in this profession and preventing those who are not only unsuitable for, but who are merely taking education as a last resort after failing to enter into their preferred career choices. It must be emphasized that professional security has a better chance of ensuring productivity and career satisfaction. A profession that offers professional security and stability has better chances of retaining the best recruits.

Senior education managers, as practitioners, aspire to have security, opportunity for professional growth and developments, on-the-job-training and promotional prospects. If they have assurance that their profession offers these, they will truly feel that they have chosen a career with professional fulfilment.

The Scottish model of the professionalisation of teachers in terms of the General Teaching Council Act of 1965 is an indication of how seriously the teaching profession is taken in that country.



### **3.2.5 In-service training**

In-service training focuses on specific skills or competencies required of performance of certain tasks, whereas professional development focuses on broad issues as indicated below and clarified in 1.7.1.

According to De Witt (1981:15) practitioners have a special responsibility to remain abreast of developments in their respective professions for efficient service and general professional growth. This is possible with in-service training.

In some countries like the USA, attendance of courses while in employment appears to be a compulsory condition of service for efficient service educators. Other forms of staff development include participation in educational trips, professional societies, educational literature and experimentation with modern teaching methods (De Witt, 1981:15). Senior education managers would be required to attend relevant management courses identified through a process of needs analysis and specifically tailor-made to address their respective needs.

In his article “Reflections through the looking glass ...”, Bolton (1999:193) argues that through the examination of practice, professionals can improve understanding, knowledge, skills and therefore delivery. A reflective practitioner can lead to professional development and decrease stress by encouraging problem-solving through discussion. Through writing as a reflective practitioner, a professional may be engaged in explorative and expressive learning. It can lead the practitioner to perceive a need for change in the world, relation and attitude to it, and to seek to change the attitude of others. This is important for professional development.

In some cases those who aspire to take up promotion posts sometimes have to undertake further studies. It is important to note that short courses which have been designed to meet, and are based on, the immediate needs of the senior education manager, are more effective and more designed to realize the short-term object than undertaking long-term in-service training by means of academic qualifications. One of the major recommendations of the Tasks Team



on Education Management Development focuses on the importance of “developing people at all levels of education service” (Department of Education, 1996:28) to enable senior education manager to develop the required competencies.

Writing about the purpose of education management, the Task Team on Education Management Development (Development of education, 1996:28) observes that Education Management Development seeks to build the capacity of the system, beginning at school level to effect transformation in terms of improving the quality of teaching and learning.

They further suggest that real management development should cover the three main elements indicated in paragraph 1.7.1. This means that the in-service training of senior managers should be approached holistically.

Oosthuizen *et al.* (1992:93) observe that systematic and continuing research creates a propensity for evaluating the current system and identification of procedures which are regarded as redundant and require replacement.

Oosthuizen *et al.* (1992:94) further refer to the fact that the 1981 HSRC Report on Education Provision recommends in-service training as a method of upgrading teacher qualifications. The extent to which education practice in South Africa complies with this requirement can be determined from a number of indicators, some of which are listed below:

- The impact of publications of research reports on education by the HSRC over the past years. Are recommendations from this report implemented? To what extent are recommendations implemented?
- The training of practicing teachers over the past years by the colleges of education of South Africa and other institutions for further training. Have the entrance requirements to, and duration of, teacher training been revised in the light of the HSRC report?

- The training of aspirant teachers by colleges and university faculties of education in a variety of specializations.
- Research into education undertaken by numerous education departments with regard to their own respective activities.

It seems that the 1981 HSRC Report referred to by Oosthuizen *et al.* (1992:94) emphasizes the upgrading of qualifications through in-service training. In order to derive maximum benefit from in-service training, emphasis should be placed on what managers will be able to do after attendance of the courses. This means that the courses they would be required to attend should be carefully identified through appropriate needs analysis.

This research agrees with Van Vuuren (1984:42) in his observation that, for research to be of value, it must be directed at facilitating more effective teaching or a more effective education system. It may also be said that effective management may contribute to effective learning and education. It should enable managers to have skills that are required for assisting and guiding educators to provide effective learning.

From the above discussion it may be asserted that there is demonstrable evidence that most of the authors are in agreement on what is regarded as the common characteristics of a profession. The point emphasized here is that no profession may claim full professionalism because of the fact that not all characteristics are equally emphasized in a given profession.

Sutherland (in De Groof *et al.*, 1998:208-210) provides an international perspective on the professionalisation of teaching over and above the characteristics of a profession discussed above. Sutherland presents the following trends:

- Enhancing the professional standards by enforcing a uniform national system of probation as a tool for quality assurance and control.
- Raising professional status. Recruitment is done through the involvement of professionals.

- Professional self-government which also includes partnership/power sharing with government or other bodies regarding issues affecting them.
- Independence and financial self-sufficiency.
- Voice of the profession as a whole or not just for party-members only as in the case of unions.
- Clear system of elections guided by consensus as a way of arriving at agreements.
- A distinction between a union and a profession.
- Rigorous training for selection and recruitment.

The following paragraphs deal with the desirability of professional development.

### **3.3 THE DESIRABILITY OF PROFESSIONAL DEVELOPMENT FOR SENIOR EDUCATION MANAGERS**

#### **3.3.1 Introduction**

Human resources development (HRD) is one of the major transformation objectives contemplated in the White Paper on the Transformation of the Public Service (Department of Public Service and Administration, 1998:4). It seeks to bring about effective capacity building, empowerment of staff, skills-based training, and growth in the output of staff as well as fast tracking for affirmative action and growth in the quality of HRD. The professional development of senior managers in education should therefore be seen in the light of the need for effective HRD in South Africa as indicated above. Therefore any form of capacity building should take into account the context of human resources development.

Professional development of Senior Education Managers is desirable for the improvement of effectiveness in the performance of their duties and responsibilities.

Van Dyk (in Gerber *et al.*, 1998:19-20) refers to efficiency and effectiveness as the two cornerstones of organizational success. This means that the success of an organization is the result of its efficiency and effectiveness. Efficiency is defined as “doing things the right way”

Effectiveness means “doing the right things” (Van Dyk, *ibid*). This means that achievement of organizational goals is mainly facilitated by the appropriate utilization of resources, such as human resources, money, infrastructure, etc.

Carrell *et al.* (1997:123) give the same definition of “efficiency” and “effectiveness” as that given by Van Dyk (in Gerber *et al.* 1998) as cited above. In addition, they assert that effectiveness and efficiency are the major components of productivity. Productivity can be guaranteed by effectiveness and efficiency of an organization.

Stephen Covey (1998:18) defines effectiveness as the balance of two things, e.g. production, i.e. producing the desired results (P) and production capability (PC), i.e. maintaining, preserving and enhancing the resources that produce the desired results (PC). According to Covey effectiveness in organizations is achieved by maintaining a balance between production and production capability. To ensure effectiveness of senior education managers requires appropriate interventions as will be discussed later.

### **3.3.2 Principles of developmental appraisal**

The introduction of a new development appraisal system in South Africa aims at facilitating the personal and professional development of educators in order to improve the quality of teaching practice and education management. This system is based on the fundamental principle of lifelong learning and development (Department of Education, 1996:3).

The developmental appraisal system discussed in this paragraph does not suggest appraisal is professional development itself. But a step in identifying the gaps which would be addressed by any professional or staff development program designed for that purpose. This suggests that prior to any course design, an appraisal of strengths and weaknesses will be required. This will then guarantee the provision of relevant interventions to the personnel in question.

The discussion of the principles on the basis of which the development appraisal system was introduced aims at adding value to the understanding of the point of departure if and when

planning provision of professional development courses. It should be clear that the application of a developmental appraisal system should provide course design for professional development. The principles for an appraisal system will now be discussed.

The guiding principles on the basis of which the developmental appraisal system was introduced, include the following:

1. The process of appraisal should be open, transparent and developmental.
2. The appraisal of educators is designed to entrench strengths, develop potential and overcome weaknesses. It is developmental and it depends upon continuous support.
3. It should always involve relevant academic and management staff.
4. It should be inclusive of stakeholders, and educators should be trained to implement the system.
5. Educators should be informed of all aspects of the appraisal process so that they may take the initiative in conducting the process.
6. Prompt feedback by way of discussion and written communication to the appraisee forms part of the indispensable elements of appraisal.
7. The appraisee has the right to have access to and respond to the appraisal report – the *audi alteram* rule should apply.
8. The appraisal instrument should have appropriate (appraisal) criteria to appraise the nature and level of the work performed (Department of Education, 1996:60).

These principles suggest a total paradigm shift from the past regarding the nature and purpose of an educator appraisal. Emphasis in educator appraisal in the past was more fault-finding

than on an opportunity for identification of educator's strengths and areas requiring improvement. The motive for introduction of this appraisal system is developmental rather than being destructively judgmental.

This is also true of senior education managers who are required to have skills that will enable them do their duties effectively and efficiently.

The guiding principles discussed above are based on three basic philosophical imperatives, namely:

- Democracy
- Transparency
- A developmental orientation

It should also be noted that issues of openness, involvement, inclusiveness, informing the appraisee of all aspects of the appraisal process (principle 5), providing feedback to those being appraised (principle 6) and affording the appraisee an opportunity to have access to and respond to the appraisal report (principle 7), are practical examples of transparency which ensure accountability and democracy in education administration.

Adherence to principle 5 (informing the appraisee of all aspects of the appraisal process) and principle 6 (providing feedback to those appraised) is required in order to be compliant with section 32 of the Constitution of 1996, according to which everyone has the right of access to information held by the state and to information held by another person which is required for the exercise or protection of any rights.

In addition to the above observation, adherence to all principles would be an important step to giving effect to the provisions of Section 33 of the Constitution of 1996, according to which everyone has "... the right to lawful, reasonable and procedural administrative action, and the right to be given written reasons when your rights have been adversely affected" (Rautenbach and Malherbe, 1999). This is true of an appraisal process which involves and affects a person'



career, rights and dignity. What is also important is the right to know what is said about one's strengths and weaknesses to determine where there is still a need for improvement. This includes knowledge of the criteria used in appraising the work of educators.

When senior education managers conduct development appraisal regarding educators, they are required to ensure that the principles discussed above are applied correctly. This is also true when senior education managers are appraised.

A senior education manager as defined in paragraph 1.7.3 also report to somebody senior to him/her. He/she may be in the rank of a director, chief director, deputy director-general or a director-general. It is logical that the latter is responsible for appraising the official who is in his/her charge. Appraisal may take place at any time during the course of the year depending on the determined developmental plans. Basically appraised takes into account the job-description of a given official and that the supervisor has agreed with the respective officials in terms of the agreed objectives.

The significance of the appropriate application of and adherence to the principles in the appraisal process as described above, includes the following:

- It encourages team spirit and collaborative approach to the appraisal process.
- The appraisee has an opportunity to make an input in the appraisal process which will deepen his/her understanding of his/her service delivery.
- The appraisee gains confidence in himself/herself as a professional as he/she sees himself/herself as a partner on the panel of the appraisal team.
- This approach ensures there is fairness and legality in the execution of this administrative activity. This is more so because senior education managers do not have a duty only, but also a right to good conditions of service and professional development.



They are required to uphold, promote and implement democratic principles in the performance of their professional duties and responsibilities. In the application of the developmental appraisal system in their regions or the head offices of their respective education departments, senior education managers are required to ensure that it is in keeping with other processes of democratization and transformation. Senior education managers, like ordinary school educators, need developmental appraisal systems that enable them to know their strengths and weaknesses which constitute a point of departure towards empowerment or capacity building or the acquisition of the relevant requires skill.

When one gets a feedback on quality input, and one receives appreciation from one's supervisor, one develops confidence in what one is doing. This enhances the level of motivation. Senior education managers have a right to motivation in their work.

It may therefore be stated that the transformation of structures and systems in education is part of the broader institutional transformation of all aspects of life in South Africa. This transformation process seeks to have a fully transformed society, whose interactions are based on the provisions of the constitution of this country.

Before a full exposition of the aims and necessity for a professional development is given, it is necessary to deal with the assumptions underlying the design and provision of a programme of professional development.

The Task team for EDM (Department of Education, 1996:33) holds the view that education management development cannot be equated simply to a focus on school principals or school inspectors. They maintain that the EDM must embrace three elements, *viz.* development of managers, of management and of the organization as indicated in paragraph 1.7.1 of their report. This view suggests that, for professional development to be effective, it is desirable to adopt a holistic view when professional development needs are analyzed.

### 3.3.3 Assumptions

Van Kradenburg (1993:128) refers to the relationship between the concepts *staff/personnel development* and *in-service training*. He observes that personnel development and in-service training produce professional growth and development, although slightly different in terms of scope of coverage. Van Kradenburg further states that in-service training makes use of systematised methods and procedures for growth and development. In-service training therefore focuses on short-term objectives.

On the other hand, staff development focuses on organizational growth and development of long-term goals – it is therefore less specific.

Cawood and Gibbon (1985:18) provide the following assumptions regarding staff development:

- i. Professional development does not cease once he/she leaves university or college and enters his/her first teaching post. This assumption is supported by Burke in his observation that the teacher education has expanded beyond the scope of four years of pre-service preparation, followed by forty years of in-service teaching (Burke, 1987:vii). He further argues that the professional growth of a teacher is a career-long process of development, beginning with undergraduate studies and culminating in retirement. Throughout a career in education a senior manager experiences a continuous need for professional development at different stages, e.g. during promotion, when there is a change in legislation or introduction of new trends. This suggests that senior education managers experience different developmental needs at different times in their professional lives.

The purpose of the establishment of the Standards of Practice for the Teaching Profession in Ontario is to “provide the basis for ongoing personal and professional growth ...” (Ontario College of Teachers, 1999:4).

The above arguments emphasize that continuous professional growth of senior education managers is required.

- ii. The accumulation of years of management experience does not necessarily stimulate the professional development of senior managers. Development takes place when the jobs of individuals confront them with what they do not know and have not yet mastered. The practising of new skills and techniques in numerous skills for effective management of education includes *inter alia* people skills, negotiation skills, financial management skills, project planning, implementation, evaluation, generic planning, organizing, control skills and many others,
- iii. Staff development must be preceded by a situational analysis, such as a needs assessment in order for the design to be based on existing needs. This suggests that the imposition of a programme without a proper needs assessment and involvement of participants is likely to be ineffective.
- iv. Every manager/leader must understand that the development of subordinates is one of his/her important responsibilities. According to Cawood and Gibbon (1958:19), staff development is a long-term, never-ending and non-linear process for teachers and educational leaders at all levels. Short and well-structured management workshops targeted at the improvement of certain skills are always effective.
- v. Staff development in education must be changed and be innovation-oriented (Cawood and Gibbon, 1985:19). This suggests that staff development must seek to bring about a change in management style and promote innovation in the leaders. This has a bearing on the improvement of the management capacity of senior education managers. Senior education managers need management training in order to improve their professional capabilities.
- vi. Staff development must incorporate systematic formative and summative evaluation to assess the short- and long-term effects thereof on teaching and learning in

schools (Cawood and Gibbon, 1985:19). Frequent evaluation ensures that development occurs as quickly and smoothly as possible with a minimum of personal and institutional side effects. Without such monitoring, quality and efficiency cannot be ensured.

The Task Team on EMD (Department of Education, 1996:38) advocates a holistic approach to education management development. A holistic approach means a comprehensive or total view.

- vii. All development is basically self-development. This institution provides a climate and opportunities for personal and professional growth, but individuals should accept responsibility for their own development. Feedback on strengths and weakness serves as indicators for success as well as performance needs.
- viii. Cawood and Gibbon, 1985:19 observe that specific objectives must be formulated as guidelines for the implementation of staff development and as a basis for evaluation. This point has relevance to the question of monitoring discussed in (vi) above.
- ix. Cawood and Gibbon 1985:19 further observe that staff development programmes must be appropriate to the educational philosophy and policy of the community concerned. Senior education managers should be empowered with relevant management skills in general and the ability to deal with workplace conflict in particular.
- x. The desirability of professional development is also based on the assumption that in every career or profession certain performance demands exist which must be met by each practitioner.

Such demands exist in the teaching profession as well. According to Burke (1987:3-4), each person who enters the teaching profession and hopes for a

successful career in education must have a desire to meet the demands of performance, *viz.* constancy of purpose, alertness to opportunities and insight into the variability of settings. Every senior education manager has a better chance of achieving professional success if he/she does not only have goals, but also has the ability to pursue them.

With the coming into operation of new Public Service Regulations in July 1999, all senior managers from director upwards are required to sign a performance contract on the basis of which their work will be assessed.

Knowledge of goals will enable the practitioner in the education profession to establish the validity and constancy of some of these goals. This knowledge will enhance the attainment of successful levels of management. This will be discussed in more detail in paragraph 3.7.

This study aims at investigating the rights and responsibilities of senior education managers concerning their professional development. If they know their roles, rights, responsibilities and constantly seek capacity building for professional duties, their status will be enhanced.

### **3.4 AIMS AND FUNCTIONS OF PROFESSIONAL DEVELOPMENT**

Having discussed the principles and assumptions of professional development, it is essential to turn to the aims and/or functions thereof. Bruce as cited by Dean (1993:7) states that professional development fulfils three functions, *viz.*:

- To provide adequate systems of in-service training.
- To provide support for schools that will enable them to fulfil their programmes.
- To create context in which teachers are enabled to develop their potential. In the case of senior education managers, they will be enabled to develop their management capacity.

According to Cawood and Gibbon (1985:15) in-service education aims at promoting the professional growth of educators so that they may teach more effectively and be exposed and

respond to change and innovation. This emphasizes the importance of improving the management performance of senior education managers. If senior managers are exposed to courses which focus on the improvement of management skills, the quality of education provision may be improved. The skills referred to include, *inter alia*, negotiation, planning, organizing, leading, supervision control, financial management and many others.

According to Calitz (1990:291) the in-service training of teachers aims at their career and professional development. He further observes that every educator is not only entitled to in-service education, but also has a personal obligation with regard to his/her own career development. Calitz (1990:291) also refers to the importance and the necessity of in-service training and career development of educators as contained in Circular 19/1989 on in-service training of the Department of Education and Culture which stipulates that:

*Indiensopleiding is nodig om onderwysers beter toe te rus vir die taak waarvoor hulle volgens hulle huidige pligstaat verantwoordelik is. Loopbaanontwikkeling is egter ook nodig, veral diegene wat oor nodige intrinsieke motivering en taaktoewyding beskik. Mense wat bewys lewer dat hulle oor die wil en persoonsmoontlikhede beskik om groter verantwoordelikheid te aanvaar, moet die geleentheid kry om toepaslike ervaring op te doen en die bestuursvaardighede te bemeester wat nodig is om die hoogste sport volgens loopbaanmoontlikhede te bereik (Department of Education and Culture, 1989:3).* A simplified translation of the above statement is given below.

This means that in-service training is required in order to equip senior education managers for their task for which they are currently responsible. Career development is actually necessary, especially for those who possess intrinsic motivation. People who show that they have the will and potential to accept greater responsibility, should be given the opportunity to acquire relevant experience and master the management competence required for the achievement of highest career possibilities. Some of the skills required by senior managers have been highlighted above. It may be necessary to add a few which include inter-human relations, communication, workplace assessment and appraisals and many other.



The above reference emphasizes the importance of formulating and stating a policy position with regard to the role of in-service training in education for senior manager. The above observation suggests that senior education managers' professional development should form part of the developmental plans of the department.

The Task Team for EMD (Department of Education, 1996:33) observes that education management development focuses on the school, the staff and other relevant stakeholders. This is a holistic approach to education management development.

This researcher agrees with Calitz (1990:292) in his observation that "... gedagte beklemtoon [word] dat elke onderwyser geregtig is op indiensopleiding, maar dat loopbaanontwikkeling deur die onderwyser 'uitgepresteer' moet word." The above statement suggests that career development is largely the responsibility of educators themselves. This requires that senior education managers should have a vision about their career development.

The above observation suggests that while in-service training is a requirement set by an education department for the professional development of educators and other education officers, it is required that senior education managers should be personally obliged to engage themselves in life-long professional development, growth and integrity (see paragraph 2.5.4). Reference is also made by Calitz (1990:292) to the determinants of in-service training and career development. He argues that if the quality of teacher training is improved, it is likely that it may improve the quality of education as well.

The desirability of in-service training and other professional and career developmental programmes rests on the premise that pre-service training, however long its duration may be, cannot fully equip the teacher for the ever-changing education requirements and methods.

Research conducted by Weinstein refers to what Calitz (1990:292) calls "... die probleem van praktyk skok [reality shock]", which is commonly experienced by newly appointed individuals during induction years. This is also true of newly appointed senior education managers. In



education, newly appointed senior managers also experience reality shock or anxiety due to uncertainty of a new situation.

According to Weinstein as cited by Calitz (1990:292), the greatest problem of the new manager is "... the unrealistic optimism – the tendency to believe that problems experienced by others won't happen to me". This suggests that until a new senior education manager has practically begun his/her career practice, it is unlikely that he/she may have a relatively realistic perception of the nature of the education profession.

Although Weinstein's research, as cited in Calitz (1990:292), centers around the problems encountered by, and the unrealistic expectations of new teachers, newly appointed senior education managers experience management problems in a similar way as a new teacher. This assertion is based on the experience of this researcher in education.

In terms of 16 (1) and (3) of the South African Schools Act (Davies, 1999:60), professional management is assigned to principals as managers of their respective schools. By implication, management authority is conferred on them to provide leadership in their schools.

This notion also applies to the position of a senior education manager who is required to provide effective management and leadership to the team for which he/she is responsible. This requires guidance and strong management support, especially in the beginning of a senior education manager's management career.

The above discussion demonstrates that in-service training and the professional development of senior education manager improve the professional orientation and the management styles of managers. Improvement of the above aspects of managements guarantees quality teaching and therefore quality education. A distinction between in-service training and professional development has been made in 1.7.1 and 3.2.6.

The induction of senior education managers to their management tasks and the provision of other programmes required for their continuous professional growth are desirable. It is

essential to highlight that education administrators and managers have equal need for professional growth. Seeing that the area of focus of managers is the management of education, they require development in management skill and capacity.

The aims of management development will now be discussed.

### **3.5 THE AIMS OF MANAGEMENT DEVELOPMENT**

#### **3.5.1 Introduction**

According to Boehm and Hoyle (1977:203-216) as well as Tanner and Tanner (1987:468), the aims of management development programmes are to:

- i.** Assist education leaders to reach personal and professional goals. This means that an education leader who has undergone self-development training has acquired management leadership.
- ii.** Serve as a stimulus for continuous management development within career to prevent boredom amongst managers on the one hand and burnout on the other.
- iii.** Equip the education manager to enable him/her to fulfil his/her role effectively in the school and thereby synchronize his/her own needs with those of school.

The essence of the above discussion lies in the fact that management development has much more to do with assisting educational leaders to perform existing duties more effectively than merely enhancing traditional promotion. In this sense, management development should be seen as making a great contribution to the professional development of the senior education managers. Should senior education managers be provided with courses which improve their skills, their service delivery will also improve. Their status will thus be enhanced.

Professional growth and development does not centre around the improvement of quality teaching or subject competence only. It also has to do with management capacity building in order to improve service delivery. Management excellence in education is also brought about by what is called the management development process. This means that it cannot be an automatic experience. Van der Westhuizen (1990:265) observes that “... management development is a dynamic, integrated and continuous activity over a prolonged period of time with the provision being made for the development of educational leaders’ management behavioural skills, in order for them to be effective in their educational career.” This observation suggests that the performance of duties *per se* is inadequate. Quality teaching and management excellence can thus be regarded as products of sustained efforts.

In the study of the role of assessment centres it was established that an assessment centre is a validated measuring instrument used specifically for the identification of potential and the selection of people for promotions posts (Olivas, 1980:63). After identification of management potential, the need arises for the provision of management development courses to assist in rectifying the weakness in the participant’s management style. It should be recognized that post assessment centre activities are those activities that are related to further directed managerial development of participants who have been assessed. In South Africa two management centres exist at the University of the Orange Free State and the Potchefstroom University for Christian Higher Education. These emerged from the original assessment centres and are in an initial stage of development. In public service, formal workplace assessment centres have not yet been developed. That is why in some provinces the developmental appraisal system (Das) is not yet in place in spite of the agreements with education stakeholders (e.g. unions). It has been put on hold.

### **3.5.2 The requirements of a management development programme**

The challenge of government departments regarding a management development programme is to provide appropriate (relevant) support, skills and knowledge that will enable senior education managers to contribute meaningfully to the department. The Task Team for EMD

(Department of Education, 1996:46-47) contends that success in making use of human resources generally requires:

- Developing appropriate competencies which should include the interpersonal facilitation, leadership, conflict resolution skills, analysis, communication and use of IT.
- Planning to ensure that senior education managers with the right skills and abilities are in the right place at the right time. This means that care should be taken in this regard.
- Developing senior managers to improve the effectiveness of each senior manager and of education, requires that senior managers should be afforded opportunities for the upgrading through on-the-job training, counseling, mentoring, peer group work and self-study.
- Employment of senior education managers through the professional handling of processes (e.g. advertisement, interviews and profiling).
- Encouraging working together of senior managers to foster recognition of the value of the interdependence of everyone in the education community. Nobody exists for himself/herself alone.
- Ensuring equity (recognizing diversity) within the education community requires that society has due regard for the contribution of women and men with diverse skills, experiences, attitudes and culture.

The above-mentioned factors are of importance and can make a great contribution in education. Management development, if effectively provided, can improve management performance and service delivery. Schilbach (1983:565-569) and Thompson (1987:11-12) present the following as requirements with which a successful management development programme should comply:

- **Clear goal**

An effective way of dealing with management development is to focus on identified specific management weaknesses. The use of a management development center (MDC) for the identification of weaknesses is recognized as an appropriate point of departure.

The Task Team of the Department of Education on Education Management Development (EDM) proposed the establishment of a national educational management institute. Such an institute would foster a network of institutions and resources for the improvement of South Africa's education service (Department of Education, 1996:56).

- **Planning of management development programmes**

This requires that participants should be fully involved in the planning and implementation of the programmes. The inputs of participants and their co-operation in this process cannot be over-emphasized. The Task Team for EMD further recommends that the participants should be assured in terms of resources and other forms of assistance (Department of Education, 1996:46). This ensures the interest, active participation and involvement of participants. The compiler of the management development programmes should be visible and interested at all time (Van der Westhuizen *et al.*, 1990:266). Management development programmes are designed to enhance the self-development of individual practitioners which has the advantage of improving the quality of professional service. The following are steps in producing a self-development plan.

