

# **THE DUAL ROLE OF THE PRINCIPAL AS EMPLOYEE OF THE DEPARTMENT OF EDUCATION AND EX OFFICIO MEMBER OF THE SCHOOL GOVERNING BODY**

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## SUMMARY

This study investigated the dual role of the principal as an employee of the Department of Education and as an ex officio member of the governing body. The South African Schools Act distinguishes between professional management and school governance. This distinction may however give rise to conflict between the principal and the governing body, more especially if roles are not clearly explained, known and understood.

For the purpose of this qualitative study, a multiple case study was considered to be the most appropriate research design strategy. Interviews, document analysis and observation were used to collect data.

Chapter 1 gives a general view of the study while Chapter 2 focuses on the literature review. Chapter 3 deals with data collection and data analysis. Chapter 4 focuses on the synthesis of the findings and presents the recommendations of the study.

The findings in Chapter 4 reveal that in many schools there is a power struggle between the principal, teacher and parent governors. It seems as if many of the problems experienced by principals and governors are due to the fact that they cannot distinguish between the concepts of professional management and school governance. Extensive training programmes for schools' governors will be necessary to improve the quality of governance.

## KEY WORDS

case law

cooperative government

dual role

employee

ex officio

experiences

governance

legal framework

multi case study

perceptions

professional management

relationships

## LIST OF ABBREVIATIONS

Schools Act	:	South African Schools Act, 1996
SGB	:	School Governing Body
CEPD	:	Centre for Education Policy Development
GDE	:	Gauteng Department of Education
HOD	:	Head of Department
MEC	:	Member of Executive Council
NGO	:	Non- Governmental Organisation
PAM	:	Personnel Administrative Measures
DoE	:	Department of Education

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# **CHAPTER 1**

## **BACKGROUND AND OVERVIEW TO THE STUDY**

### **1.1 INTRODUCTION**

Historically, professional management by school principals has emerged as the catalyst in the provision of education in South Africa. More and more responsibilities in schools were placed on principals whereas communities were relegated to a position of little significance in terms of involvement in matters pertaining to the education of their own children. The education system entrenched gross educational disparities and inequalities between different communities who had almost no say in matters concerning the education of their children.

Although the Education and Training Act 90 of 1979 recognized the active involvement of parents in education through school committees, only lip service was paid to the principle. School committees remained passive participants in matters of governance. This led to an unbalanced relationship between the school committees and the principals where the principals were responsible for both professional management and governance of schools (Dekker: 1996:82).

Achieving quality education is increasingly becoming a matter of serious concern for school managers, teachers, learners, parents, communities and other stakeholders in education in the Limpopo province and more specifically in the Capricorn district. This is an indication that partnership between the social structures with an interest in education is very important for the effective provision of education which in turn is crucial to the production of requisite human capital in the economic mainstream.

Alluding to this sentiment, Dekker (1996:82) states that South Africa has a history of partnership in education and that parent participation increased in the post-apartheid era. However, in most traditionally black schools, this partnership existed in name only because the school committees did not have the opportunity or the capacity to fulfil a meaningful role in achieving effective teaching and learning.

The new era in South Africa has brought with it the democratization of education, which includes the idea that stakeholders like parents, teachers, learners and

members of the community, should be able to participate in the activities of schools. The principles and ideals of democracy are set out in section 1 of the Constitution of the Republic of South Africa, 1996. Nieuwenhuis (2004: 122) maintains that the Constitution gives South Africans the freedom to build and maintain the democracy- but a Constitution cannot do that, only people can.

Sections 5-9, 13, 16, 18-23 and 37-43 of the South African Schools Act, Act 84 of 1996 provide for the functions and powers allocated to school governing bodies. In terms of these sections, governing bodies have decision-making powers on matters pertaining to admission policy (Section 5), language policy (Section 6), religious policy (Section 7), the Code of Conduct for learners (Section 8), development and administration (section 20-21) and school finance (Section 37-43). On the other hand Section 16A (1)a of the South African Schools Act states that the principal of a public school represents the Head of Department in the governing body when acting in an official capacity as contemplated in Section 23(1)b and Section 24(1)j. Section 16A(3) further states that the principal must assist the governing body in the performance of its functions and responsibilities, but such assistance or participation may not be in conflict with instructions of the Head of Department.

## **1.2 RATIONALE OF THE STUDY**

Over the past decade, accountability has emerged as a new concept within educational discourse and has attracted attention from academics as well as policy makers. In most debates about accountability in education, the focus is increasingly on measurement of performance (Joubert and Prinsloo, 2009:235). The principal of a school is, in terms of Section 23(1) b, a member of the governing body of a public school in his or her official capacity (ex officio member). This means that the principal is on the one hand an employee of the provincial department concerned and has to execute departmental policy and be accountable to the Head of Education, but is on the other hand also a member of the governing body to which he or she is accountable. The principal of a public school thus has a dual role to play in the management and governance of a public school.

### 1.3 PROBLEM STATEMENT

The South African Schools Act distinguishes between governance and professional management, assigning the former to the governing body and the latter to the principal of the school (Section 16(1) and 16(3)). However it can also be concluded that this distinction may give rise to conflict between the governing body and the principal of the school , especially if they do not know who is responsible for what and who is accountable to whom (Joubert and Prinsloo, 2009: 236).

The principal is responsible for the effective execution of departmental policy and is accountable to the Head of Department for the day-to-day professional management of a public school which includes the management of staff affairs, the curriculum (teaching and learning), administrative affairs, physical facilities and school community relations. This includes the following:

- Implementation of departmental policy
- Professional leadership regarding academic staff
- Being a member of the SGB
- Liaising with the department of education
- Direct responsibility for the utilization and development of staff and other resources that focus on effective teaching and learning (Joubert and Prinsloo 2009:207).

Section 16A makes provision for the functions and responsibilities of principals of schools. In terms of Section 16A (3), the principal must support and assist the governing body in the execution of its statutory functions and responsibilities, but such support must not be in conflict with:

- (a) instructions of the Head of Department
- (b) legislation or policy
- (c) responsibilities for which he or she is accountable to the Head of Department , the member of the executive council or the minister

- (d) provision made in the Employment of Educators Act (Act 76 of 1998) and the Personnel Administrative Measures determined in terms of the Employment of Educators Act.

Section 16A makes it clear for which tasks and responsibilities the principal as employee of the Department of Education, is accountable to the Head of Department. The principal may however also be accountable to the governing body for the implementation of statutory functions of the governing body on matters such as the admission, language and religious policies as well as the policy regarding school finance. Since 1996 there has been an increasing number of court cases and disciplinary actions in which heads of provincial Education Departments were challenged for illegal actions against principals for the implementation of statutory functions of governing bodies.

It seems as if principals are caught between their roles as employees of the Department of Education and as ex officio members of the governing body of a public school. The main question that comes to mind is: Are principals caught between their roles as employees of the Department of Education and ex officio members of the governing body of their public school? The main research question leads to the following sub questions:

- What is the legal framework in which principals of public schools have to fulfil their dual role as employees of a Department of Education and ex –officio members of the governing body?
- What does South African case law say about the dual role of the principal as an ex officio member of the governing body and as an employee of the Department of Education?
- What are the perceptions and experiences of principals and parents about the dual role of the principal as an employee of the Department of Education and as an ex officio member of the governing body?
- How does the dual role of the principal influence the relationship between school managers and governors?

## **1.4 AIMS AND OBJECTIVES**

In view of the problem formulated above, the general aim of this research project is to explore how principals and members of governing bodies understand the dual role of the principal as an employee of the Department of Education and as an ex officio member of the governing body. In order to achieve this general aim the following objectives need to be realized:

- To determine the legal framework in which principals of public schools have to fulfil their dual role as employees of the Department of Education and ex officio members of the governing body
- To determine what South African case law says about the dual role of the principal as an ex officio member of the governing body and as an employee of the Department of Education.
- To determine perceptions and experiences of principals as employees of the Department of Education and as ex officio members of the governing body.
- To determine how the dual role of the principal influences the relationship between school managers and governors.

The study will therefore explore how principals and members of governing bodies perceive and experience the dual role of the principal as an employee of the Department of Education and as an ex officio member of the governing body.

## **1.5 RESEARCH DESIGN AND METHODOLOGY.**

A paradigm is a typical example, pattern, or model of something. Bailey (1999:26) on the other hand attempts to provide a scientific definition of a paradigm as follows:

“A paradigm as a term used in social science is a perspective or frame of reference for viewing the social world, consisting of a set of concepts and assumptions.”

The research was done in a qualitative style and took place in four schools. Its approach is interactive, descriptive, interpretive and idiographic. The study will therefore explore how principals and members of governing bodies perceive and

experience the dual role of the principal as an employee of the Department of Education and as an ex officio member of the governing body.

The research is a multiple case study. Kumar (1999:99) defines a case study as an approach to studying a phenomenon through an analysis of an individual case. The case analysed may be a person, group, episode, process, community, society or any other unit of social life. Furthermore, Leedy and Ormrod (2005:135) state that case studies are used primarily for an in-depth study of a particular individual case or event over a defined period. Cohen, Manion and Morrison (2000:79) argue that the purpose of a case study is to catch the complexity of and situatedness of behaviour.

The main purpose of a case study may be descriptive as when anthropologists describe the culture of a preliterate tribe (Barbie, 2001:285). This approach rests on the assumption that the case being studied is typical of cases of a certain type, so that, through intensive analysis; generalizations can be made that will be applicable to other cases of the same type. However (Stake, 1995) classify the case as an object of study. A case study examines a bounded system or a case over time in detail, employing multiple sources of data found in the setting (McMillan and Schumacher, 2001:36). Case studies may be used for learning more about a little known or poorly understood situation. In this study four schools were used to determine the experiences and perceptions of teacher and parent governors about the dual role of the principal and how it influences the relationship between school managers and governors.

An interpretative approach will be pursued where an in-depth understanding of the human phenomenon in context is sought through the case study mode of enquiry.

### **1.5.1 Sampling**

Identification of the sample will depend mostly on the research questions that need to be answered. Sampling will also be purposeful. The researcher will select those individuals who will yield the most information about the topic under investigation. Furthermore the respondents will be selected on the basis of their geographical proximity to the researcher because of the constraints of time and money.

In support of the above view Bickman and Rog (1997:119) state as follows:

“The decision to sample should be made deliberatively. Sampling is generally required to meet resource constraints.”

Four schools were selected in the Polokwane Circuit in the Capricorn district in the Limpopo province. The schools are from the informal, low income, working class as well as the middle income settlements. Details such as the number of learners, classes, educators, SGB members and location of the school will be obtained.

From each school the principal, one teacher governor and one parent governor were selected. The total number of participants is sixteen. Fifty percent of the participants are female in order to ensure gender equity

### **1.5.2 Data collection approaches and methods**

Data collection technique is one crucial aspect of a research study as it is a determinant of the success or failure of the research. As mentioned above, the study involves a multi case study of the feelings and perceptions of principals and school governing body members about the dual role of the principal in the professional management and governance of the school. Merriam (1998:20) argues that case studies are ambiguous, particularistic, descriptive and heuristic because they allow the researcher to adapt to unforeseen events and change direction in the pursuit of a rich description of the particular situation, event, program or phenomenon being studied. The researcher will therefore employ a combination of individual in-depth interviews, document analysis and observation to provide a comprehensive perspective of the phenomenon under investigation. This will also help in trustworthiness and cross checking the findings in this case study.

**Table 1.1** Linkages between research focus, data collection methods and data resources

Resource focus	Data collection method	Data resource
To determine the legal framework for the dual role of the principal as an employee of the Department of Education and an ex- officio member of the governing body	Literature review	The South African Schools Act and other relevant documents were reviewed
To determine what case law says about the dual role of the principal as an ex-officio member of the governing body and as an employee of the Department of Education.	Literature review	Relevant court cases were reviewed
To determine perceptions and experiences of principals as employees of the Department of Education and as ex officio members of the school governing body	Semi- structured interviews with principals , teacher and parent governors; Document analysis of the minutes of the governing body meetings Observation of a governing body meeting	National and international research literature was viewed.
To determine how the dual role of the principal influences the relationship between school managers and governors	Semi-structured individual interviews with principals, teacher and parent governors Document analysis of the minutes of the governing body meetings Observation of a governing body meeting	National and international research literature was reviewed.

- **Individual in-depth interviews**

The nature of the investigation as well as the socio-economic and the demographic characteristics of the study population are central to the choice of the instrument. This will also enhance the establishment of trustworthiness. A mode of enquiry consistent with the ethical guidelines set will be employed to collect data. In-depth interviews were used in order to elicit extremely rich information from the principals and parent governors.



An in-depth interview is often characterized as conversation with a goal (McMillan and Schumacher, 2001:42). This promotes a complete sharing of views and equal interplay between the researcher and the respondents (Bailey: 1999:181).

Macmillan and Schumacher (2006:443) state that in-depth interviews are open response questions to obtain data of participants meaning - how individuals perceive their world and how they explain or make sense of the important events in their lives. Furthermore Patton (1990:108) emphasizes that beneath the surface, interviewing becomes an art and science requiring skill, sensitivity, concentration, interpersonal understanding, insight, mental activity and discipline.

Parent and educator governors were interviewed separately and semi- structured questions were used. The interviews revealed a wide range of feelings, perceptions and opinions of principals and parent governors about the dual role of principals in the professional management and governance of schools.

The interviews were conducted on a one-on-one basis. An interview guide was developed within which an interview was conducted. The researcher recorded any potentially useful data thoroughly, accurately and systematically using field notes, audiotapes, sketches, photographs or any other suitable means. The data collection methods were consistent with the prescribed ethical principles of the University of Pretoria. The people being studied were aware of the nature of the study and were willing participants in it. Data collected will not be traceable back to participants.

#### - **Document analysis**

Documents are the most important data source in concept analysis (Macmillan and Schumacher 2006:42). The researcher used the minutes of school governing body meetings and reports to look at the decisions taken in governing body meetings in order to determine the influence of the principal, teacher governors and parent governors.

The researcher further perused the admission, language and religious policy as well as the code of conduct of learners and determined the role that each component of the school community played in the policymaking process.

## - **Observation**

Through observation the researcher can gather information about how participants behave in their natural setting and make meaning out of their experiences.

The researcher attended a governing body meeting in order to observe things like parent governor participation, possible dominance of parent or teacher governors in the decision making process. Furthermore, the researcher avoided direct involvement in the meeting process in order to avoid the possibility of influencing the setting.

