

Chapter 6

6.0 OVERVIEW, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

In this study the Chapters are organised in such a way that there is a systematic, sequential and logical analysis of events. The new knowledge is constructed by synthesis of information (Miles & Huberman 1994:56-57) gleaned from the contemporary and various reports in books and newspapers as well as from the discussions and interviews held with the principals of the four project schools, the teacher organisations or unions of the educators attached to the schools already mentioned and the SMDs in charge of these schools. Mention must also be made that the researcher was able to collect information, by personally going to the said schools to observe what was happening at these schools. The research project is arranged in six chapters and the findings are discussed in the subsequent paragraphs.

The researcher identified a problem which has gripped schools in general and the four selected secondary schools in particular namely, laxness and a laissez-faire attitude among the educators. The constructivist or interpretative research was found to be suitable for the problem identified (Krueger 1994:132-133). The foregoing research paradigm influenced the researcher's choice of the four project schools in the Odendaalsrus district, the choice of the participants in the study and the choice of the methods of research namely hermeneutic, dialectic as well as the following techniques: phenomenological protocol, observation of interactions and small sample (Creswell 1994:148-152). A brief synopsis as to how the methods and techniques helped the researcher shape the study will be looked into in the subsequent paragraphs.

6.2 An overview of the research project

In Chapter 1 of the research project, the historical background of the country is given. The dissolved National Party government's strategies and tactics used to divide the population of this country were discussed. It was this division which was known as separate development that led to separate educational systems in the country. As a result of this, there was disparity and

inequality in the different education systems. For example, when the education systems were funded, whites were always advantaged because they got a bigger slice of the cake and this resulted in their institutions of learning getting better educational facilities, and their educators getting better salaries than their black counterparts.

The above-mentioned reasons and many other discriminatory actions and political operations which are too many to mention here, caused widespread discontent among black educators in particular and the black community in general. The disgruntled educators formed teacher organisations which fought or protested against the educational systems meant for them and against the oppressive and discriminatory laws that were legislated for blacks in particular. The struggle against the education system, which was known as Bantu Education, was intensified. After the release of Mr Mandela in 1990, it became obvious that the National Party was on the brink of collapse. The political events that followed subsequent to his release bear testimony to this.

It was at this point in time that a militant union, South African Teachers' Union (SADTU) was formed. It is because of this militancy that, on his release, Mr Mandela called on those who were causing violence which negatively affected management and leadership of principals to discontinue this militant approach. Instead, the violence escalated to the detriment of management and leadership of principals. At schools in general and at secondary schools in particular, SADTU, in collaboration with other militant political organisations, contributed to the violence that gripped schools, and this resulted in laxness and a laissez-faire attitude which led to educators flouting the law and contravening section 17(1)(a)-(n) of the EEA (No. 76 of 1998).

The problem identified, namely the contravention of the law, was investigated by using a qualitative research design. This research design led to a small sample of four schools being chosen by the researcher. The four schools are well known to the researcher and they are also accessible. Informal interviews where structured open-ended questions were used, were easily conducted, except at one school where SADTU's site committee refused to participate in the research project (cf. paragraph 5.5.2).

In Chapter 2 misconduct at the schools was defined by using literature, and it was then classified under categories. For example, misconduct that falls under *the transgression of codes of conduct* has been identified as dishonesty, drunkenness, gross negligence, persistent idleness, indolence

and absenteeism, disclosure of organisational information and fighting on the school premises. Secondly, misconduct that *stems from protest actions* was identified as illegal marches, chalk-downs and strikes, malicious damage to property, political activities on the school premises during school hours and failure to honour agreements (cf. paragraph 2.3).

Thirdly, misconduct that falls under *contravention of statutory provisions* were identified as sexual abuse of learners, transgressing financial control regulations, the forging and selling of reports, using school property without permission, allotting marks to learners without marking their scripts, inciting and instigating others against the principals or other officers and corporal punishment and assault. Fourthly, *insubordination as a dimension of misconduct* was identified as insolence or lack of respect for authority, refusing to carry out legitimate instructions, defiance, intimidation and usurping the principal's role. Lastly, *phenomena having a bearing on misconduct* were identified as bureaucracy in the education system, collegiality among educators, subjectivity among educators and ambiguity and hidden agendas (cf. paragraphs 2.5.2, 2.5.3 & 2.5.4).

In Chapter 2 misconduct was further conceptualised, and it was found that it leads to poor discipline at schools, hence lax morals which make it difficult for principals to manage and to lead educators. For example, it is difficult for principals to exercise control over educators who despise, undermine and defy the highest executive authority in the country, namely the government, by embarking on illegal strikes. In this Chapter, it was also sketched as to how lax morals led to the frequent commitment of misconduct such as abandonment of classes by educators, tardiness by both educators and learners, continuous and unlawful absenteeism by some educators etc.

Chapter 3 deals with misconduct in relation to legal aspects which are classified under the following headings: *Administrative law* under which an investigation was carried out in order to find out whether educators obey or breach issues pertaining to school administration. *Common law*, also as the source of education law. *Criminal law* was also discussed, and at the same time it was indicated that educators who falsify documents, who steal school money, who publicly indulge in intoxicating beverages and stupefying drugs and who fight and kill others on the school premises may be found guilty of contravening criminal law.

Constitutional law, which is the hub of the laws of South Africa, was dealt with. The Bill of Rights, the cornerstone of democracy in our country, was looked into. Mention must also be made that it was shown how some educators denied learners their democratic rights by abandoning them on account of illegal marches, chalk-down and strikes. Furthermore, an investigation was conducted in order to find out whether *Constitution Act* was ignored by some of the educators. For example, corporal punishment and sexual abuse are considered to be serious offences because they traumatise the victim (cf. paragraph 3.2.6).

Issues pertaining to *case law* were given attention. For example, the different courts of the country such as the Constitutional Court, the Supreme Court of Appeal, the High Courts, the Magistrate Courts or any other Courts established in terms of the Act of Parliament were alluded to in order to understand case law. It was also indicated that cases whose decisions are binding, constitute case law and that they can be used in future. *Labour law* was compared with common law, for example, and it became clear that what is regarded as dismissal by statute may not be regarded as dismissal by common law. When discussing the law of termination of employment, procedures which determine whether an educator who is alleged to have committed misconduct can be dismissed, were given attention.

In chapter 3, it was deemed necessary to discuss systems and procedures that are followed when managing and dealing with cases of misconduct. The systems and procedures to be followed when dealing with the administration of schools in general and the management of misconduct in particular are laid down in statutes, circulars, regulations, and resolutions. It is because of this that it is expected of principals to manage systems and procedures effectively in order to avoid unnecessary disputes (cf. paragraph 3.3.1). In addition to this, it must be mentioned that it was indicated that it could be effective if the stakeholders could be involved in the maintenance of discipline.

The formulation of the charges of misconduct was discussed as guidelines for Human Resource Management in the public education sector. Similarly, the relevant sections of the Employment of Educators Act were looked at and evaluated. In order to help the Human Resource Managers in the public education sector, examples of charge sheets, and a letter which instructs an educator who has allegedly committed misconduct to appear in a disciplinary tribunal, were outlined. A directive calling upon the educator concerned to respond to the charges of misconduct, as well as

a letter stating reasons for the intended suspension, were given as examples for the Human Resource managers in the public education sector (cf. paragraph 3.3.2).