- **Participation in a Management Development Centre (MDC)**

Participation in management development centre activities exposes a senior educational practitioner to the identification of weakness. Senior education managers who regularly participate in activities which aim at identifying weaknesses will have better chances of understanding their shortcomings and promptly obtain the best possible intervention in terms of required skills. Such identification could form a basis for the provision of an

appropriate development programme. Supervisors of senior education managers should arrange sessions for participation in development activities.

- **Feedback on assessed performance**

The feedback on performance management gaps will be analyzed and interpreted by a supervisor of a senior education manager from time to time, based on needs analyses.

### 3.5.5<sup>3</sup> **Compiling a self-development plan**

Van der Westhuizen *et al.* (1990:266) maintain that participation in a management development centre involves:

- receiving feedback on assessed performance;
- conducting a developmental conversation with the mentor;
- prioritizing developmental areas;
- deciding on action steps concerning management development;
- deciding on the role of mentors;
- deciding on possible help from experienced colleagues;
- determining deadlines for the completion of development activities; and
- giving feedback on progress made.

The above process has a better chance of having a positive input on the results of a professional development programme than in a situation where personnel are not exposed to professional development programmes.

Writing on the desirability of professional development, Finch and McGough (1982:12) observe that development is a continuous process in occupational education, representing a need to improve personal capabilities and building ties with those outside the walls of the school. They further contend (1982:140) that staff members have a desire to improve their

professional responsibilities, which include the broad range of teaching support and leadership and competencies associated with professional education.

This suggests that senior education managers have different developmental needs at different times of their professional practice. They need people management skills, assessors skills, negotiation and many other skills. This observation is also made by Morant as cited by Ndlala (1985:55-45) who asserts that teachers have professional needs throughout their teaching career. These include induction (as a result of changes in position due to promotion or change of subject) and the need for refresher courses towards the end of a career or in the case of redeployment, anticipated promotion or retirement.

Although the above observation refers to educators in general, it is also true of senior education managers who have professional needs throughout, and at different intervals according to the needs, will ensure effective and efficient job performance by senior education managers.

This is further illustrated by Burke's view (1987:vii) that continuity in development includes a period of basic academic preparation (pre-service), successful induction into teaching positions and tasks throughout the career, continuing personal and professional renewal in knowledge and teaching skills and the redirecting of tasks and expertise as a changeable society dictates. The following schematical representation reflects the relationship of the component parts of Burke's model:

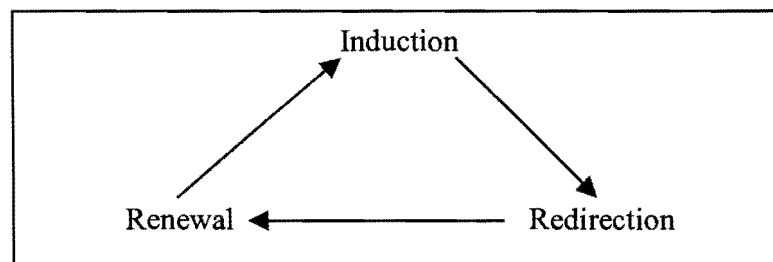


Figure 3.1: Burke's model of staff development (Burke, 1987:iii).



Staff development emphasizes the existence of different professional developmental needs. Schreuder, du Toit, Roesh and Shah (1993:1) identify the following phases:

- Survival phase (first year in teaching).
- Adjustment phases (next 2-4 years) during which the teacher is ready to except more challenges and responsibilities.
- Adult phases (more than 4 years). At this stage the teacher is ready to except more challenges and responsibilities.

According to Schreuder *et al* (1993:2) professional development may be planned for two main considerations:

Firstly, for the correction of professional shortcomings, and secondly, for the creation of opportunities for development. They contend that programmes aiming at correcting shortcomings are usually negative, since the impression is created that human behaviour can be changed through instant solution. It is also maintained that educators are usually hesitant to participate in this type of programme for it seems to address the needs of individuals. Senior education managers may also feel anxiety if developmental courses are not clarified in terms of their objectives and if they are perceived as some forms of imposition on them. This means that due care should be taken in the planning of courses for senior managers as well.

The responsibility of planning a self-development plan for a senior education manager lies with the senior education manager himself/herself assisted by his/her supervisor. This will ensure the development of a feeling of involvement and ownership of the self-development programme.

The professional development of the senior education manager should be seen as obligatory support to managers that will add value to their role. It requires that it should be taken seriously and well planned. It should not be an *ad hoc* arrangement. It should form part of capacity building plans required for professional service to senior education managers.

### **3.6 THE SENIOR EDUCATION MANAGER'S RESPONSIBILITY FOR OWN PROFESSIONAL GROWTH**

The literature review reveals that, apart from employers' obligations to make provision for the continuous professional development of their employees, senior education managers as employees are also expected and even required to take responsibility for their own professional growth. This assertion is supported by McCormick and James as cited by Dean (1993:9) who state that "... effective change depends upon the genuine commitment of those required to implement it." Dean (1993:9) observes that McCormick and James argue that "... commitment can only be achieved if those involved feel they have control of the process .... Teachers will readily seek to improve their performance if they regard it as part of their professional accountability, whereas they will resist change that is forced upon them". Of crucial significance in their argument is the notion of feeling a high sense of personal obligation regarding self-development on the part of the employees. This observation is essential for an understanding of the desirability and the rationale for the provision of professional development programmes not only for new teachers but also for the new education managers.

The same point is also raised by Burke (1987:3) who observes that "... each person who enters the teaching profession and hopes for a successful career in education must have a desire to meet demands of performance."

The importance of sustainable management performance in education cannot be over-emphasized. To achieve educational goals requires that educators should be prepared to carry out their duties and responsibilities. They should be given staff development courses that will enable them to learn new trends in education and classroom management. The development appraisal process becomes more effective if integrated in the staff development plans.

Writing about "A model approach to managing your career" Maryann Wilson (March 2002:36-39) refers to the five elements of the "Guide to Physical Therapist Practices: Patient/client

Management Models”. She asserts that Physical Therapists improve the effectiveness in their career by applying the following steps:

### **Career examination**

This consists of compiling a history of your academic preparation, positions, held, skills developed, recognition received, involvement in professional associations and communities. This will enable you to know where you are and how did you get there.

### **Evaluation**

This will enable you to make informed decisions about specific career choices reflecting your interests and capabilities. Remember to keep in mind that career evaluation is an on-going process.

### **Diagnosis**

This refers to the decision to explore certain opportunities. You may decide to leave or enter a new field on the basis of the career benefits.

### **Prognosis**

This entails the establishment of a plan of action concerning your professional development. The following may be considered:

- Get a mentor to help you throughout your career stages.
- Create a plan to improve your visibility in your profession.
- Build and expand your networks.

### **Determine relevant interventions**

This may include the creation of new networks (Maryann: March, 2002:38), attendance of conferences, subscription to news letters and magazines.

Maryann (March 2002:39) concludes by stating that career development using the Patient/Client Management Model calls for constant re-examination and re-evaluation of options. In everything the manager should stay positive and regard challenges as opportunities.

This is one of possible strategies for improving one's professional effectiveness.

In an article entitled "It takes time" Ezarik (2002:63) argues that there are never enough hours in the day, days in the week and weeks in the months to enable managers effectively to do their work and still have time to undertake professional development courses. This suggests Senior Education Managers and administrators find some difficulties in making professional development time a priority in their areas.

The following are some of the suggested ways of ensuring that staff have time for professional development:

Setting realistic time frames for development goals, in school improvement plans with teacher evaluation and other responsibilities, pro-activity in grabbing opportunities for staff development, early or late start according to flexibility of schedules, out source some areas, temporary substitute educator, use of retired educators, advocating for year-round, teacher exchange programmes, incentives for participation, use train-the-trainer methods, staff ownership of programmes, summer learning opportunities, modeling your professional development, encouraging on-line learning for senior managers, use of technology to communicate with staff about professional readings, choose the best use of your own professional development time (Ezarik 2002:62-66).

### 3.7 PERFORMANCE DEMANDS

The desire to meet the demands for performance cannot be an automatic occurrence. It is brought about by constant in-service training.

Burke (1987:4) refers to the following performance demands which must be met by teachers:

- **The demands of constancy of purpose**

This means that everybody must have a goal which has "... some validity and staying in power." This also has implications for the design of a profession development programme for teachers and senior education managers. To meet the demands for performance, they have to attend management development courses continuously.

- A second demand, placed upon individual practitioners, is **alertness to opportunities for the application of knowledge and procedural skills** for effective learning. Senior education managers are required to look out for opportunities where their skills will be applied continuously.
- A third demand on those who desire to perform well is **insight into the variability of settings**. Learners bring with them different experiences, backgrounds and abilities. For the educator to be able to assist them effectively, a continuous orientation to changed and ever-changing education demands is required. Senior education managers, therefore, should have a full understanding of the variability of management settings for which they should be prepared. Understanding of the variability of settings will enable them know how to facilitate education within the changing and different education.

Senior education managers as practitioners are also required to plan for the execution of their professional duties and responsibilities. In doing so, they should consider the importance of having tangible goals to be pursued, taking advantage of the opportunities for the application of their skills as well as an understanding that educators, like learners, have a wealth of different

experiences, different backgrounds and abilities. This implies that senior education managers should improve their management skills in preparing effective assistance to educators. For this reason senior managers in education must also keep abreast of new trends and developments. This implies reliance on lifelong learning as one of the strategies towards performance improvement. Staff development courses for senior managers in education is essential for the above reasons. This should include courses on people management, financial management, planning, control, negotiations, labour relations and many others.

During the probationary period, newly employed educators operate under the close guidance of their immediate supervisors. One of the important tasks of the GTC (Sutherland in Department of Education Management, 2000:101) is to manage a two-year probationary service that teachers are required to undertake prior to being admitted to full membership of the profession. This aims at giving support to beginner teachers. Currently this is not applied to senior education managers. It may be asserted that, for effective capacity building in management, senior education managers should also operate under the supervision of their immediate supervisors during their own probationary period. This will enable them to learn the state of the art in education management under the guidance of a capable supervisors.

Qualifications of teachers trained outside Scotland are examined by the GTC to ensure employment of suitably qualified educators only. The lesson that can be derived from this research is that senior education managers have a gigantic task of quality assurance in their given management duties regarding the induction of beginner out of school educator.

The view of Burke (1987:viii) on staff development discussed above illustrates the importance of the induction of teachers and will therefore not be repeated here. It is important, however, to refer to the contribution of Schreuder *et al.* (1993:11-12) on the subject of the self-development of teachers. Senior education managers may also voluntarily do the following to promote self-development:

- Attendance of conferences organized by the organization, e.g. subject methodology or management with reference to a specific topic such as labour relations in education.

- Participation in subject committees

Subject committees have subject policies which give direction to the approach of the subject concerned. New developments regarding subjects are better treated at committee level before implementation at schools.

- Conducting literature reviews on education themes.
- Conducting action research in management by experimenting with new approaches to management.

Clark and Clark (1997:267) propose what is called an interdisciplinary teaming as an effective tool to professional development and collaboration that facilitates communication and enhances satisfaction. Team members can monitor their own progress. Maintaining effective interdisciplinary teams requires continuous evaluation and reflection.

In addition to the above observation, reference can be made to Mac's paper (1998) on a Spiral Plan for delivery and evaluation of continuous professional learning. According to Mac this model begins with assessing needs and defining goals for professional growth. He postulates four levels of evaluation of growth, viz.:

- Level 1 checks the reaction to the appropriateness of content and delivery of completed learning opportunities.
- Level 2 asks what was learned during learning sessions.
- Level 3 determines how the behaviour of the participant changed during the learning sessions.



- Level 4 examines the results or outcomes linking the results to the integration of new learning. This presents a picture that learning is facilitated through an on-going series of formal, continuous learning opportunities.
- A senior education manager needs a series of lifelong learning activities.

### 3.8 CONCLUSION

This chapter focuses on the nature and the aims of the professional development of the senior manager in education as a practitioner. It also highlights the desirability of the professional development that education managers as practitioners require in order to perform well. This chapter adds to an understanding of the question of the *why, what, how, when* and *with what resources* regarding the issue of the professional development of senior education managers.

A distinction between professional development and in-service training has been given in 1.7.1 and 3.2.6.

In order to provide effective service delivery, senior managers in education need to be kept abreast of developments in their profession. Through appropriate in-service training and other forms of staff developmental courses, the professional growth of senior education managers will be ensured. This requires that proper needs analyses be conducted to ensure the provision of relevant interventions.

In this chapter various interventions were identified as useful for improving the management effectiveness of senior education managers. Amongst others the following are worth mentioning:

Wong (cited in Bintrim 2002:52) refers to **guided induction programmes** and (de Groof 1995:30) refers to **international exchange programmes** that demonstrate that educators can also upgrade their professional skills and expertise by working in new environment. These are but a few possibilities available to senior managers.

In short, professional development of Senior Education Managers requires commitment of a number of stakeholders in general and the senior managers themselves in particular.

## CHAPTER 4

### THE SENIOR EDUCATION MANAGER'S LEGAL STATUS

#### 4.1 INTRODUCTION

In this chapter the importance of the status of the educator in the realization of educational aims and objectives is discussed. The factors that enhance this status as well as the need to protect the integrity of the senior education manager will also be explored.

The position of the educator in the development of equality and quality in education is identified by De Groof (in De Groof, 1995:7) as crucial. This means that all debates and contributions in education should take into consideration the abilities and the role of the educator and senior education manager.

De Groof (in De Groof, 1995:7) further refers to the guiding principles of the recommendations made by the joint Committee of the International Labour Organization (ILO-UNESCO), namely that advancement in education "... depends largely on the qualifications and ability of the teaching staff in general and on the human, pedagogical and technical qualities of the individual teachers". Although the above observation refers to the teacher specifically, it also applies to the senior education managers as well. At the center of all educational development the senior education manager plays an important role of ensuring that educators carry out their duties professionally. For these objectives to be realized there is a need for the senior education manager to have certain qualities and qualifications.

The recommendation further states: "The status of teachers should be commensurate with the needs of education as assessed in the light of educational aims and objectives; it should be recognized that the proper status of teachers and the due public regard for the profession are of major importance for the full realization of these aims and objectives: (De Groof, 1995:7)

The above is also true of senior education managers. Senior education managers have a duty to promote effective education by guiding educators and encouraging them to perform their duties professionally. They have to monitor the manner in which education is provided as custodians of quality assurance in education and deserve to be accorded proper status and public regard.

There is a relationship between the quality of the educator, his/her ability to make contributions and his/her status.

The professional recognition of a career is determined by its status in the eyes of the public in general and of its members in particular. Where the service rendered leaves much to be desired, the career image tends to drop. The subsequent effect is that the public tends to attach a low status to the profession concerned. Where the profession appears to render quality service, its image becomes favourably high, resulting in high professional status.

In this chapter the teaching profession is described as a career that allows self-determination and self-development as well as mechanisms for self-control. It is management quality that plays a role in the improvement of the quality of education. In thus renders a profound service to the community. The education profession possesses legal status, which entitles it to defend and protect the rights of its members and to promote its professional image and enhance its professional integrity. Like any other career, the education profession has certain obligations to fulfill and duties to perform. Its major obligation is that of teaching the child and educating him/her in *loco parentis*.

According to Oosthuizen (in Oosthuizen *et al.*, 1992:45) a teacher derives his/her in *loco parentis* position from the authority delegated to him/her among others by parents as well as from the primary authority. Educating the child is one of the community services that guarantees community development and self-sufficiency. For the education profession to render credible and quality service, it should encourage and promote an on-going process of professional development amongst its members. Senior education managers should provide support and encouragement to educators to attend management development courses. In addition, senior education managers also need on-going professional development courses.

## 4.2 THE SENIOR EDUCATION MANAGER'S LEGAL STATUS

### 4.2.1 Meaning of the word status

Before a full exposition of the senior education managers' legal *status* is given, it is desirable to clarify the views of scholars about the concept *status* and its sources first. Scholars such as Luthans (1995), Rao (1985), Neethling *et al.*, (1996) are in agreement on the meaning of the concept status. Luthans (1995:148) defines status as the relative ranking that a person holds in a group, organization or society. He further contends that there is a common misconception amongst people that status means "high status". He argues that everyone has status, which may be high or low, depending on how the relative positions are ranked.

Status determination (ranking higher/lower) depends upon the prevailing cultural values and social roles of given cultures. Some of the cultural values, which have an impact on status, include personal qualities of people, e.g. in African and Indian communities the older people are accorded higher status. Luthans argues that in other cultures, once a person reaches a certain age, his/her status decreases.

In the professional world, achievements like academic qualifications and attaining promotional ranks are regarded as major sources of status more than for adequately qualified incumbents within career situations, e.g. universities, government departments, etc. in state departments, parastatals or the private sector chief executive (CEO), a head of department (HOD) or a director-general (DG) is accorded the respect or status commensurate with his/her position. Such recognition is even enhanced by the manner in which a respective CEO/DG/HOD performs his/her duties. An ill-disciplined CEO, who does not carry out his/her work professionally and diligently, may not be accorded the respect normally given to exemplary officers. He/she will be denigrated to the detriment of his/her status.

Luthans (1995:148) states that status is highly volatile and changes with times and circumstances. This dynamic nature of status suggests that different situations/circumstances/cultural settings are responsible for the manner in which people are ranked.

It may be stated that circumstances such as transitional periods in given political climates also exercise influence on the status of personnel. Some senior education managers who were accorded higher status by virtue of positions they held, as well as duties and responsibilities they performed prior to the new dispensation in South Africa, experienced a change in status with the restructuring process resulting in some posts being reclassified and some positions being abolished or phased out. Such managers either found themselves occupying positions lower than they had previously occupied, e.g. in a given situation a head of a division would hold the rank of a deputy director, whereas in another he/she would hold the rank of an assistant director.

Rao (1985:233) defines status as a position occupied by an individual family or kinship grouping in a society relative to others. It determines the nature and extent of individuals' relationships with other persons. Rao (1985:23) further argues that it has a hierarchical distinction in which a few persons occupy the highest positions. It thus connotes evaluation. This signifies that concepts like honour and esteem are synonymous. In this sense, status is perceived as gratification and its loss signifies a deprivation.

Neethling *et al.*, (1996:27) provide a classification of personality rights. They state that in factual reality, personality interests exist independently of any legal recognition, and they thus enjoy legal protection. They refer to Joubert's view that there are two sides to personality, namely, the physical and the spiritual-moral value of man.

The right to a good name (reputation) falls under spiritual moral values. Neethling *et al.*, (1996:31) observe that a good name deserves protection as an independent aspect of personality. They argue that any action which tarnishes, lowers a person's reputation in the community. The lowering of the reputation of a person could be seen as defamation of character.

Infringement of personality rights constitutes the infringement of the dignity of a person and, as such, affects his/her status. In order to establish liability for the infringement of a

personality right, there must be an element of wrongful intention to harm the individual's dignity or standing.

Neethling *et al.*, (1995:57) refer to the fact that there is a relationship between human consciousness and personality infringement. They argue that personality infringement constitutes damage in the form of non-patrimonial loss.

Being conscious of one's intention to harm or tarnish the good name/reputation of one's fellow man constitutes a justification for liability for one's actions. Neethling *et al.*, (1996:65) argue that the intentional infringement of personality rights is the basis of the *action iniuria* through which the plaintiff recovers damages in the form of satisfaction. This is justifiable in view of the fact that a person's status is at stake here.

Van Wyk (1991:81) observes that status refers to persons' legal position in the eyes of the law. This means that a person as a legal subject has certain competencies in terms of which he is capable of obtaining rights, fulfilling certain obligations and executing juridical acts. This observation is in agreement with that of Barnard, Cronje and Oliver (1986:32). The latter state that the word *status* is derived from the Latin verb *stare* which means to stand.

According to Zelditch as cited by Rao (1985:233), when status is threatened, its loss is resisted. It should be noted that Rao's approach to *status* has much in common with the presentation by Datta (1987:115). These authors present *status* as finding its full meaning within the context of a social system. This assertion can be supported by the researcher's experiences of what prevailed at some colleges such as Mgwenya College of Education of Mpumalanga, of which this researcher was a rector in the 1980s.

The policy of the then Department of Education and Training (Act 90 of 1979) made provision for a one year special teacher training course as a contingency measure to supply teachers, to address the severe shortage of qualified educators especially in the rural areas.



The introduction of a one-year Special Primary Teachers' Course (S.P.T.C.) was seen by the profession and other concerned stakeholders as what Sutherland (in Department of Education Management, 2000:99) calls an unprincipled and *ad hoc* response to teacher shortages. This feeling was based on the observation that such teachers were seen as not only under qualified for their job, but also that the quality of such teachers was far below the minimum expectation.

Dove (1986:97) distinguishes between personal and occupational status. Personal status refers to the regard, appreciation or esteem which teachers as individuals earn from those who know them, i.e. pupils, parents and the community (Dove, 1986:98). Dove further asserts that status depends on the unique relationship that a teacher as an individual establishes with others. The level of public esteem, which an individual commands or attracts, has an effect on the self-esteem and morale of individuals. *Status* is earned with regard to who one is and how one conducts oneself across the range of human relationships. This means that for individuals (senior managers included) to earn status, they have to exemplify good behaviour, professional and ethical practices.

De Villiers and Wethmar (2000:37-38) refer to the writing of Van Loggerenberg regarding an educator's professional status. They observe that "... professional status cannot be demanded. The educator can only acquire status through diligent execution of his tasks and through careful adherence to the norms and standards of the [SACE] Code of Conduct of education." Diligent execution of duties by an educator is possible if an educator continuously participates in in-service training courses to acquire new knowledge and skills for his/her tasks. Participation in courses exposes the senior education managers to best practices in management, which is necessary for ensuring quality education.

With regard to the distinction between personal and occupational status, Dove (1986:97) argues that it is difficult to judge a person purely as a person distinct from what he/she does for a living. The two dimensions of status are thus interlinked. The above observation suggests that members of particular occupations command status conferred on their respective occupations. This means that any individual who previously commanded or enjoyed status of the occupation with which he/she was associated, loses this as soon as his/her association with

the said occupation ceases. This is true of senior education managers when they go on retirement.

Dove (1986:108) relates *professional status* to certain employment requirements rights and privileges. To this effect he observes that low professional status has to do with low salaries, poor working conditions, poor career prospects, low levels of qualifications and alack of professional training for many teachers. The above-mentioned observation also suggests that the opposite is true. That is, high professional status is determined by the respective factors alluded to above.

By quality Dove (1986:108) means improvement in the way teachers teach and the production of better educated pupils. Dove (1986:108) asserts that full professionalisation is a goal, which governments and teachers themselves should jointly pursue. In this sense it may be justifiable to regard professionalisation as a process.

The above discussion reveals that a number of factors determine the status of individuals and bodies or organizations. This is also true of the teaching profession.

Doves' view as expressed above suggests that the employer (Educatin Department) and employees (Educators) have certain roles to play in the professionalisation of the teaching profession. While the employer is required to ensure that the welfare of educators is guaranteed through the improvement of working conditions, remuneration, service benefits, conditions of service and promotion prospects, senior education managers on the other hand, should constantly expose themselves to professional development courses which will enable them to improve their management competence which will result in the improvement of quality education and service delivery.

Doves' study (1986:99) emphasizes the following factors, which enhance the occupational status of teaching, viz. salary, working conditions, career opportunities and service benefits. This observation is also espoused by Datta (1987:115). The latter states that ... "every society,

occupational categories and groups are accorded different places or statuses in the social hierarchy”.

Improvement of the competence of senior education managers increases the possibility of effecting quality education and enhancing the status of the education profession. The improvement of the qualifications of educators and the impact thereof on the professionalisation of the profession is further discussed in relation to the contribution of Sutherland (Department of Education Management, 2000:98), which will be highlighted in the next paragraph.

Sutherland (in Department of Education Management, 2000:98) refers to conditions under which the General Teaching council (GTC) was established in Scotland. He observes that the Council was set up following a period of considerable disquiet and unrest in the Scottish teaching profession which arose from a number of factors, including the following:

- A chronic and worsening shortage of teachers.
- Concern about standards of entry to the profession.
- Dissatisfaction with the inconsistency of standard of teaching.
- Low morale.
- Salaries which are not comparable with those of other professions.
- A perception that the profession is consistently undervalued and lacking in status and prestige.

A feeling that scant regard was paid to the views of teachers who were given little opportunity to control or even influence their own professional affairs.

The GTC was established within the context of the profession feeling powerless and undervalued. Some of the major concerns for improvements highlighted by Sutherland (in Department of Education Management, 2000:102) included the need to:

- Improve the professional morale and standard of educators.

- Maintain professional standards by ensuring removal of incompetent educators and unqualified persons from schools, as well as an application of a national system of probation and uniform standards across the country. The control of these standards is to be in the hands of the professionals.
- Regulate entry to the profession and train educators professionally, including rigorous student selection, making course content more relevant, better organized and more structured school placement.
- Have a professional voice by providing educator representation on a wide range of subjects, thereby advising government on professional issues.

Senior education managers believe that they are required to maintain professional standards. They, too, have a right to have a professional voice to advise government on professional issues. From the researchers' management experience, senior education managers hold a view that they have a duty to regulate entry to management position in order to prevent appointment of persons who are not yet ready/ill-prepared for management and responsibility. This researcher believes that, if senior education managers have a professional voice to advise government and other stakeholders, they can make a contribution in promoting the provision and maintenance of quality education.

Sutherland (in Department of Education Management, 2000:105) further clarifies that this professional council is not a trade union. The latter is seen to be concerned with conditions of service, salaries and other contractual matters while the professional council (GTC) is concerned with professional issues such as qualification, training of new teachers and the management of a probation service. It is in this light that Sutherland (in Department of Education Management, 2000:102) argues that there is evidence to suggest that the status of the Scottish teacher is higher than that of their peers in other countries, including England and Wales. Other councils were established following the successes of the Scottish model.

In South Africa, the entrance requirements to training courses were raised. In colleges previously controlled by the Department of Education and Training (DET) entry requirements to a two-year Primary Teachers' Course (SPTC) was introduced for unqualified teachers who had at least three years of teaching experience. These qualifications were seen to be inadequate to ensure quality education.

In the interim, colleges which were then under the control of the Department of Education (House of Assembly and House of Delegates respectively) offered four year Diplomas in Education. Pressure from many stakeholders in education such as educators, politicians, business, researchers and many others led to the review and upgrading of these qualifications.