### **1.5.3 Ethical clearance and considerations**

The following ethical principles were adhered to in the process of conducting the case study:

- Written informed consent was sought. Research participants were informed about the nature of the study to be conducted and given the choice of either participating or not participating.
- The researcher respected the research participants' right to privacy. Under no circumstances will the research report be presented in such a way that others become aware of how a particular participant responded or behaved.
- The researcher reported his findings in a complete and honest manner without misrepresenting what he had done or intentionally misleading others about the nature of his findings.

### **1.5.4 Approval of the research**

The research was approved by the relevant authority of the University of Pretoria before it was undertaken. Furthermore, upon completion of the study, the research will again be submitted to the relevant authority for approval.

### **1.5.5 Gaining access to the research samples and sites**

The researcher negotiated and agreed with the consenting respondents about the date and time of the interview. In agreement with the above, Graziano and Raulin

(1997:346) maintains that the researcher must be sure that all subjects have been contacted and scheduled for the procedures and have agreed to participate.

### **1.5.6 Obtaining access to the research samples and sites**

Arriving at the place of the interview the researcher explained the purpose of his visit to the gatekeepers and humbly requested access to the respondents. According to Creswell (1997:117) a gate-keeper is the initial contact for the researcher before contact is made with the other participants.

### **1.5.7 Obtaining the participants' consent**

The researcher obtained a letter of informed consent from the participants. This is important since the participants were not coerced into participation.

### **1.5.8 Data analysis**

Qualitative data analysis is primarily an inductive process of organizing the data into categories and identifying patterns among the categories (Macmillan and Schumacher, 2006:461). The following steps were followed in data analysis:

- Facts were organized in a logical order. Categories were identified that could help to cluster the data into meaningful groups. There was an interpretation of single instances where specific documents or occurrences were examined for specific meanings they might have in relation to the case. Identification of specific patterns in the different schools was done. In this case the data and the interpretations were scrutinized for underlying themes and other patterns that characterize the case more broadly than a single piece of information can reveal. Finally the process of synthesis and generalization was followed where an overall portrait of the case was constructed. Furthermore, conclusions were drawn that may have implications beyond the specific case that has been studied.

### **1.5.9 Data interpretation**

The researcher interpreted the data after he had analysed it. This refers to relating one's results and findings to existing theoretical frameworks or models and showing whether these are supported or falsified by the new interpretation.

### **1.5.10 Trustworthiness**

Trustworthiness is of the utmost importance in qualitative research. Multiple data sources were used to check the findings. Information from individual interviews, documents and observations were combined. Pieterse and Maree (2007:113) argue that if the data from different sources points to the same conclusions, you will have more confidence in your results.

### **1.5.11 Significance of the study**

The study is significant since it reveals how school governing body members and school principals perceive the dual role of principals in the professional management and governance of public schools.

The dual role of the principal in the professional management and school governance is a matter of serious concern to the teaching fraternity. If not well understood, it may result in serious conflict between the principal and the department and again between the principal and the parent governors. A thorough understanding of the dual role of the principal is sought and then added to the body of knowledge in the education profession.

## **1.6 CHAPTERS**

The research is spread over four chapters as follows:

### **Chapter 1**

The opening chapter of this research study consists of the introduction, the rationale of the study, the problem statement, aim and objectives, the relevance of the study, research design, data collection, data analysis, ethical considerations and the significance of the study.

## **Chapter 2**

Chapter 2 deals with the legal framework in which the principal has to execute his /her task as an employee of the Department of Education and as an ex officio member of the governing body of a public school. It further deals with a number of South African cases where principals were charged for execution of governing body functions.

## **Chapter 3**

The empirical part of this research includes the analysis and interpretations of data collected.

## **Chapter 4**

The last chapter reflects the findings regarding the research questions. The recommendations, limitations and future aspects for research complete the chapter. References and appendixes follow after chapter 4.

## **CHAPTER 2**

# **THE LEGAL FRAMEWORK WITHIN WHICH PRINCIPALS OF PUBLIC SCHOOLS HAVE TO FULFIL THEIR DUAL ROLE AS PROFESSIONAL MANAGERS AND AS EX-OFFICIO GOVERNORS**

### **2.1 INTRODUCTION**

The South African Schools Act, Act 84 of 1996 plays an important role in encouraging the principle of partnership in and mutual responsibility for education. With the institution of school governing bodies, the Act aims at giving meaning to the principle of the democratization of schooling by affording meaningful power and authority to the school level stakeholders. The governing body also aims at bringing together all the stakeholders in a forum where differences may be discussed and resolved for the purpose of developing an environment conducive to effective teaching and learning (CEPD 2002:134). The preamble of the Schools Act explicitly outlines the objective of the Act as follows:

‘... a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organization, governance and funding of schools in partnership with the State.’

After the background laid out in chapter one, this chapter will basically serve three purposes:

- It will attempt to clarify important concepts associated with the matter under investigation.
- It will further discuss the legal framework within which principals of public schools have to fulfil their dual role as professional managers and as ex-officio governors

- It will also identify South African case law related to the dual role of the principal.

## **2.2 CLARIFICATION OF CONCEPTS**

Concepts are mental images that vary from person to person. It is therefore very important for them to be clarified in order for all to have the same understanding of the issues under discussion. There are a number of concepts that are closely related to the dual role of the principal in school management and governance: professional management, governance, quality education, power, authority, responsibility, accountability, centralization and decentralization. These concepts will be clarified before the discussion of the role of the principal in school management and governance is discussed.

### **2.2.1 Professional management**

Although this concept is a vast field, it can however be generally defined as the administration and organization of teaching and learning at the school. In accordance with the South African Schools Act, Act 84 of 1996, the performance of all the departmental responsibilities that are prescribed by the law falls within the definition of professional management. It also includes the organization of all activities which support teaching and learning.

There are many perspectives of what comprises the professional management process. Some authors refer to management as a process encompassing certain elements; others refer to the processes and components of management while still others subdivide professional management into activities or functions.

According to Van der Westhuizen (1996:57) management in education is a specific type of work in education which comprises those regulative tasks or actions executed by a person or body in a position of authority in a specific field or area of regulation so as to allow formative education to take place. An imbizo is, on the other hand, regarded as an African perspective of management where people are invited to a meeting irrespective of position or status to discuss issues of common concern

with a view to reaching consensus on ways to address the issues (van der Westhuizen 1995:64).

Apart from this confusing terminology, there is no consensus regarding the number of managerial processes, activities or elements that pertain to professional management. Some schools of thought classify management as consisting of six generic processes while others prefer to use four elements. Although there is clearly no consistent universal approach, the most generally accepted perspective is that the manager decides what must be done, how it should be done, gives instructions that it must be done and determines whether or not it has been done. These four fundamental functions of management are generally known as planning, organizing, leading and controlling.

### **2.2.2 School governance**

Department of Education (1997:11) defines school governance as determining policy and rules according to which a school is to be organized and controlled. This includes ensuring that such rules and policies are carried out effectively in terms of the law and the budget of the school.

Beckmann and Prinsloo (2009:3) define the school governing body as the body functioning in terms of Section 16 of the South African Schools Act and also constituted in terms of that Act. It exercises the functions accorded to it in terms of the decentralization of power to school communities.

Pretorius (1993:21) on the other hand views school governance as an element that is interwoven with professional management in a process that is aimed at enabling schools to provide effective and efficient education. This view brings into the picture the theory of co-operative governance, which is one of the theories considered in this study.

Department of Education (1997:16) defines school governance as executing functions as laid down in sets of regulations and measures of the Department of Education. On the basis of this definition it is therefore obvious that it is important for



school governing bodies to have all the documents of the Department of Education that contain these regulations and measures and to know and understand what they say. Bush and Coleman (2000:28) state that school governance is a process where head teachers, working with the governing body, develop a strategic view of the school in its community and analyse and plan for its future needs and further development within both the total national and international context.

### **2.2.3 Cooperative governance**

The new government elected in 1994 in South Africa brought a number of changes. The system of government changed. Cooperative government was chosen instead of a competitive system.

The Constitution of the Republic of South Africa provides for a cooperative government system. Education in South Africa is organized at national, provincial and local level. This is a system that places more focus on cooperation than competition in governance.

- **Levels of government**

The government of the Republic of South Africa has three levels of government. Although these three levels are distinctive, they are interdependent and interrelated. They can all make laws, regulations and rules on education matters, but must work together according to the principles set out in the Constitution.

- **The national level**

The Department of Basic Education and Higher Education and Training form the Department of National Education which exercises control over education. It is primarily responsible for policy formulation on education. The Heads of Education Departments Committee has been established to facilitate coordination between the National Department and the Provincial Departments of Education.

- **The provincial level**

The Provincial Department of Education is headed by a member of the Executive Council for Education. Although the provincial departments are basically the implementation wing of the national department, they too can make laws governing

education. However, such laws must not be in conflict with the principles of the Constitution, the South African Schools Act, the National Policy Act or any other legislation that applies to education.

For the purpose of facilitating administration, the provincial departments are divided into districts which are further divided into areas. Areas are divided into educational circuits.

- **Local level**

This is the lowest level of educational administration. It is the level of the school. The need for cooperation at the school level is reflected in the partnership principle set out in the preamble of the Schools Act. The educational circuits must cooperate with schools whereas the parents, learners, educators and other members of the school community share the responsibility of governance of the school. Department of Education (1997:21) states that the state recognizes that parents, teachers and the community all have important roles in education. In this way the democratic values enshrined in the Constitution are not only supported but are also promoted.

The governance of a public school is vested in its governing body. The SGB is therefore the official representative of the parents of learners, the educators and learners of a school in all matters concerning the school, excluding all matters that relate to the professional administration of the school.

Agreeing with the above, Mafuwane (2005:61), states that school governing bodies are by law mandated to govern all public schools in accordance with the applicable national and provincial legislation.

#### **2.2.4 Power**

Power is the ability to execute authority and the manner in which it is done. The power of a school governing body refers to its legal capacity to perform its functions and obligations in terms of Section 16 of the Schools Act. The power of a governing

body is not delegated power but original power in terms of the Schools Act, to act as the duly designated agent of a public school (Beckmann and Prinsloo, 2009:3).

### **2.2.5 Authority**

Every manager (principal) regardless of management level is on occasion also a leader who ensures that subordinates work together to achieve the stated objectives of the enterprise (school). No manager can manage without authority. Therefore authority has to do with the enforcement of certain actions in accordance with specific guidelines (policy), and the right to take action against those who will not cooperate to achieve certain goals.

The HOD in a province, as the executive head of the department of education, is legally responsible for all actions in that department. He/she has the authority vested in his/her post to delegate authority to subordinates. In the school situation, the school principal, as the executive officer of the school, is given the authority by the head of provincial education to enforce his/her authority on the school (Joubert and Prinsloo, 2009). The principal of a school has the authority to act on behalf of the head of department and to take independent decisions within the broad guidelines of relevant legislation and departmental policy.

### **2.2.6 Responsibility**

Responsibility refers to a person's duties in terms of his /her post and the work allocated to him/her. The work does not necessarily need to be done by this person. Some of it, with its attendant responsibility, may be delegated. However, he/she is, in the final instance responsible for the successful execution of the work.

### **2.2.7 Accountability**

Accountability refers to a person's duty to give an account of work executed in terms of set criteria and determined standards ( Joubert and Prinsloo, 2009: 231).

This means that if a task is delegated, allocated or assigned to a person with the authority and responsibility to execute it effectively, he/she is accountable to his /her head to complete such task satisfactorily (Van der Westhuizen, 1996: 172-173). The principal of a school is accountable to the head of education in the province for

effective management of the school. Principals are also accountable to the governing body (parent community) for the correct handling, use and reporting of school finance, the implementation of governing policy regarding the admission, language and religious policies of the school (Joubert and Prinsloo, 2009:231).

According to Nieuwenhuis (2004:104) the thread that runs through all definitions is that accountability places a duty or obligation on a person to act in accordance with a standard or expectation set for his/her behaviour. In other words, every person must be able to account for his/her own actions in relation to the standard or expectation set for these actions in a specific situation.

### **2.2.8 Centralization and decentralization**

Governments, informed by their philosophical orientation, typically opt for either centralized or decentralized systems. According to Van der Westhuizen (1996:8), administrative control in centralized education systems places the responsibility for policy development and implementation in the hands of a particular individual or body whereas more than one person or body shares this responsibility in a decentralized system.

South Africa however has a mixture of both the centralized and decentralized education system where the development of broad policy is the responsibility of the national department and the implementation of policy is the responsibility of provincial departments.

The South African Schools Act was developed to democratize education in South Africa. It devolves the responsibility, powers and authority for the governance of public schools to school governing bodies. This devolution of power in essence opened up opportunities for all stakeholders in education to participate in matters pertaining to education. It ensures participative democracy which includes participative decision making processes associated with decentralized education systems in the world.

However, Beckmann (2007) states that governments seldom surrender real power even when they purport to have done so and claims that any restrictions on the devolution of power serve to safeguard the state's position of power allowing it to withdraw, on reasonable grounds, any of the functions allocated as and when deemed necessary. Section 16(1) of the South African Schools Act provides for this restriction or limitation of the powers of school governing bodies whereas section 21 of the Act allows these bodies to apply for more powers should they deem themselves competent to perform them.

Professional management of schools is however the one function that is not devolved to the school governing body by the State. Section 16(3) provides for this function to be executed by the principal under the authority of the Head of Department. Section 16A(1) continues to state that the principal of a public school represents the Head of Department in the governing body when acting in an official capacity as contemplated in Sections 23(1)(b) and 24(1)(j). These sections of the South African Schools Act that place the principal directly under the authority of the Head of Department often lead to conflict since in terms of Section 16A (3) the principal must at the same time assist the governing body in the performance of its functions and responsibilities. Section 16A (2) requires the principal to provide the governing body with a report about the professional management relating to the public school. This in essence means that the principal has two authorities to whom he or she must be accountable; the Head of Department and the school governing body.

### **2.2.9 The principle of partnership in and mutual responsibility for education**

The South African Schools Act plays an important role in encouraging the principle of partnership in and mutual responsibility for education. With the institution of school governing bodies, the Act aims at giving meaning to the principle of the democratization of schooling by affording meaningful power over their schools to the school level stakeholders. The governing body also aims at bringing together all the stakeholders in a forum where differences may be discussed and resolved for the purpose of developing an environment conducive to effective teaching and learning (CEPD 2002:134).

