

JURIDICAL ASPECTS OF TEACHER MISCONDUCT: A MANAGEMENT PERSPECTIVE

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DEDICATION

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ABSTRACT

Many researchers who conducted studies in management and leadership concentrated mostly on the private sector. However, researchers have aggressively started conducting management and leadership research in the public education sector using the management and leadership concepts and ideas that are used in the private sector. It must however, be mentioned from the outset that some of the concepts used in the private sector are not applicable to education. For example, the situational approaches are relevant to both the private and the public education sectors. When the situation in schools have to be diagnosed, there are unique situational variables that have an adverse impact on the management and leadership skills and techniques of principals.

In this study, qualitative research was conducted, and the researcher used a constructivist approach which calls for hermeneutic, phenomenological and dialectic methods, and it was found that the situational variables that seem to be affecting the management and leadership of principals in a given situation are the following: unionism, the legacy of the political struggle, lax and laissez-faire conduct, misconduct and insubordination, and the pressure exerted on the school management teams by the supervisors. These variables render principals ineffective and inefficient. The Grade 12 pass rate, the appearance of school surroundings and the behaviour of educators at many schools controlled by the erstwhile Department of Education and Training (DET) support this view, and they also suggest that some educators attached to these schools are not yet ready to embark on meaningful teaching.

The lax and laissez-faire situation which is prevalent in many schools controlled by the now defunct DET led to the lax morals which result in educators committing misconduct and insubordination. Among others, the following are mentioned as examples: 'unfair dismissal' and harassment of principals by the unionised educators and inciting of learners by some of the unionised educators against the principals. All these and other unfair labour practices suggest that principals to whom these are meted out are traumatised; and a traumatised person is not self-confident and self-reliant, hence it is necessary to professionally counsel the affected principals.

In the light of the above, many principals of the traditional black schools are demoralised, dispirited and demotivated. As a result, they are unable to carry out their management and leadership activities effectively and efficiently. This belief is supported by the outcome of the interviews and discussions that the researcher had with the educator unions/organisations, the principals and the school management developers of the four project schools.

In this study, an attempt is made to examine the outlined problems in accordance with the law in general, and the relevant sections in the Employment of Educators Act (EEA), (Act 76 of 1998) and Labour Relations Act (LRA), (Act 66 of 1995) in particular. At the same time problems are identified for future or further research.

Table of contents

	Pages
LIST OF FIGURES	viii
LIST OF PICTURES	ix
LIST OF TABLES	x
LIST OF ABBREVIATIONS AND ACRONYMS	xi

Chapter 1

1.0 ORIENTATION	1
1.1 Historical background	1
1.2 Statement of the problem	3
1.3 Working hypothesis	10
1.4 The aims of the research	11
1.5 Methodology	12
1.6 Research Procedure	17
1.7 Delimitation	18
1.8 Definition of words and phrases	19
1.8.1 Misconduct	19
1.8.2 Insubordination	19
1.8.3 South African Council for Educators	20
1.8.4 Constitution	21
1.8.5 Labour relations	22
1.8.6 Employer	22
1.8.7 Employee	22
1.8.8 Educator	23
1.8.9 Dismissal	24
1.8.10 Code of conduct	24
1.9 Chapter planning	24
1.10 Conclusion	25

Chapter 2

2.0	THE IDENTIFICATION OF MISCONDUCT IN SCHOOLS	26
2.1	Introduction	26
2.2	Transgression of codes of conduct	27
2.2.1	Dishonesty	27
2.2.2	Drunkenness	30
2.2.3	Gross negligence	31
2.2.4	Persistent idleness and absenteeism	34
2.2.5	Fighting on the school premises	36
2.2.6	Drug abuse	38
2.3	Misconduct stemming from protest actions	41
2.3.1	Illegal marches, chalk-downs and strikes	41
2.3.2	Unauthorised time off	43
2.3.3	Hostage taking	44
2.3.4	Illegal demonstrations and insulting slogans	46
2.3.5	Malicious damage to property	48
2.3.6	Political activity on the school premises during school hours	50
2.3.7	Failure to honour agreements	51
2.3.8	Disclosure of organisational information	53
2.4	Contravention of statutory provisions	54
2.4.1	Sexual abuse of learners	54
2.4.2	Transgressing financial control regulations	57
2.4.3	The forging and selling of reports	59
2.4.4	Using school property without permission	60
2.4.5	Allotting marks to learners without marking their scripts	63
2.4.6	Inciting and instigating others against the principals or other officers	64
2.4.7	Corporal punishment and assault	67
2.4.8	Insubordination as a dimension of misconduct	69
2.4.8.1	Insolence or lack of respect for authority	69
2.4.8.2	Refusing to carry out legitimate instructions	71

2.4.8.3	Defiance	73
2.4.8.4	Intimidation	75
2.4.8.5	Usurping the principal's role	76
2.5	Phenomena having a bearing on misconduct	78
2.5.1	Bureaucracy and the education system	78
2.5.2	Collegiality among educators	83
2.5.3	Subjectivity among educators	85
2.5.4	Ambiguity or hidden agenda	86
2.6	Conclusion	89

Chapter 3

3.0	EDUCATION MANAGEMENT AND THE LAW	90
3.1	Introduction	90
3.2	Misconduct in relation to legal aspects	93
3.2.1	Administrative law	93
3.2.2	Common law	95
3.2.3	Criminal law	97
3.2.4	Constitutional law	99
3.2.5	Law of evidence	100
3.2.6	Private law	103
3.2.7	Case law	106
3.2.8	Law of termination of employment	108
3.3	Legal aspects in managing misconduct	111
3.3.1	Systems and procedures	111
3.3.2	Formulation of charges	114
3.3.3	Disciplinary hearing	118
3.3.4	The role of the governing body	120
3.3.5	The role of the principal	122
3.3.6	The role of the provincial human resource managers	123
3.3.7	The role of the South African Council for Educators (SACE)	126

3.3.8	The role of the Education Labour Relations Council (ELRC)	128
3.4	Conclusion	129

Chapter 4

4.0	MANAGEMENT AND LEADERSHIP OF PRINCIPALS	131
4.1	Management and leadership as practical activities	131
4.2	Introduction	131
4.2.1	Impact of misconduct on the management tasks of principals	132
4.2.1.1	Control and supervision	132
4.2.1.2	Organising	136
4.2.1.3	Planning	139
4.2.1.4	Building of educators' commitment	142
4.2.1.5	Motivating educators	144
4.2.1.6	Goal-setting	147
4.2.2	Impact of misconduct on the management areas of principals	149
4.2.2.1	Human resources	149
4.2.2.2	Quality and productivity	153
4.2.2.3	Labour relations	156
4.2.2.4	Developmental appraisal	159
4.2.2.5	Discipline and counselling	163
4.2.2.6	Safety on the school premises	167
4.2.2.7	Influences of the external environment	170
4.2.2.8	Time and quality priority	173
4.3	Principals as leaders in a school setting	176
4.3.1	Impact of misconduct on the leadership skills and techniques of principals	176
4.3.1.1	Leadership vision	176
4.3.1.2	Effective communication	179
4.3.1.3	Human relations	183
4.3.1.4	Leadership styles	186
4.3.1.5	Risk and decision making	190

4.3.1.6	Conflict and problem solving	194
4.3.1.7	Influence and power	198
4.3.1.8	Leadership and teams	201
4.3.1.9	A leader and followers	206
4.3.1.10	Situational variables	209
4.3.2	Impact of misconduct on the leadership of principals	212
4.3.2.1	Introduction	212
4.3.2.2	Situational leadership	212
4.3.2.3	Transactional leadership	217
4.3.2.4	Cross-cultural leadership	218
4.3.2.5	Educational leadership	221
4.3.2.6	Charismatic leadership	223
4.3.2.7	Transformational leadership	225
4.4	Conclusion	227

Chapter 5

5.0	THE INVOLVEMENT OF THE RESPONDENTS	229
5.1	Introduction	229
5.2	The qualitative research design	230
5.3	The qualitative research procedures	230
5.4	The interpretivist and constructivist approaches	230
5.5	Interpretation and analysis of principals' responses	233
5.5.1	Brief biographical data of principals	233
5.5.2	Principals' perception of misconduct	234
5.6	Interpretation and analysis of teacher organisations' responses	242
5.6.1	Brief biographical data of teacher formations' participants	242
5.6.2	Members of unions' perception of misconduct	244
5.7	Interpretation and analysis of School Management Developers' responses	255
5.7.1	Brief biographical data of School Management Developers	255
5.7.2	SMDs' perception of the management and leadership of principals	256

5.7.2.1	Management as a practical activity of principals	257
5.7.2.1.1	Administration	257
5.7.2.1.2	Control	258
5.7.2.1.3	Systems and structure	259
5.7.2.1.4	Improving educators' skills	260
5.7.2.1.5	The setting of standards	261
5.7.2.2	Leadership as a practical activity of principals	261
5.7.2.2.1	Innovation	261
5.7.2.2.2	Originality	262
5.7.2.2.3	Motivation	263
5.7.2.2.4	Inspiring trust	264
5.7.2.2.5	Long term perspectives	265
5.7.2.2.6	The influence of leader	266
5.7.2.2.7	Risk taking	268
5.7.2.2.8	Leadership and followership	269
5.7.2.3	Leadership traits and skills of principals	272
5.7.2.3.1	Independence	272
5.7.2.3.2	Organising	273
5.7.2.3.3	Self-confidence	274
5.7.2.3.4	Courageous	275
5.7.2.3.5	Knowledgeable	276
5.8	Leadership style of principals	277
5.9	The matching of practice with theory and model	279
5.9.1	Introduction	279
5.9.2	Fiedler's contingency model	282
5.9.3	House's path-goal theory	284
5.10	Conclusion	287