The PTC and JSTC were replaced by three-year qualifications, viz. the Primary Teachers' Diploma (PTD) and Secondary Teachers Diploma (STD) respectively. The minimum entrance qualification for these diplomas in a Senior Certificate. At the end of the three-year post-matric course an educator would be placed in category C (M+3). This also meant improvement in terms of salary scales.

Steyn (1991:125-135) discusses the role of the organized teaching profession regarding the process of further professionalisation of education. He highlights the assumptions held regarding teaching and the definition, which clarifies some essential features of a profession. He furthermore discusses the core implications regarding the recognition of a professional status ("Professionalisering van onderwys"). The tendency is to assume that education does not enjoy the status of a profession. He further refers to Mayhew's definition of a profession, which sheds light on the concept. According to Mayhew as quoted by Steyn (1991:125) "... a profession consists of individuals with specialized knowledge obtained through intensive education which allows them to provide esoteric services in a near monopoly fashion to a public which recognizes and accepts the utility of the monopoly".

From the definition, the issue of acceptance and recognition of the utility of the service provided by the educator seems to be one of the important requirements for granting the group

a monopoly of practice. It also refers to the possession of specialized knowledge, which has been obtained through intensive education.

Steyn argues that education (teaching) does qualify to be called a profession as it possesses the characteristics of a profession. The above arguments suggest that a monopoly in the practice of a profession could be granted to a group of professionals, if there is a demonstrable reason that such a service is in the best interest of the public. Steyn (1991:125) further refers to the view of Bull that "... die gebruiker (kliënt) deur die wetlike en ander maatreëls rakend die verskaffing van die diens beskerm moet word". This means that client's protection should receive top priority. It is in this light that the community awards certain competencies on the group to claim a monopoly over the service.

The following are some of the conditions suggested by Steyn (1991:126) which a practice should comply with in order to be accepted as a profession:

Steyn argues that, contrary to the popular notion that status is almost exclusively associated with financial aspects and autonomy in decision-making, it appears that the essence of professionalism resides in the delivery of essential service, recognition by the community that the body of professionals (educators) is indeed properly equipped to provide and have control over such essential services.

The above suggests that the essential nature of the service provided by senior education managers, recognition by the community that the practitioners have the expertise (knowledge) to deliver the service, and that the practitioners have the capacity (contemplated in the SACE code of conduct) to manage the delivery of the service, are the key requirements for acceptance and giving of due regard to the characteristics of a profession. In paragraph 3.2 the conditions under which education may enjoy recognition as a profession were discussed.

These include having specialised knowledge, professional autonomy, commensurate remuneration, and others which are discussed below.



What has been argued is emphasized by an international view contained in the recommendations of the ILO-UNESCO concerning the status of the teacher (De Groot in De Groof, 1995:7), "... the status of teachers should be commensurate with the needs of education as assessed in the light of educational aims and objectives. It should be recognized that the proper status of teachers and due public regard for the profession of teaching, are of major importance for the full realization of these aims and objectives."

De Groof (1995:8) further argues that the legal position of the teaching profession is a precondition for a properly functioning education system. The above observation emphasizes that there is a relationship between the material benefits which senior education managers derive from their occupation and the subsequent status accorded to them by the public in recognition of their noble service. It is evident that once the public has accepted the value of a particular occupation, the social standing of the respective occupation is also enhanced. This further suggests that, if an occupation projects a very low service image, the corresponding status will be negatively affected and will be low. A close study of Verbruggen and Fiers's article (in De Groot, 1995:45-55) suggests that the legal status of educators in Europe, if not throughout the world, is determined by, *inter alia.*, a number of factors. Some of the factors will be discussed below.

- **The level of education at which the educator exercises his/her profession**

Educators who are employed at institutions of higher education like technikons, universities and colleges enjoy higher *status* than those in secondary, primary and nursery schools. The educators at these institutions provide education at a high level of sophistication based on researched knowledge. They possess abilities which enable them to provide thinking and reasoning at high level.

Senior education managers with higher qualifications such as degrees and postgraduate qualifications enjoy a higher status than those with certificates or undergraduate qualifications.



- **Employment contracts**

Public servants enjoy a higher status in communities than other workers. This is so for they provide essential services to these communities.

- **Employers (state, local community)**

State employed workers enjoy a higher status than community employees. They enjoy service benefits which community workers do not have.

- **Career opportunities**

Employment with high salaries, promotions and permanent employment enjoys relatively higher status than temporary workers whose employment does not guarantee promotion or higher salaries

- **System of recruitment**

Professionally recruited employees enjoy relatively higher status than those who are not recruited by means of personnel processes which involves e.g. advertisements, interviews by panels and clarity of criteria that could be regarded as transparent and professional. Glendenning and Whelan (in De Groof, 1995:211) state that the status of Irish teachers, senior education managers, included, has traditionally been high and that the profession attracts a high caliber teaching force. It is also clear that educators enjoy national recognition as part of the public service, though they are appointed in terms of different conditions of service. They, however, enjoy the protection of modern employment legislation.

Squelch (1999:37) observes that educators in South Africa are protected against arbitrary decisions by education officials and administrators. The Labour Relations Act (Act 66 of 1995) protects educators against unfair dismissals, discrimination and other unfair labour practices. This Act promotes fairness in the application of labour principles regarding

dismissals. It is argued that dismissal is fair, if there is fair reason for dismissals. It is argued that dismissal is fair, if there is fair reason for dismissal and that such an act is exercised in accordance with fair procedures (Squelch 1999:37). The status of educators may be enhanced if labour relations principles are not applied in cases of misconduct as it would amount to unfair labour practices or discrimination.

Thembele (1980:6) aptly captures the perception held by the public regarding the Black teachers in relation to the service they render. He observes that "... teachers are lamentably looked down upon, yet teaching is the mother of all professions." This suggests that the status of the senior education manager is bound to be low if the service he/she renders does not meet public expectations.

If there is demonstrable evidence that senior education managers lack commitment to good quality education and self-development; if in their professional practice they are perceived to pay more attention to personal gains at the expense of providing services for which they are employed, a negative professional image is subsequently projected. The above does not imply that a senior education manager is not entitled to individual and professional development and integrity.

Beckmann *et al.*, (2000:60) observe that the Bill of rights guarantees a number of rights affecting the labour relations of employees, employers and their representative bodies as contained in section 23 of the Constitution (Act 108 of 1996). Beckmann *et al.*, (2000:60) further state that employers and employees enjoy a mutual right to fair labour practices, whereas their representative bodies have the right:

- to determine their own administration, programmes and activities;
- to organize;
- to form and join a freedom;
- to engage in collective bargaining.

The claim right to the above is essential for enhancing the professional status of the senior education manager.

Employees have a right to form and join trade unions, to participate in union activities and programmes and to strike. On the other hand employers have the right to form and join employers' organizations.

The success of senior education managers in the exercise of their rights enhances their professional status.

Regarding human rights and education human resources, Beckmann *et al.*, (2000:50) observe that it is important for a Human resources manager to bear in mind that the challenge in labour relation lies in striking and maintaining an appropriate balance between the rights and freedom of the employees and the rights and interest of employers as well as of other interested parties. In this way the Labour Relation Act finds appropriate regulatory essence. Thembela as quoted in Vanguard (1980:6) further argues that "... if all teachers have a good background like doctors and lawyers, if all teachers possess professional competence, if all teachers work under comfortable conditions and receive proper salary, their status as professional people would improve." The assertion above is also true of senior education managers.

Regarding the factors influencing a person's juridical status, Barnard *et al.*, (1986:33) and Van Wyk (1991:81) concur in their reference to age, sex, race, matrimonial state, mental healthy and legitimacy as some of the factors determining status of a person. This set of factors applies to the personal/juridical status of individuals. This means that the distinction between personal, occupation and professional status made by Dove (1986:99) is based on the factors which are identifiable as discussed above.

Hosten *et al.*, (1983:284) concur with Barnard *et al.*, (1986:35) on the observation that only the supreme court can hear cases arising from interference with a person's status. Interference of this nature amount to tempering with a person's social standing.

Van Wyk (1991:81) observes that there is a distinction between formal and material status. Formal status is said to be determined by training, skill and appointment to a particular teaching post. Material status on the other hand is related to the fact that the senior education manager acts on behalf of the parents.

There is agreement between this observation and that made by Rao (1985:233). The latter speaks of ascribed and achieved status. *Ascribed status* is said to be acquired at birth or conferred automatically by hereditary succession. This is similar to Van Wyk's *material status*. Achieved status is synonymous with Van Wyk's *formal status*. It is earned on the basis of an individual performance rather than on factors inherent or present at birth. From the above it should be clear that material or ascribed status confers authority on the senior education manager to fulfil his particular duties. It is further asserted that this authority manifests its self in relation to the education authority, school, parents, organized teaching profession, society, the teacher's individualized relationships with the child, the principal, his colleagues and individual parents. Van Wyk (1991:81-82) further discusses the limit in problems of the teachers' status. With regard to the limit of authority, he argues that:

- authority is limited to the special tasks and of other parties, e.g. teachers, parents and colleagues;
- it is also limited to the special tasks and responsibilities the teacher has to carry out.

Senior education managers are accorded higher status than those with lower ranks. Juridical authority consists of rights and powers. Senior education managers have juridical authority to perform and account for their duties and responsibilities.

With regard to problems associated with authority, Van Wyk (1991:81-2) mentions that:

- a person may exceed the limit of his authority. His action will thus be regarded as *ultra vires*, which means that the action is outside the authority conferred on him. It is also required that delegated authority should be granted in a clear and unambiguous manner. It is essential to recognize that possession of authority imposes certain responsibilities. The

senior education managers' rights to expect obedience from the educator imposes a duty on the latter to obey. The position of authority of a senior manager in terms of an employment contract confers status on the educator. Subordinates are obliged to obey lawful order from senior managers. Bray (1988:27) affirms that rights and duties develop from a position of status and are embodied in legislation supplemented by common and case law. It is argued that by virtue of his/her status the educator may claim damages for unlawful dismissal or when his/her service benefits are withheld. He/she may also claim restitution of his/her formal status.

Beckmann *et al.*, (2000:19) observe that the general public service and public service education sectors have their own legislation regulating resignation, retirement and dismissal. With the coming into operation of the Labour Relations Act (Act 66 of 1996), its provisions became generally applicable to the entire HR field. Beckmann *et al.*, (2000:19) further state that the LRA provides a mechanism for protecting employees from unfair dismissal. Beckmann *et al.*, (2000:18) refer to Section 185 of the LRA observing that it established the right of employees not to be unfairly dismissed. Unfair dismissal may have discriminatory connotations. This means that any act of dismissal that is not based on the employee's conduct, capacity and the employer's operational requirements could constitute unfair dismissal. This suggests that, for dismissal to be regarded as fair, it must be substantively and procedurally accounted for. That is to say that the employer must prove that there is valid and fair reason and that fair procedures are followed in effecting a dismissal. It is obligatory for senior education managers to know and apply this legislation correctly in order to achieve professionalism in education management.

Because of the belief of society about the educator as a role model, educators are accorded high status. However, should they be seen or perceived to be non-exemplary to the public, the trust and confidence parents have in them, suddenly collapses. This is also true of senior education managers when dealing with their management duties and responsibilities. A senior manager who is perceived to lack professionalism in his/her performance of duties immediately loses credibility, e.g. failing to meet deadlines, lack of punctuality for reporting on duty, abusing the authority, disrespect of authority and colleagues, etc.

The above discussion has touched on various interpretation of the word *status*. It has been established that most of the authors refer to the Latin origin of this word which has been defined earlier as meaning the legal position or standing of an individual to which the law attaches consequences. The above information will facilitate an understanding of this concept and its application to the right professional development and integrity of senior education managers. If senior managers give effective guidance and leadership to educators, they earn respect which enhances their professional status.

It is now necessary to return to a brief discussion of the sources of status.

#### **4.2.2 Sources of Status**

The preceding discussion in paragraph 4.2.1 has referred to formal achieved *status*, Reference has also been made to Dove's classification (1986:97) of *status* in personal, occupational and professional categories. Central to the distinction that is made regarding the classification of *status* in the above categories is the notion of the sources of *status*.

The constitution of a country is the primary source of a person's status. It defines an individual's position or standing in society. This definition of the individual's relationship with others within the community or society is central to the definition of the person's status. Various authors such as Van Wyk (1991:81), and Van der Westhuizen (1992:75) refer to the source of education law as statutory, common and case law. These sources of education law confer particular authority, powers and status on legal subjects in their relationship with one another and with various legal subjects. The provisions of Sections 10 and 14 of the Constitution regarding an individual's right to dignity and privacy respectively, touch on issues of the individual's status which must be protected, the infringement of which is contestable in court. The constitutional provisions regarding the protection of personality rights are of critical importance for our understanding of the sources of status.

Instances which may serve as sources of status include the following:



- **A person's constitutional position before the law within a social system**

This means that the constitution or legislation or custom confers certain competencies in terms of which a person is capable of obtaining rights, fulfilling certain obligations and executing judicial acts (Van Wyk, 1991:81; Barnard *et al.*, (1986:32), e.g. the President and the Public Protector.

- **Profession/occupation**

This may include positions such as managing director, principal, teacher, medical doctor or policeman (Dove, 1986:97; De Villiers & Wethmar, 2000:37-38) and senior education manager.

- **Common law**

A senior education manager in a fiduciary position outside the school situation (La Forest, 1997) is held in high esteem. If he/she is seen/perceived to act or performs his/her duty professionally.

- **Custom/tradition**

Cultural values play an important role here. In the African, Indian and Afrikaans communities, parents or older people enjoy high respect and command higher status than young people. Reference to Luthans's view (1995:148) on this issue has been made in paragraph 4.2.1. In traditional/rural communities traditional leaders (chiefs) have higher *status* than ordinary civilians in their respective traditional communities.

This suggests that older or experienced senior education managers may enjoy higher status than young inexperienced ones in these communities.



- **Qualifications and institutions**

Highly qualified persons enjoy *status* than inadequately qualified persons do. University staff command a higher *status* than staff of primary and nursery schools. This is also true of senior education managers who are in a fiduciary position outside a situation. Reference to Luthan's view (1995:148) on this subject has been made in paragraph 4.2.1. Senior education managers with good qualifications have better chances of enjoying high *status*.

*Status*, like power and authority, therefore emerges from various sources ranging from constitutional provisions to personal/charismatic endowments. Loss of status is a loss of a valuable intangible asset which is difficult to regain. The power and authority possessed and exercised by legal subjects determine the nature and extent of the status of the respective individuals. This point was discussed in greater detail in paragraph 4.2.1.

*Status*, therefore, also originates from the different kinds/sources of law which define the duties, responsibilities, and obligations, rights and authorities of each legal subject viz. statutes (legislation), common law and case law.

#### **4.2.3 Distinction between authority and power**

These two concepts are also closely related to status. A person who has power and authority commands considerable status. Anderson and Grinberg (1998:333-335) refer to the importance of Foucault's view of power. Foucault proposes a microphysics of power that disciplines the body, mind and soul. He observes that power is embedded in social relations. It manifests itself through self-discipline. Through disciplinary practices, learners in a given classroom may be kept working independently in the absence of an authority figure. Power is exercised through a process of socialization or disciplinary practices.

Luthans (1995:321) refers to the views of various authors about power and authority. Reference is made to Max Weber who defines power as the probability that one actor within a

social relationship will be in a position to carry out his will despite resistance. The ability to influence an individual or group to do things suggests the existence of power and ability to manipulate or change others. Power does not always need to be legitimate. Authority, on the other, is the right to manipulate or change others.

From the above-mentioned sources of status an individual derives his/her power and authority. He/she therefore derives certain competencies and obligations to act and to be held liable and accountable. Van der Westhuizen *et al.*, (1992:75) as cited by Theron (1989:75) discuss power and authority as determinants of the *status* of the educator. They argue that at face value the two concepts appear to have identical meanings, yet it is actually not the case. A distinction can be made between the two.

Van der Westhuizen *et al.*, (1992:75) refer to Stone's definition of power as a person's capacity to influence other people's behaviour and attitudes. He argues that power is attached to a person other than his/her position. This suggests that a person's ability to relate to others in a manner that will positively or negatively influence their thinking, behaviour or response reflects the power which that person can command. Senior managers who are capable or influencing others positively have higher status. Authority is defined as the right of a person to take certain decisions, to give instructions and to act in a particular way; such a right has a juridical basis attached to a particular position or post other than a person him/herself. (Van der Westhuizen *et al.*, (1990:76). The view is also espoused by Robbins (1980:240). The distinction between power and authority lies in the fact that power refers to the influence a person has on others. Authority on the other hand, refers to the right or mandate a person has to do certain things. This means that a senior education manager has to have the right to act in accordance with the mandate given to him in terms of delegated authority.

#### **4.2.4 The power base of the senior education manager**

According to Luthans (1995:321) authority is the source of power of managers. As a distinction between power and authority has been made, a more detailed discussion of these

concepts will follow. Van der Westhuizen *et al.*, (1990:76) refer to the view of Robbins and Stoner on the power basis in an organization as follows:

- **Coercive power**

This refers to the ability to influence the behaviour, attitude, or thinking of others through the use of coercion. This, for example, may take the form of physical force, denigration of others or the withdrawal of certain privileges (Van der Westhuizen *et al.*, 1990:76).

Van der Westhuizen *et al.*, (1990:76) also refer to Froyen's view that it may lead to negative results such as vandalism, dishonesty, retardation, restless and revenge amongst pupils. This may also lead to pupils avoiding teachers to the extent that relations between teachers and pupils may deteriorate. Exercising coercive power may have negative effects in the case of senior education managers and educators in management.

Senior education managers are the bearers of authority in terms of delegation. They have the ability to exercise the delegated power. This ability/power is based on the sources of power. For this power base to bring about a desired effect, the principle is that of instilling fear in the subordinates instead of love and a sympathetic attitude towards them. The ability to inflict punishment or adverse consequences on another person characterizes this type of power (Luthans, 1995:322).

- **Reference power**

This refers to the ability to influence the behaviour, attitude and thinking of others on the basis of the respect one commands from these colleagues, the admiration and disposition towards influencing those who have power (Van der Westhuizen *et al.*, 1990:77). Central to this power base is the inclination of subordinates or pupils to identify with a person who reflects a humane and positive attitude. According to Robbins as cited by Van der Westhuizen *et al.*, (1990:77), this power base has a positive effect in that individuals who admire a person on the ground of the good qualities he/she shows, tend to aspire to be like

him/her. It is for this reason that senior education managers are required at all times to reflect professional and exemplary behaviour towards parents and pupils. Senior education managers who project a positive image are emulated by educators who serve under them. This means that the behaviour of educators should be compatible with that of an exemplary senior education manager (Shrigley, 1985:66). The only observable danger within this power base is the possibility that senior education managers may be inclined to gain cheap popularity at the expense of professionalism. This may take the form of overlooking the misconduct of educators (Shrigley, 1985:57).

Senior education managers with reference power must be able to impress subordinates so that the latter may aspire to be identified with them (Luthans, 1995:324). Role models play an important part with regard to wielding referent power in organizations.

- **Reward power**

Van der Westhuizen *et al.*, (1990:76) define this as the capacity of a person to influence the behaviour, attitude and the decisions of others. Reward is one of the more positive forms of educational motivation. In its simplest form it may be an expression of appreciation and approval of tasks accomplished well.

The recognition of, and praise for assignments well done has positive effects in confidence building amongst the learners and subordinates in a work situation. The status of an authority figure who has the ability to influence others through positive rewards is likely to be healthier than that of a person who relies on negative extrinsic motivation. It is important to stress that any form of reward in an effort to motivate learners or workers should be genuine and should be based on the ground of merits.

Luthans (1995:322) advises that the recipient of the reward holds the key. This means that senior managers should be certain that what they give as a reward is acknowledged as such by the recipient.

- **Expertise power**

This refers to the ability of a person to influence the behaviour, attitudes and thinking of others as a result of his knowledge, skills and expertise in a specific fields. Van der Westhuizen *et al.*, (1990:77) assert that “hierdie kundigheid kan gegrond wees op ervaring, natuurlike talent en/of akademiese kwalifikasies.” Specialisation and specialized knowledge have become the most powerful power base in modern life. A senior education manager with expertise commands higher status and esteem than the one who lacks expertise. This is essential for performance or rendering of service with confidence. Senior managers with expertise are capable of rendering reliable service.

A senior with vast knowledge, experience and expertise in his field commands great respect from the public. This can only enrich and enhance his personal and occupational status. According to Luthans (1995:324), experts are perceived to have knowledge in special fields which earn them *status* and honour. This means that the target must perceive the agent to be credible, trustworthy and relevant.

A senior education manager who commands expertise in given areas will exercise power with more success than the one perceived to lack knowledge. Luthans (1995:124) observes that credibility comes from having the right credentials, *i.e.* a person who claims knowledge of something must show tangible evidence of having such. A senior education manager who exercise his/her legitimate power effectively has better chances of influencing educators to carry out their duties without reistance.

- **Legal power**

Legal power refers to the capacity possessed by an individual in authority whereby he/she influences the behaviour, thinking and decision of subordinates through exercise of authority attached to the position he/she occupies. (Van der Westhuizen, 1990:77). This is an important element which is central to the extent of his delegation authority. The senior education manager as the bearer of authority exercises the power to the extent of his

delegation. The educator accepts the orders of the senior education manager in terms of legal power conferred on the senior education manager to influence the behaviour and actions of subordinates. Luthans calls this legitimate power.

This kind of power has its source from the position the educator is occupying. Luthans (1995:323) gives three sources of this power:

- From designated/appointed/elected positions;
- From cultural/organizational positions; and
- From accepted social structure positions.

Senior education managers are required to utilize all the sources/bases of power in order to improve job performance and the quality of education. What has been discussed above has implications for professional status.

#### **4.2.5 Authority base of the senior education manager**

Although Van der Westhuizen *et al.*, (1990:78) discuss educators' base of authority, this also applies to senior managers. With regard to the authority base of the educator, Van der Westhuizen *et al.*, (1990:78) refer to the following sources of the educator's right to exercise his/her authority:

##### **(a) The senior education manager and his God-given authority position**

Van der Westhuizen *et al.*, (1990:78) refer to the Biblical origin of the authority of the educator as God who has absolute and final powers. In terms of the above view, God is regarded as the author of all authority and confers this on educators and senior education managers in order to maintain order within their work situations. In Christian communities this forms the basis for understanding the source of authority. Senior education managers likewise are regarded as servants of God and derive authority from him. They are expected to exercise such authority for the performance of management duties. This then explains the source of their status.



**(b) The juridical sources of the position of authority of the senior education manager**

**(i) Legislative/statutory sources**

The sources of law have been discussed in paragraph 2.2, therefore details will not be given in this section. Bray (2000:57) discusses these major sources, viz. the constitution, legislation, common law, case law, custom and others. Senior education managers' authority comes from all legal sources.

The senior education manager's main sources of authority are the same those as indicated above, including other authoritative sources which are not in conflict with the Constitution, e.g. regulations based on the South African Schools Act (Act 84 of 1996).

**(ii) Implied (tacit) authority**

Bray (1988:39) observes that legislation does not always provide a clear description of power. According to Baxter (1984:404) "... powers may be presumed to have been conferred because they constitute a logical or necessary sequence of powers which have been expressly conferred because they are ancillary or incidental to those expressly conferred." This suggests that it is desirable to recognize the existence of presumed authority or tacit/implied competence. Decision-makers usually make their judgement deductively or based on inference in terms of discretionary powers. Tacit powers are those not embodied in legislation expressly but implicitly necessary.

Kerr (1993:39) distinguishes between two implied competencies as follows "... those which the parties had in mind but did not express and those imposed by law in the absence of both expressed terms ...". Bezuidenhout (1994:5) explains that tacit authority or competence means that which is suggested/implied by legislation in order to give effect to the intention of the legislature. Bezuidenhout (1994:41) further observes that the senior education manager will, from time to time, find himself/herself in situations where he/she has to take decisions on a discretionary basis. That means that he/she has to exercise his/her



implied/tacit competence to execute his/her tasks. But this does not mean his/her decision should be arbitrary. It should be governed by legal principles. Tacit authority also plays an important role in education management. The delegation of these powers is said to be found within the three basic relationships of authority, viz. the mandate, deconcentration and decentralization. Van der Westhuizen *et al.*, (1990:79) refer to the view of Baxter (1984:404) and observe that “Geïmpliseerde gesag is daardie optredes wat logieserwys of noodsaaklikerwys nodig is om uitvoering te gee aan ‘n opdrag of bevoegdheid wat uitdruklik gemaak is.” Tacit authority refers to the activities which are necessary, for the execution of instructions or competence that is expressed. From the above observation it is clear that the delegation of discretionary powers operates within the principle of desire to bring about effective division of work within a particular hierarchy.

The assumption that the higher authority remains the competent body implies that the subordinate body will act on behalf of the competent one (Bray, 1988:37). The discussion on the issue of implied/tacit competence should be understood as an integral part of delegated decision-making in particular and education management in general.

Bezuidenhout (1994:40) refers to a distinction that is made by Oosthuizen *et al.*, (1992) regarding the management task of an education manager. They assert that the management task of an education manager could be divided into administrative and discretionary management practices. According to Oosthuizen (in Oosthuizen *et al.*, (1992:82) “... die administratiewe handelinge word gekenmerk deur geprogrammerde gesag gekoppel aan vrye oordeel, wat uitgeoefen word binne die konteks van heersende omstandighede.”

As mentioned previously the existence of discretion does not mean that there should be arbitrariness. Discretion should enhance and facilitate the process of administrative co-operation.

**(iii) Common law**

Several authors are in agreement on the definition of common law as the uncodified legal tradition derived/inherited (Bray, 2000:59) from Roman-Dutch and English law, developed and adapted to the circumstances of the South African legal background and culture (Oosthuizen *et al.*, 1992:40). According to Bray (1988:18), common law is non-statutory – the common law practice of *in loco parentis* for instance. This means that in the school environment the educator/senior education manager acts as the parent (Bray, 2000:59).

**(iv) Case law**

The doctrine of precedent (*stare decisis*) holds that a previous (court) judgement may influence a later judgement (Oosthuizen *et al.*, 1992:47). This means that previous court decisions on a particular matter are taken into account when a similar matter requires judgement.