The majority of members of the governing body are parents of the school (the representatives of the parent community) There are also a number of educators, administrative staff and, in the case of secondary schools, also learners. In terms of Section 16 (1) the governing body of a public school is responsible for the governance of the school. In terms of Section 23(9) of the South African Schools Act, the number of parent members must comprise one more than the combined total of the other members of the governing body who have voting rights. The fact that parents make up the majority (Section 23(9)) of members on the governing body demonstrates the importance of their involvement and promotes the principle of partnership and mutual responsibility in a public school. This partnership is based on the democratic principle of decentralization and the distribution of authority from the national and provincial spheres of government to the school community itself. The preamble of the South African Schools Act further recognizes the need to protect the diversity of language, culture and religion in education, upholds the rights for all learners , parents and educators, and promotes their acceptance of responsibility to the organization, governance and funding of schools in partnership with the state.

It is further important to state that in terms of Section 16(2) of the South African Schools Act the governing body stands in a position of trust towards the school and must promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners (Section 20(1)(a)).

### **2.3 THE LEGAL FRAMEWORK WITHIN WHICH PRINCIPALS HAVE TO FULFILL THEIR DUAL ROLE**

The Constitution of the Republic of South Africa protects the fundamental rights of everyone in our country. Since 1994 much has been done by means of national and subordinate legislation to give meaning to the fundamental rights of all partners in education. The South African Schools Act is a good example of national legislation that provides for a uniform education system. This Act also plays a major role in securing a number of rights, namely those to basic education, equal access to schools, language preference, freedom of religion and culture, human dignity, freedom and security of the person, and just administrative action (Prinsloo, 2006).

In terms of Section 15 of the Schools Act, a public school is a legal person ('juristic person') with legal capacity to perform its functions under the Act. In terms of its legal personality, the school is a legal subject and has the capacity to be a bearer of rights and responsibilities (legal obligations). This means that a public school may enter into a contract with another legal subject (e.g. a company, in order to purchase handbooks), but it also assumes all responsibilities and liabilities attached to such status (e.g. it is liable in the case of breach of contract) (Davies, 1999:59). As a juristic person, the public school cannot participate in the law in the same manner and to the same extent as a natural person. It has to act through its duly appointed agent, and in Section 16(1) the South African Schools Act makes provision for the governance of a public school to be vested in its governing body. The question often arises as to the extent of the governing body's original powers – that is to say, the extent to which it has the right to act on its own outside the provisions of legislation that govern its activities. It may be concluded that since the public school is an 'organ of state', the governing body acts as its functionary to perform its functions in terms of the South African Schools Act. Thus, although the governing body has no original power to act on its own outside the provisions of the South African Schools Act, it has original power to perform its functions in terms of the Act (Prinsloo, 2006).

As previously indicated, the South African Schools Act distinguishes between governance and professional management. According to Davies (1999:60) it may be concluded that no active management role is foreseen for the governing body of a public school. However, this distinction may well give rise to conflict between the governing body and the principal of the school, especially if there is any uncertainty about who is responsible for what and who is accountable to whom.

In the following table a distinction is made between professional management and governance of a school

**Table 2.1:** Professional management and governance of a public school.

MANAGEMENT (the principal)	GOVERNANCE (the governing body)
<p>Directly responsible for the day-to-day professional management of the school</p> <ul style="list-style-type: none"> <li>- Management of staff affairs, learner affairs, school finance ( keeping accounts and records of school funds), administrative affairs, physical facilities, school community relations</li> <li>- Implementation of departmental policy</li> <li>- Professional leadership regarding educator staff</li> <li>- Being a member of the SGB( support and assistance)</li> <li>- Liaising with the Department of Education</li> <li>- Utilization and development of staff and other resources that focus on effective teaching and learning</li> <li>- Works directly with staff</li> <li>- Works directly with learners(full time)</li> <li>- Direct decision making regarding all professional matters in the school (within the broad guidelines of education policy and law)</li> <li>- Direct responsibility for employer and governing body</li> <li>- Directly accountable to the governing body in terms of assigned tasks</li> <li>- school finance</li> <li>- Directly accountable to the employer for the professional management of the school</li> </ul>	<p>Responsible for the drafting of</p> <ul style="list-style-type: none"> <li>- Admissions policy( section 5)</li> <li>- Language policy(section 6)</li> <li>- Religious policy ( section 7)</li> <li>- Code of conduct for learners and disciplinary proceedings (section 8)</li> </ul> <p>Responsible for</p> <p>Recommending to the HOD the appointment of educators and non- educators (section 20(1)(i))</p> <ul style="list-style-type: none"> <li>- School funds and assets</li> <li>- Annual budget</li> <li>- Enforcement of payment of school fees</li> <li>- Financial records</li> <li>- Auditing or examination of Financialrecords and statements</li> <li>- Safety of learners (buildings and school grounds)</li> <li>- Works with management, works through management(part time)</li> <li>- Direct decision making in terms of its functions as determined in the Schools Act</li> <li>- Overarching responsibility</li> <li>- Directly accountable in terms of the legal functions as determined in the Schools Act (parent community and the Department of Education)</li> </ul>

Source: Adapted from Joubert&Prinsloo (2009:236).

Section 16A (1) accordingly makes provision for:

- (a) The principal of a public school to represent the Head of Department in the governing body when acting in an official capacity as stated in Section 23(10)(b) and 24(1)(i)



In terms of Section 16(A) (2) the principal must:

- (b) Attend and participate in all meetings of the governing body;
- (c) Assist the governing body with a report about the professional management relating to the public school;
- (d) Assist the governing body in handling disciplinary matters pertaining to learners;
- (e) Assist the Head of Department in handling matters pertaining to educators and support staff
- (f) Inform the governing body about policy and legislation.

The principal must also assist the governing body in the performance of its functions and responsibilities, but such assistance or participation may not be in conflict with:

- (a) instructions of the Head of Department
- (b) legislation or policy
- (c) any obligation that he or she has to the Head of Department, a member of the executive council or the minister.
- (d) Any provision of the Employment of Educators Act , 1998 (Act 76 of 1998), and the personnel administrative measures determined in terms thereof.

In terms of Chapter C, Paragraph 4.2(e) (i) of the Personnel Administrative Measures, the principal is responsible for the professional management of a public school. Paragraph 4.2(e) makes provision for the following:

**(i) INTERACTION WITH STAKEHOLDERS**

- To serve on the governing body of the school and render all necessary assistance to the governing body in the performance of their functions in terms of the South African Schools Act.

**(ii) COMMUNICATION**

- To cooperate with the school governing body with regard to all aspects of governance as specified in the South African Schools Act.

The Personnel Administrative Measures (PAM) further assigns the following tasks to the principal as the professional leader of a public school:

- To be responsible for the professional management of a public school
- To give proper instructions and guidelines for timetabling, and the admission and placement of learners
- To have the various kinds of school accounts and records properly kept and make the best use of funds for the benefit of the learners in consultation with the appropriate structures
- To guide, supervise and offer professional advice on the work and performance of all staff in the school and, where necessary to discuss, write or countersign reports on academic staff, support, non-teaching and other staff
- To be responsible for the development of staff training programmes, both school- based and school-focused, and externally to assist educators, particularly new and inexperienced educators, in developing and achieving educational objectives in accordance with the needs of the school
- To liaise with the circuit/regional office, supply section, personnel section and finance section concerning administration, staffing, accounting, purchase of equipment, research and updating of statistics in respect of educators and learners
- To ensure that departmental circulars and other information received which affect members of the staff is brought to their notice as soon as possible and are stored in an accessible manner.

The principal is further responsible for the implementation of governing body policies regarding admission to the school (Section 5), language (Section 6), religion (Section

7), the code of conduct for learners (section 8), and the administration and spending of school fees (section 37).

The above-mentioned provisions mean that the principal must implement the policy of the Provincial Department of Education when operating as a departmental employee and in his/her capacity as a governing body member to protect the interests of the governing body, the school and the parent community when dealing with the department. As professional leader, the principal should do everything that is expected of him/her to ensure that what the governing body and the provincial department do is lawful, fair, reasonable and permissible.

Mahlangu (2005:61) in his study on the relationship between the principal and the school governing body states that the South African Schools Act has radically changed the relationship between the principal and the school governing body and affirms that school governing bodies have now been given regulated freedom and their areas of operation are now defined, although there are grey areas.

Mbatsane (2006:22) on the other hand argues that although the intent of the law in establishing school governing bodies is noble, the goals envisaged in legislation are not always realized. Furthermore Lemmer and Van Wyk (2004:263) notes that there is a perception among educators that school governing bodies do not know what is expected of them. In the next paragraphs the researcher will discuss very briefly the rights of parents to have a say in the governance of a public school.

## **2.4 THE RIGHT OF PARENTS TO HAVE A SAY IN THE GOVERNANCE OF A PUBLIC SCHOOL**

The governing body consists of a majority of parents (the representative of the parent community), a number of educators, administrative staff and, in the case of secondary schools, also learners. The governing body is thus responsible for the governance of the school (section 16(1)). As been said before, in terms of section 23(9) of the Schools Act, the number of parent members must comprise one more than the combined total of the other members of the governing body who have voting rights. The fact that parents make up the major part (Section 23(9)) of the governing body demonstrates the importance of their involvement and promotes the principle of

partnership and mutual responsibility in a public school. This partnership is based on the democratic principle of decentralization and the distribution of authority from the national and provincial sphere of government to the school community itself. The preamble of the South African Schools Act further recognizes the need to protect the diversity of language, culture and religion in education, to uphold the rights of all learners, parents and educators, and to promote their acceptance of responsibility for the organization, governance and funding of schools in partnership with the state. The parent majority in the school governing body implies that parents have a strong and decisive voice in, for example (Prinsloo, 2006: 357):

- Religious matters at school
- The language policy of the school
- The adoption of the code of conduct for learners
- Recommendations to the Head of Department regarding the appointment of educators; and
- The financial affairs of the school

#### **2.4.1 Religious matters**

Section 15(1) of the Constitution states that everyone has the right to freedom of conscience, religion, thought and opinion. According to Section 15(2), religious observances (assembly) may take place at public schools, provided that they are provided on an equitable basis and attendance is free and voluntary.

Section 7 of the South African Schools Act, states that the governing body of a public school may make rules regarding religious observances. As stated above, the only limitation that is prescribed is that staff and learners may not be forced to attend religious observances and that the observances are conducted on an equitable basis. With regard to the religious observances of their children, parents have the right to make requests concerning dress, food and the participation in certain activities that are forbidden by a particular religion. According to Bray (1998:74), section 15 protects religious liberty in the sense that the State has to refrain from

interfering in the belief and practice of religion or irreligion by the individual. This also applies to the public school.

#### **2.4.2 The language policy of the school**

In terms of Section 29 of the Constitution the right to basic education belongs to everyone, including children. It is a socio-economic right and imposes a positive duty on the State to provide education or access to education. Some of the basic features of the right to education that could be claimed by parents are discussed briefly below.

- **Education in the official language of choice**

In terms of this right, the State has an obligation to consider all reasonable educational alternatives (including single-medium institutions) when it decides how to provide education in the language of parents' choice. According to the South African Schools Act (Section 6), the Minister of Education may determine norms and standards for language policy in public schools. The governing body may, however, determine the language policy of a school, provided that no form of racial discrimination is practiced.

- **Equal access to educational institutions**

Educational institutions are not expressly mentioned in Section 9 of the Constitution, but in Section 9(2) the full and equal enjoyment of all rights and freedoms is guaranteed. This right is further protected by Section 5(1) of the South African Schools Act, which states that a public school must admit learners and serve their educational requirements without unfairly discriminating in any way, and by Section 5(2), which states that the governing body of a public school may not administer any test (i.e. language) related to the admission of learners to a public school. According to Section 6 of the South African Schools Act the governing body of a public school may determine the language policy of a public school, provided that no form of racial discrimination is practiced in implementing the language policy.

In *Governing Body of Mikro Primary School & another vs. Western Cape Minister of Education & others* [2005] JOL 13716 (C) the difficult situation of the principal as an

employee of the Department of education and as an ex officio member of the governing body is clear. On 2 December 2004, the Department of Education instructed LaerskoolMikro, an Afrikaansmedium school, to admit and accommodate 40 English-speaking Grade 1 learners at the school in January 2005, despite the availability of a parallel-medium school only 200m away from Mikro. The Department required the school to teach these learners in English and advised the principal that failure to implement this directive may constitute grounds for disciplinary action.

On the morning of 19 January 2005 two officials from the Western Cape Education Department insisted that the 21 English-speaking children who turned up with their parents attend the assembly in the school hall where the school was to be opened for the year. They brushed aside the protests of the chairperson of the Mikro Governing Body, who said that these children had not yet been admitted to the school. Application forms completed by the parents under the supervision of one of the officials from the Department of Education had not been processed by the principal of the school, nor had he applied his mind to matters such as whether each of the children fell within the required age group. One of the officials told the chairperson of the Governing Body that he was taking over the management of the school.

In the subsequent court case, Judge Thring found that the insistence of the Western Cape Department's officials that the children and their parents attend the school assembly against the wishes of the principal and the chairperson of the Governing Body of Mikro Primary constituted interference in the governance and professional management of the school. One of his concerns in this regard was the 'value of legality' (rule of law), which refers to the simple principle of the State having to obey the law. The Judge further stated that this principle is so fundamental and important in any civilised country that only in an extremely rare case could the rule of law be held hostage in the best interests of children. Indeed, he found it difficult to imagine how it could ever be in the long-term best interests of children to grow up in a country where the State and its organs and functionaries have been elevated to a position where they could regard themselves as being above the law, because they had abrogated the rule of law.

Judge Thring also remarked, that in his view the fact that the school principal, in terms of Section 16(3) of the South African Schools Act, must undertake the professional management of his school under the authority of the Head of Department does not render the principal subservient to the Department in everything he does. He does not, thereby, become the Head of Department's lackey.

The Minister of Education took the matter on appeal to the Supreme Court of Appeal: *Minister of Education, Western Cape, and Others v Governing Body, Mikro Primary School, and Another* 2006 (1) SA 1 (SCA).

The SCA ruled, inter alia, that:

While Section 6(1) of the Act authorised the Minister of Education to determine norms and standards for language policy in public schools, it did not authorise the Minister him/herself to determine the language policy of a particular school, nor did it authorise him/her to authorise any other person or body to do so.

It was, in terms of Section 6(2) of the Act, the function of the governing body of a public school to determine the language policy of the school, subject to the Constitution, this Act, and any applicable provincial law. The admission and language policy determined by the first respondent was not contrary to any of the relevant provisions, and neither the Head of the Department nor the Minister had the right to impose a language policy in opposition with that already determined and adopted by the school.

the Western Cape Provincial School Education Act, (Act 12 of 1997) (C) was subordinate to the Act, which provided that the professional management of a school had to be undertaken by the principal under the authority of the Head of the Department, in terms of Section 16(3). It was thus clear that the Head of the Department was required to exercise his or her authority through the principal of the school. He or she could not do so through officials of the department, since the professional management of a school required a

professional educator. The Court a quo had therefore correctly granted the declaratory order and interdict.