Chapter 6

6.0 OVERVIEW, FINDINGS, CONCLUSIONS AND RECOMMENDATIONS ...	288
6.1 Introduction	288
6.2 An overview of the research project	288
6.3 Findings	295
6.3.1 Official documents and newspapers reports	296
6.3.2 Observations of interactions	302
6.3.3 Interviews and discussions	305
6.3.3.1 The outcome of interviews and discussions with principals	305
6.3.3.2 The outcome of interviews and discussions with educator unions	307
6.3.3.3 The outcome of interviews and discussions with SMDs	309
6.4 Conclusions	310
6.5 Recommendations of a practical nature	311
6.5.1 Support services for principals	311
6.5.2 Adherence to statutes, rules and regulations	313
6.5.3 Labour related matters	314
6.5.4 The School Governing Bodies	314
6.5.5 The South African Council for Educators	316
6.5.6 The handling of misconduct at provincial level	316
6.6 Further research	317
6.6 Conclusion	318
Bibliography	319
Annexure	A
Annexure	B
Annexure	C
Annexure	D
Annexure	E
Annexure	F

LIST OF FIGURES

FIGURE	Page
2-1 The conflict resolving structure	34
2-2 The structure of a school	61
2-3 Deviation from the procedures, process and requirements	80
3-1 The levels of the education management structure	92
3-2 The link between the human resources managers at provincial level	125
3-3 Inquiry into the contravention of the professional code of conduct	127
4-1 A school and managerial activities of a principal	138
4-2 The process of communication	180
5-1 The 1996-2000 Grade 12 Pass Rate of the Project Schools	281

LIST OF PICTURES

PICTURE	Page
2-1 Malicious damage to property	49
4-1 Vandalised classroom at a school	146

LIST OF TABLES

TABLE	Page
4-1 The 1999 Grade 12 Examination Results of the Project Schools	204

LIST OF ABBREVIATIONS AND ACRONYMS

ANC	African National Congress
AZASM	Azanian Students' Movement
BCEA	Basic Conditions of Employment Act No. 75, 1997
BEA	Bantu Education Act No. 47, 1953
COLTS	Culture of Learning, Teaching and Service
COSAS	Congress of South African Students
COSATU	Congress of South African Trade Unions
CPA	Criminal Procedure Act No. 51, 1977
DBE	Department of Bantu Education
DDTA	Drugs and Drug Trafficking Act No. 140, 1992
DET	Department of Education and Training
EEA	Employment of Educators Act No. 76, 1998
EEA Regs	Terms and Conditions of Employment of Educators Determined in Terms of Section 4 of the Employment of Educators Act No. R. 222, 1999
EGT	Evaluation and Grading of Teachers
ELRC	Education Labour Relations Council
Equity Act	Employment Equity Act No. 55, 1998
ETA	Education and Training Act No. 90, 1979
GEAR	Growth, Employment and Redistribution
HOD	Head of Department
IPS	Institute of Public Servants
LFs	Learning Facilitators
LRA	Labour Relations Act No. 66, 1995
MEC	Member of the Executive Council
NECC	National Education Co-ordinating Committee
NEUSA	National Education Union of South Africa
NPCSCER	National Policy on the Conduct of the Senior Certificate Examinations 1999, SA Gov. Gaz. vol. 409
OFSATA	Orange Free State Teachers' Association
OHSA	Occupational Health and Safety Act No. 158, 1993
PASO	Pan African Students' Organisation
POPCRU	Police, Prison and Civil Rights Union
PSA Regs	Public Service Act Regulations No. R. 1091, 1994
PSA Regs	Public Service Act Regulations No. R. 679, 1999

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RGA	Regulation of Gatherings Act No. 205, 1993
SACEA	South African Council for Educators Act No. 31, 2000
SACE	South African Council for Educators
SADTU	South African Democratic Teachers' Union
SATU	South African Teachers' Union
SAPS	South African Police Service
SASA	South African School Act No. 84, 1996
SASAWU	South African State and Allied Workers' Union
SDA	Skills Development Act No. 97 of 1998
SDTs	Staff Development Teams
SGB	School Governing Body
SMDs	School Management Developers
SMTs	School Management Teams
UNISA	University of South Africa

Chapter 1

1.0 ORIENTATION

1.1 Historical background

Teacher misconduct in South African schools needs attention, more than ever before because the new Constitution which came into operation on 4 February 1997 prohibits the ill-treatment of everybody in our country (cf. section 9(1), 33(1), 34(1) & 35(3) of the Constitution Act, No. 108 of 1996). The new legal system in our country demands that principals as managers and leaders must know and follow legal procedures when managing misconduct (cf. Employment of Educators Act No. 76 of 1998, Labour Relations Act, No. 66 of 1995 and other prescripts). It is because of this reason that the research project intends to investigate teacher misconduct and the relevant variables that have a bearing on misconduct in schools. It will also investigate the management of misconduct and the impact it has on the management and leadership of principals, and the learners' right to education.

In order to have a better understanding of the situation in schools in general and in traditional black schools in particular, it is necessary to look back and also to consider the present. Subsequent to the winning of elections on the platform of apartheid, the National Party government introduced Bantu Education. Prior to the introduction of Bantu Education, the Eiselen Commission was set up to inquire into an education system suitable for blacks. In 1951 the Commission reported that Bantu Education should be integrated into the South African education system. However, it had to be part of a segregated system which would develop blacks' economic and social lives separately. This system placed emphasis on the transmission of the cultural values of blacks by the institutions meant for them (Christie & Collins 1984:160).

The Eiselen Commission's recommendations were implemented by Dr H.F. Verwoerd who was the Minister of the Native Affairs at that time. The control of black schools was taken away from the provinces and the missionaries and was placed under the Native Affairs Department (Lodge 1984:266-268). The policy of separate development gave Dr Verwoerd the power to segregate and isolate blacks from other population groups in South Africa. This policy was aimed at separating blacks geographically, culturally and politically (Christie & Collins 1984:161).

During its reign the National Party government budgeted inadequately for Bantu Education because blacks were regarded as inferior (Christie & Collins 1984:182). Black children were discriminated against. They were for instance, expected to buy their textbooks and stationery whereas it was not always the case with their white counterparts (Unterhalter 1991:49, Hartshorne 1992:37). Black parents were forced by the government to pay money towards the building of new schools and for the payment of teachers' salaries (Hartshorne 1992:37-41). Conditions at black schools were appalling. The classrooms were congested which resulted in double sessions being introduced (Lodge 1984:270).

The aforementioned discriminatory policy of the National Party government, which is popularly known as the apartheid policy, caused discontent among black teachers. The teachers who were affiliated with the Cape and Transvaal African Teachers' Association initiated resistance to Bantu Education. In 1951 the Transvaal African Teachers' Association opposed the findings and recommendations of the Eiselen Commission. As a token of dissatisfaction the disgruntled and dissident teachers heckled a Bantu Education officer who attended a school function at one of the schools on the Reef. In order to protect apartheid policy, the government dismissed those teachers who participated in that protest action (Lodge 1984:265-274).

The strategies and tactics used by the National Party government to silence teachers did not succeed. Instead the teachers, the learners and the parents intensified their struggle against Bantu Education. In 1976 Soweto learners boycotted schools as a protest action against the National Party government's policy regarding Afrikaans as a medium of instruction (Levin 1991:122). Subsequent to the Soweto uprising, the state harassed and arrested teachers who showed solidarity with the learners (Davies 1984:350-351).

In 1978 the state realised that there was a dire need to reform the education system designed for blacks. The regulations that required Afrikaans as a teaching language were replaced. The abhorred Department of Bantu Education (DBE) was replaced by the DET. The Education and Training Act (ETA) (No. 90 of 1979) replaced legislation relating to the Bantu Education Act (BEA) (No. 47 of 1953) (Davies 1984:351).

Black leaders and teachers were not impressed by this move because blacks were not included in the designing of the education system meant for black children. In 1990 the powerful South

African Democratic Teachers' Union (SADTU) was formed in order to enable teachers to negotiate issues pertaining to educational matters (Moll 1991:199-200). Another reason for the formation of SADTU was to unify all South African teachers so that they could effectively protest against the education crisis (Hartshorne 1992:324-328).

At this juncture, it is deemed fit and proper to indicate that the purpose of this study is not to deal with the South African politics *per se*; but to investigate the extent to which the teachers commit misconduct in schools, while taking into consideration the fact that politics cannot be divorced from educational matters. The study also attempts to investigate the nature of misconduct in schools. Furthermore, the study intends to explore the role players and the initiators of misconduct which stems from political actions, not ignoring other variables which may play a role in prompting teachers to commit misconduct.

1.2 Statement of the problem

The teachers affiliated with SADTU emulated trade unions, because they regarded themselves as political activists who were to take part in the broader liberation struggle against the National Party government (Hartshorne 1992:321). After the release of Mr Nelson Mandela in 1990 it was obvious that the then National Party government was on the verge of collapse. Having realised this, teachers began to defy and despise principals and the officers of the DET.

One would have thought that there would be stability at schools subsequent to the release of Mr Mandela and other black political leaders because the outcry had always been that decisions on educational matters were taken without the inclusion of the genuine black leaders (Hartshorne 1992:310). But the situation and conditions deteriorated at almost all schools to such an extent that anarchy, lawlessness and a *laissez-faire* type of attitude prevailed. In addition to this, teachers resorted to the strategies used by trade unions such as downing tools, defiance and strikes, thereby eroding professionalism and professional conduct at all educational institutions for blacks. They, for instance, humiliated principals by chasing them away from schools (Molefe 1993:3).