The steps which are to be taken when dealing with a disciplinary hearing by the disciplinary tribunal were dealt with. The members of the disciplinary tribunal and the procedure that they must follow when dealing with a disciplinary hearing were outlined. The role of the tribunal was set out clearly for the Human Resource Managers in the public education sector to use (cf. paragraph 3.3.3). Similarly, the role of the School Governing Body (SGB) with regard to educator misconduct was outlined, while paying attention to the functions of the SGB enumerated in section 20(1)-(3) of the SASA (No. 84 of 1996) (cf. paragraph 3.3.4).

The role that the principals of schools should be playing in respect of misconduct was given attention. For example, it is incumbent on principals to manage potential misconduct among their staff members while paying attention to the disciplinary steps that are taken. It was also categorically spelt out that principals are not empowered by any provision of any Act to dismiss or to suspend an educator on account of misconduct (cf. paragraph 3.3.5). Similarly, the role of the Human Resource Managers at provincial level was looked at, while the line function of the organisational structure of the provincial education system was explained. It was also indicated that misconduct cases are ultimately determined by the Head of Department or the Member of the Executive Council for Education (cf. paragraph 3.3.6).

It was also important to indicate that the role of the South African Council for Educators was to deal with educators who contravene its professional code of conduct. The composition of the South African Council for Educators as well as its functions were mentioned (cf. paragraph 3.3.7). Lastly, the role of the Education Labour Relations Council in respect of misconduct, discipline and dismissal of educators was looked into. For example, it was mentioned that an agreement was reached between the employee and employer organisations in the Education Labour Relations Council, that it was not necessary for minor cases of misconduct to be brought to a disciplinary tribunal (cf. paragraph 3.3.8).

In chapter 4, an attempt was made to distinguish management from leadership. It was, for instance, mentioned that one of the practical activities of a principal as a leader is to influence, to motivate and to inspire educators, and that the practical activities of a principal as a manager, among others are control, supervision, disciplinary procedures, induction of educators,

administration, etc. It was furthermore indicated as to how misconduct impacts on the following management tasks and areas of principals: control and supervision, organising, planning the building of educators' commitment, monitoring educators, goal setting, human resources, quality and productivity, labour relations, developmental appraisal, discipline and counselling, safety on the school premises, influencing the external environment and time and quality management. (cf. paragraphs 4.2.1 & 4.2.2).

Similarly, the impact of misconduct on the leadership skills and techniques of principals was dealt with in chapter 4. The effect of misconduct on the leadership and the repercussions thereof were given attention. The following leadership skills and techniques of principals as leaders were discussed: leadership vision, effective communication, human relations, leadership styles, risk and decision making, conflict and problem solving, influence and power, leadership and teams, a leader and followers as well as the situational variables. The impact of misconduct on the leadership of principals was also spelt out while paying attention to the following: situational leadership, transactional leadership, cross-cultural leadership, educational leadership, charismatic leadership and transformational leadership (cf. paragraphs 4.3.1 & 4.3.2).

Chapter 5 describes the empirical study that was conducted. As qualitative research in this study was embarked upon, the sample was only four schools in the Odendaalsrus district. The schools were referred to as School A, School B, School C and School D in order to ensure their anonymity. The four schools were selected on the basis of the Grade 12 pass rate, behaviour of educators that was reported to the district office and the appearance of the school premises (cf. Picture 4-1 and Table 4-1). The methods used in this research are hermeneutic and dialectic, and the techniques are interviews and discussions, phenomenological protocols, observation of interactions and a small purposive sample (cf. paragraph 1.8.1).

The official documents such as logbooks, minutes, charges of misconduct, SMT reports on educator behaviour, the Grade 12 examination documents as well as the newspapers reports were used for eliciting information needed. The researcher observed what was happening at the four project schools. This was done regularly over a period of a year and at the same time notes and photos were taken. To come to grips with the schools' problems, the researcher interacted with the educators, the principals and the SMDs.

The principals, the educator organisations of the four selected schools and the four SMDs in charge of the four selected schools were interviewed in depth. The open-ended interview questions were used for discussions and interviewing the participants namely the principals, the teacher organisations and the School Management Developers of the four selected schools (cf. Annexures A, B & C). Unstructured open-ended questions were used informally i.e. while chatting to the participants during the interaction process. In all instances, notes were taken and at the same time the data was interpreted to construct knowledge which was needed for the purpose of this study while at same time, the researcher guarded against subjectivity.

The aim of the questions appearing in Annexures A and B was to find out from the principals and the educator organisations, why educators do commit misconduct; what are educators' and principals' perceptions of what constitutes misconduct in schools; how principals and other education managers deal with educator misconduct. The biographical data shed light on whether their levels of education and experience help the principals to manage and to lead schools effectively. It also clarified whether the members of unions were experienced and knowledgeable in labour matters, management and leadership. The questions in Annexures A and B were based on section 17(1)(a)-(n) of the EEA (No. 76 of 1998), the LRA (No. 66 of 1995) and other prescripts. Therefore the questions were testing the legal knowledge of the educator organisations and that of the principals of the four selected schools.

The aim of the questions appearing in Annexure C was to find out what the perception of the SMDs is, of the impact of misconduct on the leadership and management of principals (cf. paragraphs 5.6.2.1, 5.6.2.2, 5.6.2.3 & 5.6.2.4). The biographical data of the SMDs, was aimed at establishing the SMDs' experience and knowledge in matters pertaining to the management and leadership of the schools of which they are in charge. The knowledge constructed in respect of the four selected schools is authentic, though subjectivity may have played a role. However, the researcher attempted to guard against any subjectivity because management and leadership of the four principals were observed over a period of a year.

Fiedler's Contingency model and House's path-goal theory were compared with practice at the four selected schools in order to understand the situation and the leadership effectiveness of principals. It also needs to be mentioned that the distinction between a concept theory and a concept model was made. It was furthermore shown that variables play the most important part in the leadership skills and techniques of principals in a given situation, and that it was due to this

fact that principals must adapt or change with the changing situation in which they find themselves. Lastly and more importantly, it was spelt out that in order to be effective, principals must follow a path that leads to the attainment of goals (cf. paragraphs 5.7.2 & 5.7.3).

6.3 Findings

The results of qualitative research where interpretative tradition, or paradigm, is used as is the case with this research project, are referred to as facts or constructions of knowledge because the research purpose was to understand the situation at the four selected schools, and to construct meanings that constitute the misconduct cases at a particular time through a long process of interaction with the educators and the principals of the said schools. In the process of interaction, the meaning was interpreted in order to construct knowledge or facts (Schwandt 1994:118).

The construction of knowledge or fact finding was done by way of understanding the situations at the four project schools and giving meanings to it through interpretation while interacting with the educators and principals of the selected schools. Facts were also discovered when reading official documents and newspaper reports on misconduct cases. This was done by way of interpreting the contents (Schwandt 1994:120). From the foregoing exposition, it becomes clear that interpretative research findings are facts, results or constructions. As has already been mentioned in paragraph 1.2, the findings in this research project are taken as what happened at one of the selected schools at a particular time in a given situation.