Although the governing body of a public school may determine the language policy of a public school, departmental officials tried to force the principal of Mikro Primary to start an English medium class at the school. One of the officials went so far as to tell the chairperson of the governing body of the school that he was taking over the management of the school. It seems as if the departmental officials in their keenness to implement political decisions taken by their superiors thought they had the power to do whatever they pleased. The impression created is that they are above the law.

The Mikro Primary School case demonstrates the difficult position of the principal as an ex officio member of the governing body and as an employee of the Department of Education. The parent members of the governing body may have the expectation that the principal must promote and protect with them the best interests of the school and the learners of the school while officials of the Department of Education expect the principal to carry out their instructions whether such instructions are lawful or not (Prinsloo, 2006: 357).

### **2.4.3 The adoption of a code of conduct for learners**

According to Beckmann and Prinsloo (2009: 175) the South African Schools Act Section 8(1) places a duty on the governing body of every public school to adopt a code of conduct for its learners following consultations with the learners, parents and educators of the school. Disciplinary proceedings [Section 8(5) (6)(7)(8) and (9) of SASA should at least comply with the following requirements:

- The existence of a valid reason for disciplining the learner (e.g. transgression of the code of conduct or any other legislation).
- To be given adequate notice of the hearing.
- To have access to support, protection and representation in line with the learners' legal status, where necessary.



- To ensure sufficient proof of misconduct and that the evidence is valid and permissible.
- To ensure an impartial decision: the person responsible for the preliminary investigation (principal or senior staff member) should not be involved in any decision regarding the incident.

#### **2.4.4 Recommendations to the Head of Department regarding the appointment of educators**

The governing body of a school has to recommend to the Head of Department the appointment of educators at the school (Section 20(i) of SASA), as well as the appointment of non-educator staff (Section 20(j)). Section 20(1)(i) of SASA contains a crucial staff appointment provision. It states that SGBs must recommend to the Head of Department the appointment of educators at the school, subject to the Educators Employment Act, 1994.

Section 6(3)(a) of the Employment of Educators Act, Act 76 of 1998 states that any appointment, promotion or transfer to any post on the academic staff of a public school may only be made on the recommendation of the governing body of the public school. This seems to put governors in an extremely powerful position.

Subsection 6(3)(c) now provides that the governing body must submit to the Head of Department, in order of preference, a list of:

- (i) at least three names of recommended candidates; or
- (ii) fewer than three candidates in consultation with the Head of Department.

For the purposes of this study the new subsection 6(3)(f) (after amendment in 2006) contains the most far-reaching challenge to the powers of SGBs regarding the appointment of educators. It provides that, despite the order of preference referred to in paragraph (c) ... the Head of Department may appoint *any suitable candidate* on the list (author's italics). This is a dramatic power given to the HOD and could result in SGBs *de facto* losing all power regarding the recommendation and appointment of teaching staff. It could be viewed as the final removal of power from SGBs and a decisive re-centralisation of significant power that has been delegated to the governors of schools (Beckmann and Prinsloo, 2009:182)

However, judgment handed down in *The Point High School and others v the Head of Department of the Western Cape Department of Education* [2007] SCA 14188/06 (RSA) seems to suggest that the court is not necessarily of the opinion that subsection 6(3)(f) of EEA gives unfettered power to HODs to reject or approve SGB recommendations at will. In this case the Point High School in the Western Province of South Africa and its SGB challenged a decision by the Western Cape Education Department not to approve their recommendations for appointment as principal and deputy-principal of the persons they believed to be the most suitable candidates having duly followed the procedures in EEA and other legislation.

The court reviewed and set aside the decisions of the HOD of the Western Cape [Province] Education Department to appoint the persons he did in fact appoint. The HOD was directed to appoint the persons viewed by the school and its SGB as the most suitable candidates. The HOD was ordered to pay the costs of the application, including the cost occasioned by the employment of two counsel (Beckmann and Prinsloo 2009:182).

#### **2.4.4 The financial affairs of the school**

In terms of the South African Schools Act the governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to all learners (Section 36). The South African Schools Act further makes provision in Section 37(1) for the governing body of a public school to establish a school fund and administer it in accordance with directions issued by the Head of Education.

In *Schoonbee and Others v MEC for Education, Mpumalanga & Another* 2002 (4) SA 877 (t) the assumption was seemingly made that the principal is also the accounting officer of school funds. The principal and deputy principal of Ermelo High School were suspended by the Head of the Provincial Department of Education concerned on alleged charges of misusing school funds and the governing body was dissolved. In a landmark judgment in the Schoonbee case, Judge Dikgang Moseneke treated the relationship between the school governing body and the principal in a way that

should give direction to the way we think about this relationship. The Judge found that:

- the principal has a duty to facilitate, support and assist the governing body in the execution of its statutory functions relating to assets, liabilities, property and financial management of the public school and also as a person to whom specific parts of the governing body's duties can be delegated;
- the principal is accountable to the governing body, and it is the governing body that should hold the principal accountable for financial and property matters that are not specifically entrusted to the principal by the statute.

Beckmann (2007:1112) states that the principal cannot be held accountable in cases as foreseen in Section 16(3) of the South African Schools Act, but that the governing body as a collective body can. In terms of Section 16(3), subject to the South African Schools Act and any provincial law, the professional management of a public school must be undertaken by the principal under the authority of the Head of Department. If state revenue makes its way into school funds and there are certain conditions attached, it may be possible to make out a case why the principal as employee may be held accountable for how the money is used (e.g. bursaries earmarked for certain learners). However, even funds coming from the State in terms of the *Norms and Standards for Funding* become school funds ('governing body money') once paid into the school fund, and the governing body is therefore accountable for the way in which they are used. The principal may assist the governing body to make sure that the latter uses the funds for educational purposes as defined, but he or she does not become accountable for the way the school funds are used. If the governing body authorizes the principal to use school funds, he or she is accountable to the governing body for the way such funds are used.

Judge Moseneke's further findings can be summarised as follows:

- The Department (the employer) is not entitled to impute to employees and hold them liable for statutory functions vested in governing bodies with regard to assets, liabilities, property and the financial management of a school.
- As to the dissolution of the governing body, the governing body was obliged to execute its statutory duties and manage the affairs of the school in a lawful manner. When, as in this instance, a forensic audit report suggested that there were several matters (concerning the expenditure of school funds or the use of school property by the principal) which the governing body could have handled differently, the Head of Education should have called upon the governing body for such explanations as might have been necessary. The judge held the view that at that stage it was not necessary to dissolve the entire school governing body in order to be able to raise and deal with, as the Head of Department wanted to, the matters or accounting concerns raised by the report of the Auditor-General.
- The Governing Body was not afforded even the slightest opportunity to deal with the intentions of the Head of Department to dissolve them. Judge Moseneke stated that in a society such as ours where we seek to create a constitutional State, rationality, reasonableness, fairness and openness are very important considerations in evaluating the conduct of wielders of statutory executive power when under judicial review. The intended administrative action has to be disclosed timeously to the affected party to allow him or her to make such representation as he or she may find to be appropriate. Failure to do so by an official acting within the ambit of a statute, wielding power entrusted to him in advancement of one or other public purpose is fatal to that administrative act. These statutory injunctions must be observed and failure to do so of necessity leads to abortive administrative action.

In terms of Section 33(1) of the Constitution, everyone has the right to administrative action that is lawful, reasonable and procedurally fair. In the very next section, 33(2), provision is made for everyone whose rights have been

adversely affected by administrative action to have the right to be given written reasons. The Promotion of Administrative Justice Act (Act 3 of 2000) fulfils its constitutional duty in section 3. Section 3(1) states that any administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair. Section 3(2)(b) states that in order to give meaning to the right to procedurally fair administrative action, an administrator, subject to subsection (4), must give a person referred to in section 3(1) :

- (a) adequate notice of the nature and purpose of the proposed administrative action;
- (b) a reasonable opportunity to make representations;
- (c) a clear statement of the administrative action;
- (d) adequate notice of any right of review or internal appeal, where applicable; and
- (e) adequate notice of the right to request reasons in terms of Section 5.

It is important to notice that the employer cannot take disciplinary action against the principal/deputy principal of a school for the way in which the governing body executes any of its statutory functions. It is furthermore clear that the dissolution of a governing body by the Head of Department concerned is not procedurally fair in terms of Section 3(2)(b) of the Promotion of Administrative Justice Act (Prinsloo, 2006).

Mestry (2004:4) in his study on financial accountability in schools maintains that the principal cannot be liable for mismanagement of funds since it is the school governing body, not the principal that has the statutory obligation to manage the funds of the school. The school governing body is empowered by the law to govern schools and therefore the critical question that continually haunts the public is the question of the dual role played by the principal to manage and govern the school at the same time and the conflict that often follows between the principal and the parent governors as a result. This inevitably affects the provision of quality education. It compromises effective teaching and learning.

The provision made in Section 16(A) which expects the principal to take the part of the Head of Department in his or her relationship with the school governors may have a negative effect on the relationship of trust between the principal and the parent governors.

The significance of the above court cases gives credence to the argument that the position of the principal as a member of the school governing body representing the Head of Department at the school level and as an employee accountable to the Head of Department places him or her in a difficult situation when the Head of Department and the school governing body come into conflict. The conflict according to (Mampana, 2009:78) is often as a result of different interpretation of the legislation regulating education by both the school governing bodies and the Head of Department or the MEC for education on behalf of the department.

A direct conflict of interest is experienced when the principal as a direct representative of the Head of Department has to support the Head of Department in a case against the school governing body while on the other hand he or she must also defend the school governing body in the same case against the Head of Department as he is a joint owner of decisions taken by the school governing body by virtue of being its member. He or she finds himself or herself torn between the two warring factions. The dual role of the principal is indeed a matter of serious concern.

Other authors also wrote about issues related to the phenomenon under study. It will be appropriate to also find out if school governing body members really know and understand why, how and when the principal must account to the SGB. Emphasizing the need for capacitation of the school governing bodies, Oosthuizen (1998:132) states that:

“To enable the governing body to perform its legal and managerial functions effectively, Section 19 of the South African Schools Act makes provision for governing bodies in the province to be trained for the tasks with provincial funds.”

The training of school governing bodies by the Department cannot be the only solution to effective participation of school governing bodies in the life of the school. The key in this regard is ensuring maximum participation of parents in school governance matters. However, this is not a simple task to undertake.

Supporting the training of school governing bodies Mahlangu (2008:197) states as follows:

“Another factor linked to the functions of the SGBs is the need to educate the SGB parent component before the assumption of duties to empower the new SGBs and prepare them beforehand regarding the SASA (RSA, 1996a). This will enable them to know about their duties for the benefit of both the learners and the school. This will also boost their confidence because of the information they have gained. The SGBs must be informed that the SASA (RSA, 1996a) makes provision for SGBs to attend the DoE, GDE and NGO training. It is also important that the DoE be consistent with regard to monitoring the implementation of the policies. The policy makers and the DoE should make provision for measures that can be implemented against those institutions that deliberately disregard the DoE and the GDE policies.”

The functions of the law include the regulation of relationships and activities so that harmony among the various role-players can result. In education law it is therefore logical that the objective of the legal framework will be to harmonize the roles (rights, duties and responsibilities) of among others the state, educators, learners and governing bodies to ensure that all the children of our country have access to quality education (Beckmann, 2007:4).

The harmony cited above as an indispensable factor to ensure access to quality education by all the children of our country is however often impeded by the confusing and sometimes conflicting dual role of the principal as an employee of the Department of Education on the one hand and as ex officio member of the school governing body.

CEPD (2002:133) states that there is a need for coordinators at district level to resolve urgent governance issues. The researcher agrees with the above view but is of the opinion that the key functions of the coordinators should be broad enough to include provision of continued support to the SGB's and therefore close the gap between the SGB's and the teachers, principals and the Department of Education in general.

Chikoko (2008:251) in his study of the role of parent governors also agrees with this notion as he states that the parent governors' level of formal schooling is regarded as important to their ability to perform school governance functions. On the other hand it emerges from Mncube, (2007:7) that parental involvement in school governing bodies depends on the education level of parents; the better educated a parent is, the more he/ she becomes effectively involved in the school governing matters. Concurring with the above views, the researcher is of the opinion that SGB members should be intensively trained in the skills that will enable them to assume their responsibilities in school governance because in the process their understanding of the fiscal and business management affairs of schools will also be enhanced; thus enabling the achievement of quality education.

Emphasizing the importance of the broader community in education Van der Westhuizen (1995:388) states that the level of education depends on the support of the community. This view is nominal in that it does not mention SGB capacity building, because it is a capacitated SGB that can contribute towards the achievement of quality education.

Schools should develop methods to encourage teacher-parent ties in order to enhance learner performance. Teachers, in particular, can focus on activities that bring parents into schools such as parent-teacher conferences, open houses and academic exhibitions.

Concerned about the lack of knowledge of educational law, Beckmann (2007:8) states hereunder as follows:



“Urgent attention needs to be given to sensitizing role players at various levels [departmental officials (at head office and in regional and district offices), professional school management teams and governors] to the need to comply with the law in the execution of their duties and the exercising of their rights. I believe there is still very limited appreciation of this imperative in educational circles and that this lack of awareness of the importance of knowledge of education law and rules can be ascribed among others to problems regarding the initial training of teachers (very few higher education institutions pay and are able to pay significant attention to education law in their teacher training programmes) and to the failure of education authorities to provide proper guidance to educators, governing bodies and to educators out of schools regarding the necessity of education law knowledge”

In support of the above argument, (Prinsloo, 2006:11) states that it is a sorry state of affairs when school governing bodies are compelled to turn to the courts – at great monetary cost to themselves and to the taxpayer – to stop officials from committing unlawful actions and from jeopardizing the smooth functioning of schools through failure to carry out their duty. A perfect example of unlawful actions by departmental officials was laid bare in the case, *Schoonbee and Others v MEC for Education, Mpumalanga & Another* 2002(4) SA877(t), where an assumption was made by the officials that the principal is also the accounting officer of school funds.

The researcher is in total agreement with the above but insists that good governance is on the other hand only possible if school governing members and other stakeholders in education have full capacity to carry out their duties and responsibilities. But as long as there is continued failure of education authorities to provide proper guidance to educators, governing bodies and to educators out of schools regarding the necessity of education law knowledge, this much needed good school governance will remain a pipe dream.