From 1990 the situation at almost all secondary schools for blacks worsened. Teachers lodged their grievances and demands with the DET during school hours without asking permission from the principals or officials of the DET to engage themselves in such an action. The government

tried to quell this practice by arresting those who participated in this action. To show solidarity with those who were arrested, the teachers staged sit-ins and sleep-ins at the offices of the DET (Heard & Mapisa 1990:2, Maseko 1993:7).

Stay-aways, boycotts and strikes including chalk downs, became the order of the day. All these took place during school hours, and in the name of the struggle. At times they were prolonged up to more than two months (Sompetha 1992:13). Teachers participated in the above-mentioned protest actions for a number of reasons. The following are mentioned: congested timetables that required teachers to teach up to 42 periods a week; overcrowding in classes; freezing of posts; transfer of teachers to rural areas; insufficient textbooks and retrenchment of teachers without consultation (Molusi 1990:2).

Principals who dared maintain discipline and order were chased away from schools, or alternatively their cars or houses were set alight (Makoe 1991:2). At one school in Soweto, teachers incited the rioting learners to whip a principal who reprimanded them. After whipping him, they ordered him to leave the school premises (Smith 1993:4). Owing to the illegal dismissal of principals by the teachers, schools operated for years without principals (Louw 1993:5). The illegal dismissal and harassment of principals affected the management and leadership of schools negatively.

Teachers' actions as the ones set out above not only affect management and leadership of schools but they also affect teachers' attitudes, their personality and behaviour. Teachers, for instance, no longer show respect for authority in schools formerly controlled by the now defunct DET (Mothapo 1997:10). Subsequent to the dissolution of the National Party government, the unionised teachers challenged the management and leadership of principals, thereby creating a new culture of defiance and intimidation which rendered the schools unproductive and ineffective (Matseke 1997:12). These actions were driven by political motives linked to the struggle and not necessarily by education. Among others it could be mentioned that teachers changed from the state of professionalism to the state of defiance and negativism because of the politicisation of the traditional black schools.

The problem outlined in the preceding paragraphs is as not simplistic as it appears to be. The complexity of the problem can be ascribed to a plethora of factors. For example, some unionised teachers were appointed in the higher echelons of the education administration and management,

whereas others were not (cf. Figure 2-3). This posed a serious problem because those who also took part in the liberation struggle, and who were not elevated to higher positions started resisting change in the new dispensation under the guise of protest against issues such as rationalisation and redeployment, thereby disrupting the culture of learning, teaching and service (Shiba 1999:6).

The elevation of some teachers to higher positions in the hierarchical structure of our educational system was a grievous mistake because they proved to be incompetent (Malatjie 1997:7). Incompetence among the senior managers whose appointment was based on political struggle credentials, not necessarily on experience or relevant training contributed to some of the problems that manifest themselves in schools as organisations. For example, misconduct cases are not promptly dealt with by inexperienced and incompetent education managers (Mabunda 2001:10, Khupiso & Pretorius 1998:4).

At the school level, there was also a belief among the unionised teachers that teachers would "control" themselves in the new dispensation without the "interference" of the principals. When it was realised that this was a difficult expectation to meet, some unionised teachers became disillusioned to such an extent that they became rebellious towards the authority of the education officials, and this resulted in their resisting of changes and transformation that were brought about in the new dispensation (Mothapo 1997:10).

Mind-set is another factor which needs to be mentioned because thinking along certain lines in an organisation which is in the process of change poses a problem (Nickols 2000:5). In South African education, many changes and transformation had taken place. As a result of this, both principals and unionised teachers were expected to commit themselves to the changes that take place, but the converse is true.

Consider for instance hostage taking which was used by some of the unionised teachers at the time when they were fighting against the previous regime, which is still being used even in the new dispensation. Similarly, some principals do not want to reflect the democratic values and principles that are enshrined in the Constitution (No. 108 of 1996) in their management style. Instead, they are still trapped in the legacy of the past (cf. paragraphs 2.3.3, 4.2.2.1 & 4.3.1.3).

Another point which needs to be mentioned is that, to a large extent, some principals resist change because of the fear of the unknown, while at the same time, the unionised teachers force

change down the throat of the principals who resist it by using atrocious means (cf. paragraphs 2.3.3, 2.4.6 & 2.4.8.5). Some problems are caused by situational variables. More often than not, both principals and teachers react differently in a given situation and this causes a problem (cf. paragraphs 4.3.1.10 & 4.3.2.2).

Finally and more importantly, the progressive teacher unions, more especially SADTU were used by the progressive political movements as agents of change and transformation in the Department of Education (Conradie 1998:79). Having realised that the Department of Education cannot do anything without them, they are inclined to oppose or resist everything that the Department of Education may want to do without involving them, no matter how good it is. A case in point here is the Teacher Awards which SADTU in the Free State in particular do not support.

From a legal point of view, the aforementioned actions of teachers could constitute misconduct or insubordination (Oosthuizen 1994:92, 103-104, Mawdsley 1990:18-19). In terms of section 17(1)(a)-(n) of the Employment of Educators Act (EEA) (No. 76 of 1998) a teacher is charged by the employer with misconduct if there are sufficient grounds surrounding the aforementioned teacher actions. Points to be considered when determining whether the actions of a teacher constitute misconduct are enumerated in sections 17(1)(a)-(n) and 28(1)(e) of the EEA (No. 76 of 1998). In terms of sections 24(2)(a) and 28(1)(f) of the EEA (No. 76 of 1998), teachers who are guilty of any transgression of codes of conduct are liable to criminal charges, misconduct or dismissal. In addition to the foregoing exposition, contravention of the provisions of section 64(1)(b)(c) of the Labour Relations Act (LRA) (No. 66 of 1995) and sections 3(1)(2), 7(1)-(3) and 8(1)-(10) of the Regulation Gatherings Act (RGA) (No. 205 of 1993) may constitute misconduct.

Management of misconduct and insubordination is an ongoing process which forms part of a principal's tasks. For the principal to be able to manage procedures related to dismissal and the formulation of charges against teachers, he or she needs to know statutes, regulations and rules (Oosthuizen 1994:64-72). Management as a practical activity cannot be separated from theory because there is a relationship between theory and practice (Bush 1994:33). According to Bush (1994), a theory assists in providing a framework for understanding the behaviour of the teachers and the events that take place within the school as an organisation.



Hoy and Miskel (1987:284) make mention of the contingency theories which "maintain that leadership effectiveness depends upon the fit between personality characteristics and behavior of the leader and situational variables . . ." They furthermore identify two contingency theories namely Fiedler's contingency theory and House's path-goal theory. As a framework for the researcher to understand the situation and the effective leadership of principals, the contingency and path-goal approaches will be examined at the four schools that were formerly controlled by the DET in order to test Fiedler's contingency model and House's path-goal theory at the aforementioned schools (cf. paragraph 1.8).

From the literature studied, it can be deduced that the following phenomena may have a bearing on misconduct: political activities within the school premises; bureaucracy in the education system; collegiality among the teachers; subjectivity among the teachers and principals, and ambiguity or hidden agendas within schools as organisations (Bush 1994:35-50). Focusing on the above-mentioned, the researcher will ask the following fundamental research questions:

- 1.2.1 How does teacher misconduct impact on the management of schools?
- 1.2.2 What are teachers' and principals' perceptions of what constitutes misconduct in schools?
- 1.2.3 What do teachers and principals perceive to be the cause of teacher misconduct?
- 1.2.4 How do principals and other education managers deal with teacher misconduct?
- 1.2.5 What is the perception of the School Management Developers of the impact of misconduct on the leadership and management of principals?
- 1.2.6 How is misconduct defined by the law?

Interpretation of the situation and data will give answers to the above-mentioned questions and the new questions that may be asked. It is these answers that will make it possible for the researcher to construct knowledge and to understand what is happening at schools with regard to misconduct. Constructing knowledge in the minds of human beings is a daily activity because minds of individuals are not passive (Schwandt 1994:125). A human being constructs knowledge by analysis of new situations, critiques of new and old situations, reiteration and re-analysis of old

situations (Schwandt 1994:128-129). The new knowledge regarding teacher misconduct will be regarded as trustworthy and authentic (Punch 1994:100-104), and the findings will not be generalised as is the case with the conventional research paradigm, e.g. quantitative research (Guba 1990:22).

The preceding paragraph indicates that the constructivist or interpretivist approaches are to be used in the research project. A constructivist approach is a research design that is used by qualitative researchers to construct knowledge. It also enables a researcher to use phenomenological, dialectic and hermeneutic methods (Punch 1998:186-187). This research paradigm has been chosen by the researcher because the mind of an individual is continuously active in constructing knowledge everyday (Punch 1998:187).

An example of the interpretation of what is recorded in the official documents and the construction of knowledge from the contents of the official documents is the hermeneutic and critical reading of the logbooks and the minutes of the SGB/the staff. If, for instance, it is recorded in the logbook or in the minutes that the principal reprimanded a teacher who abused alcohol, the researcher reads this critically in order to find out whether this particular teacher does this regularly or occasionally.

The above-mentioned situation can be interpreted to mean that the reprimanded teacher is insolent and indolent; and that (s)he has adopted a *laissez faire* type of attitude, if (s)he is a habitual drunkard. It must however be noted that the same data or situation can be interpreted differently to give another meaning (Clark 2002:4). The knowledge which is constructed from this meaning is that this particular teacher commits misconduct by abusing alcohol.