Senior education managers have a mandate to implement government policy on a variety of issues in education. In delegating responsibilities and also in the case of a hearing, senior managers will be required to be extremely careful. It is expected that whenever they take management decisions, such decisions should be fair and just, and based on relevant legal principles. In handling a case for which a decision is required, senior education managers may be required to examine previous cases to establish how such cases were treated. In terms of judicial precedent, previous court decisions on a particular issue may be taken into account to effect a decision on an issue at hand. Should there be no evidence of a similar case dealt with by the courts in this country, guidance is sought from international law and other legal documents. However, the country's courts may not necessarily apply principles of international law without carefully checking on the applicability to their own country and resulting implications.

Bray (2000:52-55) deals with an imaginary case study on the freedom of expression affecting the suspension of Mrs Liberal's son, John, who continues to wear the badge

‘promoting a left-wing political party’. In this case it would be required to examine all available legislation that protects freedom of expression, e.g. the Constitution, education policy and school policy in order to determine how to deal with John’s rights to express his freedom of expression verbally, in writing or by way of conduct through wearing a badge as he does. To establish the possible decision regarding John’s case, examining the various documents referred to above would be a starting point.

Bray (2000:5) observes that the South African courts have not yet dealt with a case on freedom of expression in the school environment and that other cases regarding the general interpretation of human rights do not provide guidance on how this right would be applied in a school situation. This implies that, with regard to John’s case, guidance has to be sought from international convention and other legal documents. The following could be examined:

- The United Nations Universal Declaration on Human Rights of 1948; and
- The United Nations Convention on the Rights of the Child.

Reference is also made (Bray, 2000:56) to the case of *Tinker v Des Moines Independent Community school District (1969) 393 US 503* in the USA in which a group of students were suspended for wearing black armbands to demonstrate their objection to hostilities in Vietnam. The court ruled against the school banning the wearing of the armbands on the following grounds:

- Undifferentiated fear of disturbance does not constitute an adequate reason to overrule the right to freedom of expression.
- Students’ constitutional rights transcend home and school boundaries and do not cease when the learners enter the school gate;
- School authorities may consider enforcing reasonable regulations which are necessary for the proper function of the school rather than the banning of armbands which constitute an infringement of freedom of expression of the students.

Bray (2000:59) further refers to the case of *S v Williams 1995 3 SA BCLR 632 (cc)* relating to inflicting corporal punishment on juvenile criminals in terms of the provisions of the Criminal Procedure Act of 1977. The Constitutional Court interpreted and examined the applicability of the legal norm as contemplated in the above act. It was found that the provisions were in conflict with the fundamental right to security of the person as contained in Section 12 of the Bill of Rights. Therefore the court declared the provisions in the said Act as unconstitutional. A knowledge of the functioning of judicial precedents will enable senior education managers to be very careful in the application of legal principles during management decision-making processes.

**v) Status agreements**

In terms of status agreements, the senior education manager obtains authority which enables him to exercise educative activities in public. Such agreement are characterized by certain rights, competencies, liberties and obligations which should be exercised (Bray, 1988:27).

One of the main characteristics of a profession is that it has a professional council which enables it "... to watch over selection, training, registration of its recruits and determination of the conditions of service and professional discipline" (Prinsloo & Beckmann, 1988:326). This means that a profession that has some kind of overseeing capability as indicated above, has a better chance of maintaining standards and the professionalism of its members than the profession which does not follow standards. The above observation is supported by that of Schreuder *et al.*, (1993:10) according to whom a profession has a controlling body which "... controls admission to the occupation and determines its code of behaviour." Schreuder *et al.*, (1993:10) further state that a professional body has disciplinary and supervisory duties and responsibilities, which include dealing with misconduct or failure to provide satisfactory service to the community.

In South Africa the three major bodies of the organized teaching profession are represented in the Bargaining Chamber of the ELRC, viz. the National Professional Teachers' Organisation of South Africa (NAPTOSA), The South African Democratic Teachers' Union (SADTU) and the

Suid-Afrikaanse Onderwysersunie (SAOU). The existence of these bodies in the organized teaching profession is in line with the constitutional provision regarding the freedom of association in terms of democratic principles and the right to self-determination. Beckmann *et al.*, (1995:38) refer to Section 17 of the Constitution, which reads as follows: “Every person shall have the right to freedom of association”.

It should be recognized that each member of the respective bodies of the organized teaching profession exercises his/her constitutional rights in his/her choice of the organization with which he/she is associated. In terms of this section it is clear that the right of individuals within, and those of their respective organizations are recognized and thus protected. The said rights are however, not absolute. They are subject to the limitation clause contained in Section 36 of the 1996 Constitution (Beckmann *et al.*, 1995:37).

The establishment of the SACE brought about a regulatory framework in the organized teaching profession which will enhance the professional status and integrity of the senior education manager. This requires that senior managers perform their management duties professionally, just and fair.

Squelch (1999:31) highlights the following primary functions of the SACE:

- Registration of education
- Determination of registration procedures and criteria
- Establishment of the code of conduct and the nature of disciplinary measures for misconduct.

The code includes, *inter alia*, the relationship between the educator and the learner, the parent, the community, the professional, the council, the employer and colleagues. Violation of these relationships is liable to disciplinary action (De Villiers & Wethmar, 2000:2-47).

From the above discussion it is clear that the Education Labour Relations Act (Act 146 of 1993) has brought about uniform recognition of the organized teaching profession. This

assertion is supported by Maree (1995:12) who observes that "... the most important gain for the teaching profession contained in this Act is the fact that the principle of equity and fair play is entrenched, for the first time in history, in legislation pertaining to the conditions of employment of South Africa teachers. The Act prohibits unfair labour practices. It also gives teacher access to industrial courts."

The above observation accentuates an important development regarding the legal status of the senior education manager as a practitioner with integrity and as a member of a professional organization. The right of the educators, senior managers included, as professionals is protected in terms of Section 5 of the Labour Relations Act (Act 66 of 1995).

According to Kruger *et al.*, (1986:152), the existing teachers' organizations in South Africa did not seem to be prepared to be absorbed into a national teachers' association due to the diversity of interests and strong desires to maintain their own identity. This, however, does not mean that the various bodies of the organized teaching profession represent opposing camps, each with its own irreconcilable agendas. In terms of Section 17 of the constitution (Act 108 of 1996), freedom of association of individuals is granted. It seems obvious that the various bodies of the organized teaching profession will be inclined to maintain their individual organizational identity. But this does not mean that they will have absolute rights over one another. Registration with the SACE is a positive indication that the uniform code of conduct is a unifying instrument for all bodies of the organized teaching profession. This is more so because the professional activities of educators are regulated by one council. The various member organizations forming part of the SACE may have minor differences in terms of approaches with regard to individual policies, e.g. some may strongly believe in radical approaches when dealing with government. Others may adopt a much more modest approach based on their professional policy.

Regarding the background of the establishment of the General Teaching Council for Scotland, it suffices to refer to Sutherland's observation discussed in paragraph 4.2.1. While in Scotland the GTC serves as the "voice" of teachers, the organized profession in South Africa receives directives from the SACE regarding professionalism. The choice of the title "General



Teaching Council” in Scotland is appropriate as it was based on the notion that it is about teaching and not teachers. The Council is composed of representatives of universities, other trainers and educational senior managers. This composition reflects the notion that people from different walks of life have an interest in the teaching of the child. The GTC is therefore quality-oriented. As the functions and powers of the SACE have been discussed above, the functions of the Scottish GTC will now be examined. The functions of the Council may be summarized as follows:

1. To keep under review standards of education, training and fitness to teach appropriate persons entering the teaching profession and to make to the Secretary of the state from time to time such recommendations on such matters as it thinks fit or as may be referred to it by the Secretary of State.
2. To consider and make recommendations to the Secretary of State on matters relating to the supply of teachers.
3. To keep itself informed of the education and the training of the teachers in relevant institutions and to undertake such other functions in relation to them as may be assigned by the Secretary of State.
4. To establish and keep a register containing the names, addresses and such qualifications and other particulars as may be prescribed of persons who are entitled to be registered and who apply in the prescribed manner.
5. To determine whether in any particular case under its jurisdiction, registration is to be withdrawn or refused. (General Teaching Council, 1997:7-8).

From the above discussion it is obvious that the functions of the GTC for Scotland are similar to those of the SACE. The emphasis with the GTC is the maintenance and review of education and training standards; advising the Secretary of State on the supply of teachers, registration of teachers and dealing with disciplinary cases if they arise. Both councils are quality-oriented.



### **4.3 Some problems negatively affecting the senior education manager's professional development**

The integrity of a profession is promoted by the value and the importance attached to the service it renders to the public. The regard accorded to the said service as evidence by the level of appreciation of the duty performed by the senior education manager and the competence in performing it are visible indicators of the perceived professional integrity. In the nursing profession, for instance, it is affirmed that the practitioners have a profound duty to take care in the practice of their profession. Searle (1987:137) observes that "... midwives have a duty to ... practise their profession within the constraints of the laws of the country and the ethical code of their profession." Searle (1987:137) further observes that "laws governing professions require the practitioners to do certain acts and refrain from doing others. Such laws are not divorced from fundamental common law principles that apply to all citizens."

It is important to note that some factors which negatively affect the professional development and the integrity of the senior education manager are both of an internal and external nature. Internal factors refer to those which are perceived to be emanating from the senior education manager himself. Those factors perceived to be originating from beyond the individual's control are regarded as of external origin.

#### **4.3.1 Internal factors negatively affecting the professional development of the senior education manager**

Beckmann *et al.*, (200:28) refer to the provisions of Section 11 of the Employment of Educators Act (Act 76 of 1998) regarding the reasons for the dismissal of educators. They observe that "... an employer may dismiss an educator from service with due regard to the LRA:

- a) On account of continuous ill-health.
- b) On account of the abolition of the educator's post or any reduction in or re-organisations or re-adjustment of the posts, establishment of department schools, institutions, office or centers.

- c) If , for reasons other than the educator's own unfitness or incapacity, the educator's discharge will promote efficiency or economy in the department, school, institution, office or center in which he is employed or will otherwise be in the interest of the state.
- d) On account of unfitness for duties attached to the post or incapacity or to carry out these duties efficiently.
- e) On account of misconduct.
- f) If the educator is appointed in a post in question on grounds of misrepresentation made by him/her relating to any condition of appointment.
- g) If, in the case of an educator appointed on probation, the educator's appointment is not confirmed."

The above constitutes broad grounds for the dismissal of any educators. Care must be taken to ensure that the unfair dismissal of any educator is avoided by complying with the applicable labour law principles and collective agreements. Squelch (1999:43) refers to the two requirements for fair dismissal as stipulated in Section 188(1) of the Labour Relations Act (Act 66 of 1995) viz.:

- That there should be a fair reason for the dismissal; and that
- It is exercised in accordance with a fair procedure; i.e. it must be substantively and procedurally fair. This is equally true of the treatment of senior managers. It is essential that the senior managers have full knowledge of this legislation.

To be able to comply with the procedural requirements, if there is a valid reason warranting the dismissal of an educator, standard steps should be followed. Squelch (1999:44) discusses a number of steps examined by Grogan (1999:109). These steps are summarized below:

- An investigation has to be conducted to determine the grounds for dismissal prior to the hearing in order to collect relevant and factual evidence.
- Formulation of the precise charge and notification of the employee regarding the hearing and the said charge.

- The employee should be given an opportunity to present his/her side of the matter (respond) as he/she has a right to be heard in terms of common law principles.
- An impartial presiding officer is required to facilitate the hearing in order to ensure fair weighing of evidence to avoid unfair decision or judgement of the matter.
- Due assistance should be allowed for the employee to present his/her case reasonably well. This may include interpretation where needed, representation by a union or fellow employee, etc.
- The employee should be informed of the outcome (decision) of the hearing, e.g. dismissal and the reason(s).
- Section 25 of the Employment of Educators Act (Act 76 of 1998) provides for an appeal against the findings of a disciplinary tribunal.

Every aggrieved employee has a right to appeal against any decision which he/she believes was unfairly taken against him/her.

The discussion below will focus on some issues that have the potential to affect the professional development and status of senior managers negatively. These factors are regarded as internal because the senior manager may be able to do something about them, as opposed to most of the external factors about which employees may not be able to do anything.

- **Incompetence in education managements**

Squelch (1999:53) argues that, although the Labour Relations Act (Act 66 of 1995) does not provide a definition of incapacity. In general it means that if an employee cannot perform duties owing to illness, ill-health, inability, poor performance, etc., this constitutes grounds for transfer, reduction of salary or transfer to another post which is considered to be suitable or additional to the establishment. It is, however, desirable for the employer to be extremely careful in determining the relevant procedure if an officer appears to lack capacity due to ill health rather than due to others factors such as negligence. Beckmann *et al.*, (2000:29) also allude to the fact that an educator who is unfit for the duties attached to the post or incapable or carrying out those duties efficiently, could be considered as incapable or inefficient. This may

reveal itself in the educator's inability to plan for his/her classroom discipline which is a condition for effective teaching. This means that the senior education manager's inability to facilitate effective achievement/realization of the teaching and learning objectives constitutes gross incompetence.

Before a charge is laid against an employee, it is essential to analyze the nature of the incapacity. Poor work performance may be caused by negligence or indolence in the execution of the duties on the part of an educator. This may be regarded as incompetence. Incompetence is normally caused by factors which the educator may be able to control. In such circumstances, attempts may be made to remedy the situation to the extent that the employee's performance improves. In this case, the onus may lie with the educator to improve. On the other hand, an educator may show poor performance due to factors beyond his/her control, such as ill-health. In such circumstances an investigation would be required in order to obviate the problem of unfair dismissal.

Failure to carry out duties adequately may therefore be caused by different sets of factors, some of which may be beyond the educator's control. Others may be within his/her capacity to deal with. Based on the above observation, it may be stated that there is a slight distinction between incompetence and incapacity. With the former an element of fault is present, whereas with the latter the element of fault is absent (Squelch, 1999:54). In both cases the employer would be required to conduct an inquiry into the allegations in order to establish the causes and determine an appropriate remedy.

De Villiers and Wethmar (2000:22) refer to concern raised by the Minister of Education that some teachers are indolent and do not perform their professional tasks well or in the interest of learners but draw an unmerited salary. They are therefore abusing their positions for personal gain.

Knowledge of legal procedures will enable senior education managers avoid wrong approaches to management tasks.

- **Misconduct arising from disclosure of confidential information**

In the performance of professional duties, senior education managers will from time to time deal with confidential matters. Access to confidential information with the intention of utilizing it negatively to harm the person concerned, is liable to disciplinary action. Harming the person's good name and reputation is misconduct. In terms of the Code of Conduct of the SACE "... an educator should refrain from discussing confidential and official matters with unauthorized person's", De Villiers and Wethmar (2000:22). Confidential and official matters that concern the school in general or the principal, educator and learners in particular are not to be discussed with unauthorized persons. Disclosure of information without permission amounts to misconduct in terms of the Employment of Educators Act (Act 76 of 1998) and also to a breach of the SACE code of conduct, and thus entails ethical and legal repercussions (De Villiers & Wethmar, 2000:42-43). What is critical here, is the motive behind the disclosure or discussion. Senior education managers should be knowledgeable about these legal issues.

- **Abuse of personal rights**

The abuse of personal or professional rights may assume different formats. Reference has been made to educators who abuse positions they hold for financial, political or personal gain. These include a lack of accountability and commitment, neglect of profession duties, demonstrating poor role models as educators, coming late and leaving early, a senior education-manager who uses state property, e.g. a vehicle, house etc. for his/her own personal gain, is guilty of misconduct.

Hosten *et al.*, (1983:476) argue that if a right is exercised with the sole purpose of harming another without furthering a reasonable interest of one's own, abuse of a right occurs. According to the doctrine of reasonableness, the defendant is expected not to act beyond the bounds of his/her rights if he/she exceeds, it constitutes an abuse of rights. Hosten *et al.*, (1983:477) argue that the general premise is that anyone exercising a right cannot be said to act wrongfully if there is no sole motive of harming another.

The above comments are true in respect of a senior education manager who is equally liable to disciplinary action if, in the exercise of his/her rights, it is established that the authority for the exercise of such rights has been exceeded intentionally.

The following is a discussion of the treatment of the external factors which undermine the senior education manager's professional and integrity.

#### **4.3.2 External factors undermining the professional development of senior education managers**

These factors are mostly beyond the senior education manager's control. Van Wyk (1991:95) argues that every person has an obligation to respect the good name, reputation, honour and dignity of others. It should be recognized that everybody attaches values to his/her rights.

According to Neethling *et al.*, (1996:139), the right to a good name involves the area of the law of defamation. Any action which reduces a person's status infringes his/her good name as it diminishes the esteem in which he/she is held in society. If the senior education manager's good name, reputation, honour and dignity are impaired, this may seriously prejudice his educational tasks and chances of promotion. This may also adversely affect the professional integrity of the educator.

The external factors which are perceived to undermine the professional integrity of the senior education manager will now be discussed. In this discussion attempts will be made to make a clear distinction between the concepts *defamation*, *libel* and *slander*. According to Kahn and Forsyth (1982:51), English law distinguishes between written and spoken defamation, while South African law does not.

Kahn and Forsyth (1982:111) define defamation as "... the lawful and intentional written or verbal publication of anything which tends to harm the reputation of another, i.e. communication orally or writing anything about a person to any other person which tends to



lower the reputation of the former.” This definition emphasizes the harmful and negative effect of the words which are either written or oral.

For a further understanding of the concept defamation, a brief discussion of what Neethling *et al.*, (1996:151-153) regard as examples of defamation follows. They discuss six categories:

- Derogatory remarks regarding a person’s physical disability or mental disposition, e.g. insanity, deformedness, racial remarks, etc.
- Allegations regarding a person’s character, thus placing him/her in a bad light such as that he/she is guilty of criminal behaviour, unchastely, has displayed improper conduct towards others, is perceived to be dishonest.
- Words or behaviour reflecting negatively on a person’s character or public life as a politician, e.g. that he/she has acted dishonestly, is corrupt or has improper motives.
- Statements casting suspicion on a person’s vocational capabilities or competence, e.g. neglect of patients, teachers failing learners, etc.
- Adverse reports about a person’s financial position e.g. insolvent, or not creditworthy.
- Contemptuous remarks regarding a person’s race or racial views. This may include the use of words that are unacceptable, like referring to a person as a Nazi, Hottentot, Kaffir, etc.

In other words, the defamatory nature of words or publications finds its essence in the existence of elements of wrongfulness in terms of the criterion or wrongfulness. The question of intention to harm or tarnish someone’s good name or other personality rights, was discussed *inter alia*, in paragraph 4.3.3.

Neethling *et al.*, (1996:145) quote the view of the courts that “... in the opinion of the reasonable man of ordinary intelligence and development, the publication of any words or behaviour that has the tendency to undermine, subvert, or impair a person’s good name, reputation, regard or the esteem in which he is held by the community is defamatory and in principle (*prima facie*) wrongful as regards that person.



Neethling *et al.*, (1996:147) postulate what is called the objective reasonable man test, as an effective measure whereby the defamatory nature of words and behaviour are established. The elements of the objective reasonable man test include the following:

- That the reasonable man is balanced, right-thinking, neither hypercritical nor oversensitive and that he/she has normal emotional reactions. This implies that such a person may not simply utter defamatory words or behave in a manner that would have defamatory effects on the fellow man concerned.
- The reasonable man is a member of the community as a whole and not a particular group or segment of the community.

Defamatory connotations should be in terms of accepted universal norms based on national customs and values.

Wethmar (1998:37) discusses issues of morality and how these may assist education managers in making decisions that are ethical in executing their professional duties. Neethling *et al.*, (1996:147) further observe that the application of the reasonable man criterion depends upon the circumstances surrounding a particular case. The interpretation of allegation or words should be based on the context in which they are said and the type of audience/readers who are being addressed. This implies that the gravity of the defamatory words or action should be established within the context in which they appear.

- The use of abusive language does not necessarily constitute defamatory connotations and may not lead to the lowering of a person's status and dignity. However, insulting words could be regarded as constituting an infringement of the person's dignity.
- Neethling *et al.*, (1996:148) observe that normal words have primary (*prima facie*) meaning and secondary meanings. In their primary nature, words do not have defamatory connotations. It also is stated that words which originally did not have defamatory

connotations may now have a secondary defamatory meaning. The onus lies with the plaintiff to prove derogatory or defamatory nature of words.

- Double or ambiguous meanings of words: An assumption exists that the words are innocent until the plaintiff proves the contrary on a balance of probability (Neethling *et al.*, 1996:148). This implies that, in the use of words that are believed to be defamatory, it has to be proved that they are indeed defamatory. If not, the defendant may not be held liable. Allegations must be proved.

Neethling *et al.*, (1996:150) also refer to the need to take into account the context in which defamation has taken place, whether or not the target person to whom such words were directed is identifiable. In the event that remarks are made about a group, the aggrieved individual should advance evidence that the words are in fact related/directed to him/her personally and that they are, in fact, defamatory. This argument suggests that defamatory words directed at a group and not at a specific individual within a group are regarded as having no defamatory effect.

In the case *Kinghorn 202, A. Neumann cc v Beauty Without Cruelty International 1986 4 SA 675(C) 681* and *Bane v Calvin 1959 18 A (C) 867* as cited by Neethling *et al.*, (1996:151), reference is made to the factors that play a role indetermining the defamatory effects of words on a group. Neethling *et al.*, (1996:151) observe that “... if the group is so small or easily identifiable that something said of the group substantially applies to each member thereof, each individual member has a claim for defamation”. The most important requirements is the ability to prove defamation by means of evidence. From the discussion of Neethling *et al.*, (1996:151) referred to above, it is evident that there are numerous dimensions to the nature of defamation. However, the question of contention and proof thereof seems to be central to justify liability for defamation.

The definition of defamation given by Kahn and Forsyth as cited above agrees fully with that given by Hosten *et al.*, (1983:496). In both sources the notion of deliberate intention to injure

somebody without justification and the fact that this is a specific form of infringement of a personality right, is emphasized.

In his discussion of the concepts *libel* and *slander*, Van Wyk (1991:96) makes a clear distinction that libel is related to a written statement while slander is conceived to be related to an oral statement through which a person's good name, reputation, honour or dignity is impaired. This suggests that the difference lies in the method of communicating the words that have a harmful effect on the person. Prinsloo and Beckmann (1988:235) define libel as "... the unlawful use and intentional publication of words or conduct in respect of a particular person by which his good name, reputation or esteem in the community is injured or impaired." This is also true of senior education managers. A senior manager has no right to publish any defamatory information in respect of his/her junior and *vice versa*.

From the above discussion the definitions of the concepts *libel*, *slander* and *defamation* show great similarities. The notion of oral versus written communication of defamatory words does not affect the substance or the actual meaning of these words. It is necessary now to examine the requirements for and the defence against an action for defamation.

#### **4.3.3 Some requirements for establishing the defamatory nature (wrongfulness) of words**

Various sources concur in many respects regarding the defamation. Neethling *et al.*, (1996:140) define defamation as "... the intentional infringement of another's right to his good name, or ... the wrongful intentional publication of words or behaviour that has a tendency to undermine his status, good name or reputation." It is clear that there is a sanction on any defamatory act subject to verification of intention to do harm, the origin of the defamatory remarks or any other person who repeats, confirms, directs attention to them, as well as the one who publishes or plays a role in the distribution/spreading of the defamatory information (e.g. editor, printer, media etc.) (Neethling *et al.*, 1996:143-144).

According to Kahn and Forsyth (1982:111) the defamatory words must be conveyed to a person other than the one defamed. It is also contended that the matter must be understood to refer to the person defamed and must lower the esteem of the person to whom it refers.

It is argued that any defamatory statements are recorded as non-defamatory if uttered or directed to the person concerned (Kahn & Forsyth, 1982:51). Defamation is perceived to be usually in the form of a moral attack, stating that the person has committed a crime or was dishonest, corrupt, untruthful or disreputable. This may, for example, include referring to circuit manager's private life when addressing parents or other educators.

In short, the publication of defamatory material creates a presumption of both wrongfulness and fault. However, if it is proved that the defendant was not aware of the wrongfulness of his act, the grounds of justification are seen not to have been exceeded.

It is also admitted that a fault may occur when an individual publishes defamatory material in the mistaken belief that he/she is entitled to do so. According to Hosten *et al.*, (1983:497), there should be an intention to harm in the words uttered to a person. This may include informing an SGB about the alleged misappropriation of state property by a senior education manager in a defamatory manner.

- **Fault/blameworthiness**

The conscious intention to defame someone is presumed to be grounds of justification and thus liability for a lawsuit may arise (Kahn and Forsyth, 1982:54). It is possible for the defendant to justify or excuse his publication of defamatory statements. If not, he should be prepared to pay damages.

- **A mistake and lack of intent**

South African law requires that the defendant must intend defaming the plaintiff when he utters or writes the defamatory words. If he is in error, and thinks that what he is saying is not

defamatory whereas in fact it is, he is not liable unless he acted recklessly. Lack of intent must be proved by the accused.

The instrument which is used in determining the wrongfulness of words and thus suspected to be defamatory, is called a bystander test (Hosten *et al.*, 1983:497). According to this test the generic question is: what would a reasonable man have understood by these words? Kahn and Forsyth (1982:111) present the question: Will the public regard the published matter as likely to lower the esteem of the affected person?

- **Defence against an action for defamation**

Kahn and Forsyth (1982:56) discuss the question of who is actually held liable in the case of the expression of defamatory words. They argue that the actual person who has uttered these remarks remains liable. However, in other instances a number of people can be sued, especially if defamation is printed or broadcast.

In case of broadcast defamation, the radio or television company can be sued. In the case of printed defamation the following can be sued: the writer, the printer and the publisher. It is asserted that in some instances the bookseller may face a lawsuit. Lastly the editor of the newspaper/magazine, may be sued. Several circumstances may lead to *prima facie* defamatory behaviour or words being found not to be defamatory. The following have been discussed by a number of scholars:

- (i) **Privileged circumstances**

Regarding the grounds of justification relevant to defamation, Neethling *et al.*, (1996:155) argue that a privileged occasion exists when someone has a right or duty to make defamatory assertions about another if the person to whom the assertions are made have a corresponding right to learn from such assertions. This suggests that care should be exercised in determining the circumstances.

A senior education manager may make adverse remarks about an officer under his/her supervision on the understanding that such remarks are made under privileged circumstances. Under such circumstances there may be no justification for the claim arising from the said adverse remarks affecting that officer.