For instance, the educator who allegedly raped a learner (cf. paragraph 3.2.5), does not mean that he is presently raping other learners, nor does it mean that all educators of that school or any other school rape learners. This is also the case in other misconduct cases discussed so far. This means that the findings will not be generalised as is the case with quantitative research. In this instance, the facts or the outcomes or the findings regarding educator misconduct will be regarded as trustworthy and authentic (cf. paragraph 1.2).

Before findings are discussed in the paragraphs that follow, it is deemed fit and proper to recap the assumptions of the research project namely 1) Teacher misconduct as it occurs in the schools under investigation, negatively influences the management and leadership performance of principals and 2) The learners' right to education as enumerated in section 29(1) of the Constitution Act (No. 108 of 1996) is also negatively affected by teacher misconduct. The

conclusions and inferences that are drawn from these assumptions are now discussed in the paragraphs that follow.

6.3.1 Official documents and newspapers reports

As has already been mentioned, official documents such as the logbooks, the minutes, the time registers, the leave registers, the reports of the SMTs, the SMDs' and the newspaper reports were used to elicit facts. From the reports it was found that some educators fought against the now defunct National Party government to such an extent that they emerged victors (cf. paragraph 1.1). Having realised that they were regarded as political heroes, they then acted *ultra vires* by challenging the authority of the principals (cf. paragraph 2.4.8). The research found that the political harassment of principals by educators and the unfair labour practices that they meted out to the principals resulted in lax morals and poor discipline in schools (cf. paragraph 1.2).

The research also found that the lax morals led to educators continually committing misconduct inside and outside the school premises. The research revealed for example that educators in most schools are continuously and unlawfully absent from schools and that some educators falsify records such as learners' reports. The falsification of records is done by stealing blank report forms and the principals' office stamps, thereby falsifying documents and fraudulently giving learners marks they do not deserve. The falsified reports are sold for an amount not less than R50,00, while the female learners pay with their bodies (cf. paragraphs 2.2.1 & 2.4.3).

Furthermore, the research found that the lack of discipline and lax morals led to some of the educators not taking their teaching periods. For example, they while away time in the staff-room and they also bask in the sun during the cold winter months. Also, some do not heed the starting time in the mornings and the stoppage time at the end of the school days, and in some other instances they release learners as early as ten o'clock on month ends to enable them to do shopping in town (cf. paragraphs 2.2.1 & 2.2.4). The research revealed that dishonesty among some educators is becoming common to such an extent that they steal money belonging to the school and that they also use the school property illegally (cf. paragraph 2.4.2 & 2.4.4).

More importantly, the research found that the politicised educators formed a politicised trade union namely SADTU whose purpose among others is "to promote or oppose, as the case may be, any laws and administrative procedures that affect the interests of the members in particular,

and education in general."* In terms of the findings, SADTU seems to be opposing almost everything

and anything that the Department of Education initiates, hence the members of this union embark on illegal labour protests such as assembling with learners illegally, and in some other instances with other members of other unions whose members are not educators, such as the Police Prison Civil Rights Union (POPCRU) to demonstrate while at the same time they use defamatory and derogatory slogans about the authorities (cf. paragraphs 2.3.4).

Furthermore, it was discovered that the unionised educators who are obsessed with political ideas neglect the learners by embarking on illegal marches, chalk-downs and strikes. The "time-offs" are also abused by the members of SADTU in that they take time off for something that has nothing to do with labour matters and that collective bargaining, negotiations, consultations with management or the employer are not taken care of. Instead, they use time off for sporting activities and for things such as memorial services. It was also discovered that even if SADTU has utilised the official hours and the days which were put aside for "time-off" purposes, they still continue using hours and days unofficially for non-labour activities (cf. paragraphs 2.3.1 & 2.3.2).

Lastly, it was found that the politicised and unionised educators think that they are above the law. Consider the incident where the educators chased away a principal without considering the fact that he was appointed in terms of the law (cf. paragraph 2.4.8.5). Perhaps they behave in this way because they have formed a partnership with the government, more especially the members of SADTU. In one incident for example, they used hostages which is the tactic or strategy used by political protesters or terrorists to threaten the government or to force the government to yield to their demands or grievances. The research revealed that unionised educators held the SMD in charge of their school hostage in order to induce a response from the MEC for Education. This did not come as a surprise because educators attached to the schools controlled by the erstwhile DET are highly politicised (cf. paragraph 2.3.3).

The research found that the lax morals, the lack of discipline and the laissez-faire style which came about as a result of the erosion of authority and the legitimate power of principals by the

* See the SADTU Site Committees' Functions on page 11 of the constitution of SDTU amended July 1995.

unionised educators, increased the abuse of liquor and drugs among the educators. In addition to this, it was discovered that educators who excessively use intoxicating beverages are a problem for principals in the workplace. For instance, they continuously and unlawfully absent themselves from schools and this has a negative effect on human relations and their performance. One of the educators in one of the schools in the Free State was found to permanently abuse alcohol. In one of the interviews with the principal he admitted verbally and in writing that he always consumes liquor before reporting for duty every morning (cf. paragraph 2.2.2).

Similarly, the official documents at one of the schools confirmed that one of the educators at that school indeed abuses drugs. This particular educator smokes dagga with learners while hiding behind the Rastafarian religion or cult. The educator claims that the Constitution allows him and the learners to pray to their god Haile Selassie, but he does not say that the Constitution does not make provision for him and the learners to smoke dagga. The smoking of dagga by this particular educator has a negative impact on discipline and the administration of the school. The newspapers reports revealed that another educator attached to a high school in Umlazi, South of Durban smokes dagga with his principal and some of the learners on the school premises (cf. paragraph 2.2.7).

In terms of the newspapers reports, aggression is becoming increasingly common among the educators. This view is supported by the fact that the educators attached to one of the schools in Daveyton, on Gauteng's East Rand once fought amongst themselves because of the fact that one of them incited learners to throw eggs and tomatoes at the other educators, and it was furthermore found that the consequences of the conflict were that meaningful tuition at that school did not take place for a period exceeding a year (cf. paragraph 2.2.6).

In another incident, a principal of a school in Kayelitsha near Cape Town slapped one of her educators in the presence of her forty Grade 1 learners. At one of the schools in Soweto outside Johannesburg, it was discovered that an educator made threats which were reported to the officials of the Department of Education who did nothing about it. This resulted in the educator who made threats gunning down three educators, and killing one of them in full view of everybody and in broad daylight. It was furthermore found that fighting among the educators negatively affects human and working relations which are important aspects of leadership (cf. paragraph 2.2.6).

The newspapers and official documents reports revealed that sexual harassment of learners inside and outside the school is becoming increasingly common, and that the culprits in most cases are the educators who court them and sexually abuse them. In most of the cases reported, learners who have been sexually abused are minors. It was for instance reported that a principal of a school in Soweto near Johannesburg raped a nine year old school girl who attended the school where he was a principal. According to the report, the immoral act took place in the principal's office during school hours (cf. paragraph 2.4.1).