The responses of the participants can also be interpreted during the interviews and discussions to construct knowledge. The knowledge which is constructed by interviewing participants is created and it is not discovered by the researcher. This knowledge is constructed as a result of the participation of the interviewees and the interviewer (Clark 2002:4).

The construction of knowledge is only possible if the interviews and discussions are dialectic in nature. This means that there must be dialogue which is characterised by a logical and critical argument between the researcher and respondents (cf. paragraphs 5.5.2, 5.6.2 & 5.5.7.2). Dialectic questions such as the structured and unstructured open-ended questions can help in this

regard. The question "Why are some teachers regularly coming to school late?" makes one think critically.

The above-mentioned question triggers argument and thinking. The respondents may argue as follows: The teachers come to school late because the principal also comes to school late; the teachers come to school late because they are not motivated; the teachers come to school late because they are not committed to teaching; the teachers come to school late because the principal is not strict; the teachers come to school late because there is no clear school policy. The foregoing responses are critically analysed and interpreted, and where necessary, the chaff is separated from the grain in the interpretation stage in order to construct knowledge.

Unlike the conventional positivist approach which lays emphasis on internal validity, external validity and reliability, the constructivist approach lays emphasis on trustworthiness and authenticity. In other words, in the constructivist approach internal and external validity are substituted by trustworthiness and authenticity (Punch 1998:186-187). The findings in the research project will not be generalised but they will be regarded as trustworthy and authentic. This is more so because human beings are not the same. For instance, the behaviour of the teachers of school B may not be the same as the behaviour of the teachers of school C (Clark 2002:1). The circumstantial and documentary evidence will endorse the trustworthiness and the authenticity of the findings (cf. Pictures 2-1 & 4-1, Figures 5-1 & Table 4-1).

Another discernible difference between the positivist and constructivist approaches is in methodology. The positivist approach uses methodology which enables the researcher to carry out experiments in which the variables are manipulated and controlled. The methodology is thus manipulative and experimental (Guba 1990:119). On the contrary, the constructivist approach is characterised by phenomenological, hermeneutic and dialectic methodologies which demand that the researcher must be on site to interact with the respondents so that (s)he can elicit data from them. In the constructivist approach, communication, reading of documents, observing and describing are important and there are no variables to manipulate and control (Guba 1990:27). In the research project, these are evident (cf. paragraphs 3.2.5, 5.5.2, 5.6.2 & 5.7.2).

More importantly, it must be noted that when perusing official records such as the school registers, newspaper reports, minutes of the SGB, and as well as interacting with the entire school as an organisation, a qualitative researcher uses an interpretivist approach in order to understand

the situation at the schools under investigation. For instance, the phenomena at the four project schools under investigation will be interpreted in order to construct knowledge (cf. paragraphs 5.4.2, 5.5.2 & 5.6.2). An interpretivist approach is a paradigm that is used interchangeably with constructivist approach. One cannot construct knowledge from the data collected without interpreting it (Guba & Lincoln 1998:212).

Furthermore, it can be said that an interpretivist approach may be used by a qualitative researcher together with the positivist and constructivist approaches. In the positivist approach, the interpretivist approach is used to interpret experiments and to explain what the experiments mean or depict. In the case study, the interpretivist approach can also be used to interpret it. The interpretivist approach is not possible without the constructivist approach. The situation has to be interpreted before knowledge is constructed (Denzin & Lincoln 1998:26-27).

In paragraphs 5.5.2, 5.6.2 and 5.7.2 the responses of the principals, the members of the teachers' unions and the school management developers of the four project schools are interpreted to construct knowledge. The documentary evidence helps in constructing authentic and trustworthy knowledge. This is done by critically reading and interpreting the official books to find out whether they contain the information which supports the responses of the aforementioned participants.

1.3 Working assumptions

Hypotheses are derived from daily observations and theories; and they can be tested if a researcher uses a quantitative research design (Ary, Jacobs & Razavieh 1987:78-79). In the case of a qualitative design, an investigator draws conclusions and inferences from the hypotheses (Ary *et al.* 1985:80-81). Another point to be noted is that qualitative research design lays less emphasis on hypotheses (Fiske 1994:200). This is because in qualitative research design hypotheses are not verified and statistically tested, and the findings are not generalised as is the case with quantitative research design. Instead, the findings are regarded as trustworthy and authentic (Guba & Lincoln 1994:112).

It must also be noted that in qualitative research experiments which allow an investigator to manipulate variables are not carried out. Instead, interactions, observations, dialogue and discussions are carried out by an investigator and participants in order to construct knowledge



(Guba & Lincoln 1994:107-110). For the purpose of this study, the word "hypotheses" is replaced by the concept "working assumptions."

The working assumptions which are derived from observations, and which are made in this research project are: 1) Teacher misconduct as it occurs in the schools under investigation, negatively influences the management and leadership performance of principals. 2) The learners' right to education as enumerated in section 29(1) of the Constitution (No. 108 of 1996) is also negatively affected by teacher misconduct. The researcher will construct knowledge from the above-mentioned working assumptions and the data gathered in the interviews and discussions with the help of the participants.

The participants who will help in the construction of knowledge will be the focus groups which will be drawn from the principals, the members of the site committees of the South African Teachers' Union (SADTU), the members of the Orange Free State Teachers' Association (OFSATA), the members of the South African Teachers' Union (SATU) and the School Management Developers (SMD), because it is assumed that they know the situation at schools and that they will be in a position to argue over issues that will yield multiple contributions to knowledge. As has already been mentioned, the knowledge which will be derived from the social setting, locality and the experience of the participants will be regarded as trustworthy and authentic, and it will not be statistically tested or verified (Guba & Lincoln 1994:105).

1.4 The aims of the research

- 1.4.1 To determine why teachers commit misconduct in schools and the extent to which misconduct is committed.
- 1.4.2 To determine whether education managers apply statutes, rules and regulations when dealing with teacher misconduct.
- 1.4.3 To determine whether the line function in the educational structure functions properly with regard to management of misconduct.
- 1.4.4 To explore the impact of misconduct on the leadership and management of principals.
- 1.4.5 To investigate and analyse legal provisions on educator misconduct.

1.5 Methodology

The inquiry will be made by making use of the hermeneutic, phenomenological and dialectical methods. The phenomenological method as used by Schwandt 1994:120-121, Maykut & Morehouse 1994:11-15, Schumacher & McMillan 1993:95 and Bryman 1988:51 is found preferable to using methods such as empirical and experimental methods which in a way depersonalise and violate the dignity of human being (du Plooy, Griesel & Oberholzer 1982:217-218).

According to du Plooy *et al.* (1982:218) the phenomenological method is appropriate and suitable for investigating or studying human being. They go further to say that the experimental method studies objects when the phenomenological method studies the phenomenon which manifests itself in the situation. For instance, the sexual abuse of learners is a phenomenon which appears in schools (cf. paragraph 3.2.5). Problems in the human sciences can be better studied by using the phenomenological method (du Plooy *et al.* 1982:218).

The phenomenological method enables the researcher to study what a person does in his/her life world by observing and describing it. What one perceives is actually what appears and this is the phenomenon itself which must be studied. For the phenomenon to be studied, it must attract the investigator (du Plooy *et al.* 1982:225). In other words, what shows itself in the life world must be revealed as is the case with late coming, corporal punishment and sexual abuse of learners (cf. paragraphs 2.2.4, 2.4.1, 2.4.7 & 3.2.5).

Du Plooy *et al.* (1982:225) points out that Landman has identified possible steps that the investigator may follow when using phenomenological method. Some of these steps which are found to be relevant to this study are discussed in the paragraphs that follow. According to du Plooy *et al.* (1982:225), Landman argues that the investigator's outlook on life can influence him/her to subjectively perceive and describe the phenomenon. Van Manen (2000:1) also expresses the anxiety that researchers are subjective in the description of phenomenon. However, van Manen (2000:1) postulates that the objectivity is possible if the process is well defined and described. For example, the case of sexual abuse which is discussed in paragraph 3.2.5 is clearly defined and described.

What is perceived and appears as a phenomenon at schools under investigation is recorded in minutes books, logbooks, time books and other official books of the four project schools. What the researcher observes like the vandalised and damaged buildings is noted in the note book meant for this purpose (cf. Pictures 2-1 & 4-1). The laws are analysed and informants are approached to discuss misconduct as a phenomenon which appears at the four project schools with them (cf. paragraphs 3.2.5, 5.5.2, 5.6.2 & 5.7.2). The cases of misconduct are listened to in court (cf. paragraph 3.2.5). All of these are places or actions through which the researcher could discover the essence of teacher misconduct as it manifests itself in the four project schools.

The investigator perceives what happens in the life world of the subjects/teachers, and (s)he chooses what is relevant to study. Du Plooy *et al.* (1982:226) indicate that Landman holds the view that what is relevant, genuine, and essential should be identified and described. In the research project, the unlawful lashing of learners by some teachers (cf. paragraph 2.4.7) is described and referred to as misconduct in terms of section 10(1)(2) of SASA (No. 84 of 1996).

The phenomenon which the researcher perceives as what actually appears at the four project schools, and which attracted the researcher to carry out this study is confirmed by newspaper reports, literature reports, reports of human rights commission and cases of misconduct which were put on trial in the court of law. The reported cases of misconduct which are confirmed as mentioned in the foregoing exposition are categorised to give a clear meaning of misconduct as a phenomenon which manifests itself in schools (cf. paragraphs 2.2, 2.3, 2.4 & 2.5).