## **2.5 CONCLUSION**

The introduction of democracy in 1994 in South Africa brought with it far-reaching changes in the education system of the country. New laws regulating education were

introduced in order to transform the education system that was unjust, racist and unequal into a single, national system that is based on democracy, equality, equity, justice and non-racialism. These laws made provision for democratic school governance and professional management.

It remains however very critical that the government provides the necessary support to all stakeholders in terms of the understanding of educational law that regulates all activities in education in order to ensure a smooth functioning of schools. This will subsequently enhance the standards of educational attainments as the confusing dual role of the principal as an ex officio member of the school governing body and an employee of the Department of Education on the other hand will be resolved.

The data analysis and interpretation of data will be done in chapter 3. The data will be used to determine the perceptions and experiences of principals, teacher governors and parent governors about the dual role of the principal and how it influences the relationship between school managers and the governing body.

## **CHAPTER 3**

### **DATA COLLECTION AND ANALYSIS**

#### **3.1 INTRODUCTION**

The chapter presents the qualitative research methodology as the method that was used to collect data. The aim of this empirical study was to investigate how principals and members of the governing bodies perceive and experience the dual role of the principal as an employee of the Department of Education and as ex officio member of the school governing body and how it influences the relationship between the principal, teacher and parent governors.

Using data obtained through the interviews with the principals, teacher and parent governors, document analysis of governing body meeting minutes and non – participative observation of the SGB meetings, this chapter deals with the analysis and discussion of the collected data of the research.

#### **3.2 METHODOLOGY IN BRIEF**

Salkind (2006:201) states that qualitative research in the simplest terms, is social or behavioural science research that explores the processes that underlie human behaviour using such exploratory techniques as interviews, surveys, case studies, and other relatively personal techniques.

#### **3.3 DATA COLLECTION AND ANALYSIS**

##### **3.3.1 Data collection**

A number of data collection methods were used to collect data for this research. Semi-structured interviews, document analysis and non- participant observation were used to collect data from participants.

Principals, educator and parent governors were interviewed separately where semi-structured questions were used. The interviews revealed a wide range of perceptions and experiences of the principals, teacher and parent governors about the dual role of principals in professional management and governance of schools and how it influences the relationship between principals and parent governors.

The researcher also used minutes of the school governing body meetings to look at the decisions taken in governing body meetings. The aim of the researcher in this regard was to determine the influence of the principal, teacher and parent governors on decisions taken by the governing body.

The researcher further attended a school governing body meeting in order to observe things like parent governor participation, and the possible dominance of parent or teacher governors in the decision-making process. The principal's role was also scrutinized in this exercise.

### **3.3.2 Sampling**

The purpose of sampling is to select a representative subsection of a precisely defined population in order to make inferences about the whole population. It is to a large extent believed that in order to have an acceptable sample for a research project; researchers should select people at random from the population. However a number of researchers do not share the same sentiment, more especially with regard to qualitative research.

Supporting purposeful sampling against random sampling in qualitative research Maykut and Morehouse (1999:56) state that qualitative researchers , set out to build a sample that includes people (or setting) selected with a different goal in mind: gaining deep understanding of some phenomenon experienced by a carefully selected group of people.

Silverman (2000:104) furthermore argues that purposeful sampling allows us to choose a case that illustrates some feature or process in which we are interested. For the purpose of this study the researcher used purposeful sampling in order to illicit as much information as possible from the carefully selected group of people who have had experience of the topic under investigation.

### 3.3.3 Participants

#### 3.3.3.1 Profile of the participants

Four schools were selected in the Polokwane circuit in the Capricorn district in Limpopo. The schools were from informal, low income, working class settlements as well as more middle income settlements. The names of the schools are fictitious to maintain the anonymity of the schools and the participants. Details such as the number of learners, classes, educators, SGB members and the location of the school were obtained.

From each school the principal, one teacher governor and one parent governor was selected. The total number of participants was sixteen. Fifty percent of the participants were female in order to ensure gender equity. Details such as the age, highest qualification obtained, employment status and the experience of participants in the school governing body were also obtained.

**Table 3.1:** Selected schools

	<b>Rebotse Secondary School</b>	<b>Malope Secondary School</b>	<b>New Horizon Combined School</b>	<b>Splendid Park Combined School</b>
<b>Number of learners</b>	940	1 210	1 102	1 320
<b>Number of classes</b>	15	24	25	35
<b>Number of educators</b>	23	31	32	38
<b>Number of SGB members</b>	8	8	9	10
<b>Location</b>	Informal settlement	Low income settlement	Working class settlement	Middle income settlement
<b>Annual School feesfor 2012</b>	No fee	No fee	R350	R3 600

Rebotse Secondary School is a no-fee school located in an informal settlement. Most of the learners live within the informal settlement and as a result walk to school. The area is poverty-stricken. About 90% of the parents are unemployed and depend

on social grants to sustain their livelihood. The school is understaffed and has a few dilapidated classrooms.

Malope Secondary School is also a no-fee school in a low-income settlement with very high learner enrolment. About 30% of the learners use scholar transport funded by the Department whereas the rest live within the vicinity of the school and walk to school. Most parents are employed in informal jobs while others are unemployed.

New Horizon Combined School is located in a very old black township next to the city of Polokwane. The community is largely working class. Fifty six percent of the learners are from the vicinity of the school whereas the rest come from outside the township and use scholar transport funded by the Department.

Splendid Park Combined School is a former model C school located in a middle-income settlement. Only 10% of the parents are exempted from paying school fees. Approximately 50% of the learners use a bus or taxi organized and paid for by the parents to travel to and from school. The rest of the learners live in the vicinity of the school.

### ***3.3.3.2 Participants from the selected schools***

Information about the participants from the selected schools was obtained. The information included the age, qualifications and employment details of the participants. Information about the number of years' experience of participants in school governance was also obtained.

**Table 3.2:** Information about the participants

#### **Rebotse Secondary School**

<b>Participant</b>	<b>Age</b>	<b>Highest qualification</b>	<b>Employment</b>	<b>No. of years in SGB</b>
<b>Principal</b>	52	BA, STD	employed	9
<b>Educator</b>	45	STD	employed	3
<b>Parent</b>	36	Grade 10	unemployed	6

### Malope Secondary School

Participant	Age	Highest qualification	Employment	No. of years in SGB
Principal	47	B Ed (Hons)	employed	12
Educator	55	SED	employed	9
Parent	38	Grade 12	unemployed	9

### New Horizon Combined School

Participant	Age	Highest qualification	Employment	No. of years in SGB
Principal	50	BA, HED	employed	12
Educator	45	BA, SED	employed	6
Parent	47	Grade 12	employed	9

### Splendid Park Combined School

Participant	Age	Highest qualification	Employment	No. of years in SGB
Principal	48	BA,B Ed	employed	12
Educator	45	BA, SED	employed	9
Parent	39	B Com	employed	6

### 3.3.4 Data analysis

The next step after data collection is data analysis and interpretation. There are various possible techniques for data analysis. Furthermore there are many issues that relate to the application of these techniques.

For the purpose of this study, data was inductively and manually analysed. The analysis is an on-going, iterative process that begins in the early stages of data collection and continues throughout the study. The researcher collected data from

participants and in an attempt to make sense of the data collected, continued with the on-going and iterative process of data analyses.

The researcher reduced the voluminous amount of data to the following themes:

**Theme 1:** The perceptions about the dual role of the principal

- Involvement of the principal in governance
- Independence of the school governing body

**Theme 2:** Experiences about the dual role of the principal

- Cooperation between the principal and members of the SGB
- Power relations

**Theme 3:** The legal framework for the dual role of the principal

- Coherence of legislation and implementation

**Theme 4:** The influence of the dual role of the principal on SGB relationships

- Principal – parent-governor relationship
- Principal – teacher-governor relationship

All data obtained from the participants was examined in-depth, paying particular attention to the audio tapes and field notes. Themes, trends and patterns were identified.

#### ***3.3.4.1 Interview analysis***

All data collected by means of a tape recorder from participants through interviews was replayed repeatedly and the researcher listened to what the participants said. The researcher proceeded to transcribe all that was said by the participants as well as the questions he had asked. “Codes are tags or labels, which are assigned to whole documents or segments of documents (i.e. paragraphs, sentences, or words) to help catalogue key concepts while preserving the context in which these concepts occur (Miles and Huberman, 1994)”.



Each page of the interview transcript was closed and thereafter photocopied. This step was necessary in order to maintain the original format of the interview transcripts.

- **Perceptions about the dual role of the principal**

The principal of Rebotse Secondary School said: - “There is nothing wrong with dual role of the principal; however in my situation SGB members are manipulated. The deputy principal acts like he is the principal. He works closely with the SGB, defies my instructions and does as he wishes. He takes advantage of the little knowledge of the parent- governors about school governance and misleads them to fight me on each and every aspect of my management activities as well as on general day to day running of the school. He makes sure that they make life very difficult for me until I leave the school. He makes them believe that as the principal I must not have any say in the SGB and subsequently in the running of the school. The SGB therefore believe that they are responsible for everything in the school. I have tried several times to bring this matter to the attention of the circuit manager and the deputy manager responsible for school governance but all in vain.”

In agreement with the principal, the teacher-governor views the dual role of the principal as a necessary arrangement as all stakeholders in a school are involved in the provision of education to the child. In his emphasis on the importance of the dual role of the principal as an employee of the Department of Education and as an ex officio member of the SGB the teacher said: - “Collective leadership ensures inclusivity. All important participants in the education process of learners in the school are afforded with an opportunity to equally contribute in the assessment and evaluation of the implementation of the school plan”

The parent-governor also had no problem with the dual role of the principal as he believes that it helps in that the principal is able to tell the parents about the problems he encounters with their children. In the same way, parents are able to tell the principal face to face about the problems they see in his management of the school. The parent went on to say: - “There are teachers who have a tendency of hitting our children and abusing our children in various ways. Such teachers are

reported to the principal in the SGB meeting but the problem is that the principal is unable to take necessary steps against them as the teachers in the SGB protect them.”

The principal of Malope Secondary School indicated that the lack of knowledge of the members of the school governing body is a serious problem in the system. He said: - “As the principal you are most of the times forced to tell the chairperson and the entire members of the SGB what they must do, including instructing them to convene meetings, drawing the agenda and leading discussions in the meeting. It is on the basis of these reasons that I believe the principal must continue to play a dual role as an employee of the Department of Education and as an ex officio member of the SGB.”

The teacher-governor of Malope Secondary School said: - “This dual role of the principal gives the principal the latitude to dominate and wield too much power. He is furthermore a player and a referee at the same time in the sense that he also leads the process of critical analysis of the general performance of the school by the SGB. This really compromises the reliability of the evaluation of the school and as a result no real and effective interventions are made to improve performance.”

A parent-governor of Malope Secondary School maintained that neither the principal nor the teachers should form part of the SGB. “How are we as parents going to plan to make them to work to our satisfaction when we are with them? They cannot be their own doctors. We must be able to see their mistakes and make interventions to correct them,” he said.

When giving her view, the principal of New Horizon Combined School said: - “No, actually as far as I am concerned this is something situational. The situation as it obtains requires that the principal play this double role. The thing is management is on permanent basis whereas governance is just a temporary thing. The SGB is changed regularly and you will find that the individuals within the SGB are different. Sometimes you find that the team consists of individuals who are able to work with you in such a way that your work is supported and promoted but sometimes it is surely not the case.”

The teacher-governor responded by saying: - “As a teacher I honestly believe this dual role is mostly responsible for teacher governors’ apathy in governance. The principal colludes with members of the SGB to oppress the teachers that are not in her good books. Decisions taken by the SGB are always influenced by the principal and meant to indirectly deal with certain individual teachers. Previously a decision was taken by the SGB to discontinue English morning classes for learners. The reason given was that learners are always sick with flu because they are forced to come to school very early in the morning when it still very cold. The main reason however was in fact to try to disrupt the English teacher’s plan to continue to produce good results as this is viewed as a possible challenge to the position of the principal.”

The parent-governor on the other hand said: - “I was elected to serve in the school governing body so that I can be able to see what is happening inside the school premises. Our work is to see that the principal is doing the right thing in the school. The teachers must also respect the principal and teach our children. We must therefore help the principal to control the school and that is why he must work with us in the school governing body”

The principal of Splendid Park Combined School said: - “Ideally the principal should not be part of the school governing body. However, the conditions we find ourselves in as a country do not allow this. First we need to have competent people to govern schools without the assistance of the principal. Governors must have knowledge of policies, processes, procedures of the education system in order to be able to strategically lead schools.”

The teacher-governor of Splendid Park Combined School said: - “My biggest worry about the dual role of the principal is the principal’s conflict of interest. Being a school principal responsible for the professional management of the school is not a small matter. It is a huge task that must be assessed on regular basis for necessary interventions to be made. This will not be possible if the SGB alone without the assistance of the principal cannot play the oversight role. The active role of the principal in the SGB compromises this very important element of the development of the school.”

Agreeing with the teacher-governor, the parent- governor stated that the dual role of the principal creates unnecessary conflict of interest in the principal as over and above his contractual obligation to undertake the professional management of the school he is also expected to govern the school. She maintained that this really needs to be looked into.

- **Experiences about the dual role of the principal**

Commenting on her experience with the dual role of the principal, the principal of Rebotse Secondary School said: - “I really had a quite frustrating experience with the SGB more especially from the parent component. They are more concerned about their narrow selfish needs”

The teacher-governor said: - “Working with the SGB is really an additional function with added responsibility. Having to take responsibility to play oversight role gives me an opportunity to work close with the parents of the learners I teach and the principal at a much higher strategic level”

The parent-governor on the other hand said: - “Since I was elected into this SGB there have always been disagreements and fights between the teacher-governors and the principal. The teachers seem to undermine the principal. The involvement of the principal in governance helps to bring such problems to us to intervene and deal with these teachers”

Explaining his own experience, the principal of Malope Secondary School said:- “Sometimes the school governing body members have individual interests. You will find that the parent component can no longer be able to link well with school management. They develop their own objective that has nothing to do with effective provision of education. As the principal you may not immediately discover that a particular objective to serve the interest of a particular individual is in pursuit but in the long run you will find out. The tragic part is when you find out as the principal you will obviously make others aware of the individual agenda and as more people begin to find out you as the principal you become the target. The agenda is to instil fear in the principal so that they can have their own way in the school governance matters,

particularly in financial matters, without any opposition from the principal. Instead of supporting you as the principal, members of the school governing body will just withdraw from the school governing body and avoid to get involved in conflict with members with selfish interest more especially as they live with them in the same area.”