The research furthermore found out about an educator attached to one of the schools in Thabong near Welkom who allegedly raped a thirteen year old learner who attended school where the educator was teaching. In terms of the newspapers report, the educator raped the girl in one of the classrooms at the school where he taught, because on that day (Friday) a film show took place in the school hall (cf. paragraph 2.4.1). This particular case was attended by the researcher in the court of law and it was found that the learner allegedly raped by the educator was from a broken home, and that she stayed with her unemployed father who has been deserted by his wife (cf. paragraph 3.2.5). The case resulted in the educator being acquitted because of a lack of evidence.

In spite of the fact that corporal punishment has been outlawed, the research found that there were some educators who still administer it to learners, and in the process they cause bodily harm to them. For example, three of the educators attached to a school in Sebokeng near Vereeniging in Gauteng whipped an eleven year-old learner repeatedly till he sustained bodily injuries. Another finding is that an educator attached to a school in Kwazulu-Natal South Coast meted out corporal punishment to a seven year old girl because she could not write English words on the writing board. The educator used a stick on the learner's arm until the stick broke. The educator who was still not satisfied, then used a wooden spoon to further assault the learner (cf. paragraph 2.4.7).

The research found that the lax morals and laissez-faire attitude which resulted from misinterpretation of the new dispensation increased insolence among employees in South Africa in general and among educators in particular. It was, for instance, found that some educators display insolence or lack of respect by being impudent, cheeky, disrespectful and rude in the workplace, and that behaviour, which smacks of insolence, constitutes insubordination. One of the educators at a school in Khayelitsha near Cape Town became hysterical when she was confronted by the headmistress for the maladministration of school funds. Instead of giving an

account of the school funds, she shouted at the headmistress, and insulted her in the presence of the learners (cf. paragraph 2.5.1).

Similarly, educators belonging to SADTU at one of the schools in Soweto near Johannesburg were found to have committed insolence by unlawfully dismissing a principal. In terms of the report, a newly-appointed principal was manhandled by some members of SADTU who illegally confiscated the school's keys from him and illegally dismissed him. The stance taken by SADTU members is indicative of the fact that they think that they can ride roughshod over the law by virtue of their having formed a partnership with the government (cf. paragraph 2.5.1). For example, SADTU threw its weight behind the ANC in the June 2 election of 1999 and this resulted in the ANC emerging victorious. But, the same SADTU joined forces with COSATU to embark on an unnecessary strike against the ANC led government, while the right of learners to education as enumerated in section 29(1) of the Constitution (No. 108 of 1996) was jeopardised (Nkoto 1999:12).

In a similar incident, it was found that some educators acted insolently by usurping the role of principals. The unionised educators took the stance in a meeting held in Alexandra near Johannesburg that the roles of principals, deputy principals and heads of department should be usurped. Following the decision made in the meeting, post level one educators replaced heads of department with unofficial subject committees whose members were their friends and co-union members. The unionised educators reduced the time table to a maximum of 32 periods per week, and they instructed principals and heads of department to teach full-time (cf. paragraph 2.5.5). The action taken by the unionised educators marked the end of the DET control and the beginning of lax morals, lack of discipline, unprofessionalism and defiance.

Furthermore, the research found that the refusal to carry out legitimate instructions of principals who had been legally appointed to head schools, came to the fore as a result of lax morals caused by the political struggle. For example, it was found that two educators at one of the Gauteng schools in East Rand imposed their religion on the learners much to the disapproval of the principal and the education officers. The two educators held 'prayer meetings' at awkward hours and places with the learners despite the disapproval of their parents. When instructed by the principal to stop their strange religious practices, the two educators refused to do so. The action of the educators amounts to insubordination because they disobeyed the reasonable and lawful instruction given to them by the principal (cf. paragraphs 2.5.2 & 2.5.3).

Another action of educators which constitutes insubordination is intimidation which is in fact the tactic and strategy used by the educators during the political struggle. Subsequent to the collapse of the now dissolved National Party government, the educators who were obsessed with political, and not necessarily educational ideas, started intimidating principals. It was furthermore found that unionised educators embarked on illegal strikes and that in the process they forcefully removed principals, educators and learners who did not want to take part in the illegal strike from the classrooms while chanting intimidating slogans (cf. paragraph 2.5.4).

The research also found that there are phenomena that have a bearing on misconduct such as bureaucracy in our education system, collegiality which was used wrongly by educators, subjectivity among the educators and ambiguity and hidden agendas. For instance, it was found that most of the directors of education who were appointed to the higher echelons of the education system lacked experience, and that some of them were post level one educators who held positions in SADTU or who were affiliated with it, while others were recruited by their ANC pals from the private sector, and that some were their family members, friends, fellow comrades and siblings who knew nothing about management and leadership in education (cf. paragraph 2.6.3).

In addition to the above, it can be said that some of the cases of misconduct can be blamed on the bureaucrats. Incompetent and inexperienced Human Resource Directors cannot deal effectively or promptly with cases of misconduct. For example, a Khayelitsha educator stayed away from school for eighteen months receiving her salary despite the fact that the Human Resource Directors at district and provincial level knew about the case. This suggests that the officers did not have knowledge of the procedures and rules pertaining to the management of misconduct (cf. paragraph 2.6.1). This fact is acknowledged by the Minister of Education's spokesperson as follows: "cases [of misconduct] should no longer drag on for three or five years" (Makgalemele 2000:3). Lack of incompetence and experience on the side of Human Resource Directors encourages educators to perpetuate lax morals as cases drag on for a long time.

Power bases or collegiality that is used wrongly can change the attitude of those who resist change. It can, at the same time, cause distraction if it is not properly used. Collegiality allows educators to share common values, beliefs and to discuss problems pertaining to conditions of employment which is of course a good thing to do. However, the research found that educators

formed solidarity at the height of the political struggle, even in the new dispensation, to destabilise the smooth running of schools. They organised stayaways during school hours and even during the writing of examinations. Another example is that of the educators who took a decision in a meeting held in Alexandra near Johannesburg that a month long strike would be suspended and be replaced with defiance of inspectors and subject advisers (cf. paragraph 2.6.2).

Furthermore, it was discovered that subjectivity among educators contributed to their committing misconduct. For instance, the educators capitalised on the failure of the education system, but failed to give due recognition to the education officials where they deserved it. Some unionised educators still destroy the education system even in the new dispensation by refusing to submit to control and authority. The unionised educators of School D discussed earlier on are cited as an example. Their actions suggest that they arrived at subjective meanings regarding the school visitation by the SMDs and the class visits by the SMT of their school, and this resulted in their disallowing SMDs and SMTs to have access to their classes and their professional work (cf. paragraph 2.6.3).

In addition to the above, it can be said that ambiguity and hidden agendas contributed to the educators committing misconduct. The so called stakeholders caused anarchy and lawlessness at the schools which were controlled by the erstwhile DET. The actions of those who called themselves stakeholders suggest that their agenda was not educational but political. This is supported by the fact that educators embarked on illegal marches and not necessarily on educational programmes as was expected of them (cf. paragraph 2.3.1). Another example is that of educators who pretended to have called an education officer to discuss educational matters with them, only for him to find that the motive for calling him was to hold him hostage (cf. paragraph 2.3.3).