Du Plooy *et al.* (1982:226) maintain that Landman points out that the phenomenological method demands that what is reported during the interviews and discussions, as a phenomenon should be tested and verified. In the case of this research project, the sexual abuse of learners by some of the teachers can be tested and verified (cf. paragraphs 2.4.1 & 3.2.5). This phenomenon is a reality, and it is misconduct irrespective whether it occurs once or regularly. One cannot talk about incidental manifestation of a phenomenon (du Plooy *et al.* 1982:227). Discussions with the respondents during the interviews also verifies the meaning of phenomenon or the meaning of what is happening at schools.

According to du Plooy *et al.* (1982:228) Landman argues that thinking, reading and interpretation are very important aspects of phenomenology. This means that when a researcher observes a phenomenon (s)he must do so solely in search of what is true. The phenomenological method

demands that what the researcher observes and describes should be reviewed again in order to avoid subjectivity (du Plooy *et al.* 1982:228). In the research project this is done by listening to the views of participants, analysing and re-analysing these views (cf. paragraphs 5.5.2, 5.6.2 & 5.7.2).

It is clear from the preceding paragraphs that the phenomenological method is a research tradition which enables a researcher to avail her/himself in the schools under review to interact with the participants/respondents or the entire schools as organisations in order to observe *in toto* and to take notes of what is happening in the situation or on site over a long period of time (cf. paragraphs 5.5.2, 5.6.2 & 5.7.2). The interaction with the respondents and their involvement helps the researcher to interpret and construct knowledge in the world of meaning and in the school setting. This is done by observing and describing the phenomenon which manifests itself.

For example, it is observed whether the educators adhere to rules and regulations, whether some educators come to school reeking of alcoholic beverages etc. In this way the phenomena in schools under study are described, and interpreted in order to construct knowledge. By identifying with the members of the participants or the schools which are under investigation, a researcher eventually becomes a member of the participants, or a member of those particular schools (Brewerton & Millward 2001:96).

The phenomenological approach enables a researcher to study the life-world of an individual. This means that the researcher is concerned with what happens in the life-world (van Rensburg & Landman 1988:446). In this research project, the phenomenon being studied will be observed. For example, it will be observed whether the buildings of the four project schools are wilfully and intentionally vandalised or damaged (cf. paragraphs 2.3.5 & 4.2.1.5). Photos of the damaged and vandalised buildings will be taken to support the assertion of the researcher.

The vandalised and damaged buildings will be interpreted in relation to education law to construct legal knowledge. As has already been mentioned in paragraph 1.2, the observation that will be made at the four project schools will not be generalised, because what will be observed at these schools may not occur or may not be a phenomenon at all schools in the Odendaalsrus district. Continuous and unlawful absenteeism of some teachers is another phenomenon which the researcher will observe at the four project schools in order to collect circumstantial evidence or data.

these official documents in the interpretation phase to construct authentic and trustworthy knowledge (cf. paragraphs 3.2.5, 4.2.5 & 5.5.2).

According to Schwandt (1998:227), the act of interpreting the contents of documents is a "hermeneutical undertaking analogous to the interpretation of a text." The purpose of interpreting official documents or newspaper reports is therefore to understand the behaviour of the teachers and the schools in their context. Schwandt (1998), furthermore holds the view that "the hermeneutical circle is a methodological device that provides a means for inquiry in the human science." From the foregoing exposition it becomes clear that an investigator must be in the situation to interpret texts in order to construct knowledge.

The word text means poems, posters, official books, magazines, newspapers, graphs etc. At the four project schools the incidents which were recorded in the official books will be read with understanding i.e. they will be interpreted in order to find out whether the recorded incidents constitute misconduct. For instance, if it is recorded in the logbook that a Grade 1 learner fell from a tree during interval, and that (s)he broke her arm, this cannot be interpreted to mean misconduct committed by a teacher. However, a teacher who was on duty on that day may be held liable and charged with negligence of duty in terms of the EEA (No. 76 of 1998).

Similarly, the dialectical method is used in the research project. The word "dialectic" has been derived from the word "dialogue". The word "dialectical" means that, there is a dialogue between the investigator and the respondents/participants during the interviews and discussions. To elicit data that will be valuable to construct knowledge, the dialogue must be dialectical in nature (Guba & Lincoln 1998:206). It is for this reason that the dialectic method is chosen because knowledge is constructed when there is conversation between the enquirer and the respondents (Schwandt 1994:121,122,127 & 129).

In paragraphs 5.5.2, 5.6.2 and 5.7.2 interviews and discussions will be held with the principals, the members of the unions and the school management developers of the four project schools. The new knowledge which will be unfolded by asking more and critical questions will be recorded. This will be done by taking notes, critical analysis of the responses, repeating questions where necessary in order to sort clarity and to understand the issues at hand.

The use of the above-mentioned methods will make it possible for the researcher to explore people, settings and behaviour as part of the milieu in which educators find themselves. According to Jacob (1987:1) settings are behaviour, milieu, location, duration, equipment, members, educators etc. As has already been alluded to, the hermeneutic method will help the researcher to peruse and to study the official documents as well as the newspaper reports, and the phenomenological method will assist in the observation of the new situation while taking into consideration the previous situations in the event of constructing knowledge (Maykut & Morehouse 1994:44). Interacting with respondents, the dialectical method will be of vital importance because there will be a dialogue between the investigator and the participants (Guba & Lincoln 1994:108-109).

1.6 Research Procedures

1.6.1 Four schools that were formerly controlled by the DET will be purposely selected from the schools in the Odendaalsrus District - Free State Province. The selection of these four schools will be based on scholastic performance, the outlook and the behaviour of teachers which has been recorded and reported to the officials. By selecting only four schools it will make it easier for the researcher to conduct a qualitative study effectively because the fewer the schools, the better the manageability of the research (Maykut & Morehouse 1994:174).

1.6.2 Interviews and group discussions will be used to induce information data (Bryman 1995:47-50, Ely, Anzul, Friedman, Garner & Steinmetz 1997:57). The interviews and discussions will be audio-taped if possible, while notes will be taken. Using a tape recorder and taking notes during the interview sessions and group discussions is a sensitive issue (Sherman & Webb 1988:132). The researcher will therefore ask permission from the participants beforehand to use a tape recorder and to take notes.

The three basic qualitative research principles namely respect, non-coercion and non-manipulation as well as support for democratic values and institutions will be applied (House 1990:158-161). The dialectical interpretation will be used by the researcher to construct knowledge during the interviews and group discussions (Guba & Lincoln 1994:114-115, Punch 1994:100). The argument will be refined and at the

same time the researcher will guard against subjectivity. What seem to be facts will be written down as notes that will be used later on.

- 1.6.3 The researcher will take notes and observe the daily routine, the management and the leadership of the principal as well as the behaviour of his or her teachers in the schools concerned (McMillan & Schumacher 1993:116-118). In the event of interacting with the participants, phenomenological interpretation which is the interpretation of the situation in which the investigator finds him/herself will help the researcher to construct knowledge regarding teacher misconduct.
- 1.6.4 Documents in which cases of misconduct have been recorded will be examined in order to find out whether they will yield information needed for this study (Ary *et al.* 1985:326). Cases of misconduct that went to trial will be analysed and interpreted. Hermeneutic interpretation which is the interpretation of the official records, the newspaper reports and other reports in the literature will help the researcher to construct new knowledge (Punch 1994:100, Guba & Lincoln 1994:128).
- 1.6.5 During the data collection phase new knowledge will be constructed. In the inquiring process the construction will be evaluated to find out whether it fits the collected data and also to find out whether it works or makes any sense and has relevance (Schwandt 1994:129).
- 1.6.6 During the data analysis phase the researcher will guard against subjectivity in the interpretation of data. Where necessary diagrams, charts, frequency lists, process figures etc., will be constructed (McMillan & Schumacher 1993:385).

1.7 Delimitation

The scope of this study and the sample of respondents are limited to four schools that were formally controlled by the DET in the Odendaalsrus district (cf. paragraphs 1.8.1 & 1.8.2). The methods used in this research project, namely hermeneutical, dialectical and phenomenological do not use mean, media and other formulae that are used in statistics. The findings will not be generalised, but they will be regarded as trustworthy and authentic facts that have been

constructed at the four schools mentioned above during the data collection and analysis phases (cf. paragraphs 1.2 & 1.3).

As noted by Schumacher and McMillan (1993:251) structured questions do have limitations, more especially if a researcher asks closed questions which require the respondents to select one option as an answer to the question. Regarding structured questions, it can also be said that they limit discussion because the respondents become nervous and suspicious in a formal interview session, whereas it is not the case with the respondents in an informal interview, where unstructured questions are used. As far as the collection of data is concerned, there are limitations in that some of the misconduct cases are not recorded whereas others are inadequately recorded in the schools logbooks from which the information is gleaned (cf. paragraph 1.8.5).

1.8 Definition of words and phrases

1.8.1 Misconduct

Misconduct is defined by Faris (1996:712) as "the contravention of any provision of the act or failure to comply with those provisions." Schedule 8 section 7(b) of the LRA (No. 66 of 1995) stipulates that an employee is guilty of misconduct if he or she contravenes "a rule or standard regulating conduct, or of relevance to, the work place." In terms of schedule 8(4) of the LRA (No. 66 of 1995), offences that constitute misconduct which may lead to the employee's dismissal are "gross dishonesty or wilful damage to the property of employer, wilful endangering of the safety of others, physical assault on the employer, a fellow employee, client or customer and gross insubordination."

As may be seen from the definitions, it is important for both the principal and the educators to acquire knowledge of law and legislative provisions in order to avoid conflicts within the school as an organisation. It is assumed that the acquisition of legal knowledge will make the principal effective and efficient in managing misconduct and insubordination within the school as an organisation because legal procedures must be followed and adhered to when managing misconduct.