The teacher-governor confirmed that there are problems in the SGB due to the dual role of the principal. He said: - “Apparently the principal wants to take full control of the SGB. He does not allow any opposition to his recommendations. He wants his recommendations to be instructions. The chairperson of the SGB takes him on from time to time and this only leads to conflict. The situation really puts me as teacher in a very compromising position as I always find it difficult to either challenge him as he is my senior in the school hierarchy.”

The parent- governor regards the principal as a dictator. She said: - “The principal controls this school as if it his private property. He does not have any respect for us as parents in the school governing body. He also treats the teachers in the SGB as if they are his children. When we go to a meeting of the SGB we know very well that we are going to be told what to do. This really should not continue as it really compromises effective teaching and learning.”

The principal of New Horizon Combined School said: - “Allegations of corruption and mismanagement of school funds are often levelled against me as the principal by the parent members of the school governing body without any evidence. Even when the treasurer of the SGB is a parent, these allegations are directed at me. The main orchestrator of all these allegations is the chairperson of the SGB. This, he does, purposefully. The main aim is to frustrate me until I submit myself to his authority and control. When this happens he begins with his own programme of looting the coffers of the school. He awards service provision contracts to his friends and make never-ending claims from the school funds.”

The teacher-governor regards the dual role of the principal as a plan by the government to maintain control of the education system. He relates his experience as follows: “The principal is the eyes and ears of the government in the school

governing body. The government is able to direct the work of the school governing body to ensure that every prescripts of the department are adhered to by all in the school environment to the letter”

The parent-governor holds a view that is slightly different from that of the teacher governor. She said: - “We need space to plan a bright future for our children without the interference of the principal or his teachers.”

The principal of Splendid Park Combined School said: - “I find working with the SGB very easy and all the necessary support expected is provided. It is important to also state that this support does not come automatically, it comes at a price. You really have to nag and beg them to provide the support.”

The teacher-governor said: - “Working with the principal in the SGB is very difficult. The principal must not be part of the school governing body”. According to him, governance is in the main a leadership function and must be left in the hands of the school governing body that must be made up of parents and other members of the community who have the necessary skills and knowledge

The parent-governor concurred with the teacher governor and went on to say: - “My take on the matter is straightforward. There is no need to involve principals and teachers in governance. They are employees and not employers. They should concentrate on their functions as professionals and produce the output required. I really find working with them inappropriate”

- **Legal framework for the dual role of the principal**

The principal of Rebotse Secondary School said: - “The law is clear about the dual role of the principal as an employee of the Department of Education and as an ex officio member of the SGB. There is absolutely nothing wrong with that. The principal must represent the HOD at the school in his professional management of the school and be accountable to him. Again he should be part of the SGB to represent the HOD in matters of school governance and report to him.”

The teacher- governor responding to the matter said: - “There is actually a direct contradiction and confusion created by the South African Schools Act on the matter. Although 16A of the Act provides for the dual role of the principal, section 16(1) gives the SGB powers to govern the school. Who then really has the power to govern the school? Is it the principal, the SGB or both? The law must be clear so that roles are clearly defined.”

The parent-governor however insisted that the law says that we must help the principal to control the school as the governing body. She said: -“The legal framework does not say anything in particular about the teacher in terms of control of the school. But the teachers want a stake in school control”

The principal of Malope Secondary School views Section 16A as very important in terms of defining the role of the principal in both the management and the governance of the school. He maintains that the principal is empowered by this piece of legislation to manage and govern the school but believes the legislation needs to be reviewed.

The teacher-governor agreed that in terms of the law, the principal is responsible for the professional management of the school while the school governing body is responsible for the governance of the school. According to him there should be no conflict between these functions as the principal is in the SGB to represent the Department of Education.

The parent-governor hinted that according to the law the principal is allowed to be in the SGB in order to help the members of the SGB. He said: -“However some principals think that they are in the SGB to control it. It is this kind of thinking among principals that cause conflicts in school governing bodies”

The principal of New Horizon Combined School said: - “Although Section 16A of the South African Schools Act provides for the dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body, I personally feel that as principals we are supposed to be accounting officers instead of governors. There should be a clear line of demarcation between those

who account and those who govern. In essence the management component must account to the governance component. This will to a great extent enhance the principle of accountability, responsibility as well as transparency. Furthermore performance management which is vital for continuous development will be enabled.”

The teacher-governor maintained that section 20 of the South African Schools Act clearly outlines the functions of the SGB while Section 16 outlines those of the principal. The problem is that section 16A seems to give the principal overriding powers to be involved in both management and governance at the same time.

The parent-governor argued that the law provides for the dual role of the principal in school management and governance. He said: - “The key however in this legislative framework is the opportunity that is created for inclusivity where all stakeholders are able to interact in the process of providing effective teaching and learning”

The principal of Splendid Park Combined School in agreement with the principal of New Horizon Combined School said: - “The South African Schools Act provides for the dual role of the principal as employee of the Department of Education as well as an ex officio member of the school governing body. Although this may be good for free flow of communication between the Department of Education and the school governing body it is on the other hand harmful to the development of the school in general. This duality compromises the independence of the school governing body and as a result the monitoring and evaluation role of the SGB becomes impossible. Only strong, capable and independent school governing bodies can ensure maximum productivity of both the teaching and non-teaching staff in a school. This will have a ripple effect on the performance of the learners.”

The teacher-governor said: - “Section 16A of the South African Schools Act provides for the dual role of the principal in management as well as in governance of the school. This responsibility is also emphasized by Section 4.2 (e) of Personnel Administration Measures which states that the principal is responsible for the professional management of a public school”



The parent-governor stated that in terms of Section 16A (1) the principal of a public school represents the Head of Department in the governing body whereas Section 16(1) states that the governance of every public school is vested in its governing body. On the other hand, Section 16 (3) states that the professional management of a public school must be undertaken by the principal under the authority of the Head of Department. The principal however in terms of section 16A represents the Head of Department in the SGB when acting in an official capacity.

- **Influence on the relationship between the principal and other governors**

The principal of Rebotse Combined School indicated that the dual role of the principal helps to ensure that there is always a good working relationship between the management and governance. According to him this is sometimes misunderstood by the parent-governors as they regard the role of the principal in the SGB as unnecessary and misplaced. He went on to say: - “The fact of the matter is that our SGB members, in particular the parent members are not capable of functioning on their own as governors. The involvement of the principal is mostly not welcome by parents because of petty things like jealousy and the desire to lay their hands on the school money”

A teacher-governor said: - “ A practical example of the kind of relationship that prevail due to the dual role of the principal is when the SGB in an attempt to cut costs resolves to cut spending on grocery items like biscuits and teabags for the staff and the principal ignores the decision. To make matters worse the principal even instructs me to go and purchase the items. I find myself in a position where I cannot say no to the instruction of the principal. This will be viewed as insubordination; whereas on the other hand; I know deep in my mind that I am indeed contravening the resolution of the SGB on financial matters of the school. This really puts me as the teacher in a real predicament.”

The parent- governor indicated that the dual role of the principal is the main cause of friction between the principal and other members of the SGB. He went on to say: - “The parents think that the principal has things to hide while the teachers think that

the principal extends his management role into the SGB. It will be much better if legislation is reviewed”

The principal of Malope Secondary School argued that the relationship between the principal and teacher and parent governors is negatively affected by the dual role of the principal. He claimed that some teachers use the platform in the SGB to settle scores with the principal. “They use every opportunity available to unsettle the principal. This creates a situation that is totally not conducive to effective teaching and learning,” he said.

The teacher-governor said: - “As and when I continue with my activities as a member of the school governing body I sometimes find it difficult to make the principal account to me on some of issues of critical importance because in his official capacity as the principal he is in essence my manager - my senior. This really puts me in a very tight corner and seriously impact negatively on my performance as an SGB member.”

The parent- governor indicated that the relationship between school management and governance in her school is really not good. She said: - “There are allegations levelled against the principal by some of us whereas the principal also keep on complaining about sabotage. There is just lot of confusion and to make matters worse it seems no one cares. The principal has so far declared war on certain members of the SGB and in particular the chairperson”

The principal of New Horizon Combined School stated: - “The relationship is good although not perfect. Parent governors are just going along but I believe the main problem that prevails is the lack of knowledge of these poor parents. The department must do more to capacitate the parent governors so that they can be able to play out their roles as governors. To be honest most of their work like policy formulation, educator support, control of school property and other functions are performed by me as the principal with the assistance of other teachers.”

The teacher-governor emphasized that the intent of the law to provide for the principal to play a dual role as an employee of the Department and as an ex officio

member of the SGB is good but it does not help in terms of stabilizing relations between the principal and other members of the SGB. He further stated that there is always a low density war between the teacher and parent members on the one side and the principal on the other.

The parent- governor maintained that the dual role of the principal in management and governance is actually one of the causes of conflict between the principal and the SGB. He went on to say: - “This is not something exclusive to our school but is a general phenomenon in many schools. The principal cannot be objective in a structure that is expected to oversee his work.”

The principal of Splendid Park Combined School on the other hand said: - “There is a good relationship between the principal and other members of the school governing body. This can be attributed to the level of understanding of the school governing body members in my school. Furthermore I do everything possible to involve all in the activities of the school. There are no surprises or secrets; everything is transparent. Parent-governors are supportive in all aspects of the life of the school.”

The teacher-governor partially agreed with the principal on the matter. He said: - “The relationship between the principal and the SGB is generally good but there are times when the parents raise questions about our professional work as teachers. They want to dictate to us as to how to teach their children and this I believe falls outside their scope of work. The best way to create harmonious relationship among stakeholders is to build task based structures - that account to the SGB.”

The parent-governor said: - “The dual role of the principal does not necessary contributes to good relationship between the principal and the school governing body. It only depends on the attitude of both the principal and members of the SGB. The principal must concentrate on professional management of the school and not be part of the SGB which is responsible for school governance. Legislation must be reviewed to clearly separate these functions and draw clear reporting lines.”

The units of meaning were long since the researcher used the participants who were directly involved in the issue investigated in order to elicit rich information. He therefore allowed them to expand as much as possible in answering the questions.

The units of meaning were identified by carefully reading through the interview transcripts. These units of meaning were cut from the photocopies of data transcripts for easy manipulation and to make a summary of similarities, contradictions or discrepancies along the themes identified.

### **Summary**

The following summary was drawn from the units of meaning along the identified themes:

- **Perceptions on the dual role of the principal**

With the exception of a few respondents, there is general agreement in terms of perception among all respondents that the dual role of the principal as an employee and as an ex officio member of the school governing body is not appropriate for the proper performance of the school governing body. The following are brief extracts about the perceptions of governors regarding the dual role of the principal:

“This dual role of the principal gives the principal the latitude to dominate and wield too much power”

“He is furthermore a player and a referee at the same time in the sense that he also leads the process of critical analysis of the general performance of the school by the SGB”

“Both the principal and the teachers should not form part of the SGB. How are we as parents going to plan to make them to work to our satisfaction when we are with them? We must be able to see their mistakes and make interventions to correct them”

“As a teacher I honestly believe this dual role is mostly responsible for teacher-governors’ apathy in governance. The principal colludes with members of the SGB to oppress the teachers that are not in her good books”

“Our work as parents is to see that the principal is doing the right thing in the school. The teachers must also respect the principal and teach our children. We must therefore help the principal to control the school and that is why he must work with us in the school governing body”

“Being a school principal responsible for the professional management of the school is not a small matter. It is a huge task that must be assessed on a regular basis for necessary interventions to be made. This will not be possible if the SGB alone, without the assistance of the principal, cannot play the oversight role. The active role of the principal in the SGB compromises this very important element of the development of the school.”

- **Experiences of the dual role of the principal**

Teacher-governors generally find it difficult to play an oversight role on their seniors in the form of their principals who serve with them on the same school governing body. The only exception is one teacher-governor who finds the experience exciting, however, on the contrary, his principal finds it frustrating. The following are brief extracts about how governors experience the dual role of the principal:

“I really had a quite frustrating experience with the SGB more especially from the parent component. They are more concerned about their narrow selfish needs”

“Working with the SGB is really an additional function with added responsibility. Having to take responsibility to play oversight role gives me an opportunity to work close with the parents of the learners I teach and the principal at a much higher strategic level”

“Since I was elected into this SGB there have always been disagreements and fights between the teacher governors and the principal. The teachers seem to undermine the principal. The involvement of the principal in governance helps to bring such problems to us to intervene and deal with these teachers”

“Sometimes the school governing body members have individual interests. You will find that the parent component can no longer be able to link well with school management. They develop their own objective that has nothing to do with effective provision of education”

“Apparently the principal wants to take full control of the SGB. He does not allow any opposition to his recommendations. He wants his recommendations to be instructions. The chairperson of the SGB takes him on from time to time and this only leads to conflict”

“The principal controls this school as if it his private property. He does not have any respect for us as parents in the school governing body. He also treats the teachers in the SGB as if they are his children”

“Allegations of corruption and mismanagement of school funds are often levelled against me as the principal by the parent members of the school governing body without any evidence”

The teacher-governor regards the dual role of the principal as a plan by the government to maintain control of the education system. He relates his experience as follows: “The principal is the eyes and ears of the government in the school governing body. The government is able to direct the work of the school governing body to ensure that every prescript of the department is adhered to by all in the school environment to the letter”

- **The legal framework on the dual role of the principal**

Although all respondents agree that the legislative framework permits the dual role of the principal, there is a glaring contrast in terms of the interpretation of the intent of the law, with some parents believing that the law is meant to keep teachers in check while some principals believe this provision gives them extraordinary powers to control schools. The following are brief extracts about governors’ views about the legal framework in which the principal has to fulfil his/her dual role:

“The law is clear about the dual role of the principal as an employee of the Department of Education and as an ex officio member of the SGB. There is absolutely nothing wrong with that. The principal must represent the HOD at the school in his professional management of the school and account to him. Again, he should be part of the SGB to represent the HOD in matters of school governance and report to him.”

The teacher-governor said: “There is actually a direct contradiction and confusion created by the South African Schools Act on the matter. Who then really has the power to govern the school? Is it the principal, the SGB or both?”

The teacher-governor agreed that in terms of the law the principal is responsible for the professional management of the school while the school governing body is responsible for the governance of the school. According to him there should be no conflict between these functions as the principal is on the SGB to represent the Department of Education.