6.3.2 Observations of interactions

The researcher availed himself at the four selected schools of the opportunity to interact regularly with the principals, the educators and the learners, over a period of a year. The interaction was easy because the schools are not far from the district office. During the observation notes were taken while interacting with the participants. The researcher was informed by the observation that laxness and laissez-faire attitudes are prevalent at the four project schools. Most of the educators come to school late as is the case with the learners, and this means that the first teaching periods

are lost everyday. Similarly, it was observed that at School B two educators who abuse drugs had developed the tendency of disappearing into the township during school hours.

Absenteeism among the educators and learners at the four schools is rife, more especially among educators who abuse alcohol and drugs as well as those prominent SADTU members who always claim to be attending labour matters, and yet fail to produce a letter that states that time-off has been granted. The four schools have no agreed policies on a dress code for educators and learners. As a result some educators come to school dressed like ordinary labourers. Some come to school attired in T shirts on which *Castle Lager* is printed. Far worse is a dagga smoking educator attached to School A. This man comes to school wearing dreadlocks with a Rastafarian woollen hat, and attired in Rastafarian garb. It was also observed that some learners of this school can be mistaken for thugs by the way they dress.

The handling of management and leadership issues is inadequately done. There are many instances where this was discernible or observed. However, only the following are mentioned. At School A one of the educators smokes dagga and does not have a professional manner or appearance because of his conduct and dress. He sat in the door and faced the sun while learners were writing the history test that he was supposed to invigilate. Instead of following the steps that should be taken when dealing with such issues, the principal quarrelled with the educator thereby exchanging unpleasant words with him. Having realised that he was failing to deal with the case, he went to the researcher fuming with anger. During the discussion with the principal the researcher observed that he was emotionally driven when handling that case.

In one of the meetings held with the SMT of School C during the developmental visit by the SMD, the principal of the school started hurling accusations at the district office. Among these he claimed that nothing was being done about a prominent member of SADTU who stayed away from school even on the day of the visitation, and he added that the man does not prepare and plan his lessons, and that he has given the learners only one exercise and no tests in Accounting, up to August. When the principal was asked whether what he was saying was reported in writing to the district office, he became hysterical and left the meeting. The deduction which was made, was that the principal is averse to risks and afraid of the prominent SADTU member, and that he wanted the SMDs to make a decision on his behalf.

The principal of School D was also found to be averse to risks. Perhaps the man has resorted to this type of behaviour because he was once chased away from school (cf. paragraph 5.2.2.8). In three meetings held with the SMTs and the entire staff, some of the educators and two members of the SMT (all belonging to SADTU) dominated the discussions. They all influenced other educators to despise and to question the authority and legitimate power of the SMDs.

The toilets, the classrooms and the surroundings of the four selected schools were found to be filthy, health hazards and susceptible to germs. The stench from the toilets was unbearable. On the toilet walls there were graffiti, abusive language and political slogans. In one of the corners of the girls' toilets, there was a heap of used toilet paper full of mucous while in the boys toilets there were cigarette butts all over the floor. The windows of the classrooms were broken, and broken furniture was seen lying inside and outside the disused classrooms. At school B and C more than ten classrooms had been vandalised (cf. Picture 4-2). When asked why the educators were not supervising the cleaning of the school premises, the principals reported that the educators had refused to do so.

There is no order at the four selected schools and the standards are very low. In fact, the schools are not worthy of being called institutions of learning. A school is a place where learners learn almost everything that will help them to face and challenge the future, or to compete in the labour market. At these schools it seems as if learners go there to learn bad manners and unacceptable customs such as the ones mentioned above. Perhaps this is because, in the past, learners were used to defying authority and that is why the legacy of defiance at these schools is still alive. Learners leave the schools at any time they like, and they go to the assembly leisurely without observing punctuality. There is noise or buzz in the classrooms all day long. When asked why there is noise in the classrooms the principals claim that the educators do not want to discipline learners.

The observation of the researcher revealed that educators do not optimally utilise their afternoon time. For example, at Schools C and D educators do not remain at school in the afternoons as is contemplated in Chapter A, paragraph 3.2 of the EEA Regs (No. 222 of 1999). At the end of the school day they all get into the taxis or their cars and drive to Odendaalsrus, Virginia or Welkom where they reside. As a result extra mural activities are not given attention at all. In fact, learners are seen in the afternoons trying to practise soccer or whatever the sports may be, on their own. Among others, it can be said that the principals are unable to deal effectively with this situation

because they are scared to confront the unionised educators. For example, the principals of the School C and D do nothing about the unionised educators who do not want to remain at school in the afternoons to deal with extra mural activities.

6.3.3 Interviews and discussions

6.3.3.1 The outcome of interviews and discussions with principals

As has already been mentioned, the interviews and discussions were held with the principals of the four selected schools (cf. paragraph 1.8.1). From the interviews and discussions with the principals it was evident that some of the educators, particularly the SADTU members still defy regulations and orders. Illegal strikes and time-offs were cited as examples by the principals. It was furthermore found that some educators do not take the classes they have to teach. The principals maintained that to make the educators teach, they need to be pushed like wheelbarrows and they even went on to say that there was noise throughout the day in the classes because some educators do not take their teaching periods.

From the interviews and discussions with the principals it emerged that some educators do not implement the decisions made in the staff-room, for the simple reason that they want to satisfy their union - SADTU in particular. For example, the principals pointed out that a decision, made in the staff meeting, that lessons must be prepared and be planned are not implemented by some SADTU members. Furthermore, the research found that some male educators are indeed sexually harassing some female learners. One such educator is a prominent SADTU member who is attached to School C.

The interviews and discussions revealed that some of the educators do quarrel with other educators and the principal to such an extent that human relations are impeded. At School A the principal nearly fought with an educator as a result of quarrel between the two. At School B a meeting was unceremoniously adjourned in one incident, as a result of a quarrel between an educator and the principal. At School C an educator quarrelled with the head of department in front of the learners and other educators. Similarly, the two members of SADTU, who are also the members of the SMT, do not treat the principal of School D with respect and courtesy. These individuals always undo what the principal has done.

During the interviews and discussions, the principal of School A pointed out that one of the educators, who is a dagga smoker at his school, always quarrels with some of the educators, more especially the members of the SMTs over a number of unnecessary issues. In one incident the educator was discourteous to the Head of Department for Science when he used profane language to him in full view of everybody including the learners. Among others he said: "*o tla nyela, jou vorken bastard of an HOD, vorkof pele o nyela, mosono wa mmao, HOD ya masepa*" (cf. paragraph 4.5.2). These abusive and unprofessional words were uttered as defiance and refusal to carry out the legitimate and lawful instructions of the head of department to the educator.

The principals of the four selected schools conceded that tardiness among the educators was a problem and that the educators attribute late coming to transport. Regarding the disruptions of classes by educators the principals said that this is done without any fear by some of the educators. They for instance said that union members - SADTU in particular - disrupt classes to embark on labour actions. They furthermore indicated that classes are disrupted by taking illegal time off to participate in SADTU sporting activities during school hours, by attending to so-called memorial services during school hours and by attending SADTU meetings during school hours.

The principals maintained that some educators do occasionally cause conflict by not observing the professional code of conduct of SACE, such as disrespecting the various responsibilities assigned to colleagues and the authority that arises from and by not ensuring the smooth running of the schools. The principals furthermore mentioned the disruptions of classes and the refusal to carry out instructions as examples. They also pointed out that some educators incite learners against them in one way or another; for instance to demand money for the matric farewell functions when they know very well that educators have influenced them not to contribute towards the school funds. In addition to this, the principals made it clear that some educators do not perform well because they abuse alcohol and drugs.