1.8.2 Insubordination

The terms "employer" and "employee" have been defined elsewhere in the research project (cf. paragraphs 1.8.6 & 1.8.7). At this stage it suffices to say that there is a relationship between the employer and the employee which is referred to as the employer-employee relationship. There exist different types of relationships between the employer and the employee. For example, there is a relationship of authority between the employer and the employee and a relationship based on the different rights and duties of the employer and the employee (Beckmann, Bray, Foster, Maile, Smith and Squelch 2000:41). The employee is obliged to respect the authority as well as the rights and duties of the employer. The moment these are not respected, insubordination occurs.

As was alluded to in the preceding paragraph, insubordination as a form of misconduct is when an employee shows disrespect to an employer by way of defiance, intimidation, hostage taking and refusing to carry out legitimate instructions. Grogan (1997:117) defines insubordination as a "breach by employees of their duty to obey their employer's instructions;" while Dessler (1997:601) defines it as "wilful disregard or disobedience of the boss's authority or legitimate orders, criticizing the boss in public."

Carrell, Elbert and Hatfield (1995:698) perceive insubordination as "directly refusing to obey an order, using abusive language, committing acts of violence or not following health and safety rules". French (1994:187) concurs with the above mentioned scholars while laying emphasis on the refusal of the employee to carry out an employer's instructions and to observe organisational rules.

In terms of the above definitions of insubordination, an employee who does not observe the authority vested in his or her employer or supervisor and rules laid down by his or her organisation is liable to a charge of insubordination. In a school setting the principal is an immediate manager delegated by the employer. As an employee, an educator should obey a principal's legitimate instructions, observe the rules of the school and the authority vested in his or her principal. If an educator persistently and deliberately disrespects and disobeys legitimate instructions of a principal, such an educator commits insubordination because common law demands that every employee should respect and treat his or her employer with courtesy (Grogan 1993:43).

1.8.3 South African Council for Educators (SACE)

SACE is a professional organisation, therefore, a juristic person whose leadership mainly comprises teachers. However, there are other stakeholders who serve on SACE. The majority of teachers who serve on SACE means that through SACE education regulates itself (Abrams 2001:1). This body has been set up in terms of statute (cf. section 4 of the South African Council for Educators Act (SACEA) (No. 31 of 2000). Among others, SACE aims at dealing with professional standards for teachers, professional development of teachers and setting, maintaining and protecting a code of professional ethics for teachers (section 2 of SACEA, No. 31 of 2000).

In terms of section 21(1) of the SACEA No. 31 of 2000 all teachers who have successfully completed diploma in education at the recognised institution of learning must register with SACE even if they are not employed. In fact, section 21(2) of the SACEA No. 31 of 2000 clearly states that unemployed educators who are not registered with SACE may not be employed by any Department of Education in the country. The teachers mentioned in section 21(1)(2) of the SACEA No. 31 of 2000, are liable for disciplinary action. In terms of section 5(d)(iii)(bb) of SACEA (No. 31 of 2000), the names of teachers who are found guilty of professional misconduct or any offence could be struck from the register of educators.

1.8.4 Constitution

Bray (2000:5) stresses the fact that the Constitution of South Africa came about as a result of political organisations and other stakeholders who gathered together in Kempton Park under the umbrella of the Congress of the Democratic South Africa (CODESA) to negotiate it. Their negotiations resulted in their adoption of the interim Constitution Act (No. 200 of 1993). The 1993 Constitution came into operation on 27 April 1994, after the first democratic elections in our country. The Constitution Act (No. 200 of 1993) was amended before it was finally adopted in 1996. The 1996 Constitution Act (No. 108 of 1996), hereafter the Constitution came into operation on 4 February 1997.

Bray (2000:6) goes further to say that the purpose of the Constitution is to reconcile the South African persons, and to ensure that democracy is practised, because of the democratic values and principles it enshrines, and it also protects the dignity of everybody in this country. Secondly, it strives to treat everybody in South Africa equally because of the fundamental human rights it

enshrines, it furthermore states categorically that everyone is equal before the law (cf. section 9 of the Constitution, No. 108 of 1996). Thirdly, it intends to improve the quality of life of all the citizens of South Africa, while allowing them freedom in many respects. Finally and more importantly, it purports to build a united and democratic South Africa.

According to Devenish (1998:36) the Constitution is the highest law which creates a new *grundnorm* for the state and the body politic in South Africa. Similarly, Rautenbach and Malherbe (1998:4-5) hold the view that the Constitution has the following characteristics: the supremacy of the entrenched constitution, a Bill of Rights, a democratic system and proportional representation in parliament, the three levels of government, the principle of one nation with the diversity of interests, and the product of a detailed document.

1.8.5 Labour relations

In paragraph 1.8.2 the relationship between the employer and the employee which is referred to as employment relations or employee relations or labour relations by some scholars was discussed (Rollinson 1993:3, Storey & Sisson 1993:4). At this stage, it suffices to note that labour relations are employment relations that exist between the employer and the employee. The labour relations deal, among others, with the rights of employees, for example: the right to fair labour practices, the right to form and join trade unions; the right to organise and bargain collectively; the right to strike for the purpose of collective bargaining (section 64(1)-(5) of the LRA, No. 66 of 1995). The Constitution also refers to both the employee's and the employer's right to engage themselves in matters pertaining to employment or work situation (section 23(1)(a)-(b) of the Constitution, No. 108 of 1996).

1.8.6 Employer

In section 1(vi) of the EEA (No. 76 of 1998), the Director-General and the Head of Department are referred to as an employer because they employ and provide work for employees in the education public sector. In South Africa educators are employed by the specific department of education, represented by the Head of Department. In terms of section 23(3)-(5) of the Constitution (No. 108 of 1996), the employer has the right to belong to an employer's organisation, and to take part in all activities of the employers' organisation. Section 7(1) of the

LRA (No. 66 of 1995) alludes to the fact that the employer has the right to be protected against unfair labour practices.

1.8.7 Employee

The word employee is defined as "any person, excluding an independent contractor, who works for another person or for the State, or any person who in any manner assists in carrying on or conducting the business of an employer, and who receives, or is entitled to receive, any remuneration" (section 203(1)(c) of the LRA, No. 66 of 1995). In this research project, the employee referred to is an educator (section 1(v) of the EEA, No. 76 of 1998). Mention must be made that, as employees, educators are protected by the LRA (No. 66 of 1995). They have for instance, the fundamental rights which are catalogued in section 5(1)-(4) of the LRA (No. 66 of 1995), while section 23(1)(2) of the Constitution (No. 108 of 1996) enumerates the rights of employees which guarantee them fair labour practices and the opportunity to take part in trade union's activities.

1.8.8 Educator

An educator is a person who educates another person who might be a child or an adult. An educator does not need a specific time or venue in order to educate. Instead he/she may educate everywhere at any time when the need arises. In most cases an educator educates with love, care, sympathy and earnestness. There is a difference between an educator and a teacher. A teacher is someone who causes someone to know by way of giving him/her lessons at a specific time in a specific venue. In other words, someone who causes someone to learn at an institution of learning is a teacher.

On the contrary, section 1(v) of the EEA (No. 76 of 1998) defines an educator as "any person who teaches, educates or trains other persons or provides professional educational services, including professional therapy and education psychological services, at any public school, further education and training institution, departmental office or adult basic education centre and who is appointed in a post on any educator establishment." As employee an educator is protected by the LRA (No. 66 of 1995). This Act permits educators to bargain collectively, to register with employee unions or associations of their choice and to prevent or to settle disputes facing them

against unfair labour practice (section 5(1)-(4) of LRA, No. 66 of 1995 & section 23(1)-(6) of the Constitution, No. 108 of 1996).

In this dissertation the word "educator" is used as defined in section 1(v) of the EEA (No. 76 of 1998), and it will be used interchangeably with the word "teacher". The educator's code of conduct as defined by SACE in paragraphs 3-9 (Boshoff & Morkel 2000:4-9 up to 4-11) and section 17 (1) of the EEA (No. 76 of 1998) as well as other prescripts will be looked into.

1.8.9 Dismissal

Dismissal can be defined as the termination of the contract of the employee by the employer with or without notice, or the refusal by the employer to renew a fixed term of a contract of the employee, or the refusal of the employer to allow the employee to assume duty after the employee has taken maternity leave in terms of any law, or the action of the employer that forces the employee to terminate his or her duty (section 186(1)(a)-(e) & section 187(1)(a)-(e) of the LRA, No. 66 of 1995) . The dismissal of the employee may be fair or unfair.

1.8.10 Code of conduct

The code of conduct referred to in this dissertation "means the Professional Code of Conduct for Educators contemplated in the Constitution of the SACE" (Boshoff & Morkel 1999:4-12). An educator is a professional who interacts with learners, parents, community and his or her colleagues (cf. paragraph 1.5.8). Therefore, a code of conduct contains provisions with which an educator is obliged to comply, in respect of the aforementioned categories of people. The function of the code of conduct is to give the teaching profession the dignity it deserves because this profession is a noble calling for educators. The code of conduct for educators aims at establishing and maintaining harmony; loyalty; respect; dignity; human rights; upholding of standards, values and norms in the workplace in general and in our country in particular (section 28(1)(c)-(f) of the EEA, No. 76 of 1998).

1.9 Chapter planning

- 1.9.1 In chapter two, misconduct will be identified at schools by way of investigating what the literature indicates about teachers' behaviour inside and outside the school

premises of the schools that were formally controlled by the defunct DET. Possible causes of misconduct will also be explored.