The parent-governor hinted that according to the law, the principal is allowed to be on the SGB in order to help the members of the SGB. He said: -“However some principals think that they are in the SGB to control it. It is this kind of thinking among principals that cause conflicts in school governing bodies”

“The South African Schools Act provides for the dual role of the principal as an employee of the Department of Education as well as an ex officio member of the school governing body. Although this may be good for the free flow of communication between the Department of Education and the school governing body, it is on the other hand harmful to the development of the school in general. This duality compromises the independence of the school governing body and as a result the monitoring and evaluation role of the SGB becomes impossible”

- **The influence of the dual role of the principal on SGB relations**

All agree that the dual role has a negative influence on SGB relations. There is a striking discrepancy at one school where the principal shares the same sentiment

although his school has relatively good SGB relations. The following extracts demonstrate the feelings of governors about the influence of the dual role of the principal on interpersonal relations in the governing body:

“The dual role of the principal helps to ensure that there is always a good working relationship between the management and governance. This is sometimes misunderstood by the parent-governors as they regard the role of the principal in the SGB as unnecessary and misplaced. The fact of the matter is that our SGB members, in particular the parent members, are not capable of functioning on their own as governors”

“The parents think that the principal has things to hide while the teachers think that the principal extends his management role into the SGB. It will be much better if legislation is reviewed”

“As and when I continue with my activities as a member of the school governing body I sometimes find it difficult to make the principal account to me on some of issues of critical importance because in his official capacity as the principal he is in essence my manager - my senior”

“The relationship is good although not perfect. Parent-governors are just going along but I believe the main problem that prevails is the lack of knowledge of these poor parents. The department must do more to capacitate the parent governors so that they can be able to play out their roles as governors. To be honest most of their work like policy formulation, educator support, control of school property and other functions are performed by me as the principal with the assistance of other teachers.”

The teacher-governor emphasized that the intent of the law to provide for the principal to play a dual role as an employee of the Department and as an ex officio member of the SGB is good but it does not help in terms of stabilizing relations between the principal and other members of the SGB. He further stated that there is always a low density war between the teacher and parent members on the one side and the principal on the other.



The parent-governor maintained that the dual role of the principal in management and governance is actually one of the causes of conflict between the principal and the SGB. He went on to say: - “This is not something exclusive to our school but is a general phenomenon in many schools. The principal cannot be objective in a structure that is expected to oversee his work.”

- “There is a good relationship between the principal and other members of the school governing body. This can be attributed to the level of understanding of the members of the school governing body members in my school. Furthermore I do everything possible to involve all in the activities of the school. There are no surprises or secrets; everything is transparent. Parent governors are supportive in all aspects of the life of the school.”

The teacher-governor partially agreed with the principal on the matter. He said: - “The relationship between the principal and the SGB is generally good but there are times when the parents raise questions about our professional work as teachers. They want to dictate to us as to how to teach their children and this I believe falls outside their scope of work”

The parent-governor said: - “The dual role of the principal does not necessary contributes to good relationship between the principal and the school governing body. It only depends on the attitude of both the principal and members of the SGB. The principal must concentrate on the professional management of the school and not be part of the SGB which is responsible for school governance. Legislation must be reviewed to clearly separate these functions and draw clear reporting lines.”

#### **3.3.4.2 Document analysis**

All four schools supplied the researcher with copies of the minutes of the school governing body meetings for document analysis. The main focus in the minutes was on principal or parent dominance in discussions and outcomes, conflict situations between principals and parents as well as on conflict of interest.

It emerged from the minutes of the school governing bodies that .most discussions and outcomes are dominated by principals. It also emerged that where principals dominated; there are no conflicts whereas in SGB meetings where the parents

dominated there are conflicts between the principal and other members of the SGB. Furthermore, in parent dominated SGBs outcomes reflect conflict of interest; for instance a governing body cannot give a contract to provide fire wood to prepare food for the learners to the chairperson of the SGB. This constitutes conflict of interest.

### 3.3.4.3 *Observation schedule*

#### **Rebotse Secondary School**

Date : 10 April 2012  
Location : Rebotse Secondary School  
Observation context : Interaction between principal, teacher and parent-governors.

Mark with X

Age: 52

Sex: Male Female x.  
Parent Principal x

Components to observe:	High	Low
• Level of participation	...X.....	.....
• Level of decision making	...X.....	.....
• Level of knowledge of Education law	...X.....	.....
• Level of cooperation	...X.....	.....

#### **Malope Secondary School**

Date : 16 April 2012  
Location : Malope Secondary School  
Observation context : Interaction between principal, teacher and parent-governors.

Mark with X

Age: 28

Sex: Male Female x.  
Parent x Principal

Components to observe:	High	Low
• Level of participation	...X.....	.....
• Level of decision making	...X.....	.....
• Level of knowledge of Education law	.....	.....X.....
• Level of cooperation	.....	.....X....

### New Horizon Combined School

Date : 18 April 2012  
 Location : New Horizon Combined School  
 Observation context : Interaction between principal, teacher and parent-governors.

Mark with X  
 Age: 47  
 Sex: Male Female x.  
 Parent x Principal

Components to observe:	High	Low
• Level of participation	...X.....	.....
• Level of decision making	...X.....	.....
• Level of knowledge of Education law	.....	.....X.....
• Level of cooperation	.....	.....X....

### Splendid Park Combined School

Date : 03 May 2012  
 Location : Splendid Park Combined School  
 Observation context : Interaction between principal, teacher and parent-governors.

Mark with X  
 Age: 48  
 Sex: Male Female x.  
 Parent Principal x

Components to observe:	High	Low
• Level of participation	...X.....	.....
• Level of decision making	...X.....	.....
• Level of knowledge of		
Education law	...X.....	.....
• Level of cooperation	...X.....	.....

It is clear from the minutes of the SGB meeting as well as the observation schedule above that the level of participation of parents in the school governing body meetings is high although the level of knowledge of the legislation that regulates school governance is low. It also emerges that the cooperation of parent- governors who have little knowledge of education law is low.

### 3.4 CONCLUSION

It is evident from the principals, teacher and parent governors from selected schools that there are different perceptions and experiences about the dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body. Furthermore it emerged from both the interviews and minutes of the school governing bodies that the dual role of the principal has a direct influence on the relationship between school governing body members.

It is clear that more oftenthan not, the dual role of the principals puts them on a collision course with other governors and in particular the parent-governors. It emerged from the interviews with the parent-governors that they consider the involvement of principals in school governing body matters as interference with their function.

Interviewed teachers also find themselves between a rock and hard surface because they find themselves in a situation where they have to play oversight on their managers. This makes it difficult for them to execute their functions as school governors.

On the other hand the interviews with principals revealed that there is a strong perception among principals that there should be separate powers for principals and school governing bodies. There is a strong belief that principals should manage schools while school governing bodies play an oversight role. This perception is also shared by some of the teacher and parent governors.

From the minutes submitted to the researcher, it is evident that the school governing body members have little knowledge about policies, processes and procedures of government. Lack of knowledge of the procurement processes of the Department is a clear practical example in this case study. This requires the department to intensify its school governing body development programmes.

It is therefore clear from the interviews and the documents submitted to the researcher that the dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body revealed that there is a gap in legislation in terms of clearly delineating the roles, functions and powers of principals, teachers and parents in both the management and the governance of schools. This is a matter of serious concern to principals, teacher and parent governors.

Chapter 4 deals with the research findings, recommendations and the conclusion.

## **CHAPTER 4**

### **RESEARCH FINDINGS, RECOMMENDATIONS AND CONCLUSION**

#### **4.1 INTRODUCTION**

The chapter provides an overview of the study with particular reference to the literature study, objectives, research method and results. Important findings, recommendations and areas of future research are discussed in this chapter.

#### **4.2 SUMMARY OF THE AIM AND OBJECTIVES**

The aim of this study was to determine the perceptions and experiences of teacher and parent governors about the dual role of the principal and its influence on the relationships between managers and governors.

The objectives of the research were as follows:

- To determine the legal framework within which the principal has to fulfil his/her dual role as an employee of the Department of Education and an ex officio member of the governing body.
- To determine what South African case law says about the dual role of the principal as an ex officio member of the governing body and as an employee of the Department of Education.
- To determine perceptions and experiences of principals as employees of the Department of Education and as an ex officio member of the governing body.
- To determine how the dual role of the principal influences the relationship between school managers and governors.

The objectives above were achieved through research in the form of a literature review and an empirical study. This mini- dissertation is comprised of four chapters. The summaries of the chapters are as follows:

**CHAPTER 1** gave a general view of the study. It addressed aspects like the rationale of the study, the problem statement, aims and objectives of the study, definition of concepts, research design and methodology, and the structure of the research.

**CHAPTER 2** focused on the literature review in order to understand the legal framework within which principals of public schools have to fulfil their dual role as professional managers and ex officio governors. The chapter further deals with South African case law related to the dual role of the principal.

**CHAPTER 3** dealt with data collection and analysis. Summaries of interviews, document analysis and non-participant observation were discussed.

**CHAPTER 4** focused on the synthesis of the findings and presents the recommendations of the study.

### **4.3 IMPORTANT FINDINGS FROM THE LITERATURE REVIEW**

The review of the literature focused on the legal framework in which the principal has to fulfil his/her dual role as an employee of the Department of Education and as an ex officio member of the governing body and case law related to the dual role of the principal. The survey of the literature resulted in some important findings.

- South Africa has a mixture of both a centralized and a decentralized education system where the development of broad policy is the responsibility of the national department but the implementation of policy is the responsibility of provincial departments. The South African Schools Act was developed to democratize education in South Africa. It devolves the responsibility, powers and authority for the governance of public schools to school governing bodies. This devolution of power in essence opened up opportunities for all stakeholders in education to participate in matters pertaining to education. It ensures participative democracy which includes, among others, participative decision making processes associated with decentralized education systems in the world.

- Section 16(1) of the South African Schools Act provides for this restriction or limitation of the powers of school governing bodies whereas Section 21 of the Act allows these bodies to apply for more powers should they deem themselves competent to perform them.
- The Schools Act plays an important role in encouraging the principle of partnership in and mutual responsibility for education. With the institution of school governing bodies, the Act aims at giving meaning to the principle of the democratization of schooling by affording meaningful power over their schools to the school level stakeholders. The governing body also aims at bringing together all the stakeholders in a forum where differences may be discussed and resolved for the purpose of developing an environment conducive to effective teaching and learning (CEPD 2002:134).
- The majority of members of the governing body are parents of the school. There are also a number of educators, administrative staff and, in the case of secondary schools, also learners. In terms of Section 16 (1) the governing body of a public school is responsible for the governance of the school. In terms of Section 23(9) of the South African Schools Act, the number of parent members must comprise one more than the combined total of the other members of the governing body who have voting rights. The fact that parents make up the majority (Section 23(9)) on the governing body demonstrates the importance of their involvement and promotes the principle of partnership and mutual responsibility in a public school. This partnership is based on the democratic principle of decentralization and the distribution of authority from the national and provincial spheres of government to the school community itself.
- The principal is directly responsible for the day-to-day professional management of the school under the authority of the Head of Department of the provincial Department of Education namely, the management of staff affairs, curriculum and learner affairs, school finance (keeping accounts and records of school funds), administrative affairs, physical facilities and school community relations. He or she is further responsible for the implementation of departmental



policy, professional leadership regarding academic and other staff, he/she is an ex officio member of the school governing body (support and assistance of the governing body), liaising with the Department of Education, the utilization and development of staff and other resources that focus on effective teaching and learning, works directly with staff and learners (full time).

- The governing body of a public school is responsible for the drafting of the schools admission policy (Section 5); language policy (Section 6); religious policy (Section 7); code of conduct for learners and disciplinary proceedings (Section 8). The governing body is further responsible for recommending to the HOD the appointment of educators and non-educators (Section 20(1)(i)), school fund and assets, the annual budget, enforcement of payment of school fees and financial records. They are also responsible for the auditing or examination of financial records and statements and the safety of learners in the buildings and school grounds. Lastly, the governing body works with management, works through management (part time) and has direct decision making powers in terms of its functions as determined in the South African Schools Act.
- The principal is further responsible for the implementation of governing body policies regarding admission to the school (Section 5), language (Section 6), religion (Section 7), the code of conduct for learners (Section 8), and the administration and spending of school fees (Section 37). The above-mentioned provisions mean that the principal must implement the policy of the provincial Department of Education when operating as a departmental employee and in his/her capacity as governing body member watch the interests of the governing body, the school and the parent community when dealing with the department. As professional leader, the principal should do everything that is expected of him/her to ensure that what the governing body and the provincial department do is lawful, fair, reasonable and permissible.
- The Mikro Primary School case demonstrates the difficult position of the principal as an ex officio member of the governing body and as an employee of the Department of Education. The parent members on the governing body may have

the expectation that the principal should promote and protect with them the best interests of the school and the learners of the school while officials of the Department of Education expect the principal to carry out their instructions whether such instructions are lawful or not (Prinsloo, 2006: 357).

- In *Schoonbee and Others v MEC for Education, Mpumalanga & Another* 2002 (4) SA 877 (t) the assumption was seemingly made that the principal is also the accounting officer of school funds. The principal and deputy principal of Ermelo High School were suspended by the Head of the Provincial Department of Education on alleged charges of misusing school funds and the governing body was dissolved. In a landmark judgment in the Schoonbee case, Judge Dikgang Moseneke treated the relationship between the school governing body and the principal in a way that should give direction to the way we think about this relationship. The Judge found that:
  - the principal has a duty to facilitate, support and assist the governing body in the execution of its statutory functions relating to assets, liabilities, property and financial management of the public school and also as a person to whom specific parts of the governing body's duties can be delegated;
  - the principal is accountable to the governing body, and it is the governing body that should hold the principal accountable for financial and property matters that are not specifically entrusted to the principal by the statute.
- Judge Moseneke's further findings regarding the dual role of the principal can be summarised as follows: The Department (the employer) is not entitled to impute to employees and hold them liable for statutory functions vested in governing bodies with regard to assets, liabilities, property and the financial management of a school.
- A direct conflict of interest is experienced when the principal as a direct representative of the Head of Department in terms of Section 16(A) has to support the Head of Department in a case against the school governing body while on the other hand he or she must also defend the school governing body in

the same case against the Head of Department as he is a joint owner of decisions taken by the school governing body by virtue of being its member. He or she finds himself or herself torn between the two warring factions. The dual role of the principal is indeed a matter of serious concern.