It became obvious from the discussions and the interviews that the principals of the project schools manage educators by threatening them with charges of misconduct i.e. by not giving the cases of misconduct the importance they deserve. It also became clear that principals of the selected schools do not follow the steps that are laid down when maintaining discipline (cf. paragraph 4.2.2.5). In discussions with them, the principals never made mention of the fact that they counsel educators with defiant behaviour, nor did they say that the union or the workplace

forum are involved in the maintenance of discipline, as is contemplated in section 86(1)(a)-(d) of the LRA (No. 66 of 1995).

It was also found that the principals of the four selected schools did not have knowledge of management and leadership, hence they are unable to distinguish between the concepts management and leadership; as a result it was difficult for them to be aware of the impact of misconduct on the aspects of management and leadership. However, they gave examples of reasons that were management and leadership related, or reasons that alluded to management and leadership. For example, they said that educator misconduct has an adverse impact on discipline, behaviour of learners, performance of learners and the teaching profession. The reasons they gave were so weak that it was so difficult for one to establish proof.

6.3.3.2 The outcome of interviews and discussions with educator unions

There are identical questions which were responded to by the principals and by the members of educator organisations or unions of the four selected schools, and whose responses are the same. It will therefore not be necessary to repeat the findings that came out of interviews and discussions with educator unions on the following: Q2, Q3, Q4, Q5, Q9 and Q12. The members of the educator unions know that there is something called misconduct, but they did not clearly know what constitutes misconduct. They, for instance, mentioned Acts that have nothing to do with misconduct. They however know that there is an EEA as well as the LRA, but it was noted that the contents thereof were not known, and this poses a problem because site committees represent other educators at the school level in all respects including cases of misconduct and discipline.

It was found that some educators do quarrel with the principals. The reasons advanced by the site committees for the educators for doing so, was that principals form division among the staff by way of favouritism, and this results in hatred in those who are discriminated against, hence quarrels that sometimes occur between the principals and the discriminated against educators. The interviews and discussions revealed that some educators use profane language to the learners. This is supported by the document forwarded to the SMD for School B whose extract reads thus "some educators use abusive language when learners ask questions or when the learner does not give the correct answer" (cf. paragraph 5.4.2).

The site committees are aware of alarming levels of absenteeism at the four selected schools. According to them some educators are continuously and unlawfully absent from schools because they are alcoholics while others do have financial problems, and as a result they cannot pay for transport. The issuing of learners with false reports by some of the educators was carefully responded to by the members of the teacher organisations with whom discussions and interviews were held because this was a more sensitive question than the others. However, it was indeed found that there were some educators who falsify examination reports so that they can in turn get money from those to whom they sell the reports.

The version of the site committees regarding the treatment of principals with respect and courtesy differs from that of the principals. According to them some educators do not show respect to the principals because of the principals' approaches. For instance, they said that principals are not tactful when dealing with troublesome educators e.g. they become unnecessarily emotional. The interviews and discussions also revealed that the four selected schools do not have a clear policy on dress codes, hence the irrelevant and unnecessary remarks made by educators, e.g. educators do not have money to buy formal clothes etc.

Though corporal punishment has been abolished, the members of the site committees said that it was still administered by some of the educators. The SMDs maintain that this is being done because principals still believe that a cane can help them to maintain discipline, and make learners learn. Their belief is supported by the document forwarded to the SMD for School B by the Department of Guidance of that school which reads as follows, "some educators still use corporal punishment" (cf. paragraph 4.5.2). The abuse of drugs by some of educators was confirmed by the members of the site committees who indicated that the drug abusers' health is adversely affected and as such they are under-performing, and that drugs also impede the discipline, management and leadership of schools.

As regards the steps that should be taken when disciplining educators who have committed misconduct, the participants seem to be more knowledgeable than the principals. Amongst others, the SMDs pointed out that principals institute disciplinary actions as punitive measures as opposed to correctional measures. According to the participants, principals do not use counselling as one of the steps when dealing with disciplinary matters. The participants went further to say that the principals treat their friends and their favourites differently with regard to charging them with misconduct. On the other hand, those who are not favoured are charged with

misconduct even if the cases need to be dealt with internally because of their status and magnitude.

6.3.3.3 The outcome of interviews and discussions with the SMDs

The purpose of holding interviews and discussions with the SMDs was to find out whether their responses would confirm the findings of official documents and those of the newspapers. As has already been mentioned, the lax behaviour and the lack of discipline which increased as a result of the political struggle, have an adverse impact on the management and leadership skills and techniques of principals (cf. paragraphs 4.2.1 & 4.3.1). From the responses of the SMDs, it became clear that the root cause of the decline of principals' management and leadership influence in the four selected schools was the legacy of the political struggle. From the responses of the SMDs, it was found that the unionised educators contributed directly, or indirectly to the chaotic situation in schools.

The SMDs maintain that the principals of the four selected schools have been psychologically affected by the atrocious acts of brutality that occurred on the school premises during the political struggle and the unfair labour practices by some of the members of SADTU, such as the chasing away of principals from schools as well as the inciting of learners against principals. According to the SMDs, the harassment of principals led to the principals of the four selected schools losing self-confidence and self-reliance. From the SMDs responses, it also emerged that SADTU debarred the principals from exercising control over the professional work of the educators. All these resulted in the principals of the project schools being ineffective in the carrying out of their daily management and leadership activities.

It was furthermore found that the responses of the SMDs are in agreement with the literature findings with regard to the effect of misconduct on the leadership as practical activities of principals. For example, it became clear from the responses of the SMDs that the political struggle eroded the authority and the powers that are vested in principals to such an extent, that it is difficult and sometimes impossible for principals to influence educators towards the attainment of their schools' goals. The legacy of the political struggle has forced the principals of the four project schools to be risk averse, and this has resulted in the situation, at these schools being *laissez-faire* and lax.

6.4 Conclusions

The preceding paragraphs shed light on why educators commit misconduct in schools and the extent to which misconduct is committed. The impact of misconduct on the leadership and management of principals was discussed, and it was found that misconduct as it occurs in the schools under investigation negatively influences the management and leadership performance of principals. Finally and more importantly, it was found that learners' right to education as set out in section 29(1) of the Constitution (No. 108 of 1996) is negatively affected by teacher misconduct.

The historical background sheds light on why the attitudes and professional conduct of the educators attached to the four project schools changed drastically. The political set-up in the country adversely affected the attitude of professionalism among the black educators, and this led to lax and laissez-faire situations in the four project schools. Lax morals, lack of discipline, abdication of responsibility, indolence, insolence and endless commitment of misconduct inside and outside the school premises, and contravention of Acts in general and section 17(1)(a)-(n) of the EEA (No. 76 of 1998) in particular resulted in schools being ineffective.

The hermeneutic, phenomenological and dialectical methods enabled the researcher to conduct qualitative research and to identify misconduct at schools which were controlled by the now defunct DET. The findings of this research project are regarded as authentic, but they cannot be generalised.