Kahn and Forsyth (1982:56) observe that the expression of words or remarks in instances which are regarded as privileged occasions, is not libelous. This observation concurs with that of Hosten *et al.*, (1983:497). The latter hold that if someone has a right to make certain remarks to persons who have a right to learn of them, this is regarded as privileged circumstances, e.g. discussing a teacher's misbehaviour with a management council. Hosten *et al.*, (1983:498) distinguish between absolute and relative privilege. A member of parliament may not be held liable even if the words were irrelevant or uttered with malice. In parliament relative privilege on the other hand, refers to a situation where the defendant does not enjoy protection for his/her words or actions if he exceeds the bounds of his/her privilege.

The requirements for a privileged occasion, as presented by Van Wyk (1991:96) are the following:

- The obligation to make such a statement should exist.
- The statement must be made to someone who has an interest in the matter.
- The object must be positive and must be made within certain limits, e.g. and educational purpose.
- The statement must be made within certain limits, e.g. discussions between parents, principals and inspectors regarding teachers, conversations during management meetings and when teachers admonish, warn or reprimand pupils.

Van Wyk (1991:96-97) and Prinsloo and Beckmann (1988:238) refer to court reports relating to slander:

In the case of *Jordan v Van Biljon* (1962(1): 286), it is reported that parents submitted a petition to the school commission charging a teacher with incompetence. They claimed that he



showed no concern regarding the progress of pupils and that there was no evidence of any progress being made by them. The teacher sued the parents.

The court, however, ruled that the parents made this statement during a privileged occasion because they and the commission had an interest in the educational welfare of the pupils. It was therefore held that there was no malicious motive in the statements made by the parents. The defence was thus successful.

In the case of *Holzgen v Woolwright 1928* as cited by Prinsloo & Beckmann (1988:237) and Van Wyk (1991:96-97) the principal sent a report to a medical fund in which derogatory remarks were made about a medical practitioner who had treated a pupil. It is reported that the court found the matter to be so trivial and that the negligence was so slight that it did not warrant any charge. The court *ipso facto* dismissed the charge. In this case the defence was not successful.

Prinsloo and Beckmann (1988:237) discuss what is called grounds of justification as the basis for a decision to declare an act lawful. They argue that grounds of justification indicate that in certain cases there is no unlawfulness or unlawful conduct. This means that certain facts or circumstances justify the impression that an act which *prima facie* appears to be unlawful, is, however, lawful. Privileged occasion described above is recognized as one of the examples of grounds of justification.

Prinsloo and Beckmann (1988:237) stress that the teacher's privilege is, however, relative and not absolute. They argue further that relative privilege often arises when the occasion is privileged at face value, but the plaintiff is allowed to prove that the defendant exceeded the limits of his rights.

From the various cases it is clear that senior education managers should be aware of and cautious about the legal implications of the manner in which they interact with educators in the performance of their management duties.



Neethling *et al.*, (1996:156) assert that "... privilege authorizes the defendant to publish the defamatory words or behaviour and thereby sets aside the *prima facie* wrongfulness of his conduct." They further distinguish between absolute and relative privilege.

For instance, a Member of parliament is completely protected against liability for any defamatory remarks if he/she may make during parliamentary debates in terms of statutes such as the "Power and Privileges of Parliamentary Act" (Act 91 of 1963). Neethling *et al.* (1996:156), refer to Section 29 of Act 91 of 1963 which excludes liability for defamatory allegations contained in any published document in terms of parliamentary decision. They also refer to the case of *Poorlingana v Rajbansi 1992 ISA 283 (A)* regarding the extent of such privilege.

In this case both the appellant and the respondent were Members of Parliament. A letter was delivered by hand and circulated to all Members of the House of Delegates. The appellant alleged that the letter defamed him and sued the respondent for damages. The respondent in turn, defended himself, pleading, *inter alia*, that in the circumstances and by reason of S. 8 of the Powers and Privileges of Parliament Act (Act 91 of 1963), he was not liable for any defamation in the said case.

It was, however, established that the letter did not relate to business transacted in the House that day. It was further held that this letter not only failed to follow Parliamentary procedures, but that it was part of a personal dispute between the appellant and the respondent. The court therefore found the special plea of the respondent regarding the defamatory nature of the letter unacceptable as this did not fall within the ambit of parliamentary proceedings.

Neethling *et al.* (1996:156-157) further assert that relative privilege is present "... where a person publishing a defamatory matter is under legal, moral or social duty to do so (discharge of duty) or has a legitimate interest in so doing and the person to whom it is published has a similar duty or interest to receive it."

It is important to note that in every instance the onus is on the defendant to prove that his conduct falls within the limits of the relevant provisions which could be subjected to appropriate interpretation to obviate the invasion of common law rights (Neethling *et al.* (1996:156).

From the above discussion, it is clear that some defences succeed and others do not. Prinsloo and Beckmann (1988:237) emphasize the importance of analyzing the gravity and the seriousness of an accusation. They argue that if an accusation is of a very serious nature, the interest of the speaker should prevail. If the accusations are trivial, the defamed should be protected. This principle is clearly illustrated in the case of *Holzgen v Woolwright* referred to above.

According to Prinsloo and Beckmann (1988:237), in this case Judge Tindall concluded that the principal's comments had not been made during a privileged occasion. They refer to Judge Tindall's words who observes as follows: "... in the present case the incident was of such small importance and the respondent's dereliction ... so inconsiderable that I fail to see what moral or social duty there was on the appellant to lodge a complaint with the sickfund ... A member of the public cannot be said to have interest in every conceivable dereliction of duty on the part of a medical practitioner towards the child or someone else which may come to his notice ... Each case has to be decided on its own facts and the court has to examine the circumstances in the present case ..." This suggests that senior education managers, in executing their duties, should be careful in handling issues involving public interest.

From the above cases it is evident that each case should be treated and a decision taken on its own merit. Extreme care seems to be required, however, in seeking grounds of justification regarding the passing of judgement.

In this paragraph (4.3.3 (i)) it has been established that there is liability for any defamatory act or words which have been verified and found to be based on the intention to do harm, to denigrate or to tarnish the good name of a person about whom such words are uttered or published.

The demand for redress (liability) for any defamatory act is based on the fact that “... everyone has inherent dignity and the right to have their dignity respected and protected” in terms of Section 10 of the Constitution (Act 108 of 1996). However, the grounds of justification for liability for defamation have to be established.

The discussion above clarifies that defamatory words or acts published or uttered under privileged circumstances may not be liable for any form of redress if it is proved beyond doubt that such words or acts have no tendency to undermine, subvert or impair a person’s good name, reputation, regard or esteem in which he is held in the community.

This point has been fully discussed above and reference has been made to the views of Neethling *et al.* (1996:156) regarding absolute and relative privileged circumstances. The issue of truth and public benefits will now be discussed.

## **ii. Truth and public benefit**

Kahn and Forstyth (1982:55) argue that since salaries of officials are paid by the public, the public is entitled to know the truth about the activities of the officials, even if the defamatory remarks concern their private lives. The private lives of non-officials are protected from this disclosure. It is further argued that it is not in the public interest to rake up issues years after the event due to the fact that a certain person, now a respectable member of the community, was once convicted of some crimes in his youth.

Senior education managers may publicly refer, for instance, to drinking habits of an educator as a major cause of the in effectiveness in teaching learners at a school. The above argument refers to the protection of educators’ rights in this connection. This emphasizes that educators have rights to integrity.

Hosten *et al.* (1983:498) also contend that the truth of a published matter never constitutes a defence. It will only do so if its publication is for public benefit.

### iii. Fair comment

Part of the right to free speech is that anyone who wishes may express his/her genuine opinion on any matter of public interest. Kahn and Forstyth (1982:55) emphasize however, that the expression of opinion should be based on fact in order to qualify as protected opinion. It is argued that the comment should be fair and honest and should reflect one's state of mind. It should not have the malicious intent to damage another person's reputation.

This is a full agreement with the view expressed by Hosten *et al.* (1983:499) who present the following requirements for a fair comment:

- The words or complaint should be in the nature of opinion;
- The comment must be reasonable; and
- The facts commented upon must be true, correctly stated and for the public benefit.

Senior education managers in management meetings in education, express opinions or make comments about individuals educators, other senior managers who are not part of the meeting, regarding their respective strengths or weaknesses. Such comments are strengths usually meant for the members of the respective committee/management with a view to seeking ways of improving a weakness which has been identified. Such words or comments/complaints should be truthful, correct, reasonable and for the benefit of the public as set out by Hosten *et al.* (1983:499) above. This is also true of educators when making comments/remarks of an adverse nature about senior education managers of their fellow educators.

If the words are on an adverse nature and expressed with the intent to harm another person's reputation, and as such do not comply with the requirements given above, they will be regarded as unfair comments. They will have a negative effect on the professional development, image and integrity of senior education managers.

#### iv. Mistake

It is said that a mistake excludes the possibility of intent but not wrongfulness. An error excludes the intent to harm, since the defendant is not aware of the wrongfulness of his act, i.e. he has not blameworthy state of mind. The view is sometimes held that a mistake must be reasonable, although in earlier cases, error was not acknowledged as a defence. Hosten *et al.* (1997:840) refer to the case of *Maisel v Van Naeren*, in which it was conclusively shown that an error, with regard to the existence of grounds of justification, excludes intent to harm. This is so since the defendant is not aware of the wrongfulness of his act.

Hosten *et al.* (1997:840) contend that the mistake must be reasonable which means that it is not due to the defendant's negligence. In this case negligence suggests consciousness of intent and may constitute possible liability.

Senior education managers are required to have full knowledge of the legislation in order to carry out their duties professionally in relation to the educators they supervise.

#### v. Insults

Every person has a right to his dignity or honour. Insult infringes upon a person's good name. The publication of injurious words or behaviour therefore is not a requirement. Insult is a criminal offence. It is said that the element of intent with regard to insult is not a good requirement.

Both Van Wyk (1987:95) and Prinsloo and Beckmann (1988:236-237) refer to instances that are said to exist where libelous statement are classified as having been made under privileged occasions. Under such conditions the words uttered may not be considered justifiable for a lawsuit.

According to Prinsloo and Beckmann (1988:236-236) the "... privilege on the grounds of which the teacher may be justified for his action/her action, is that the allegations were made in

the executions of a duty or to protect an interest. The teacher may allege that he is obliged to make an allegation against the child, the parents or other person to third parties ... which have a duty to hear such allegations.” Where the good name of an individual is adversely affected, his dignity, honour or integrity will consequently be negatively affected. This negative effect will have a bearing on the personal or occupational status of the respective teacher or individual.

The establishment of the South African Council for Educators (SACE) in terms of the resolution of the Education Labour Relations Act (Act 146 of 1993) will guarantee the protection of the occupation of the occupational/professional integrity of educators as a body of professionals. This includes protection against the discriminatory treatment of personnel.

If senior education managers as a body of professional demonstrate diligence, dedication, commitment and devotedness to their responsibility, their dignity and integrity will certainly be enhanced. This will constitute a stepping stone towards the full professional development of the senior education manager as an individual and education management as a whole.

This further suggests that senior education managers should practice their occupation with great care of and sensitivity for the needs of professional development and the integrity of their careers. The assumptions are that every person has a right to personal development. The senior education manager as an ordinary citizen has a right to personal integrity. As an employee he/she also has a right to professional development. This means that he deserves to be accorded respect as a person in judiciary position.

Defaming an educator/senior education manager by anybody for whatever malicious intention may have image damaging effect on an individual.

The important observation in this section is that the senior education manager is also subject to factors which may interfere with personal and professional integrity. Incompetence, negligence of duties, disobedience and any other form of misconduct are factors emanating from the senior education manager himself/herself, while defamation of character, libel and



slander from the external sources. Both internal and external factors may negatively violate the senior education manager's right to a good name, reputation and honour. The extent to which the senior education managers' rights are protected against the infringement emanating from these factors will be tested by means of questionnaires in this study.

#### **4.4 CONCLUSION**

In this chapter the status of the senior education manager, both as individual and also a member of an organization, has been discussed.

The International Labour Organisation and the United Nations Educational, Scientific and Cultural Organisation (ILO-UNESCO) joint committee of experts on the application of the recommendations on the status of teachers summed up their views as follows: "The status of education depends on the status of the teacher" (ILO-UNESCO, 1994:7). This suggests that the higher the status of the senior education manager, the better the quality of education is like to be. This implies that poor management produces poor education. It also suggests that education may produce good managers. The joint committee (ILO-UNESCO, 1994:8) therefore concludes that the status of the teacher and that of education are intertwined. For senior education managers to do well in a community, their roles, functions and responsibilities should be recognized and appreciated. If senior education managers do their work effectively and efficiently, they will project a good image in their occupation and their status will be held in high esteem. The converse is also true.

Senior education managers who constantly strive to do their work effectively and efficiently are likely to project a good professional image with high status. To maintain the latter, education managers require constant capacity building which will enable them to improve service delivery. The provision of development courses does not only aim at skills development, but also at the transformation of attitudes towards stewardship.



The last section of this chapter highlighted the notion that professional development and the status of the senior education manager are threatened and undermined by certain factors that are both of an internal and external nature.

Senior education managers are from time to time confronted by situations or circumstances that require to them to exercise their rights in promoting their professional image and enhancing their integrity and professional status. They should constantly ensure that neither external nor internal factors threaten their personal integrity and good name.

In chapter 5 a description of the research instruments and a discussion of the responses will be presented.

## CHAPTER 5

### THE DATA COLLECTION INSTRUMENTS AND DISCUSSION OF THE RESPONSES

#### 5.1 INTRODUCTION

This chapter contains a description of the questionnaire as a data collection instrument as used in this study as well as a discussion of the responses thereto. The purpose of this questionnaire was to collect data from senior education managers from the level of subject specialists, circuit managers and upwards with a view to establishing their respective views on the senior education managers' right to professional development. Appendix A reflects the format of the questionnaire used for data collection in this duty.

A questionnaire is an efficient data-collecting instrument. According to Carrell, Elbert, Hatfield, Globler, Marx and Van der Schyff (1998:82) the use of questionnaires is faster and easier than interviews. Information gathered by means of questionnaires lends itself easily to standardisation. The research may be conducted within a wide area without the researcher having to travel long distances during data collection. It saves costs and minimizes travelling distances. In paragraph 1.6 reference is also made to the advantages of the use of questionnaires in research.

#### 5.2 ADMINISTRATIVE ARRANGEMENTS

Two hundred (200) copies of the questionnaire (Appendix A) were mailed to the above categories of educators in the Mpumalanga and KwaZulu-Natal provinces. The reasons for selecting the Mpumalanga and the KwaZulu-Natal Provinces included the following:

Both provinces appeared to have serious management problems at senior management level revealing themselves in the failure of some senior managers to effectively manage their sections/divisions including the examination functions, resulting in unethical practices. The researcher has been working and living in the Mpumalanga Province

which served as an immediate laboratory of management experiences. KwaZulu-Natal was selected in order to enable the researcher to have exposure to some views of other senior managers outside Mpumalanga.

The Mpumalanga Education Department had 10 education district offices to which questionnaires were mailed in addition to those mailed to the Head office, in Middelburg. A contact person was appointed for each province to distribute the questionnaires to the targeted categories of educators. Appendix B reflects the map of South Africa. A covering letter was attached to each mailed questionnaire (see Appendix C). The covering letter outlined the purpose of the study, the method of completing the questionnaire and the arrangements for returning them to the researcher. Of the 200 questionnaires 79 (39,5%) were received back by the researcher.

The returned questionnaires were put into one pool. In this pool, the returned questionnaires were shuffled and mixed to constitute one pool of questionnaires irrespective of their origin as the emphasis was on the categories and not a comparison of the different provinces to which questionnaires were mailed. The 79 completed questionnaires which were received by the researcher were considered to be adequate to provide information for the analysis, interpretation of results and making reasonably reliable conclusions about the study. The returned questionnaires represent 39,5% of the target population (200).

### **5.3 DESCRIPTION OF THE STRUCTURE OF THE QUESTIONNAIRE AND THE TYPES OF QUESTIONS**

The questionnaire was discussed with senior education managers prior to implementation with a view to eliminating possible technical errors, irrelevance, question construction and other possible errors. In addition to this, the questionnaire was fully discussed with a language expert for language scrutiny as part of the effort to ensure reliability of the results and validity of the instrument.

The questionnaire has six sections. Section 1 deals with biographical data and covers

aspects such as gender, age, position held in the department, work experience (managerial, teaching and others), qualifications and the province by which the respondent is employed.

Sections 2-4 contain questions on professional development and the rights of the senior education manager. These questions cover the degree to which some agencies are responsible for the provision of professional development (Section 2), the degree to which certain activities are believed to be important in the professional development of the senior education manager (Section 3) and the manner in which some activities are provided to encourage professional/staff development (Section 4).

Questions in section 5 seek to obtain the views, opinions or perceptions of respondents on certain assumptions regarding the professional development of the senior education manager.

Section 6 provides a space for additional information or comments on any item/point which respondents consider vital for this study and which they wish to bring to the attention of the researcher. The questions were laid out in a 5 point Likert scale format (see Appendix A) in order to facilitate capturing of levels of responses.

The staff of the Department of Computer and Statistical Services of the University of Pretoria assisted greatly by providing professional statistical computer services which included the finalisation of the format of the questionnaire for data capturing and analysis. Print-outs were fully discussed with the staff of the above-mentioned department for further verification and identification of possible gaps or omissions.

## **5.4. ANALYSIS OF RESPONSES**

### **5.4.1 Biographical Data**

This section contains biographical data and the profile of the respondents in this study.



**Table 5.1 Biographical data**

VARIABLE	CATEGORY	ITEM	FREQUENC Y	%
V4	Gender	Male	52	65,8
		Female	37	34,2
		<b>TOTAL</b>	<b>79</b>	<b>100</b>
VV6	Age group	2: 25-30 years	7	8,9
		3: 31-40 years	39	49,4
		4: 41-51 years	29	36,7
		5: 51 years +	4	5,1
		<b>TOTAL</b>	<b>79</b>	<b>100</b>
VV7	Positions	1: DG*	0	0
		2: CD	1	1,3
		3: D	10	12,7
		4: DD	4	5,1
		5: AD	6	7,6
		6: CI/CM	8	10,1
		7: SA	22	27,8
		8: I	9	11,4
		9: O	19	24,1
		<b>TOTAL</b>	<b>79</b>	<b>100</b>
VV8	Teaching and managerial experience	1: Less than 5 years	4	5,1
		2: 5-10 years	18	22,8
		3: 11-15 years	20	25,8
		4: 16-20 years	21	26,1
		5: 21-25 years	12	15,2
		6: 31 years	4	5,1
		<b>TOTAL</b>	<b>79</b>	<b>100</b>
VV9	Other Experience, e.g. private sector	1: Less than 5 years	43	62,3
		2: 5-10 years	9	3,0
		3: 11-15 years	6	7,2
		4: 16-20 years	9	13,0
		5: 21-25 years	2	2,9
		6: 31 years	1	1,4
		<b>TOTAL</b>	<b>79</b>	<b>100</b>
V10	Category	1: M+1	-	-
		2: M+2	2	2,9
		3: M+3	20	25,8
		4: M+4	37	34,2
		5: M+5	12	15,2
		6: M+6	7	8
		7: M+7	1	1,4
		<b>TOTAL</b>	<b>79</b>	<b>100</b>

\* The explanation of the abbreviations used in 5.1 is given in the section which explains the abbreviations (see page ix)

**Table 5.2 Responsibility for professional development**

Variables	V12 Employer				V13 Organised profession				V14 Governing bodies				V15 Educator				V16 Management				V17 Voluntary organisation			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Essential	57	72.2	44	13	42	53.2	28	14	15	19.0	9	6	36	45.6	25	11	43	54.4	21	22	8	10.1	5	3
Necessary	17	21.5	4	13	21	26.6	13	8	26	32.9	17	9	29	36.7	19	10	29	36.7	25	4	24	30.4	14	10
Desirable	2	2.5	2	0	11	13.9	6	5	21	26.6	14	7	14	17.7	8	6	2	2.5	1	1	35	44.3	23	12
Not Necessary	2	2.5	2	0	3	3.8	3	0	15	19.0	10	5	-	-	-	-	4	5.1	4	0	12	15.2	10	2
No response	1	1.3		1	2	2.5	2	0	2	2.5	2						1	1.3	1					
Total	79	100	52	24	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

With regard to the degree to which some persons or offices should be responsible for the professional development of educators, most respondents believe that it is essential that the employer (73,1%), senior management (55,1%), the organised teaching profession (54,5%), School Governing Bodies (19,5%) and educators (46,2%) should be responsible. This suggests that in order to provide quality education various stakeholders should play roles in partnership with one another.

The importance of partnerships has been discussed in numerous sources, especially in legislation promulgated by the new government.

Karlsson (1998) also made reference to interdepartmental co-operation (collaboration) between the national and provincial departments of education, as well as parastatals such as the Human Sciences Research Council (HSRC). This reference also includes the fact that the National Education Policy Act (Act 27 of 1996) empowers the Minister to define policy for the co-operation of the relevant stakeholders, in an effort to enhance the desired “broad public participation” in the development of education policy and involvement (representation) of these stakeholders in the governance of all aspects of the South African education system (Karlsson, 1998:37).

In terms of the legislation the success of a democratic system of education is better understood within the context of co-operative governance which is the essence of partnership. The employer, management, the organised teaching profession and the School Governing Bodies are the most relevant partners in education. They have to work together in the spirit of co-operative governance. This suggests sharing of responsibilities for mutual benefits.

It is important to highlight some of the reasons for partnerships in education briefly. Karlsson (1998:40-42) mentions the following:

- Statutory partnerships provide the relevant stakeholders with equal access to decision makers who are especially of value to the previously marginalised or disadvantaged communities.



- A need for the sharing of responsibilities politically and materially, especially with regard to social funding, e.g. capacity-building projects for educators funded by the British Overseas Development Agency, the Canada-South Africa Education Management Development Project, etc.
- Public-private sector partnerships aim at building capacity in government institutions by providing technical assistance in the form of funding for the management development project in South Africa funded by the European Union.
- Fehnel (quoted by Karlsson 1998:41) says that partnerships share the “... capacity to reaffirm a culture of community creating a new collaborative base of working together, learning together and earning together.”

It is important to note, however, that in terms of the Skills Development Act (1998) the primary responsibility of the managers’ capacity building / empowerment / professional development lies with the employer and the employee himself/herself. Beckmann *et al.* (2000:33-34) observe that the Skills Development Act (SDA) of 1998, provides, amongst other matters, an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the workforce and of the learnership which will lead to recognised occupational qualification. They also refer to the following purposes of Section 2(1)(e) of the SDA: “... to improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education...”

This implies that employers now have obligations to incorporate capacity-building plans in their departmental or provincial skills development plans. This is obligatory for the employers in terms of the legislation contained in the Skills Development Levies Act (Act 9 of 1999). This Act provides for the imposition of a skills levy to be paid by the employer to the Commission for the South African Revenue Service (SARS) and SETA and the distribution of these levies; procedures and mechanisms for the recovery of the levy by SETA. This government policy, if implemented appropriately, will ensure that

public servants, including educators, will be empowered through the skills they will be encouraged to acquire through a life-long learning plan financed by government via the National Skills Fund (NSF).

This is logical in view of the fact that quality assurance in any given service is largely the responsibility of the decision-maker / employer. The decisions maker prescribes and defines competencies that are required for effective service delivery. This suggests that partnership is required in the provision of professional development of the educator. Each relevant stakeholder has a role to play.

One of the primary functions of the SACE (Squelch, 1999:31) is to promote the professional development of educators. In the light of this, senior education management is also expected to ensure that senior managers attend courses in their areas of functioning, e.g. subject specialisation. Management makes provision for professional development on behalf of the employer. Attendance of courses by senior education managers should be understood as forming part of the professional development of education managers, which is being encouraged by the SACE in South Africa (Squelch, 1999:30).

The organised teaching profession also plays a role with regard to professional development. This role should be located within the context of self-determination. This means that a senior education manager should have the ability to take responsibility for one's own organisational welfare. This point is highlighted in paragraph 3.2.2.

Senior education managers, as professionals, have the capacity to develop themselves professionally. As professionals they are capable of producing a code of conduct in terms of which they guide, counsel, appraise members and, if necessary, reprimand them or apply disciplinary measures for any act of unprofessional inclination. In this way the senior education managers are recognised as one of the major stakeholders and partners in their own professional development.

With regard to the senior education managers themselves, the responses to the questionnaires suggest that senior education managers also have knowledge of their strengths and weaknesses as indicated in Table 5.2. They know in which areas/skills they fall short. In this sense it is also obligatory for them to take the initiative to upgrade themselves, seek relevant programmes/courses that will address their needs and eradicate inadequacies.

They may not, as individuals, sit back and wait for the department/employer to send them on courses. The employer should play a supportive role, e.g. through study grants. This means that self-development requires commitment on the part of the individual as well. Senior education managers have better chances of building management capacity if they take advantage of the government's commitment to the capacity building of staff which will be supported through the skills development levy (Beckmann *et al.*, 2000:33-34).

Responses to Table 5.2 show that the SGBs are considered to have some role to play concerning professional development of the senior managers.

However, some respondents seem to recognise that other stakeholders ought to recognise the professional autonomy of senior education managers on matters of career development. This perception may be due to a clear understanding of the roles of the SGBs at school level, which includes governance and support in terms of Section 16(1) of the SASA (Act 84 of 1996). This point has been fully discussed earlier in this paragraph.

Although there are differences with regard to the responses in this section, most of the responses range from desirable to essential which confirms that the various respondents acknowledge that the various persons/offices should be responsible for the professional development of the senior education manager. This suggests that a sense of partnership is acknowledged with regard to the provision of the professional development of the senior education manager.

The responses in terms of gender reflect that of the 79 respondents 52 (65,8%) were males and 27 (34,2%) were females. The above figures also reflect that more males were in senior management positions than females. Various factors may account for this tendency. The practice has always been to recruit males to senior positions as they are perceived to be readily available. In some instances the special circumstances of female employees influenced them not to apply for senior positions. In most instances senior education managers are required to be away from their homes on professional responsibilities. For females this is perceived as an inconvenience as they are normally expected to care for their families. In some instances females have to take accouchement leave. Besides this, it also became standard practice in the past for panels and employers/departments to rely on male managers for senior positions.

Responses in terms of age group reflect that the majority of the respondents were in the age group 31-40 years (49,4%) followed by the age group of 41-50 years (36,7%). Very few respondents were in the age group of 25-30 years (8,9%) and 51 years and above (5,1%). Most educators in the 25-30 age group still occupy teaching posts and those of departmental head, deputies and principals. At the time of the study it appeared that most people were applying for severance packages at the age of 55. This was probably due to the fact that the government had embarked on a right-sizing/rationalisation exercise of the Public Service. Most public servants who accepted voluntary packages took advantage of the government offer for fear of losing their jobs at a later stage.