- 1.9.2 In chapter three, points which are related to legal aspects will be discussed in order to establish what knowledge principals should have to manage misconduct.
- 1.9.3 Chapter four will outline the impact that misconduct has on the management and leadership of principals.
- 1.9.4 Chapter five will describe the teachers', principals', teachers unions' and teachers associations' perceptions of teacher misconduct by presenting and interpreting the data collected. This chapter will also strive to match practice with theory.
- 1.9.5 In chapter six, findings, conclusions and recommendations will be discussed. Suggestions for future school managers and leaders and for further research will be offered.

1.10 Conclusion

In this chapter an attempt was made at outlining the historical background of the education systems of this country since 1948 which led to the hardening of the hearts of the teachers, the parents and the learners. As a result of this, teachers took part in the liberation struggle against the National Party government which was ultimately dissolved. The struggle against the former regime changed the attitude and the professional conduct of the teachers; hence some of them are committing misconduct unknowingly or even knowingly e.g. illegal strikes, unauthorised time off etc.

It was also indicated that the problem identified is compounded by numerous factors or variables which should not be underestimated. To construct meaningful knowledge, a qualitative research design was chosen by the researcher. In order to enable the researcher to use qualitative research effectively, four schools were chosen. In this chapter it was explained how the data would be collected.

Chapter 2

2.0 THE IDENTIFICATION OF MISCONDUCT IN SCHOOLS

2.1 Introduction

The school is an organisation with a formal group of people performing a well-defined and organised work to achieve a specific goal or objective (cf. Figure 2-2). Where people come together for the purpose of working together, there should be sound human and working relations. These relations are referred to as labour relations (du Plessis, Fouché & van Wyk 1998:375-376). In the education public sector, labour relations are regulated by the Labour Relations Act, (LRA) (No. 66 of 1995).

The purpose of the LRA (No. 66 of 1995) is to promote peace, social justice and democracy in the workplace, more especially when it comes to the appointment of educators. It also strives to regulate fundamental rights, while affording the employees and the employer the opportunity to bargain collectively. The LRA (No. 66 of 1995) aims at enabling the employees to take part in the decision-making in respect of labour matters and to make it easier for the employer and the employees to resolve labour disputes (section 1(a)-(d) of the LRA, No. 66 of 1995). This Act applies to all employees except those in the Defence Force, Intelligence and Secret Service (section 2(a)-(c) of the LRA, No. 66 of 1995). When interpreting the provisions of the LRA (No. 66 of 1995), constitutional values and principles as well as international law should be taken into consideration (sections 3(a)-(c) of the LRA, No. 66 of 1995).

In spite of the fact that it applies to educators, the LRA (No. 66 of 1995) does not protect educators who commit misconduct. Instead, it gives guidance as to how human resources managers should deal with those educators who contravene provisions of the Acts, and it also gives them guidance as to how to adhere to the code of good practice (Sch. 8, items 1-7 of the LRA, No. 66 of 1995). Moreover, it gives direction as to how educators should go about embarking on a proposed strike (section 64(1) of the LRA, No. 66 of 1995).

The intention of this chapter is therefore to identify misconduct and insubordination inside and outside the school premises, and it also aims at looking into the provisions of the Constitution, the Acts and the Regulations that are contravened by the educators. The focus will mainly be on the Employment of Educators Act, more especially section 17(1)(a)-(n) of the EEA (No. 76 of 1998) which enumerates all the facts to be considered when handling misconduct cases. The fundamental rights of the educators and the employer as enumerated in the provisions of the Acts, the Constitution and the Regulations will be discussed while paying attention to the limitation of both the employees' and the employers' rights as set out in section 36(1)(2) of the Constitution (No. 108 of 1996).

This chapter will also focus on industrial actions or labour protests and the politics practised by some of the educators on school premises, because Chapter 2, regulation C.3.7 of the Public Service Act Regulations (PSA Regs) (No. R. 1091 of 1999) prohibits an employee from party political activities in the workplace. When reference is made to teachers' unions whose members participate in politics during working hours, it must not be construed as if this research project is against educators exercising their political rights. After all, section 19(1)-(3) of the Constitution (No. 108 of 1996) clearly spells out that every person has the right to participate in politics.

2.2 Transgression of codes of conduct

2.2.1 Dishonesty

The word dishonesty is defined in terms of the information gleaned from available literature as the stealing of an organisation's money or property, absenteeism, falsification of records, dodging work or loafing, not honouring the starting or stopping time and abdication of responsibility (Carrel *et al.* 1995:320-321, Anthony, Perrewé & Kacmar 1996:254-255, Ivancevich 1995:240-241, French 1994:234). In the light of the foregoing assertion it can be said that dishonesty is when an employee deviates intentionally from performing normally in accordance with operational procedures, or when an employee unlawfully and secretly removes the property of the organisation for the purpose of possessing it, or when an employee tampers with the official documents so that he/she can gain financially.

Dishonesty is a cause for concern in the American private sector. It is because of this reason that human resources managers in America once relied on pre-employment honesty tests before an employee could be appointed in a vacant post. In 1988, however, America discontinued the use of pre-employment tests after it was discovered that it was violating human rights, such as the right to be employed, the right to privacy, and the right to confidentiality. The object of the test was to detect whether an applicant was honest or dishonest (Ivancevich 1995:241).

Carrel *et al.* (1995:321) argue that it is difficult to say whether dishonesty is a personal trait or whether it is caused by the situation in which the employee finds himself or herself. With regard to dishonesty that manifests itself at some schools that were controlled by the erstwhile DET, it can be said that dishonesty is caused among others by situational factors or variables. With the advent of the new institutional and educational dispensation in 1994, dishonesty abounded and became prevalent at schools due to the laissez-faire type of attitude which was created by the political struggle against the dissolved National Party government (cf. paragraphs 1.1 & 1.2).

The different scenarios at some schools in South Africa support the foregoing assertion. Jordan (1998:7) reported that in Khayelitsha outside Cape Town, an educator stole money earmarked to buy tracksuits for learners. The stolen money was collected by this educator from parents. The action of this educator smacks of dishonesty which impeded human and labour relations which are contemplated in section 1(a)-(d) of the LRA (No. 66 of 1995). In addition to this, it can be said that the loss which was incurred as a result of the stealing of the money caused animosity between the educator in question and the parents. In this regard, Anthony *et al.* (1996:255) maintain that if dishonesty is not given prompt attention, organisations whose employees are dishonest will lose a lot of money or property to theft.

In South Africa dishonest employees have no place in the private sector in general and in the education public sector in particular. It is for this reason that the Employment of Educators Act (EEA) (No. 76 of 1998) was legislated as an act of parliament in order to regulate matters pertaining to the employment of educators. For instance, an educator shall be guilty of misconduct if he/she is found to be dishonest in terms of section 17(1)(e)(h)(i)(m) of the EEA (No. 76 of 1998), which stipulates that an educator shall not absent him/herself from school or duty without leave or a valid reason, or undertake any private agency or private work in relation to a matter connected with the carrying out of his/her duty without permission of employer, or be negligent or indolent in the carrying out of the duties attached to his/her post.

Despite the above stipulations educators are still displaying dishonesty. For example, some educators who marked and controlled the Grade 12 external examinations at the end of 1998 forged their qualifications. In this regard, Pretorius (1999:2) reported that some educators who were appointed to mark Physical Science and Mathematics were being investigated because it was alleged that they were not qualified to mark and control the Grade 12 learners' scripts. According to the report, one of the educators who was appointed, failed the Grade 12 Mathematics Standard Grade, while the other two educators falsified qualifications and submitted false documents to the examination section. Falsification of documents is dishonest, and it also constitutes misconduct in terms of section 17(1)(a)(b)(i)(j) of the EEA (No. 76 of 1998).

Dishonesty has permeated some of the former DET schools to such an extent that some educators attached to these schools have lost control over the learners. As a result they do not enjoy teaching, and this leads to their displaying unprofessional behaviour such as chalk downs, bunking periods, loafing and issuing learners with fraudulent examination reports. All these smack of dishonesty which constitutes misconduct in terms of section 17(1)(j)(k)(m) of the EEA (No. 76 of 1998). The dishonest educators steal school stamps and copies of report forms from the principals' offices. In the case of female learners, these fraudulent reports are exchanged for sexual favours, while male learners buy them (Mbhele 1990:12). Mention must be made that sexual intercourse with a learner as well as deceiving a learner by giving him/her marks that he/she does not deserve is in conflict with paragraphs 3.6 and 3.10 of the SACE Code of Conduct (Boshoff & Morkel 1999:4-10).

Apart from selling fraudulent reports to learners, the examination papers are also sold to learners long before the examinations are written, thereby contravening section 17(1)(j) of the EEA (No. 76 of 1998), and Chapter 2, regulations C.4.5 and C.5.3 of the PSA Regs (No. R. 679 of 1999) (Mulaudzi 1998:2, Seeger 1997:2). Falsification of examination results and the stealing of examination papers have a negative impact on labour relations within the school as an organisation, because mistrust is likely to exist between the culprits and the school management teams (SMTs). Moreover, it must be noted that forging documents and records constitutes reason for dismissal in terms of section 17(1)(a)(b)(g)(j)(n) of EEA (No. 76 of 1998) in the education public sector should an educator be found guilty of misconduct.

2.2.2 Drunkenness

Alcohol is a substance which has a devastating impact on the performance of an employee who abuses it. An alcoholic is faced with the problem of abusing family members, losing friends and colleagues, suffering psychologically and emotionally, squandering money and ostracism by their peer group (Carrel *et al.* 1995:599). An alcoholic is a problem for the human resources manager in the workplace. A study conducted in America shows that an employee indulging excessively in liquor has work related problems. Among others it can be mentioned that alcohol abusers absent themselves continually and unlawfully from work, and this practice has been found to be detrimental to human and labour relations among the employees (Fitz-enz 1995:192).