- Chikoko (2008:251) in his study of the role of parent-governors also agrees with this notion as he states that the parent-governors' level of formal schooling is regarded as important to their ability to perform school governance functions. On the other hand it emerges from Mncube, (2007:7) that parental involvement in school governing bodies depended on the education level of parents; the better educated a parent is, the more he/ she becomes effectively involved in school governing matters. Concurring with the above views, the researcher is of the opinion that SGB members should be intensively trained in the skills that will enable them to assume their responsibilities in school governance because in the process their understanding of the fiscal and business management affairs of schools will also be enhanced, thus enabling the achievement of quality education.
- "Urgent attention needs to be given to sensitizing role players at various levels [departmental officials (at head office and in regional and district offices), professional school management teams and governors] to the need to comply with the law in the execution of their duties and the exercising of their rights. I believe there is still very limited appreciation of this imperative in educational circles and that this lack of awareness of the importance of knowledge of education law and rules can be ascribed among others to problems regarding the initial training of teachers (very few higher education institutions pay and are able to pay significant attention to education law in their teacher training programmes) and to the failure of education authorities to provide proper guidance to educators, governing bodies and to educators out of schools regarding the necessity of education law knowledge" Beckmann, (2007:8).

#### **4.4 IMPORTANT EMPIRICAL FINDINGS**

The empirical study reveals the following findings:

- It is clear from the data that teacher and parent governors do not know the difference between the professional management of the school and school governance. The conflict between teacher-governors, parent-governors and the principal has to do with a power struggle in the governing body. “The dual role of the principal gives the principal the latitude to dominate and wield too much power and he is furthermore a player and a referee at the same time in the sense that he also leads the process of critical analysis of the general performance of the school by the SGB” If the roles of professional management and governance are properly distinguished, this type of power struggle will not take place.
- “Both the principal and the teachers should not form part of the SGB. How are we as parents going to plan to make them to work to our satisfaction when we are with them? We must be able to see the teacher’s mistakes and make interventions to correct them. The involvement of the principal in governance helps to bring such problems to us to intervene and deal with these teachers.”
- It is clear from the remark of a parent-governor that the principle of partnership in and mutual responsibility for education is something that is not encouraged in the governing body. It is also clear that the specific governor doesn’t realize that they can’t interfere in the professional management of the school. Members of the governing body are not allowed to interfere with the professional work of individual teachers. They have to work through the principal and school management.
- Training provided to school governing body members by the Department is not sufficient. This insufficient training does not assist to eliminate the level of incapacity of school governing body members in school governance. Since the law does not require any qualifications as the basis for election as a member of the school governing body, it therefore becomes very important to mention that the majority of school governing body members are not familiar with various management or governance procedures. This inevitably and adversely affects the relationship between professional management and school governance.

- The dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body creates a perception among principals that they are more knowledgeable in both professional management and governance issues and as a result feel that they should always play a leading role in both professional management and governance of schools, as the law permits, in order to bring about effective teaching and learning. This compounds the problem since the school governing body members are in a real sense relegated to a position of mere servitude in a school community. It is on the basis of this anomaly that principals as well need to be thoroughly trained in school governance.
- There is an appalling lack of trust between principals and other members of the school governing bodies. The principals' main concern is that school governing body members are only interested in holding back school money when it is supposed to be used for the needs of the school and this according to them is an impediment to the achievement of organizational goals.
- A comparison between male and female principals has revealed that both of them are similarly affected by the effect of the dual role of the principal on the nature of the relationship between professional management and school governance at the school level. A common problem between male and female principals is however the prevalent tendency of some school governing body members to drag personal issues (personal agendas) into the whole professional management and school governance relationship. The study revealed this as one of the problems that hinders a healthy relationship between management and governance at the school level.
- There are no systems in place to periodically monitor and assess the functionality of school governing bodies because the Department of Education places more focuses on the responsibility of the principal as both a manager and a governor. He or she is expected to account to the Department on regular basis on both management and governance issues of the school.
- There is generally visible accountability of the financial performance of the school. Transaction records are well kept. This however does not mean that the

school has and follows a particular budget implementation plan or proper procurement policy. This is evidence of the fear, mistrust and doubts that exist between professional management and school governance where everyone is at all times careful about his or her involvement in money matters as this is the most common cause of conflict between professional management and school governance.

- The dual role of the principal as an employee of the Department of Education and ex officio member of the school governing body is also responsible for the reluctance of principals with extensive experience in the field of teaching to accommodate changes that were brought in by the new democratic dispensation in 1994 as compared to young and inexperienced principals. These changes include the democratization of the education system to the extent that provision is made in terms of the South African Schools Act for the creation of a sound working relationship between the professional management and the governance of schools.
- Although the Department of Education has employed personnel to deal with school governance matters at the circuit level, these officials are in the main always engaged in general management of education in the circuit. They work almost as assistants to circuit managers and in this way neglect their core function, i.e. maintenance of sound school governance. This impacts negatively on the development of school governing body members and the subsequent slow progress in the transformation of the education system, and in particular the development of a sound relationship between the professional management and the governance of schools.

#### **4.5 RECOMMENDATIONS**

The recommendations that result from the research findings are as follows:

- Legislation that provides for the dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body should be reviewed. Legislation should make a clear distinction between the tasks of the principal as the professional manager of the school and school

governance. The authority, power, roles and functions must be clearly differentiated to avoid conflict. In this way the objective of the South African Schools Act of ensuring that all stakeholders in education are involved in the education system will be achieved.

- Retired principals, teachers and other professional people should be afforded the opportunity to bring their specialized skills and knowledge into the school. This can be in the form of motivational speeches, offering of extra classes in their area of specialization or they may even be allocated a quota in the school governing body representation.
- Efficient methods of training school governing body members in school governance and management procedures should be developed. The emphasis of the training should be on co-operation and the acceptance of mutual responsibility for quality teaching and learning in the school.
- Principals should also be subjected to intensive training in the relationship between democratic school governance and professional management. This should not be a separate training from that of the other school governing body members. This will ensure that both the principal and other members of the school governing body develop a common understanding of how the two functions (i.e. management and governance) correlate.
- A relationship based on trust and honesty needs to be encouraged. This can be enabled by putting in place clear and transparent procedures of operation. Presently there is still a lack of trust between principals and other members of the school governing body.
- More resources should be made available to the Department to establish a strong and sustainable support system for school governing bodies. This will enhance the effectiveness of school governance in South Africa and subsequently the provision of quality education.

#### **4.6 LIMITATIONS OF THE STUDY**

This research was limited to the Polokwane Circuit in the Capricorn district in Limpopo. The research focused primarily on the experiences and perceptions of principals, teachers and parent-governors on the dual role of the principal as an employee of the Department of Education and an ex officio member of the school governing body. One more important limitation was that the research was conducted in four secondary schools in different environments. Two were in a formal township and two were in an informal settlement just outside the city of Polokwane.

#### **4.7 FUTURE RESEARCH**

It is important to state that this study has indeed brought to light a number of issues pertaining to the dual role of the principal as an employee of the Department of Education and as an ex officio member of the school governing body and how this concerns the relationship between school governance and the professional management of the school. It is therefore recommended that further research be conducted to look into the review of legislation that provides for the dual role of the principal in school management and governance.

Furthermore there should be an investigation into participative involvement of retired teachers in the formal education system at the school level, the role of religion in the school and the link between big business and the education system at the school level as well as other related matters that are not covered in this study. The above recommendations as well as other relevant and feasible recommendations made by previous researchers from the literature review should be implemented in order to ensure that the objective of transforming and democratizing the education system at the school level is achieved.

#### **4.8 CONCLUSION**

The South African Schools Act plays an important role in encouraging the principle of partnership in and mutual responsibility for education. With the institution of school governing bodies, the Act aims at giving meaning to the principle of the democratization of schooling by affording meaningful power over their schools to the school level stakeholders. The governing body also aims at bringing together all the



stakeholders in a forum where differences may be discussed and resolved for the purpose of developing an environment conducive to effective teaching and learning. It seems however that in many schools the principle of democratization to bring all the stakeholders together in a forum where the best interests of the learners and the school should be respected, protected, promoted and fulfilled, is hampered by a power struggle between the principal, teacher-governors and parent-governors to promote their own selfish interests. It is further clear that the Departments of Education should spend more energy on training principals and school governors to work together to create an environment conducive to quality teaching and learning in every school.

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- Kimberley Girls' High School and Another versus the Northern Cape Head of Department [2003]
- Head of Department, Department of Education, Limpopo Province v Settlers Agricultural High School & Others [2003] JOL 11774 (CC)
- Schoonbee & Others v MEC for Education, Mpumalanga & Another [2002] (4) SA 877(t).



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29 July 2011

**DEPARTMENT OF EDUCATION MANAGEMENT AND POLICY STUDIES**

**The Head of Department  
Limpopo Department of Education**

**RESEARCH PROJECT – MR. P. J. MODIKWA**

We would like to request your permission to allow Mr. P. J. Modikwa to conduct research relating to the dual role of the principal as ex officio member of the governing body and as employee of the department of education. He would like to do his research in four primary schools in the Capricorn District. As part of his research he wants to determine the perceptions and experiences of both principals and parent governors about the dual role of the principal as ex officio member of the governing body and as employee of the department. In order to do this research he would like to conduct individual interviews with the selected principals and parent governors. He would also like to attend the governing body meeting of at least two schools as an observer to determine how the dual role of the principal affects the interpersonal relationships on the governing body.

The successful outcome of the research project will allow Mr. Modikwa to obtain a Master degree in the Department of Education Management and Policy Studies at the University of Pretoria. It is also noted that the outcome of this research may have a positive impact on school governance in the Limpopo Province.

The researcher will adhere to the highest ethical standards as required for research projects of this nature and prescribed by the University.

Participation in this project is willingly and strictly confidential. The names of the participating schools will be kept anonymous during the data analysis and publishing process.

The outcomes of the research project will be made available to the participants upon request.

Regards

Dr. I. J. Prinsloo  
Supervisor

Mr. P. J. Modikwa



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**LETTER TO THE PRINCIPAL**

Dear Principal

29 July 2011

**RESEARCH PROJECT – Mr. P. J. Modikwa**

I would like to request your participation in this study in order to learn more about "The dual role of the principal as employee of the Department of Education and as *ex-officio* member of the school governing body".

Mr. P. J. Modikwa is a Masters student (M Ed Education Management) in the Department of Education Management and Policy studies at the University of Pretoria and will conduct research as part of his Masters Dissertation.

Participation in this programme will take about one and half hour of the time of the respondents at your school and will not disrupt the normal functioning of the school and will entail collecting information by means of individual interviews and observation. Participation in this research project is willingly and strictly confidential.

The researcher will adhere to the highest ethical standards as required for a research project of this nature and furthermore as prescribed by the University of Pretoria. Names of participating schools will be kept anonymous. You may refuse to participate, to answer certain questions or to withdraw from participation at any time without any penalty. For more information or questions about your right as a research participant you may contact Dr. I. J. Prinsloo at 012 420 5591 at the University of Pretoria.

The outcome of the research project will be made available to the participants upon request.

Thank you for your willingness to let Mr Modikwa to proceed with his research in your school.

Dr. I. J. Prinsloo

Supervisor



Mr. P. J. Modikwa

Applicant





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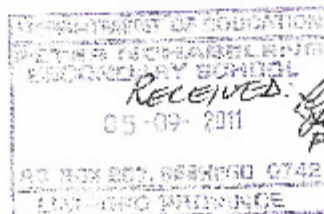
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Supervisor



Mr. P. J. Modikwa

Applicant

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Dr. I. J. Prinsloo

Mr. P. J. Modikwa

  
Supervisor

  
Applicant



Received 04/09/2011



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## FACULTY OF EDUCATION

### Informed Consent for participants (Invitation for Participation)

As part of my studies for the Masters degree at the University of Pretoria (Groenkloof Campus) I have to conduct a research for which I need your assistance. The research consists of the following:

I need to capture your experiences and perceptions about the dual role of the principal as ex officio member of the governing body and as employee of the department of education.

All I am asking is if you are willing to take part in individual interviews to determine your experiences and perceptions about the dual role of the principal:

It is important that you also read and understand the following general principles:

1. Participation in the research is completely voluntary and no pressure, however subtle, may be placed on you to take part.
2. It is possible that you may not derive any benefit personally from your participation in the research, although the knowledge that may be gained by means of the assignment may benefit other persons or communities.
3. You are free to withdraw from the research project at any stage, without stating reasons, and you will in no way be harmed by so doing. You may also request that your data no longer be used in the assignment.
4. You are encouraged to ask me any questions you may have regarding the research and the related procedures at any stage. I will gladly answer your queries.

I, the undersigned

Full Names & Surname

Have read the preceding premises in connection with the assignment, as explained in this informed consent form, and I declare that I understand it. I was given opportunity to discuss relevant aspects of the research with the researcher and I hereby declare that I am taking part in the study voluntarily.

Signature: ..... Date: .....

Signature (Researcher) ..... Signature (supervisor) .....

## **Interview schedules**

### **Interview schedule for principals**

1. How long have you been a principal?
2. Can you describe your first experience with members of the school governing body in your capacity as a principal?
3. What are your feelings about your involvement in governance matters? Do you find it easy to do so? If not, why?
4. Do you think there is anything wrong about your dual role as an employee of the Department of Education and an ex officio member of the SGB? If yes, what? Do other principals also share the same sentiment?
5. What does the law say about your dual role as employee of the Department of Education and ex officio member of the SGB?
6. Please describe your relationship with the SGB parent members.
7. To what extent do you consider yourself effective in both school governance and management?
8. What would you change about your dual role if you could?

### **Interview schedule for teachers**

1. Briefly explain your level of interaction with the principal and parent members of the school governing body in your activities as an SGB member.
2. What is your perception about the dual role of the principal as an employee of the Department of Education and as an ex officio member of the SGB?
3. In your own opinion, do you think this dual role is good for effective teaching and learning?
4. What effect does the dual role of the principal have on the relationship between stakeholders in the SGB?
5. Critically analyse the legislation that makes provision for the dual role of the principal.

## **Interview schedule for governors**

1. Please tell me when your interest in school governing matters started? What was your expectation about the principal's involvement in matters of governance?
2. What are your feelings about the dual role of the principal as employee of the Department of Education and ex officio member of the governing body? What else can you say about the participation of the principal in governing body issues?
3. Did you expect to find the principal directly involved in governance matters before you were elected onto the SGB? If not, what was your reaction when you found out?
4. How can you define a good relationship between school management and governance?
5. What is your perception of the impact of the involvement of the principal in governance on the performance of the school governing body?
6. Do you find the principal more influential in decision making in the governing body? If so what is your opinion on that?
7. In which area of operation of the SGB do you find the principal more involved? Are you happy about that? Can you say more about this involvement?
8. What do other parent governors think about the dual role of the principal?