The Constitution Act (No. 108 of 1996) was found to be very important for the human resource managers in the public education sector, more especially section 33(1) of the Constitution Act (No. 108 of 1996) which stipulates that everyone has the right to administrative action that is lawful, reasonable and procedurally fair. For example, it is wrong in terms of section 35(3)(e) of the Constitution Act (No. 108 of 1996) to charge and dismiss an educator without giving him or her the opportunity to state his or her side of a story. The law of evidence also informs the human resources managers in the public education sector that it is of vital importance to have concrete evidence when charging an educator who is alleged to have sexually abused a learner.

The official documents and the newspaper reports as well as the available literature showed that misconduct has an adverse impact on the management and leadership of principals, thereby

rendering the school management teams ineffective. The empirical study also confirmed that some educators do commit misconduct and that their performance is affected by this practice. The different leaderships such as charismatic leadership, transactional leadership etc. were discussed, and it became clear that the adoption of all leadership styles in specific situation can help to arrest the situation at the four project schools. For instance, transformational leadership can help to change the mind-set of some of the educators who are still trapped in the legacy of the past. When theory was matched with practice, it became clear that much still has to be done at the four project schools if the desired productivity is to be achieved.

The conclusion is also drawn that educators who are elevated to the position of principal, especially after 1990, must be given ongoing professional counselling because they witnessed horrible things happening, such as the humiliation of people occupying higher position, burning of personal and government property on the school premises, unprofessional treatment and unfair labour practice meted out to principals, in the name of the political struggle. Principals witnessed education officers being chased away from schools and in other instances they saw how the officers were held hostage by their juniors, principals witnessed an atrocious murder of innocent people by those who used the horrible "necklace" method on the school premises (cf. paragraphs 1.2, 2.3.3, 2.4.6 & 2.4.8.5).

Taking into account the Grade 12 pass rate as depicted in Figure 5.1 and Table 4.1 as an indicator of the right to education, the conclusion is drawn that the assumption that "the learners' right to education as enumerated in section 29(1) of the Constitution Act (No. 108 of 1996) is negatively affected by teacher misconduct" is proved correct. The organisational climate, culture and ethos of the schools under investigation, as discussed in the preceding chapters authenticate the assumption that "teacher misconduct as it occurs in the schools under investigation, negatively influences the management and leadership performance of principals".

6.5 Recommendations of a practical nature

6.5.1 Support services for principals

The incidents discussed in this research project, and the events that took place during the political struggle underscore the fact that principals must be given support more than ever before. The principals of the project schools must be offered professional counselling, because the events that

took place on school premises suggest that principals have been traumatised and psychologically affected. By counselling the principals, it is believed that they may gain self-confidence and self-reliance which will enable them to manage and lead schools effectively. Secondly, it is recommended that a circular from the Head of Education - in the province, wherein it is clearly spelt out that principals have authority and legitimate power, must be sent to schools so that it can be read by all. It is believed that this circular will enable the principals to gain their confidence.

The development of principals in management and leadership should be viewed in a serious light, and this can be done if in-service training can be given serious attention, as is the case in America where they have assessment centres for the development of managers (Mondy and Premeaux 1995:296). In-service training can help to hone the leadership techniques and skills of the principals such as innovation, independence, originality, organising etc. The in-service training can also help in developing the ability, capability and the building of teamwork and followership. Lastly and more importantly, the management by principals such as induction of educators, control, planning, the setting of standards etc. could improve.

From the research project it emerged that the principals of the four project schools are scared to make decisions and to be responsible and accountable for the decisions they make. The research project furthermore revealed that principals often pass the buck. Secondly, when educators have contravened provisions of the Acts, principals have been found unassertive in dealing with the culprits, and as a result, the schools are rendered ineffective and unproductive. To improve on the above, it is recommended that management and leadership development programmes for the principals must be put in place.

It is recommended that the MEC for education, in collaboration with the Head of Education must call the union members in general and SADTU members in particular to order. The union members are also employees who are duty bound to operate within the parameters of the Constitution Act (No. 108 of 1996); the Employment of Educators Act (No. 76 of 1998) and the Labour Relations Act (No. 66 of 1995). If the members of the union who chase away a principal are union representatives or office-bearers or officials of a union, it is recommended that the MEC or the Head of Education must follow the procedures laid down in Sch. 8, item 4(2) of the Labour Relations Act (No. 66 of 1995) to discipline them. This will send a clear message as to who is governing the country in general and the province in particular.

It must be emphasised that it is illegal and unnecessary to chase away a principal from a school, on the basis that the union members are not satisfied with the recommendation of appointment of such a principal, because Resolution No. 5 of 1998 does not give authority or power to the union representatives to do so. If the procedures laid down in Resolution No. 5 of 1998 are not followed, it is incumbent on the representatives of the unions to lodge complaints during the shortlisting and interview sessions or immediately after the shortlisting or the interview sessions, not to chase away a principal.

Among others, the procedures which are laid down in Resolution No. 5 of 1998, which must be followed, and which are observed by the representatives of unions which are parties to the provincial chamber of the ELRC, during the shortlisting and interviews are as follows: the shortlisting must be done according to the advertisement of the post and the criteria laid down by the panel; the preference list must be drawn up in such away that it does not advantage or disadvantage other candidates; the criteria decided upon must be fair and based on the principle of equal opportunity for all candidates; the members of the panel must jointly decide on the questions to be asked to the candidates, and on the ultimate ranking of the candidates in order of preference and the matching of the necessary competencies.

It is furthermore recommended that a circular must be written by either the MEC or the Head of Education to all unions wherein the unions are informed that in terms of the provisions of Sch. 8, item 4(3) of the Labour Relations Act (No. 66 of 1995) the MEC can dismiss the members of the union who chase away principals from schools on the basis of the balance of probabilities. It is also recommended that the unions must be informed in a circular by the MEC or the Head of Education that unions may not infringe the fundamental rights of individuals (cf. paragraphs 2.3.3, 2.3.5, 2.4.6 & 2.4.8.5).

6.5.2 Adherence to statutes, rules and regulations

Education does not take place in a vacuum in our country, because we have the following legal documents whose contents must be enforced by the officials and to which the educators must adhere: LRA, EEA, EEA Regs and other prescripts. The code of good practice which is contemplated in section 203(1)-(3) of the LRA (No. 66 of 1995) must be observed by both the principals and the educators. It is for example not in accordance with the code of good practice

for the SADTU members to intimidate those who do not want to take part in an illegal strike, chalk-down and picketing.

The chasing away of principals from schools by some members of SADTU must be condemned in the strongest terms because it constitutes harassment, and an *ultra vires* act which is an illegal act. The legal consequences of an *ultra vires act* are the following: the educators who chase away a principal contravene section 10 of the Constitution Act (No. 108 of 1996) which stipulates that everyone has inherent dignity and the right to have their dignity respected and protected. A principal who is chased away is humiliated and (s)he may lose self-confidence.

The chasing away of a principal is tantamount to preventing her/him from moving freely to where (s)he wants to go. For instance, a principal who is chased away, is prevented against her/his will from going to school to perform her/his normal duty. The act of chasing away infringes the right of freedom of movement as set out in section 21(1) of the Constitution Act (No. 108 of 1996). The educators who chase away a principal are liable to a charge of misconduct in terms of section 17(1)(b)(c) of the Employment of Educators Act (No. 76 of 1998).