The responses with respect to positions reflect that most respondents were holding positions of subject specialists (27,8%) followed by other categories (24,7%), directors (12,7%), inspectors and circuit inspectors (11,4%). Very few respondents were in the ranks of Deputy Directors (5,1%) and Assistant Director (7,6%).

The researcher anticipated that more respondents would be forthcoming from the latter categories. It is possible that at the time of circulating the mailed questionnaires people had not yet been promoted, nor had they been absorbed into the ranks in their own departmental establishments due to the slow process of right-sizing in the Public Service

in general, and the personnel absorption and rationalisation in particular, which commenced vigorously in 1995. This may also explain why 24,1% of the respondents classified themselves as being in the category of “Others”. This suggests that most of these people had still not been absorbed into the new Departments of Education in the provinces concerned and, as such, were not sure of their new rank designations.

Responses in terms of teaching and managerial experience reflect that most respondents have experience of between 16-20 years (26,1%), followed by 11-15 years (25,8%) and 5-10 years (22,8%). The majority of the respondents have long teaching and management experience. The 5,1% of the respondents who have less than 5 years teaching and managerial experience, explains the fact that the minimum requirement for promotion to a management position is 5 years teaching experience and above. The 5,1% represents the exceptional few who have been promoted to a management position, probably on the basis of meritorious performance.

Those who have between 21-31 years of teaching experience represent the few who occupied the positions of inspectors and directors and above. Those are always fewer in number than those in the lower ranks. It should further be noted that with the process of right-sizing and rationalisation of the Public Service, it appeared that at the time of the study most people at the age of 50 years and above, with 30 years of service were contemplating taking severance packages in terms of Chapter B Special of the Staff Code. It is therefore presumed that they felt that they were no longer affected by any form of intended improvements in management.

Responses in terms of experience reflect that the majority (62,3%) of the respondents had less than 5 years' other (non-teaching) experience. This means that most of the respondents had more teaching experience than other experience. Those with other experience ranged from the private sector, working with non-governmental organisations (NGOs) as well as having been in exile.

From this table it is clear that only young people have non-teaching experience. Limited teaching experience may be due to the fact that no new posts have been created since

1994. The departments relied on resignations and normal erosion (retirements, etc.) for new posts. Most newly qualified educators remained unemployed or were involved with NGOs or the private sector. Hence most respondents to the questionnaires for this research appeared to have limited experience in education. This means that the young people who joined the Public Service will bring new trends and experiences from the private and the NGO sectors to the benefit of education.

With regard to qualifications, the responses reflect that most of the respondents possess the minimum qualifications for appointment in an educator's post. The majority range between M+4 and M+7 with a strong indication that most had qualifications that are beyond M+4. This may suggest that most of the educators had taken advantage of the upgrading courses offered by tertiary institutions such as Vista, the University of Pretoria and UNISA for post matric diplomas and degrees. From the above responses, very few senior education managers could be classified as deplorably underqualified.

The question which emerges is whether the educators upgraded themselves in their subject of specialisation or in managerial sciences. To what extent were they upgrading themselves for their professional development? In practice, educators followed degrees/diplomas which are offered by the universities such as Vista or Unisa for the upgrading of their qualifications.

#### **5.4.2 Responsibility for professional development**

The purpose of this section is to capture information/responses in terms of who is responsible for professional development. Table 5.2 reflects the following:

The female responses range between 35% and 34%, males between 66,9% and 65%. This is consistent with the representation of male and female respondents in the sample. This reflects the proportion of respondents. There are more male than female respondents who participated in this research project, hence the subsequent different responses.



From this section it is clear that the importance of professional development and the respective roles of relevant stakeholders, especially the employers, the educators themselves, the organised teaching profession and management seem to have been recognised by respondents to a certain extent. This also confirms the observation from the sources in paragraph 3.6.

#### **5.4.3 The degree of importance of the professional development of senior education managers of various variables**

In Section 2 of the questionnaire information on who is responsible for the professional development of the educators was reflected. Section 3 contains information which reveals to what degree each of the given variables is perceived to be important for the professional development of the senior education manager. This information is reflected in Table 5.3.

The responses to the various variables in Table 5.3 are predominantly in the categories necessary and essential. This suggests that a significantly high value is attached to each of the respective variables in terms of their importance for the professional development of the senior education manager.

With regard to the importance of appraisal for professional development, the majority of the respondents affirm that appraisal by supervisors is essential (67,1%), while 60,8% point out that peer group appraisal is necessary. In addition to this, the responses to the question on the need for a course on performance and appraisal for managers reflect that such a course is important. Approximately 46,7% of the respondents observe that a course on performance appraisal for managers is essential and 36,0% say that it is necessary.

Responses with regard to the degree of the importance of other variables for the professional development reflect that the following are essential, viz. the inclusion of law courses in the training programme for managers (59,2%), improvement of the conditions of service of educators and compulsory attendance (4,6%) of courses.



**Table 5.3 The degree of importance for professional development of various variables.**

Variables	V18 Appraisal supervisor				V19 Peer group Appraisal				V20 Improved conditions of service				V21 Discipline				V22 Compulsory course attendance				V23 Improvement of qualifications			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Essential	35	44.3	26	9	31	39.2	24	7	35	44.3	28	7	19	24.1	15	4	40	51.0	28	12	36	45.6	35	1
Necessary	29	36.7	13	16	35	44.3	18	17	23	29.1	13	10	25	31.6	16	9	29	36.7	16	13	20	25.3	12	8
Desirable	9	11.4	8	1	6	7.6	3	3	13	16.6	3	10	9	11.4	8	1	2	2.5		2	13	16.5	3	10
Not Necessary	1	1.3	0	1	0	0	0	0	3	3.8	3	0	18	22.8	7	11	0	0	0	0	2	2.5	2	0
No response	5	6.3	5	0	7	8.9	7		5	6.3	5		8	10.1	6	2	8	10.1	8		8	10.1		8
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

Variables	V24 Training courses in law				V25 Performance Appraisal course				V27 Induction course for managers				V28 Training in Ethics				V29 Code of conduct				V30 Emphasis on job content			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Essential	29	36.7	25	4	27	34.2	22	5	35	44.3	26	9	31	59.2	24	7	35	44.3	28	7	19	24.1	15	4
Necessary	29	36.7	13	16	35	44.3	18	17	29	36.7	13	16	35	44.3	18	17	23	29.1	13	10	25	31.6	16	9
Desirable	12	15.2	6	6	10	12.7	7	3	9	11.4	8	1	6	7.6	3	3	13	16.5	3	10	9	11.4	8	1
Not Necessary	6	7.6	6	0	3	3.8	2	1	1	1.3	0	1	0	0	0	0	3	3.8	3	0	18	22.8	7	11
No response	3	3.8	2	1	4	5.1	3	1	5	6.3	5	0	7	8.9	7	0	5	6.3	5	0	8	10.1	6	2
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

The above frequencies apply to the responses with regard to essential only.

If the responses (frequencies) with regard to essential and necessary are combined for each given variable in Table 5.3, it appears that a high degree of importance is attached to each variable by the respondents, as indicated in the figures given below. The majority of the respondents point out that the following services are very important for professional development, viz. appraisal by supervisors (93,7%), making attendance of courses compulsory for senior education managers (87,1%), inclusion of law courses in the training programme for senior education managers (86,1%), peer group appraisal of managers (83,6%), inclusion of a course on performance appraisal for manager (82,7%), application of disciplinary measures where required (78,8%), the need for the improvement of conditions of service for the teacher (74,4%) and the need for the improvement of qualifications (69,3%).

The responses with regard to the improvement of qualifications reflect the lowest rating (69,3%) of the given variables, which suggests that the improvement of qualifications is not important. It is, however, the view of the researcher that the improvement of qualifications constitutes one of the major long-term strategies for the professional development of the senior education manager. This is more so because improvement of qualifications goes hand-in-hand with acquisition of new knowledge and skills in a given field of learning.

Responses in terms of gender with regard to essential and necessary, combined for each given variable, reflect that almost all the female respondents affirm that appraisal by a supervisor (96,3%) is necessary. The responses from the male group reflect some form of rejection of appraisal by supervisors. It may be argued that female educators have a higher acceptance of appraisal by supervisors than male educators. Male educators view appraisal negatively. The female respondents reflect 81,48% acceptance of each of the following variables: peer group appraisal, making attendance of courses compulsory for education managers and the inclusion of a course on performance appraisal. This suggests that female respondents value all these variables as important factors in bringing about

quality education.

Most female respondents observe that the following variables are more important for professional development than their male counterparts, viz. training education managers in labour relations (77,78%), improving of qualifications (70,3%), application of disciplinary measures where required (66,67%) and the improvement of conditions of service (62,96%).

The responses contained in Table 5.3 also deal with the degree of importance of each variable for the professional development of the senior education manager. The combined responses to essential and necessary reflect that the following is very important for professional development: Training in managerial skills (97,7%), training in ethics (91,7%), induction courses for managers (86,5%), involvement of senior education managers in the design of their courses (84,3%), making the attendance of courses compulsory for managers (82,7%), provision of workshops on labour relations (78,9%), application of a professional code of conduct for managers (78,4%), knowledge of one's right to professional development (73,3%) and lastly emphasis on the need for knowledge of one's job content (62%).

Knowledge of job content has the lowest number of responses in the essential and necessary categories. It may be inferred that respondents do not consider this as important. This may be due to lack of knowledge as to the value of knowing one's job content. However, these responses still seem to confirm that more than half of the number of respondents regard knowing one's job content as being necessary.

Notwithstanding the impression gained from the responses to this variable, it is important to observe that a knowledge of one's job content in terms of the job description plays a significant role in the performance of one's duties. Furthermore, at the heart of efficiency and effectiveness lies the notion of knowledge of what to do and how to do it correctly. In this sense, emphasis on the knowledge of the content of one's job is also critical for the professional development of the education manager. Such knowledge is essential in

performance management in general and appraisal in particular. This state of affairs may be due to a lack of understanding of the need to have a job description as a key to performance management. In performance appraisal, job descriptions may specify the basis on which employees are judged. If employees are told which areas and duties they are responsible for performing, they are forewarned about what will be evaluated (Carrell *et al.*, 1998:95).

Responses in terms of gender with regard to essential and necessary which were combined for each given variable, reflect that the majority of the female respondents observed that each service is very important for professional development. The following responses affirm the above observation:

Training in managerial skills and the provision of induction courses are considered by 92,59% of females as important for professional development. Further observations reflect that the following are important: training in ethics (88,89%), making attendance of courses compulsory (81,48%), application of the educators' code of conduct (62,96%), and emphasis on the job content (48,15%).

Although only 62,96% of the female respondents affirm that the application of the Code of Conduct is important, it should also be noted that the remaining 37,04% observed that this variable is desirable. This means that all the female respondents agree that application of the code of conduct is important. The difference between male and female responses might be due to difference of exposure to the management issues involved as a result of the limited exposure of females to management. Older educators seem to have more experience than young ones. Hence, older educators appear to have a better understanding of management issues than the younger educators. The possible reason for this could be the extent to which older educators are exposed to management issues.

#### **5.4.4 The degree to which services are provided to managers**

This section deals with the provision of certain services to education managers. The focus is on the degree to which such services are provided. In this way it is envisaged that

**Table 5.4a The degree to which services are provided**

Variables	V31 Training in managerial skills				V32 Workshops on labour relations				V33 Involvement of senior managers				V34 Compulsory courses for senior managers				V35 Knowledge of one's rights to professional development			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Essential	42	53.2	35	7	32	40.5	18	14	50	63.3	30	20	46	58.2	26	20	8	10.0	3	5
Necessary	35	44.3	17	13	30	38.0	17	13	17	21.5	12	5	19	24.1	12	7	50	63.0	30	20
Desirable	2	2.5	0	2	17	21.5	17	0	10	12.7	10	-	13	16.5	13	0	18	23.0	16	2
Not Necessary	0	0	0	0	0	0	0	0	2	2.5	0	2	1	1.3	1	0	3	3.8	3	0
No response	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

Variables	V36 Induction courses				V37 Involvement in Design				V38 Training in labour relations				V39 Appraisal by supervisor				V40 knowledge of rights			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
More than adequate	11	13.9	2	9	3	3.8	2	1	3	3.8	1	2	12	15.2	5	7	6	7.6	3	3
Adequate	7	8.9	2	5	20	25.3	8	12	12	15.2	9	3	7	8.9	2	5	18	22.8	9	9
Inadequate	38	48.1	28	10	28	35.4	15	13	43	54.4	26	17	28	35.4	22	6	28	35.4	22	6
Not provided	19	24.1	16	3	25	31.6	24	1	16	20.3	12	4	29	36.7	21	8	26	32.9	17	9
No response	4	5.1	4	0	3	3.8	3	0	5	6.3	4	1	3	3.8	2	1	1	1.3	1	0
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

possible gaps in the provision of these services will be identified for rectification with the result that effective strategies for professional development be established.

Very few responses in Table 5.4(a) reflect that there is either adequate or more than adequate provision of the services indicated under the respective variables. The majority of responses present a general view that these services are either not provided or inadequately provided. From Table 5.4(a) the combined responses to inadequate and not provided suggest that the said services are neither provided nor adequately provided. This assertion is supported by the following responses: Protection of managers against defamation of character (90,3%), training in labour relations (78,7%), induction (74,8%), protection against unfair labour practices (73,0%), involvement of managers in the design of courses for their professional development (71,6%), application of disciplinary measures where required (71,1%) and that a senior education manager should have knowledge of his/her fundamental rights and his/her legal right to professional development (69,2%).

From the above responses it is clear that defamation of character undermines the dignity and integrity of the educator as a person with legal status. Once the good name of a person or manager is discredited, his/her image is tarnished or destroyed. This is so because each person has a right to the protection of his/her dignity and integrity.

Educating individuals and respecting one another enhances the status of the person concerned. This is also true of senior education managers.

According to Neethling *et al.*, (1996:32) dignity is an aspect of personality embracing a person's pride in his moral value, feeling of self respect and honour. Infringing a person's dignity means insulting that person.

People engage in defamatory, libellous or scandalous practices for various, especially, ulterior motives as indicated in paragraph 4.3.2. Some engage themselves in defamatory practices with the deliberate intention to hurt another person, harm his/her reputation or



tarnish his/her image. To regain a good name and a positive image is extremely difficult.

If senior education managers are not given training in labour relations, especially the provisions of the Labour Relations Act (Act 66 of 1995), they are vulnerable to all forms of unfair labour practices which may either lead them to be subjected to lawsuits or have their dignity undermined. Knowledge of this should include the subject of discipline and the application of disciplinary measures within work places. Personnel management, especially in modern society, requires sound interpersonal relations, management skills and knowledge of the fundamental as well as the employment rights of the people they supervise.

In addition it is clear from the above responses that a lack of knowledge of ethics makes the managerial functions of the senior education manager extremely difficult. If managers want to practise their career in a professional manner, they need to do so within the framework of professional ethics.

The induction of staff (Table 5:4(a)), and managers in particular, is a critical factor in performance management. It is during these induction sessions that staff members are introduced to job contents, the respective competencies required and benchmarks or performance indicators associated with their respective jobs. It should be acknowledged, therefore, that performance appraisal is about appraising the extent to which a given responsibility/duty is performed. Appraising performance is based on certain criteria, benchmarks or performance indicators. If an employee has a clearly-defined job description and, as such, fully knows from the beginning what he/she is expected to do, and to what degree, he/she will be adequately motivated to do the work competently and effectively. Such an employee will appreciate the need for an appraisal conducted either by supervisors or peer groups.



**Table 5.4b The degree to which services are provided**

Variables	V41 Training in ethics				V42 Disciplinary Measures				V43 protection against defamation				V44 Knowledge of legal right to development				V45 Protection against unfair labour practices			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
More than adequate	4	5.1	3	1	2	2.5	1	1	3	3.8	1	2	5	6.3	3	2	3	3.8	1	2
Adequate	15	19.0	6	9	20	25.3	10	10	10	12.7	8	2	19	24.1	9	10	18	22.8	11	7
Inadequate	26	32.9	18	8	38	48.1	32	6	26	32.9	13	13	22	27.8	19	3	28	35.4	19	9
Not provided	33	41.8	24	9	16	20.3	6	10	39	49.4	29	10	32	40.5	20	12	29	36.4	20	9
No response	1	1.3	1		3	3.8	3		1	1.3	1		1	1.3	1		1	1.3	1	
Total	79	100	51	27	79	100	49	27	79	100	51	27	79	100	51	27	79	100	51	27

When the rationale for performance appraisal is properly clarified at the beginning so that it forms part of monitoring, motivation, supervision and performance management at large, it adds value to any form of appraisal offered or conducted by supervisors or peer groups. Its application should thus be acceptable to those whose work should be appraised.

The responses to the effect that there is either inadequate, or no provision of induction and performance appraisal suggest that the Departments do not properly perform their duties. The responses indicate that managers are not involved when courses are designed for them. It suggests that a proper needs analysis is normally not conducted. It is often assumed that managers' needs in this regard are well-known. Therefore they are given some courses designed without their involvement. The Task Team on EMD (Department of Education, 1996:38) advocates a holistic approach to education management development. This means that a comprehensive or total view is adopted when considering a developmental programme. Care should be taken to ensure that professional development takes into account the involvement of senior education managers. The imposition of courses designed without their consultation should be avoided and such courses should be needs-based.

Where a course is designed for, but without the involvement of, the target client, the likelihood is that the expectations and interests of the respective target group will be inadequately addressed or not at all. There is a popular saying by disabled persons: "Nothing for us without us." (By disabled persons is meant the dumb and deaf, the mentally affected and those who have physical disabilities or other forms of disability.)

The above suggests that managers also expect and need to be fully involved in matters of professional development.

Course design is one of the most important areas in which managers need to be involved if such courses are to address their respective professional needs. This is more so because an appropriate training needs analysis (TNA) focuses on, and takes into account

organisational, occupational and individual training needs. It is essential to note that before training is started, the needs of individuals are to be identified as accurately as possible (Sheal, 1994:38).

The majority of the female respondents observe that the provision of the respective services is inadequate. The combined responses to inadequate and not provided confirm this observation in the following variables, viz. training in labour relations (77,8%), appraisal by supervisors (51,9%), knowledge of one's own rights (55,6%), training in ethics (63,0%) and protection against unfair labour practices (85,2%). It is important to note that female respondents perceive that there is a grave shortcoming with regard to the protection of managers against unfair labour practices.

From the above responses it may be deduced that female education managers consider themselves as the most vulnerable victims of unfair labour practices. This is likely to be a valid observation if the fact is considered that very few women occupy management positions. The lack of women managers in senior positions, as is the case in most of the provinces, suggests that they are unfairly treated regarding promotion. It appears that their capabilities are not taken into account when the appointment of senior education managers is made.

When employers/supervisors recruit employees to positions of management they tend to focus on males, especially because of the assumptions that male employees will always be available to perform their duties.

Women have numerous constraints, *inter alia*, because managerial responsibilities involve travelling and sleep over to attend workshops, seminars and meetings. This usually takes them away from their homes. Women are almost always the immediate custodians of children who are required to pay attention to household needs, children's food, school work and clothes on a daily basis. Being absent from home can therefore cause problems. Women may also have to go on maternity leave. These may be some of the factors which cause their exclusion from managerial positions. In practical

employment, women do take maternity leave as per the Employment of Educators Act (Act 76 of 1998), the LRA (Act 66 of 1995) and other relevant legislation. Every female employee (married or unmarried) is entitled to 170 days of maternity leave per year for a limited number of confinements. Organisations or departments normally set guidelines within the policy legal framework (Gerber, Nel and Van Dyk, 1998:218).

#### **5.4.5 Views, opinions and level of agreement on a number of statements**

In this section the views of the respondents are examined with regard to a number of aspects. The responses contained in Table 5.5(a)-5.5(b) reflect a very interesting picture. With regard to the role of the South African Council for Educators (SACE), 56,6% of the respondents agree that it should play a role in determining the quality of teaching. This observation suggests that senior education managers recognise the role of a professional body in giving professional direction. It also implies that educators value the importance of setting and adhering to norms and standards for quality education. This affirms that the establishment of the South African Council for Educators could positively enhance the professional status of educators in South Africa. Education managers will be guided by professional principles in their daily operation. Senior education managers are also governed by the SACE's Code of Conduct. This should enhance their professional status and image.

Senior education managers therefore will be required to have a clear understanding of the provisions of the Employment of Educators' Act (Act 76 of 1998) and the Labour Relations Act (Act 66 of 1995) regarding the role of the professional council. This will enable them to apply good principles of management.

It is observed, however, that this will be a difficult process in view of the fact that most black educators in South Africa come from various conditions of preservice training for professional practice. This is more so because a change is always difficult to accept and in most cases it meets with resistance. The establishment of the Public Service Co-ordinating Bargaining Council (PSCBC) in terms of Section 36(1) and Section (2) of

**Table 5.5a Views, opinions / perceptions and level of agreement on certain statements**

Variables	V46 Need of knowledge of rights				V 47 Managers' legal rights to growth				V48 Needs of situational analysis				V49 Law regulates rights				V50 Labour relations rights				V51 SACE determines teaching quality				V52 Study of ethics required			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Strongly agree	2	2.5	2	0	0	0	0	0	3	3.8	3	0	2	2.5	2	0	3	3.8	3	0	0	0	0	0	2	2.5	2	0
Agree	10	12.7	7	3	10	12.7	10	0	7	8.9	6	1	34	43.0	27	7	20	25.3	14	6	54.4	23	15	5	6.3	3	2	
Disagree	18	22.8	5	13	30	37.9	14	16	42	32.9	11	15	15	19.0	8	7	22	27.8	12	10	16	20.3	10	6	22	27.8	10	12
Strongly disagree	48	60.8	37	11	38	48.1	27	11	53.2	31	11	27	34.2	14	13	33	41.8	22	11	24.1	13	4	50	63.3	37	13		
Missing	1	1.3	1		1	1.3	1	0	1	1.3	1	0	1	1.3	1		1	1.3	1		1	1.3	1					
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

Variables	V53 Good working conditions				V 54 Good career Prospects				V55 Improved salary				V56 Improved qualifications				V57 Commitment				V58 Knowledge of one's duties				V59 incompetence			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Strongly agree	28	35.4	20	8	35	44.3	21	14	31	39.2	25	6	47	60.0	30	17	47	60.0	30	17	31	39.2	21	10	31	39.2	26	5
Agree	31	39.2	29	2	30	38.0	18	12	29	37.0	20	9	24	33.0	17	7	26	33.0	18	8	27	34.2	25	2	29	37.0	23	6
Disagree	12	15.2		12	10	12.7	9	1	4	5.1	3	1	8	6.3	5	3	5	6.3	3	2	9	11.5	3	6	5	6.3		5
Strongly disagree	5	6.3		5	3	3.8	3	0	13	19.5	4	9		1.3			1	1.3	1	-	12	15.1	3	9	4	5.1	3	1
Missing	3	3.8	3		1	1.3	1		2	2.5	0	2													10	12.0	0	10
Total	79	100	79	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

Variable	V60 Negligence and indolence			
Frequency	28	35.4	15	13
Essential	31	39.2	20	11
Necessary	10	12.7	9	1
Desirable	7	8.9	5	2
Not Necessary	0	0	0	0
No response	3	3.8	3	0
Total	79	100	52	27

Schedule 1 of the LRA facilitates "... the interaction and negotiation between the state as an employer and the public servants including the educators" (Davies, 1999:31). This legislation ensures that there is a uniform approach to governance of educators in terms of their professionalism. Schedule 1 of the LRA facilitates "... the interaction and negotiation between the state as an employer and the public servants including the educators" (Davies, 1999:31). This legislation ensures that there is a uniform approach to governance of educators in terms of their professionalism.

This means that educators who were previously registered with professional bodies, e.g. the South African Teachers' Council (SATC) which was replaced in 1985 have probably found registration with the new council (SACE) to be a smooth transition. Those who were previously not registered with any professional council (e.g. most black teachers) will be required to learn "the rules of the game" and adhere to required professional norms and standards laid down by the SACE.

With regard to the remaining variables in this section, almost all the respondents seem to hold the view that the respective activities do not necessarily enhance the professional status of the educator. Responses to the variables from Table 5.5(a) to 5.5(b) confirm the above observation.

The combined responses in respect of disagree and strongly disagree with regard to the various activities, reflect that the majority of the respondents seem to have the view that these activities do not necessarily enhance the professional development of the educator.

From Table 5.5(a) it is evident that the majority of the respondents deny that the professional status of the educator can be enhanced by the given activities. This observation is supported by the responses discussed below.

With regard to having knowledge of one's rights, the combined responses for disagree and strongly disagree reflect that the majority of the respondents (83,5%) do not believe that having knowledge of one's right may enhance the status of the educator. This



observation could suggest that the respondents might have misunderstood the questions on their respective professional rights and obligations. If they have a knowledge of their rights, they would see a need for the protection of these rights. In this way their legal status would be protected and their professional image and dignity enhanced. From the high level of disagreement as indicated in the responses, it is clear that the majority of the respondents do not agree that the given activities could enhance the professional status of the senior education manager.

The combined responses for disagree and strongly disagree reflect that the majority of respondents do not believe:

- that the senior education manager has a legal right to professional growth (87,2%);
- that a situation needs analysis should precede the provision of professional development courses (87,1%);
- that the law of education regulates the rights and obligations of stakeholders in education (53,8%);
- that the Labour Relations Act (Act 66 of 1995) protects the interest and rights of the employer and the employee (70,5%); and
- that a study of ethics in professional development courses is required (90,2%).

Although almost all the respondents seem to deny the fact that professional status could be enhanced by the above activities, this researcher holds a strong view that the education managers in question might not have been aware of their right to professional development and the fact that professionalism goes hand in hand with capacity building and/or training. The latter keeps the educators abreast of new trends and developments in education. The responses in this table also seem to contradict those regarding e.g. TNA in paragraph 5.4.4 above.

One of the most difficult threats to the reliability of research results highlighted by Mouton and Marais (1990:76) is reactivity. Reactivity manifests itself where human



beings are directly or indirectly involved as sources of data collection in Social Sciences. Human beings as research participants or respondents are aware of the research and that they are required to provide information to the researcher. They therefore tend to react to this interaction in different ways in accordance with their value orientation and norms concerning what they perceive as right or wrong. Their reaction may appear in the form of resistance to interview, completion of questionnaires and supplying of accurate information, as a result of apathy. They thus deliberately misinform the researcher and thus create a better impression regarding the data collection. This phenomenon can easily distort the research findings. The unusual patterns of responses to item 5.5(a), 5.5(b), 5.5(c), 5.5(d) could also be attributed to the problem of reactivity of respondents to the research. These various factors influencing reliability of research findings were discussed in 1.6.

De Villiers and Wethmar (2000:44) observe that the SACE must promote the professional development of educators. This means that the SACE will investigate and seek means of promoting a culture of life-long learning amongst educators. The latter is required to acquire new knowledge and skills in order to contribute effectively to the success of the policies of the Department of Education.

If one plans and wishes to perform one's duties efficiently and effectively, capacity building plays an important role. Without regular refresher courses and on-the-job training courses, efficiency and effectiveness in the performance of duties cannot be guaranteed.

In order to provide relevant and just-in-time courses for the senior education manager, it is desirable to conduct a situational needs analysis. If this is done, the kind of courses that may be designed for the empowerment of education managers will be irrelevant. They will not address the developmental needs of the education manager.

The literature on human resource development emphasizes the fact that any training provided which is not preceded by an appropriate needs analysis is bound to be irrelevant

and ineffective. Nel and Haasbroek (in Gerber *et al.*, 1999:453) refer to one of the assumptions held that a training needs analysis ought to be conducted so that an appropriate training course can be offered to trainees who need the course.

In Chapter 2 the functions of the law in education were discussed. It was established that the law harmonises relationships by clarifying rights, roles and obligations. Conflict of interest or negligence of duties/responsibilities is properly regulated and managed through the application of legal principles in education.

The recruitment, selection, utilisation and the management of personnel are harmonised by the application of appropriate legislation. The Labour Relations Act (Act 66 of 1995) prohibits unfair labour practices which may have negative effects on the productivity of staff. Proper application of the Employment of Educators Act (Act 76 of 1998) and the Labour Relations Act (Act 66 of 1995) will enhance the professional status of the educator.

This will ensure that managers interact with their colleagues in a professional manner which reflects respect of one another's dignity. Such an approach will not only enhance professionalism but will also preserve the integrity of others in the educator's workplace. The high level of denial that the Act can enhance the status of the senior education manager suggests that at the time of this research project many education managers were still uncertain about the value of this legislation. In addition to this, the issue of reactivity cited by Mouton and Marais referred to earlier, in this paragraph could be one of the reasons here. The questionnaire was applied in 1997. Due to serious life-threatening illness the researcher was only able to complete this report in the course of 2000.

Without adherence to appropriate ethics in the public sector, a great deal of violation of human and employment rights would prevail. Ethics forms part of the principles which regulate human behaviour and interpersonal relationships. The high level of disagreement as reflected in the responses to the variables from Table 5.5(a) may be attributed to the issue of reactivity or the ignorance of the respondents about what ethics and the value in

promoting professionalism are. It is affirmed that the inclusion of ethics in courses for professional development of the senior education manager is desirable.

From the responses to item 5.8 in the questionnaire it is evident that almost all the respondents do not believe:

That the professional status of the educator is enhanced by good working conditions (89,8%), good career prospects (80,2%), improvement of salaries and other service benefits (81,4%), improved qualifications (90,9%), a high level of commitment to serve the public (93,0%), as well as a knowledge of, and commitment to one's duties (88,4%); and that incompetence in the execution of duties (87,1%) and misconduct arising from negligence and indolence (81,8%) are factors that negatively affect the professional status of the educator.

The issue of the participant's orientation (reactivity) was discussed in paragraph 1.6. The results which are cited by Mouton and Muller (1990:76) include resistance to being interviewed or inclination to supply inaccurate information. This could also be attributed to the nature of the above responses to the questionnaire. Mouton and Muller (1990:75) refer to the rationality of human beings. Rationality, they argue, refers to the fact that human beings possess the ability to reason about their existence, to make reasoned and free decisions that determine their response or reaction. What is being said here, accounts for reactivity of respondents discussed earlier in paragraph 1.6 and also earlier in this paragraph.

Although the majority of the respondents deny the above statements, it is important to point out the following:

The improvement of the working conditions of the senior education manager by the employer may lead to the improvement of the morale of the staff. When the morale of the senior education managers is improved, productivity in the education work places is likely to increase. This is also true of the improvement of the senior education manager's

salary, good career prospects and high level of commitment. Squelch (1999:6) refers to the purpose of the Employment of Educators Act (Act 76 of 1998) as "... the regulation of conditions of service, discipline, retirement and the discharge of educators". This means that if the conditions of service of senior education managers are improved, they will most likely do their work productively. This was also confirmed by responses to the open ended questions from the questionnaires.

In performance management it is standard practice that employees or incumbents of certain posts have job descriptions which define the job content, performance indicators and other related issues (Carrell *et al.*, 1998:90).

Knowledge of one's duties in terms of job descriptions does not only facilitate job performance but also performance appraisal. This means that managers should know their job very well. This will ensure efficiency and effectiveness in the performance of their of their duties. Efficiency and effectiveness are central to the enhancement of the professional status of educators.

Although the improvement of qualifications (V56) does not seem to be recognised by the respondents as a factor in the enhancement of the professional status of the educator, it is essential to note that when managers study and obtain further relevant qualifications they may learn new trends in management. They may thus be exposed to better management practices which is a priority in service delivery. If managers know the value of exposure to new trends in management and show commitment to job performance, they will realise the important contributions that the improvement of relevant qualifications normally brings about. Studies leading to formal qualifications also enable individuals to have new knowledge and skills required for effective service delivery. From the researchers' experience, many educators who undertook studies have shown remarkable improvement on the approach to their management responsibilities.

Incompetence and negligence in the execution of duties are some of the grave factors which undermine efficiency and effectiveness in the workplace. This means that if

managers neglect the performance of their duties, the image of their respective professions is tarnished. Their status, and therefore dignity, is harmed.

Table 5.5(b) deals with the positive effects of professional development courses. From this table it is clear that the majority of the respondents do not believe that professional development courses have positive effects on the professional development of the education manager. The inclination of respondents to disagree or deny some value of certain of activities could be attributed to the phenomenon of reactivity of respondents discussed earlier in this paragraph. This perception could also be caused by a lack of knowledge about the importance of capacity building in the teaching profession.

The above observation is supported by the obvious high level of denial that the courses improve managerial skills (80,2%), that job performance of education managers (90,3%) increases quality management and therefore education (90,7%) and that they enhance team spirit amongst education managers (76,1%). It is essential to emphasize, however, that the improvement of managerial skills may lead to the improvement of quality management. From the researcher's experience in work places, senior education managers who have acquired new managerial skills, approach their management responsibilities more effectively than during the time prior to their exposure to training. This does not only ensure the co-operation of the staff and the development of team spirit, but also the improvement of job performance. The latter is usually a product of efficiency and effectiveness in the workplace. Lack of support for the above could be ascribed to a lack of knowledge about the value of capacity building in management.

Professional development courses also contribute greatly towards the promotion of staff, in that workshops and other refresher courses are occasions for obtaining more information, new trends, facts and knowledge on one's duties or area of work. This knowledge enhances the manager's performance. When managers perform their job well, the chances of promotion (which is positive recognition) are greatly enhanced. Managers who are regularly exposed to refresher courses, seminars and other workshops have a better chance of remaining abreast of professional development issues. The promotion of

personnel is mainly determined by what and to what extent individual employees know their respective duties.

Senior education managers who have adequate capacity to perform their duties stand a better chance of promotion to higher positions. The latter also forms part of the incentives which employers provide to and in recognition of good work done by their employees. The promotion of staff who do their work well may motivate them to further render quality service. The contrary may demotivate them.

Table 5.5(c) deals with the areas on which the professional development courses could focus and to which they should be linked, the importance of knowledge of the law for professional development and the degree to which managers are perceived to have fundamental rights. From this table it is also clear that, with regard to the focus of professional development courses, the majority of the respondents deny that they should focus mainly on the improvement of the management capacity of the individual (92,2%). 88% of the respondents believe that knowledge of the law is not important. It has also been observed that the majority (84,6%) do not agree that the above should be linked to the goals and objectives of the organisation/ department.

The responses reflect that the majority of the respondents reflect a negative view of the positive effects of the various issues. In practice, the following should prevail:

Professional development courses should focus on the development of the capacity of an individual, the group (occupational) and the organisation (department). Capacity building of all involved in education will promote development of team spirit which will ensure that there is uniform and collective approach to service delivery. Addressing the needs of individual employees, the occupation (group) and the department (organisation) have a better chance of improving the delivery of holistic management services. This is necessary especially because all educational activities are undertaken for, and on behalf of, the public. Everybody who is involved should play his/her role effectively.



The responses on the importance of law for professional development (75,6%) and the notion of education managers as having fundamental rights (72,8%) which must be protected in terms of the constitution, reflect that the respondents do not acknowledge this. This may be attributed to a lack of knowledge of the importance of law and the rights of a person.

Linking capacity building to the goals and objectives of the department/organisation, providing legal knowledge to senior education managers and increasing their understanding that they have fundamental rights, are very important factors for the professional development of the senior education manager. Education managers who know the law and their rights will easily detect instances of infringement of rights and begin to fight for them and protect themselves against infringements. An example of this may include a deliberate attempt by others to defame them. In this way their status will be enhanced. Table 5.5(d) deals with those areas in which education managers are believed to be ignorant of the negative effects of the lack of knowledge of professional development as their legal right as well as the role of the Labour Relations Act (Act 66 of 1995). From this table, the combined responses to disagree and strongly disagree reflect that most of the respondents disagree that:

Education managers are mostly ignorant of the functions of the law (62,8%), their fundamental/human (56,4%) and employment rights (63,7%) as well as their obligations (70,5%).

A lack of knowledge of these rights by senior managers has negative effects on their professional development (92,4%).

Professional development is the legal right of the educators (94,9%) in their various ranks, senior education managers included. The Labour Relations Act (Act 66 of 1995) protects employees and employers from unfair labour practices (96,2%).



**Table 5.5b Views, opinions / perceptions and level of agreement on certain statements**

Variables	V61 Improves performance				V62 Co-operation of staff				V63 Improve quality management				V64 Enhances team spirit				V65 Improve management skills				V66 Focuses on promotion of staff			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Strongly agree	3	3.8	3	0	2	2.5	2	0	2	2.5	2	0	1	1.3	1	0	2	2.5	2	0	4	5.0	4	0
Agree	5	6.3	5	0	20	25.3	11	9	5	6.3	3	2	15	18.9	7	8	13	16.5	8	5	18	22.8	7	11
Disagree	22	27.8	10	12	15	18.9	8	7	22	27.8	12	10	15	18.9	10	8	13	16.5	8	5	18	22.8	12	6
Strongly disagree	48	60.8	33	15	37	47.0	27	10	47	60.0	32	15	36	45.6	29	7	39	49.4	30	9	37	47.0	27	10
Missing	1	1.3	1		4	5.0	3	1	3	3.8	3		12	15.2	5	7	3	3.8	3		2	2.5	2	
Total	79	100	52	27	79	100	49	26	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	26

**Table 5.5c Views, opinions/perceptions and level of agreement on certain statements**

Variables	V67 Courses should focus on future development				V68 Courses should focus on the group				V69 Courses should focus on the individual				V70 Courses should be linked to departmental goals				V71 Knowledge of law for professional growth				V72 Manager have fundamental rights				V73 Education managers are ignorant of function of the law			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Strongly agree	2	2.5	2		-	-	-	-	2	2.5	2	0	2	2.5	2	0	2	2.5	2	0	2	2.5	2	0	1	1.3	1	0
Agree	8	10.1	3	5	9	11.4	8	1	6	7.6	4	2	10	12.7	8	2	17	21.5	8	9	19	24.1	9	10	28	35.4	15	13
Disagree	23	29.1	9	14	24	30.4	6	18	52	32.0	9	16	21	27.0	6	15	15	18.9	9	6	18	22.8	10	8	6	7.6	2	4
Strongly disagree	45	57.0	37	8	45	57.0	37	8	46	58.0	37	9	15	57.0	35	10	44	56.0	32	12	38	48.1	30	8	43	54.4	34	9
Missing	1	1.3	1		1	1.3	1						1	1.3	1		1	1.3	1		2	2.5	1	1	1	1.3		1
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

The above responses present an unusual patterns of responses, similar to those discussed earlier in this paragraph. It further shows that the issue of reactivity of respondents referred to earlier in this paragraph is discernible even from the above responses. In addition, it may also be due to the respondents' failure to understand the questions asked.

Although the responses reflect that most of the respondents do not agree with the above statements, this researcher holds the view that in practice, most senior education managers are found to be ignorant or unaware of the functions of the law, their fundamental and employment rights as well as their obligations. More about this observation follows below. This may be attributed to inadequate exposure to, and lack of literature on the subjects of law and educators' rights in the past. This means that senior education managers need to be sufficiently exposed to staff development courses to arm them with information on their rights and obligations.

In practice senior managers are found to be involved in labour disputes with subordinates and the unions who represent workers. In some instances they are unaware of the fact that they have rights too. It is also common to find senior education managers not carrying out their obligations with regard to their professional duties in the various circuits and districts in the Mpumalanga Province. This is sometimes obvious from lack of provision for staff development in the senior education managers' year plans.

In other instances managers suffer a lot of defamation of character from colleagues, the public and others. It is commonly observed that they do not respond to or challenge defamatory acts. It is either due to lack of understanding of the negative effects of defamation or because they lack the technical know-how as to what to do in response hereto. This undermines their dignity and integrity as ordinary citizens and as a body of professionals. This point is discussed in more detail in paragraph 4.3. The question of senior education manager's right to professional development means that employers have to make provision for the empowerment of these employees in order to make them learn their duties well and to have a proper understanding of how these duties are performed. If employees, including senior education managers, are given on-the-job training which

equips them to do their work well, they will need continuous on-the-job training as an effective means of professional development.

With regard to the aim of the Labour Relations Act (Act 66 of 1995), it is important to note that government employees should begin to realise that they can have recourse to the law for the resolution of unfair labour practices. Education managers need a thorough understanding of the Labour Relations Act if they are to manage interpersonal relations constructively and fairly. The nature of the responses may suggest that respondents either did not understand the questions or lack the necessary background regarding professional development, labour law and related issues.

Table 5.5(d) deals with entitlement of education managers, sources of motivation, the question of appraisal and types of courses. The responses reflected in this table show similarities with those of the previous table.

The responses reflect that the majority of respondents do not agree that:

- the senior education manager is entitled to good conditions of service (99,4%) and good service benefits (66,7%);
- improved conditions of service motivate managers (97,5%);
- courses for senior education managers are a popular mode of professional development (96,2%);
- peer group appraisal is an effective means of performance appraisal (85,2%); and
- tailor-made courses are more valued than imposed ones (78,4%).

**Table 5.5d Views, opinions/perceptions and level of agreement on certain statements**

Variables	V83 Education manager is entitled to service benefits				V84 Improved condition of service motivates managers				V85 Managerial courses are a popular mode of professional development				V86 Peer group appraisal is an effective means of performance appraisal				V87 Tailor-made course are more valued than imposed ones on managers			
	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F	N	%	M	F
Strongly agree	1	1.3	0	1	-	-	-	-	1	1.3	0	1	1	1.3	1	0	-	-	-	-
Agree	24	30.4	10	14	2	2.5	2	0	2	2.5	2	0	11	13.9	11	0	17	22.0	11	6
Disagree	50	63.3	38	12	26	32.9	14	12	3	3.8	18	16	40	50.6	24	16	40	50.6	27	13
Strongly disagree	-	-	-	-	50	63.3	35	15	41	51.9	31	10	27	34.2	16	11	22	27.8	14	8
Missing	4	5.0	4		1	1.3	1		32	40.5										
Total	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27	79	100	52	27

The above responses, like those in the in the previous tables, reflect unexpected patterns. Most of the respondents do not agree with the assertions. The phenomena of rationality of human beings in terms of which human beings are capable of reasoning about their existence, defining proactive actions in response to stimuli as discussed earlier could be attributed to the unexpected patterns of responses. The researcher, however, holds the view that in terms of the Public Service Staff Code and Regulations as well as the New Labour Relations Act (Act 66 of 1995):

Senior education managers are in fact entitled to good conditions of service and good service benefits that have a greater chance of motivating them to work harder. This includes a service bonus, overtime, merit assessment, assessment for 2nd and 3rd notches, medical benefits, housing and car schemes which are applicable in the Public Service. Responses to the open-ended question also confirm the above observation.

Management courses are currently the most popular means of improving the work performance of managers. During the transition period, ( $\pm$  1995 – 1998) provinces targeted managers to receive management training, though inadequately, to enable them to provide management services effectively to their respective teams and offices. On-the-job training courses provide managers with new trends and fresh approaches to public management. If properly provided, these courses have a positive impact on the performance and productivity of personnel.

With regard to peer group appraisal, it is important to note that this appraisal system of managers has not yet been implemented in education in South Africa. Its merits and demerits have not yet been examined in our country. This suggests that the responses may not be a true reflection of what the respondents are familiar with.

Group members tend to comply with group pressure, norms and standards. This means that peer group appraisal is likely to be perceived by the individual as acceptable and effective. Performance appraisal should be understood as part of performance management. Its purpose should be that of identifying strengths for future development

as well as the gaps which may suggest a need for intervention, such as training and counselling. Negative connotations such as “appraisal for fault-finding and subsequent dismissal” should not be the objective behind appraisal.

It should be noted that the National Education Policy Act (Act 27 of 1996) makes provision for the monitoring and evaluation of educational provision and performance. With this provision on monitoring and evaluation of education and performance, it is aimed at improving the personal and professional development of educators, the quality of teaching practice and education management (De Villiers and Wethmar, 2000:25). Regarding the introduction of the South African developmental appraisal system by the Department of Education in 1999, De Villiers and Wethmar (2000:25) refer to the fact that this instrument (tool) has been introduced on the basis of an agreement in the Educator Labour Relations Council (ELRC). The appraisal system is viewed from a developmental and a non-judgemental perspective. It is said it has been designed to entrench strengths, develop potential and overcome weaknesses. Its implementation is said to leave no room for indolent people.

Madisha, SADTU President (as cited in the Educator’s Voice, 2000:3) observe that the developmental appraisal system is important for the following reasons:

- To promote accountability amongst educators
- To promote quality teaching
- To provide data on the developmental needs of educators to guide the national and provincial policy and strategy on teacher development

The Educator’s Voice (2000:3), however, expresses concern that this important tool has not yet been implemented in most provinces. It may be confirmed that at the time of this research the Developmental Appraisal System had not yet been implemented in Mpumalanga. It may also be argued that success in the implementation of this system requires a mindshift from those who will be appraised and the implementers themselves.

This is more so because implementing an appraisal instrument without adequate clarification of its value, may lead to rejection by those who will be affected by it.

It is the view of this researcher that courses that are designed (tailor-made) and based on the needs of the respective officers have better chances of having a positive impact on their intended job performance. Such courses that are designed after a proper needs analysis are usually relevant and effective. If properly designed, they are likely to improve efficiency and effectiveness in job performance.

## **5.5 CONCLUSION**

It is clear from the data that the need for professional development is appreciated. It is also clear that senior education managers experience a severe lack of opportunities. This state of affairs appears to result in a lack of appreciation of the various studies undertaken on staff and professional development. The researcher would contend that the reasons for deviations from established principles regarding in-service training and development may be sought in the comparison of the management echelon in the mid 90s. Many newly-appointed managers had no management expertise or training, were fast-tracked, e.g. from post level 1 to 5 etc., and some had returned from exile with a consequent lack of knowledge of the reality of the South African education management environment.

The findings and recommendations will be discussed in chapter 6.



## CHAPTER 6

### OVERVIEW, SUMMARY OF FINDINGS AND RECOMMENDATIONS

#### 6.1 INTRODUCTION

The purpose of this study was to investigate the rights and responsibilities of senior education managers regarding professional development (paragraph 1.4) In this chapter an overview of this research project, findings, conclusions and subsequent recommendations are discussed.

#### 6.2 OVERVIEW

This research project started with an orientation to the study (chapter1) which included the problem statement, purpose of study, hypotheses, target population, scope of the project, method of research and clarification of certain key concepts.

The research project focused on the professional development of senior education managers. The central point is that professional development of senior education managers is a prerequisite for ensuring quality education and effective job performance of senior managers. Providing capacity building in the form of short courses, seminars and related workshops on education management issues, professional activities, education principles and government policies should form part of conditions of service for senior education managers.

Senior education managers who are constantly exposed to a wide range of professional development activities, develop more effective ways of executing their duties than those who do not attend such on-the-job courses. The constant provision of in-service courses, workshops and seminars to senior education managers improves management capacity and service delivery in education.

In chapter 2 the function of the law in education, the senior education manager's rights and responsibilities regarding professional development, the classification and category of rights as well as the right of the senior education manager as an ordinary citizen and practitioner were examined. This chapter sought to establish an understanding of the role of the law and other normative rules (e.g. ethics) in the protection of the rights of the senior education manager as an ordinary citizen and practitioner.

In Chapter 3 the professional development of the senior education manager was examined. This included obtaining an understanding of the characteristics of a profession, the desirability of the development of senior education managers, performance demands and the senior education manager's responsibility for own growth. It was established that a profession is characterized by being service oriented, the possession of specialized knowledge which is acquired through appropriate training and research, autonomy /self-determination, life-long learning through in-service training, a code of practice /conduct and provision of career opportunities.

It was also established that professional development is desirable for enhancing effective and efficient service delivery and that the senior education manager is responsible for his/her own professional growth over and above the financial support from the government through, amongst others, study bursary schemes.

In terms of performance demands, employees (senior education managers included) who desire to perform well are required to have goals with regard to their task to enable them to pursue such a task consistently. They have to have an understanding of the changing nature of settings. New settings provide opportunities and challenges for the application of new knowledge and skills.

In Chapter 4 the nature of status, the legal status of the senior education manager, factors enhancing the positive status of the senior education manager and some problems that affect the manager's professional development negatively were examined. It was established that senior education managers should demonstrate diligence, dedication and

commitment to their duties and responsibilities if their dignity, integrity and status are to be enhanced. This requires that the senior education managers should constantly strive to do their work effectively and efficiently as well as engaging themselves in lifelong capacity building interventions. The status of senior education managers is therefore determined by the level of preparedness in terms of education and training as well as the commitment to their duties and responsibilities.

Continuous relevant life-long learning (education) and demonstrable commitment to effective service delivery will ensure enhancement of the status of senior education managers. Senior education managers should protect their dignity and preserve their integrity. They should not only be perceived to be doing their work well, but should be seen to be practically doing so.

In Chapter 5 the research instrument and responses to the questionnaire were discussed. This includes the description of the structure of the questionnaire, the types of questions and an analysis of the responses. Table 5.1 reflects that there were more males (65,8%) than female (34,2%) respondents. Most of the respondents (86,1%) were between 31-51 year olds.

The focus in chapter 5 was on the views of the respondents in response to a number of aspects regarding the professional development of senior education managers. This includes the respondents' views on the following issues:

- Those responsible for the professional development of senior education managers (Table 5.2).
- The degree of importance attached to professional development (Table 5.3).
- The degree to which services are provided to senior education managers (Table 5.4a-5.4b).
- The views, opinions/perception and levels of agreement on various issues (Table 5.5a-5.5d).

The findings based on the analysis of the responses to various issues referred to above are reflected in paragraph 6.3.

### **6.3 FINDINGS**

The purpose of this research project was to investigate the rights and responsibilities of senior education managers regarding professional development. It sought to establish whether professional development is provided for the improvement of management performance and service delivery of senior managers in the education profession.

Reference to the purpose of the study and the important questions it seeks to address are also reflected in paragraphs 6.1 and 6.2.

#### **6.3.1 Main findings**

Central to the findings of this study is the fact that the provision of relevant professional development courses to senior managers is one of the important factors affecting the improvement of management performance and the quality of service delivery in education. It has been found that the provision of these courses is inadequate and not all senior education managers acknowledge their significance and value.

Senior education managers who know their rights to professional development, will participate in management development courses and improve more in their management duties and responsibilities.

This study has also established that professional development is acknowledged as desirable to enable senior education managers to carry out their duties and responsibilities effectively and efficiently. The provision thereof is, however, inadequate. It was further established that the responsibility for own professional development lies with the senior manager himself/herself, apart from the employers' support through, amongst others,

bursary schemes. Various aspects of the finding are discussed below. The findings emerging from this study include the following:

### **6.3.2 Dimensions of professional development:**

This study has established a number of dimensions that are interwoven with, or linked to the professional development of senior education managers, viz. a labourer relations dimension, a human rights dimension, a two pronged developmental dimension in terms of which professional development is viewed as the employer's responsibility (an ethical dimension) and also as the personal responsibility of the senior education managers themselves (a self-developmental dimension). The senior manager is a professional with dignity, integrity and status that are protected by the constitution and other legislation.

Other dimensions which were not necessarily highlighted include the emotional dimension and attitudes.

### **6.3.3 Findings from literature**

The literature review in this project, shows that there are inadequate sources, if at all available, on professional development of senior education managers. The majority of publications (both South African and international), focus on the staff development, in-service training or professional development of principals and teachers at institutional (school) level.

This lack of literature on the professional development of senior education managers constitutes one of the major limitations of this study.

The publication on "Standards of Practice for the Teaching Profession" in Ontario serves as the only source which acknowledges the importance of professional development of senior education managers.

The lack of relevant sources on the professional development of senior managers, was compensated for to an extent by the mailed questionnaires which elicited the useful information on how senior education managers develop themselves.

#### **6.3.4 Partnership in the provision of professional development opportunities of the senior education manager (see paragraph 5.4.2)**

This research project has established that the employer, the organized teaching profession, the educators themselves and, to a lesser extent, non-governmental organizations are viewed as being responsible for the provision of professional development opportunities for senior education managers. This suggests that each of the above stakeholders have a role to play in influencing the improvement of the professional quality of the educator. This further suggests that **there should be a partnership in the provision of professional development for the senior education managers**. However, the accountability for ensuring that educators are indeed exposed to professional development courses, lies with the employer who is the custodian of quality assurance in education. The above observation suggests that a sense of partnership be acknowledged with regard to the capacity building needs of educators.