It is assumed that some of the educators who chase away principals, do this out of a sheer ignorance of the law, because it is unthinkable that educators who are supposed to be the followers of the principal as their leader could chase her/him from the school. It is because of this reason that it is recommended that the principals or the officials of the Department of Education must organise workshops where educators will be informed about the contents of relevant provisions of the Acts such as section 17(1)(a)-(n) of the EEA (No. 76 of 1998), section 10(1)(2) of the SASA (No. 84 of 1996), and other relevant sections of other Acts. The educators must not only be informed about the contents of the relevant sections of the Acts, but they must be influenced to adhere to them, as the consequence of ignoring them is punishable. It is believed that the knowledge of legal aspects will encourage educators to adhere to the relevant regulations and rules.

6.5.3 Labour related matters

It is recommended that teaching should be regarded as an essential service as is the case with the services that are rendered to the patients by the nurses, to security by the security personnel and to the cleansing of water by those who work for the Water Board (cf. section 65(1)(c)(d) of the

Labour Relations Act (No. 66 of 1995). Unlike the nurses who work with people who are ill, and the soldiers as well as the police who work with thugs, educators work with enthusiastic and energetic people who have enquiring minds, who are eager to learn, and who always ask why, when, how and what?

During industrial actions such as strike, chalk-down and boycott, there is nobody to answer the above-mentioned questions. A child/learner is not like an object. If for instance, someone works with wood to manufacture a table, and decides to leave it, (s)he will find it in the same state in which (s)he left it. But with the child/learner is not possible. Secondly, if an educator participates in an industrial action, (s)he encroaches on the right of the learners to education as set out in section 29(1)(a)(b) of the Constitution Act (No. 108 of 1996).

It is also recommended that the principals, the SMDs, the LFs and parents should be allowed to attend the Education Labour Relations Council (ELRC) where they can also be afforded the opportunity to discuss labour issues, because they also deal directly with learners. It has been noted that unions, more often than not, force the employer to concede to issues that favour unions, and not necessarily the learners. A good example here is a circular which the Chief Director of education in the Free State was forced to write, and in which the aim was to prevent the principals, the SMDs, the LFs to control the work of educators in the classrooms. If the unions only are allowed to influence decisions in the ELRC, they tend to forget the important roles of other stakeholders.

6.5.4 The School Governing Bodies

The SGB is a structure that has been legally constituted. It is however believed that the SGBs of the four selected schools are ineffective, and that they do not operate the way they should. For instance, the SGBs have got no legal powers regarding teacher misconduct. Their function is merely to report to the education officials the wrongs that the educators are doing. Hence the school A's SGB could do nothing to the educator who smoked dagga at this school and who was found to be teaching learners to smoke dagga, except to report him to the officials.

Firstly, in the past SADTU in collaboration with COSAS, eroded parental authority and the rights vested in the parents. Secondly parents feel threatened because in the past they had been intimidated by so-called political activists. What made matters even worse, is the fact that the

Acts do not allow parents to deal with educators who commit misconduct. It is because of these reasons that it is recommended that parents should be given more power to deal with educator misconduct and other issues pertaining to the employment of educators before legal steps are taken.

6.5.5 The South African Council for Educators

The SACE Code of Conduct can play a vital role in disciplining educators if it is effectively used. In the Odendaalsrus district, there is no evidence that educators who broke SACE Code of Conduct were dealt with at one stage or another. Perhaps principals who are immediate managers at school level do not know how to go about dealing with educators who breach the SACE Code of Conduct. Because of this reason, it is recommended that principals must be trained in procedures that must be followed when an educator has committed professional misconduct, if the culprit is to be reported to SACE by principals.

It is believed that the procedure that is recommended above, could make it easier for principals to effectively implement the SACE Code of Conduct, as is the case with the procedures laid down for the principals to handle misconduct in sections 18-25 of the EEA (No. 76 of 1998). It is recommended that parents must also be involved in the cases where it has been found that educators have breached the SACE Code of Conduct, because parents have vested interest in the education of their children. Parents who are to be involved, must be parents whose children attend the school to which the educator is attached, not somebody who belongs to a particular political organisation, or someone who pursues personal or political objective.

6.5.6 The handling of misconduct at provincial level

Most of the directors and the deputy directors who were appointed in the higher echelons of the education system after the dissolution of the former regime were post level one educators who have never occupied managerial position. According to Mamaila (2000:6) some were appointed by virtue of their having led learners and thugs to burn down civilian and government properties, such as schools and municipal offices, while others were appointed because they occupied leadership roles in SADTU.

It must be noted that in terms of section 23(1) of the Constitution Act (No. 108 of 1996) it is wrong to discriminate against employees on the basis of the trade union to which he/she belongs, because everyone has the right to fair labour practices. In addition to this, Chapter 2, regulations C.3.6 and C.3.7 respectively stipulate that an employee must be treated equitably irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language and it furthermore stipulates that employees must refrain from party political activities in the workplace.

It must also be made abundantly clear that leading a teacher union is different from leading educators in a school setting. For example, a union leader does not control and monitor educators' professional work, and he or she is not professional in dealing with educational issues. It is therefore not necessary to sideline people with a good track record when appointments are made as has been noted by Ngqeza (2001:8). The appointment of friends, family members, siblings and comrades results in those who have been appointed being ineffective in dealing with cases of misconduct (Makgalemele 2000:3). It is for this reason that it is recommended that when appointments to higher position are made, career paths must be followed, while taking qualifications, experience and competence into consideration.

6.6 Further research

The teacher misconduct as a problem that was identified and researched, has revealed new problems that may be researched in future. The study has for example triggered one to ask new questions such as the following: What is the learners' perception of teacher misconduct? What is the parents' perception of teacher misconduct? What is the perception of the Human Resource Managers in the labour relations section at provincial level of teacher misconduct? What are the social and psychological problems caused by teacher misconduct? What impact does teacher misconduct have on learning and teaching?

In spite of the fact that learners were not part of the sample, the researcher wanted to know from them, while interacting with the educators, as to why there was always noise in the classrooms every day at School A. Their responses were different from the educators responses. When asked why they came to school late and why they left the school before the end of the school day, they indicated that some educators were not teaching them. Parents who are the most important role players as far as the researcher is concerned were also not the part of the sample. When

interacting with the researcher, they indicated in no uncertain terms, that they were not satisfied with the way cases of misconduct are handled.

The reports abound that there is a backlog of unattended cases of misconduct at the labour relations section at provincial level and at the offices of the Head of Education and the MEC (appeal cases and/or cases where the tribunal has recommended for dismissal and which need only the endorsement of the Head of Education or that of the MEC). In future, investigation or research can shed light on why there are delays. Other investigations which could be conducted, are the social and the psychological problems which have come about as a result of lax morals which led to educators committing misconduct in schools. Furthermore, an investigation could be conducted on the impact of educator misconduct on learning and teaching.

6.7 Conclusion

This thesis collected and presented data from a number of sources on teacher misconduct in schools. Use was made of qualitative research design to gain understanding of phenomenon of teacher misconduct. Many weaknesses in the education system that give rise to teacher misconduct were identified. The magnitude and seriousness of the problem are such that urgent action by all stakeholders is required.