Regarding **power sharing in education**, various sources have highlighted the importance of partnership as the key to education success in a democratic South Africa. Karlsson (in De Groof *et al.*, 1998:37) refers to the RDP White Paper (1994) as the first document to refer to “social partnership” for post-apartheid South Africa. Reference was also made to several authorities that acknowledged, and are in agreement on, the importance of partnerships in education. Karlsson (in De Groof *et al.*, 1998:3) refers to Opler’s statement that “[The basis of partnership must be a recognition by all participating agencies that they have something to gain by working together.” This means that the various stakeholders in education may draw these experiences in order to improve the quality of professionalism in the education arena. The importance of partnerships in education was discussed more fully in paragraph 5.4.2.

Partnerships in education are also provided for in the SACE's Code of Conduct for Educators that stipulates that "An educator recognizes the employer as a partner in education... and acknowledges that certain responsibilities are vested in the employer through legislation" (Madisha, 2000:17; De Villiers & Wethmar, 2000:40). Educators are **required to fulfil their moral obligation of sharing the expertise and knowledge acquired through the attendance of workshops on prescribed themes and subjects** such as learning areas or specific policy issues on Outcomes Based Education. De Villiers and Wethmar (200:40) state emphatically that the educator as a partner has a moral and legal obligation to abide by the prescriptions of education policy.

### **6.3.5 Training needs analyses (TNA)**

It was established that proper needs analyses are normally not conducted prior to the provision of courses for the in-service training of managers (see paragraph 5.4.5). This suggests that on-the-job training courses for managers are given on an *ad hoc* basis and not on the basis of appropriately identified needs for professional development. It is acknowledged, therefore, that a need analysis should precede the development of courses for education managers.

### **6.3.6 Performance appraisal**

The necessity of performance appraisal preceding professional development in education has not been recognized as critical by respondents. It has been established that appraisal by the peer group and supervisors is, however, welcomed. It also acknowledged that provision of this is inadequate (see paragraph 5.4.5). This implies that great efforts should be made to apply such an intervention.

### **6.3.7 Improvement of the educator's condition of service and his/her qualifications**

The improvement of conditions of service of senior education managers and the upgrading of their qualifications are not recognized as important for the improvement of



service delivery, the staff morale and the increase of productivity in education a (see paragraph 5.4.4). In practice it is true that improvement of conditions of service and qualifications do in fact contribute to the improvement of service delivery. When senior education managers receive incentives as part of their service benefits, they will be motivated and work very diligently and with commitment.

### **6.3.8 Attendance of courses, workshops on Labour relations, performance management and the training of managers in work ethics**

This study has established that there is little recognition of the need for education managers to attend the above courses (see paragraph 5.4.4). Attendance of these courses, however, provides participants with the latest trends, approaches and new insights into management which optimise the chances of improving management and productivity in education. All these courses are essential for senior education managers, subject to the appropriate need analyses.

### **6.3.9 Involvement of senior education managers in course design**

It has furthermore been established that senior education managers are not adequately involved in the design and development of the in-service training courses which are meant for them (see paragraph 5.4.5), which may result in imposition of irrelevant course, for their on-the job training.

### **6.3.10 The manager's knowledge of his/her rights, protection against unfair labour practices, application of disciplinary measures and the code of conduct**

This research project has established the following:

- Managers are generally ignorant of their human and employment rights (see paragraph 5.4.5). There is inadequate or no training in labour relations. This results in the violation of these rights, thus undermining the professional and legal status of the

education manager. Knowledge of one's right is essential for the protection of one's dignity, status and integrity.

- There is an inadequate protection of managers against labour injustices (see paragraph 5.4.5). It also established that unfair labour practices and the defamation of character infringe on the dignity and integrity of the teacher. This may obviously tarnish the good name of the manager.
- Very few women occupy senior management positions.
- Training in ethics is necessary, as it has been found to be lacking.
- There is an inadequate application of disciplinary measures in cases of misconduct (see paragraph 5.4.5). This may lead to the deterioration of professional standards of behavior.

#### **6.3.11 Important requirements for the improvement of management quality and service delivery of senior education managers in education**

This study has established that there is disparity between theory and responses to questionnaires. The majority of the responses to Tables 5.5(a) – 5.5(d) regarding the views/opinions/perceptions and level of agreement on certain issues, show a high level of disagreement or denial suggesting that the various practices/activities are not important for professional development of senior education managers. This therefore raises the problem of reactivity which manifests itself in a number of ways including resistance to questionnaire completion and giving of inaccurate information.

This may constitute a threat to the validity of results and reliability of the research instrument. The above observation shows the difficulty associated with what research purports to achieve and what may ultimately be achieved.

Although some responses to certain aspects of Section 5 of the questionnaire seem to reflect a high level of disagreement, especially paragraph 5.4.4 and thus perceivable contradictions, it is important to note that the following findings emerging from the study (see paragraph 5.4.5), show agreement:

- The education manager, irrespective of gender, has a legal right to professional development. This means that provision should be made for capacity building of the management training of managers in order to improve their capacity to manage. Such an arrangement will facilitate the senior education manager's performance appraisal.
- Situational needs analyses are necessary for the design and development of the relevant courses for managers. If needs analyses are not conducted, the provision of irrelevant courses will be unavoidable which often has a negative impact on the service delivery required.
- The law of education is necessary for regulating and harmonizing relationship between employers and employees, as well as between employees and employees. Regulating relationships protects the interests of individuals and prevents potentially unfair labour practices. This is also true of the Labour Relations Act (Act 66 of 1995). Senior education managers need knowledge regarding labour law and labour rights as contained in Section 5 of the LRA.

The definition of labour law, its sources and significance regarding the educator's employment rights, were discussed at length in paragraph 2.6.2.

- The inclusion of ethics in courses for professional development of the senior education manager is desirable. This is essential for the improvement of the attitudes of education managers towards sub-ordinates, authority, clients and their responsibilities and duties.
- The improvement of working conditions, salaries and service benefits may enhance the morale of the manager and may result in a high level of commitment and increased productivity.

- Knowledge of one's duties/job description is important for facilitating performance management. In this way performance appraisals will not constitute surprises nor a threat to individuals. It will be seen as part of a developmental strategy.
- Improvement of qualifications is necessary for it exposes managers to new trends in management, which is a key factor in effective and efficient service delivery.
- Incompetence and negligence of duties are grave factors which negatively affect the professional status and dignity of the senior education managers.
- Professional development courses contribute greatly towards the promotion of staff. Managers who regularly attend these courses remain abreast of developments in their profession.

#### **6.4 CONCLUSIONS BASED ON HYPOTHESES**

In this research project the following hypotheses were examined:

- In education the professional growth of senior managers is inadequately supported
- Senior managers in education as ordinary citizens and as employees have fundamental rights and employment rights.
- A lack of knowledge of the fundamental human rights and employment rights has negative effects on manager's professional development.
- Senior managers in education have inadequate knowledge of their rights and privileges.
- That provision of relevant professional development courses to senior managers enhances effective and efficient job performance, improvement of professional image, dignity and integrity.
- Senior managers who participate in management development courses improve more in their management skills, duties and responsibilities.

On the basis of the findings, the following conclusions may be made concerning the hypotheses:

This study has established that in education senior managers have fundamental as well as employment rights entrenched in the Constitution (Act 208 of 1996) and in the Labour Relations Act (Act 66 of 1995) respectively. They also have various common law rights. The above rights are necessary for the protection of the professional rights of the senior managers, their professional growth and enhancement of their status, dignity and integrity.

The study has, *inter alia*, established that management is about doing things and working with people to make things happen (in Department of Education, 1996:8). Management supports the development/creation of a true culture of teaching and learning. When management improves, teaching and learning likewise improve. The above comments agree with the observation made by the ILO-UNESCO (1988:7) joint committee on the status of the teacher which argues that “...the status of the teachers depends on the status of education and the status of education depends on the status of the teacher”. The education system is therefore as good as the teachers themselves. The converse is also true. This is also true of senior managers. Any management system is as good as its managers.

The type of service, the position they occupy, the manner in which they execute their duties and their public conduct play a very critical role in determining the status of senior education managers. They have to ensure that they consistently enjoy the public confidence and trust if they want to be held in higher esteem. (See paragraph 4.2.2 for the nature of status).

Professional development as a senior education manager’s legal right suggests that managers as practitioners should receive and undertake lifelong capacity building (training) according to the needs of their duties and responsibilities. They should know their areas of professional inadequacy and seek to do something about them, and should be supported by their employers in their efforts towards capacity building.

Managers, however, normally lack knowledge of their rights and privileges which has a negative effect on professional development, status and integrity.

The study reflects that respondents acknowledged that the provision of relevant developmental courses to senior education managers may enhance effective service delivery of duties and responsibilities. However, the provision of developmental courses is inadequate.

On the basis of the findings it may be concluded that this study was necessary in order to establish appropriate interventions, which will ensure that senior education managers are provided with adequate skills for the effective performance of their duties. It may be concluded that the study confirmed all the hypotheses.

## **6.5 RECOMMENDATIONS**

### **6.5.1 Recommendations aimed at employers**

#### **6.5.1.1 Partnership in the provision of compulsory professional development courses**

With regard to partnership in the provision of professional development to senior education managers, it is recommended that the employers should consider making staff developmental courses compulsory for newly-appointed managers, which will accelerate their professional growth. Such compulsory courses should form part of the induction courses provided for newly appointed managers.

#### **6.5.1.2 Training needs analysis (TNA)**

It is recommended that all courses designed for the improvement of the professional development of senior education managers should be preceded by appropriate needs

analyses. The latter will ensure relevancy and effectiveness of on- the –job training/staff development. Employers should ensure compliance with conducting needs analysis.

#### **6.5.1.3 Design and development of courses for senior education managers**

To derive maximum participation and ownership of courses and motivation, it is recommended that senior education managers be involved in the design and development of courses meant for their on-job training. Such courses should be relevant to the needs of the incumbents in relation to the work they are/should be doing.

#### **6.5.1.4 Improvement of conditions of service and qualifications**

It is standard practice that employees continuously urge their employers to improve their working conditions regularly. Improvement of the latter improves the staff morale and increases productivity.

#### **6.5.1.5 Labour relations**

Labour relations are fairly new field of study in public education. For managers to supervise their staff well, it is recommended that they be continuously exposed to training on the process and procedures in the application of legal principles contained in the Labour Relations Act (Act 66 of 1995). Employers should urge senior education managers to attend such courses.

#### **6.5.1.6 Knowledge of one's own rights (employment and human rights)**

It is recommended that a guided study of the Constitution and the Labour Relations Act be made obligatory for all senior education managers and that regular follow-up workshops be made compulsory in order to master the understanding of the respective acts and their applications. This is required more so because management is about relationships, rights and obligations.



#### **6.5.1.7 Code of conduct**

Squelch (1999:28,29) observes that it is common practice and sound management for employers to have a written code of conduct, which regulates the behaviour of employees in the workplace. A code of conduct contains the basic rules which prescribe the standard of conduct required of the employees (e.g. the standard of reasonableness and fairness). These rules are essential for ensuring effective and efficient day-to-day operations.

It is recommended that a code of conduct for senior education managers be drafted in line with the provisions of the South African Council for Educators contained in article vii, paragraph 1.5 of resolution 4 published in the Government Gazette of 17 October 1994 which reads as follows: “The Council shall determine the nature and extent of disciplinary measures it may take against any employee or former employee registered with the council and found guilty of a breach of the above mentioned Code of Conduct.”

#### **6.5.1.8 Establishment of management development centers**

It is recommended that management development centres be established provincially by government to cater for the capacity building of education managers.

The Task Team on education Management Development (Department of Education, 1996:57,58) recommended the establishment of a national education management development institute which will foster a network of institutions and resources to improve management in South Africa’s education service.

The institute would have the responsibility for supporting, maintaining and developing the network of relationships which the task team deems necessary for the implementation of the development strategy. In short, it is envisaged that it must meet the development needs of education.

However, the envisaged institute has not materialized. Management development centres could help meet the manifested needs.

#### **6.5.1.9 Workshops on best practices in examinations procedures policies**

Honesty in the running of examinations is a key ethical requirement. Senior education managers who are given workshops on the importance of adhering to ethical standards in the performance of their duties would be expected to adhere to best procedures in the running of the examinations.

#### **6.5.1 Recommendations aimed at individual senior education managers themselves**

##### **6.5.2.1 Responsibility for upgrading of own professional qualifications**

Qualifications are some of the primary indicators that an incumbent possesses the minimum skills/ knowledge about a given function. It is therefore recommended that senior education managers themselves should take initiatives of improving their qualifications in line with the demands and requirements of their work or specialization, which will enable them to become aware of new trends regarding their profession and new methodology at workplaces

##### **6.5.2.2 Responsibility for own professional growth**

Senior education managers themselves should take advantage of Government policy, which encourages capacity building for continuous staff development. They should be urged to pursue professional development on their own in addition to those courses prescribed by their employer.

It is thus recommended that senior education managers should take responsibility for their own growth to meet the demands of performance and service delivery. This should

include a demonstration of evidence that such managers regularly attend courses that are relevant to their duties and responsibilities.

### **6.5.2 Recommendations aimed at other stakeholders**

Various stakeholders such as the private sector, non- governmental organizations, and organized educators professions should support senior education managers in various ways, including conducting voluntary workshops for senior managers, development of material, funding workshops towards management development.

### **6.5.3 Recommendation regarding further research**

This study has led to the identification of areas in management, which may be recommended for further research. The following aspects could form part of the topics for further research:

- A management remedial/rehabilitation program in education to assist managers who, at one or another stage, are found guilty of mismanagement or incompetence (paragraph 6.3.8).
- Career paths for labour relations practitioners in education to enable senior managers to specialize in the field of labour relations (paragraph 6.3.6 and 6.3.9).
- Dealing with diversity and the dilemmas of ethics in education/public sector management (paragraph 6.3.6).

## **6.6 CONCLUSION**

This chapter contains a summary of the findings and recommendations regarding the importance of professional development and how it may be enhanced. The main aim of this research project was to investigate the relationship between the provision of

management development courses and the management performance and service delivery of senior managers.

It was stated in paragraph 6.3.1 that this study has established that the provision of professional development courses improves the management performance and service delivery of senior education managers. Professional development courses, if provided correctly, enable senior managers to carry out their management tasks efficiently and effectively. It is the view of this researcher that this study will make a contribution in the field of management in general and in education management in particular. The following areas may constitute important aspects of the contribution:

- It has revealed that success in service delivery and management performance depends largely on proper planning in order to carry out duties and responsibilities which should make provision for capacity building/in-service training/staff development/lifelong learning of the personnel to whom such duties and responsibilities have been delegated.
- Professional staff development is one of the more important requirements with which employers should comply when they employ any person in the respective positions. The lack of continued lifelong learning militates against the effectiveness and efficiency of service delivery amongst senior managers.
- The institutionalization of ethics through a code of conduct ensures that values, aspirations and beliefs are assimilated and fostered by educators and senior managers in education.
- This study will further make a contribution in forming an understanding that the manner in which senior managers perform their professional duties and responsibilities either earns them higher status or displaces the confidence held by the community. The literature has, however, shown that senior education managers are placed in positions of honor as they have a fiduciary obligation in relation to the

learners. If they uphold the values of the community they serve, they are held in high esteem by the community and their professional status is enhanced. Their status declines if they disappoint the confidence and trust, which they enjoy from the community. Further to the above contributions, senior education managers are challenged to do something about their professional development without expecting the government or employers to give handouts in the form bursaries for their studies.

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## APPENDIX A

### OFFICE USE ONLY

V1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	01-03
V2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	04-05
V3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	06

### SECTION 1: BIOGRAPHICAL DATA

Answer each question by making a cross (x) on the number in the appropriate block which corresponds with your answer.

#### 1.1 State whether male or female

M	F
1	2

V4	<input type="checkbox"/>	08
V5	<input type="checkbox"/>	

#### 1.2 Provide your age

Below 25 years	1
25-30 years	2
31-40 years	3
41-50 years	4
50 +	5

V6	<input type="checkbox"/>	09
----	--------------------------	----

#### 1.3 What position do you hold in your department?

Deputy Director-General or equivalent	1
Chief Director	2
Director	3
Deputy Director	4
Assistant Director	5
Circuit Manager	6
Subject Specialist	7
Inspector	8
Other	9

V7	<input type="checkbox"/>	10
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**OFFICE USE ONLY**

**1.4 Teaching including managerial (non-teaching) experience in years**

Below 5 years	1
5-10 years	2
11-15 years	3
16-20 years	4
21-30 years	5
31+ years	6

V8

11

**1.5 Other experience outside teaching (if any)**

Below 5 years	1
5-10 years	2
11-15 years	3
16-20 years	4
21-30 years	5
31+ years	6

V9

12

**1.6 Your highest qualification**

M + 1	1
M + 2	2
M + 3	3
M + 4	4
M + 5	5
M + 6	6
M + 7	7
M + 8	8
M + 9	9

V10

13

**1.7 Province in which you are working**

KwaZulu-Natal	1
Mpumalanga	2

V11

14

**OFFICE USE ONLY**

**SECTION 2**

Indicate the degree to which you believe the following persons or agencies should be responsible for the provision of professional development to educators

	Essential	Necessary	Desirable	Not necessary	Uncertain			
2.1 Employer (departments)						V12		15
2.2 Educators' organised profession						V13		16
2.3 Governing bodies						V14		17
2.4 Senior education managers						V15		18
2.5 Management (institutional)						V16		19
2.6 Voluntary organisations (e.g. donors)						V17		20

**SECTION 3**

Indicate the degree to which you believe the following is important in the professional development of education managers

	Essential	Necessary	Desirable	Not necessary	Uncertain			
3.1 Performance appraisal by supervisor						V18		21
3.2 Peer group appraisal of education managers						V19		22
3.3 Senior education managers' condition of service						V20		23
3.4 Disciplinary measure where required						V21		24
3.5 Compulsory attendance of management courses						V22		25
3.6 Senior education managers' improvement of own qualifications						V23		26
3.7 Inclusion of law courses in the training programme for education managers						V24		27
3.8 Performance appraisal for courses						V25		28
3.9 Training Senior education managers in labour relations matters						V26		29



**OFFICE USE ONLY**

		Essential	Necessary	Desirable	Not necessary	Uncertain			
3.10	Induction courses for senior education managers						V27		30
3.11	Training senior education managers in work ethics						V28		31
3.12	Application of a professional code of conduct for managers						V29		32
3.13	Emphasis on content						V30		33
3.14	Training in managerial skills						V31		34
3.15	Workshops on labour relations matters						V32		35
3.16	Involvement of education managers in the design of courses for their professional development						V33		36
3.17	Provision of courses for professional development of managers should be compulsory						V34		37
3.18	Knowledge of one's right to professional development						V35		38

**SECTION 4**

To what degree is each of the following provided to education managers. Indicate your opinion by means of a cross in the appropriate block.

		More than adequate	Adequate	In-adequate	Uncertain	Not at all			
4.1	Induction courses to education managers						V36		39
4.2	Involvement of education managers in the course design for their professional development						V37		40
4.3	Training education managers in labour relations matters						V38		41
4.4	A performance appraisal by supervisors						V39		42
4.5	Senior education managers' knowledge of their fundamental human and employment rights						V40		43
4.6	Training of senior education managers in work ethics						V41		44



**OFFICE USE ONLY**

		More than adequate	Adequate	In-adequate	Uncertain	Not at all		
4.7	Application of appropriate disciplinary procures where required						V42	45
4.8	Protection of senior education managers against defamation of their character						V43	46
4.9	Senior education manager's knowledge of his/her legal right to professional development						V44	47
4.10	Protection of education managers against unfair labour practice						V45	48

**SECTION 5**

The following items deal with some aspects of professional development. Indicate your view, opinion or perception by means of a cross (x) in the block, which best represents, your view. If you make a cross (x) on 5 it means you strongly agree, if you make a cross (x) on 1 it means your strongly disagree.

		Strongly disagree	Disagree	Uncertain	Agree	Strongly agree		
5.1	Knowledge of one's fundamental human and employment rights is desirable for enhancement of one's professional status						V46	49
5.2	The senior manager has a legal right to professional growth						V47	50
5.3	Provision of professional development courses to education managers should be preceded by situation needs analysis						V48	51
5.4	The law of education regulates the rights and obligations of stakeholders in education						V49	52
5.5	The Labour Relations Act of 1995 protects the interest and rights of the employer and those of the employee						V50	53



**OFFICE USE ONLY**

		Strongly disagree	Disagree	Uncertain	Agree	Strongly agree			
5.6	The South African Council for Education determines and ensures quality by controlling aspects of training, professional registration and conduct of practitioners within the profession						V51		54
5.7	In the professional development courses, a study of ethics is indispensable to facilitate formulation of the code of conduct						V52		55
5.8	The professional status of the education manager enhanced by the following:								
5.8.1	Good working conditions						V53		56
5.8.2	Good career prospects						V54		57
5.8.3	Improvement of salaries and other services benefits						V55		58
5.8.4	Improved qualifications						V56	59	
5.8.5	High level of commitment to serve the public as a professional						V57		60
5.8.6	Knowledge of and commitment to one's duties						V58		61
5.9	Some of the factors which negatively affect professional status of education managers include the following								
5.9.1	Incompetence in the execution of duties						V59		62
5.9.2	Misconduct arising from negligence and indolence						V60		63
5.10	Some of the factors which negatively affect professional status of education managers include the following								
5.10.1	Providing senior education managers with professional development courses:						V61		64
5.10.2	Encourages co-operation of staff						V62		65



OFFICE USE ONLY

		Strongly disagree	Disagree	Uncertain	Agree	Strongly agree		
5.13	Senior education managers are mostly ignorant of:							
5.13.1	The function of the law						V73	76
5.13.2	Their human rights						V74	77
5.13.3	Their employment rights						V75	78
5.13.4	Their obligations						V76	79
5.14	Lack of knowledge of the senior education manager's fundamental human and employment rights has a negative effect on his/her professional development						V77	80
5.15	Provision of professional development to education manager is his/her legal right						V78	81
5.16	The major aim of the Labour Relations Act of 1995 is to protect employers and employees against unfair labour practice						V79	82
5.17	The Senior education manager is entitled to:							
5.17.1	Good conditions of service						V80	83
5.17.2	And service benefits such as housing, medical scheme, etc.						V81	84
5.18	Improvement of senior education manager's conditions of service motivates education managers to work harder						V82	85
5.19	Provision of courses for managers remains the most popular mode of development for the teachers						V83	86



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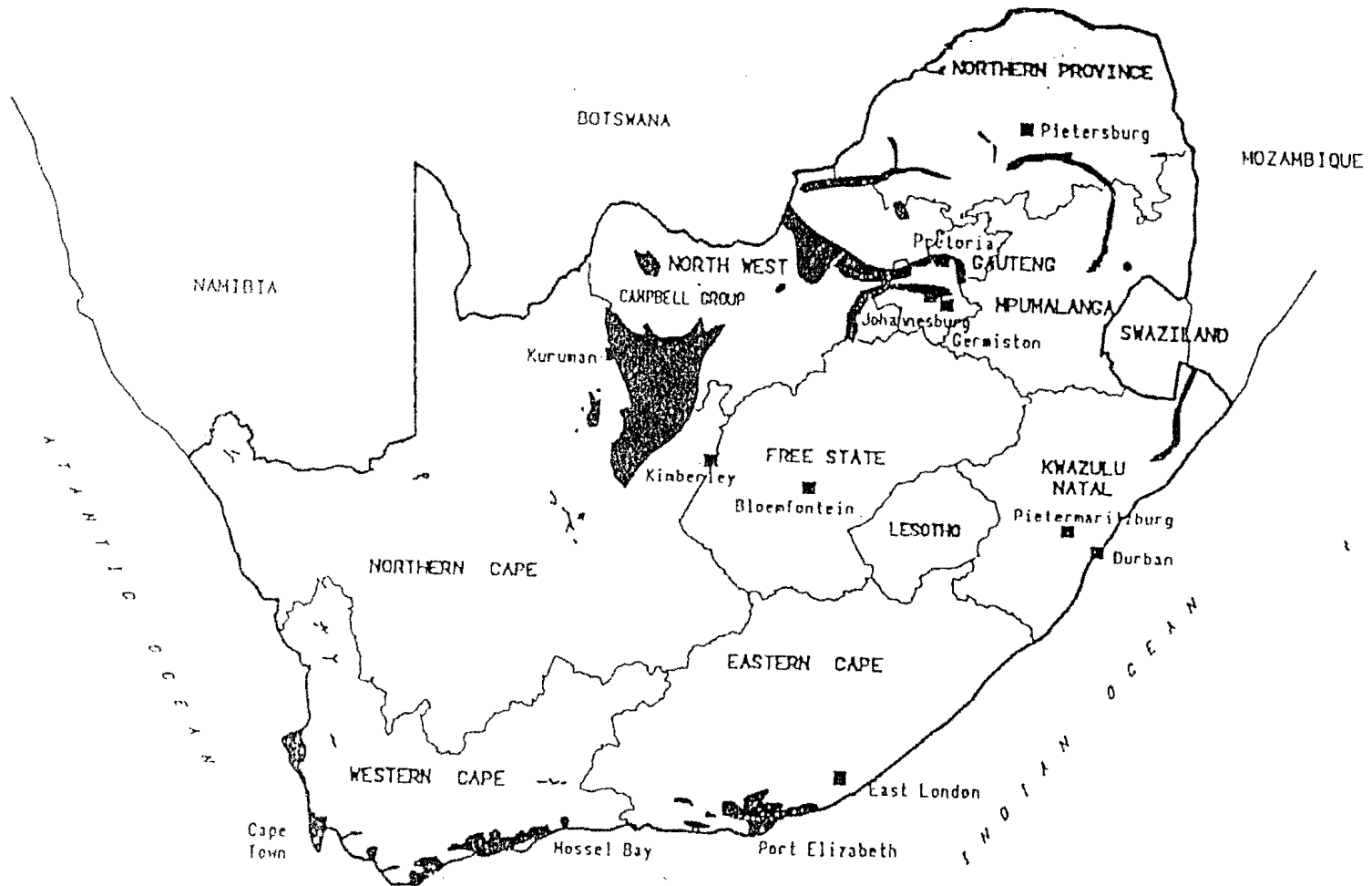
		Strongly disagree	Disagree	Uncertain	Agree	Strongly agree			
5.20	Peer group appraisal is an effective means of assessing education mangers						V84		87
5.21	Senior education managers attach more value to courses which are designed for them by management						V85		88

**SECTION 6**

You are kindly requested to give comments on any item / point you would like to bring to our attention, which you feel, is vital for this study.

	V88			15-16
	V89			17-18
	V90			19-20
	V91			21-22
	V92			23-24

**Thank you for your co-operation and valuable contribution to this study**



Map of South Africa

APPENDIX B