The problem of alcohol abuse is not only limited to the employees in the private sector, but it is also common to the public education sector. In South Africa, some of the educators attached to schools that were controlled by the erstwhile DET, abuse alcohol thereby contravening section 17(1)(h) of the EEA (No. 76 of 1998), which stipulates that an educator shall be guilty of misconduct if he or she is under the influence of intoxicating liquor or stupefying drugs, while on duty or acting in an official capacity. More importantly, as a professional, an educator should at all times behave professionally, and adhere to the code of conduct as enumerated in paragraphs 3.7 and 3.10 of the SACE Code of Conduct (Boshoff & Morkel 1999:4-9; 4-10).

In spite of the fact that it is against the law for an educator to report for duty under the influence of alcohol, reports abound that there are still some educators who come to school under the influence of alcohol. For example, an educator attached to one of the schools in Masilo township near Theunissen in the Free State frequently came to school reeking of alcohol. When confronted by the principal, he admitted verbally and in writing that he had consumed alcohol before reporting for duty each morning, and he always apologised for doing this (PS File EMIS 42908239:1999).

Official documents of the school furthermore reveal that intoxicating beverages have a negative impact on the work and the well being of this particular educator. He does not for instance report regularly for work, he does not complete mark sheets as well as the mark schedules when learners have written quarterly tests or examinations. When controlling the professional work of the educators, the principal discovered that this educator neglected learners throughout the year,

hence all the learners he taught failed his subjects. The educator was warned several times, but he never improved his behaviour (PS File EMIS 42908239:1999).*

Shiba (1999:6) noted that educators who go to school under the influence of alcohol, act in conflict with section 17(1)(h) of the EEA (No. 76 of 1998), which forbids educators from reporting to work under the influence of intoxicating beverages and stupefying drugs. According to him, they go to schools drunk and they leave schools for home before the end of the school day. As a result of this, learners are seen milling about in the dusty streets of the townships and supermarkets during school hours. This practice is so conspicuous that in one educators' conference the then deputy president of the ANC, Mr Mbeki, gave the offending educators a tongue lashing (Khumalo 1998:3).

Educators who excessively consume liquor carry out their responsibilities with low levels of commitment. This leads to low productivity, low morale and a high failure rate (Matseke 1997:12). Excessive consumption of alcohol by an educator has a negative impact on the management of schools in general and human relations in particular. In terms of the SACE Code of Conduct, paragraphs 3.1 and 3.3, an educator should respect the learners and he or she should also inculcate societal values in learners while allowing them access to education (Boshoff & Morkel 1999:4-9; 4-10). An alcoholic does not perform his or her duty the way he or she should, instead he or she violates the right of a learner as catalogued in section 29(1)(a) of the Constitution (No. 108 of 1996), namely the right to basic education.

2.2.3 Gross negligence

Subject to section 3(1) of the South African Schools Act (SASA) (No. 84 of 1996), it is compulsory for learners to start schooling at the age of seven years and remain at school until the age of fifteen years or the day on which he or she completes the ninth grade. With regard to the ages of compulsory attendance at schools for learners with special education needs, the minister of education must determine this by way of publishing it in the *Government Gazette* (section 3(2) of SASA, No. 84 of 1996). In the light of the foregoing exposition, it becomes clear that the learners from sixteen years to eighteen years are not compelled by law to attend school.

* The name of the educator is not used. The information can be retrieved from this file, using this number at the Odendaalsrus District Office.

It is also of vital importance to note that it is required by the SASA (No. 84 of 1996) to admit a learner to Grade One if he or she turns seven in the course of that calendar year and it is expected of him or her to complete Grade Twelve at the age of eighteen (Boshoff & Morkel 1999:2B-63). This means that the school going learners are still children who must be protected from maltreatment, neglect, abuse or degradation (section 28(1)(d)(3) of the Constitution, No. 108 of 1996). A child is not only to be protected, but he or she must also be cared for by his/her parents (section 28(1)(b) of the Constitution, No. 108 of 1996).

In the absence of parents at school, an educator acts in *loco parentis*, and he or she is therefore expected to protect and to take care of school going learners (Oosthuizen 1994:55). This could be done if he or she refrains from ill-treating, neglecting, abusing and degrading a school going learner (section 28(1)(b)(d)(3) of the Constitution, No. 108 of 1996). The protection contemplated in section 28(1)(2)(3) of the Constitution (No. 108 of 1996) is construed to be the psychological and physical protection of the learner by the educator in the classroom, outside the classroom, during breaks, as well as during excursions. This implies that the conditions and the situation a learner is exposed to should be free from factors that may harm him or her physically and psychologically.

The learner's right to education as contemplated in section 29(1) of the Constitution (No. 108 of 1996) must be protected by the educator. This could be done if the educator plans and prepares his or her lessons which must be taught daily to the learners. It is unacceptable for the educator to withhold the examination results of the learner for one reason or another, or to award marks to learners without marking their scripts. The handling of the examinations matters should be taken seriously because examinations are an integral part of education. If examinations are ineffectively managed, the right of learners to education as contemplated in section 29(1) of the Constitution (No. 108 of 1996) is jeopardised.

Similarly, sections 10 and 12(1) of the Constitution (No. 108 of 1996) make mention of the dignity and the security of the learners which must be protected. The above-mentioned sections of the Constitution should be considered before an educator could embark on any action that may be detrimental to the well-being of a learner. Violation of the Constitution by an educator may expose a learner to hazardous conditions and situations. In terms of section 17(1)(d) of the EEA (No. 76 of 1998), an educator who does not take care of learners and protects their rights may be charged with misconduct.

It is reported that at the end of 1996, a high school educator in Atteridgeville near Pretoria tortured learners psychologically by not issuing them with their end of year examination results because he did not mark scripts or prepare the mark schedule and learners' reports (Sowetan Reporter 1997:4). This was viewed in a serious light by parents of that school because the action of that educator constituted gross negligence.

The educator neglected the most important task which is the final product of what he and the learners had been doing throughout the year. Leaving the learners in the lurch at the last minute suggests that there was something this educator was hiding. It could also mean that the educator neglected the learners throughout the year and that he knew that the examination results would expose him.

In terms of the political system, South Africa was an abnormal country with an abnormal society, hence the struggle against the former government (cf. paragraphs 1.1 & 1.2). During the political struggle schools were turned into battlefields while learners were neglected by educators who fought the then National Party government. For instance, at one of the high schools in Soweto near Johannesburg educators embarked on an indefinite chalk-down. During that period, the neglected learners gambled in the dilapidated school building. Some played football in the classrooms, while others played cards and games of dice (Makoe 1991:6, Khupiso 1991:1). As the result of the gross negligence to which the learners were subjected, today they go to schools late, and they smoke dagga in full view of their educators (Mecoamere 2000:3, Thulo 2000:4).

In South Africa, some educators encroach on the learners' time by holding meetings during teaching time. These educators do not take cognisance of the fact that their rights are not absolute (section 36(1)(a)-(e) of the Constitution, No. 108 of 1996). It is for instance, a tendency for some educators affiliated to SADTU to hold meetings during school hours. One such a meeting was held by Durban township educators in the city hall. The learners were therefore neglected. Some of the neglected learners were seen shopping and strolling on the beach, while others enjoyed alcohol at the local licensed restaurant (Shiba 1999:6). In the light of the above, it becomes clear that gross negligence by educators led to learners abusing alcohol and drugs.

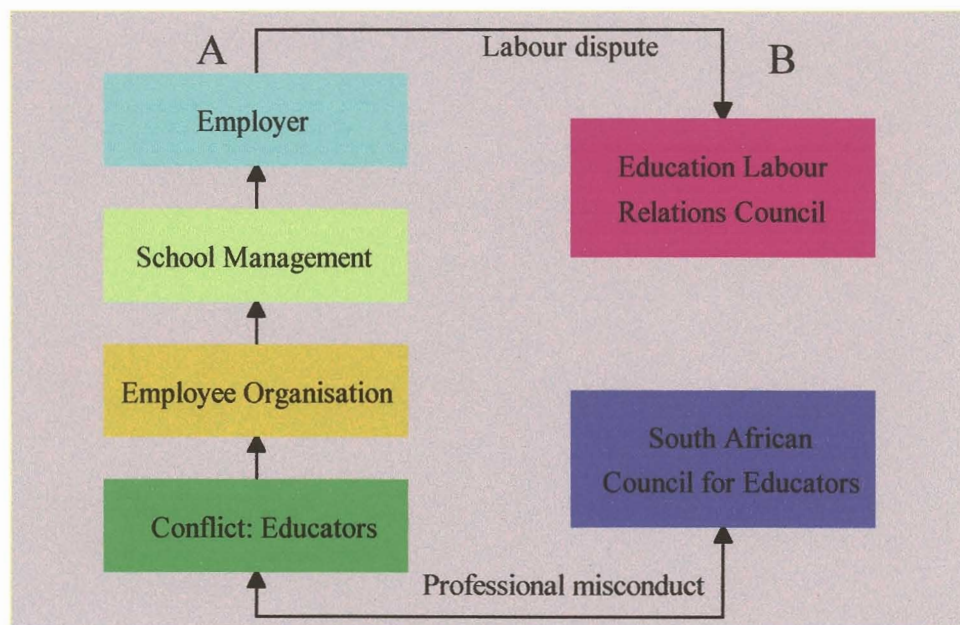
Mokone (1996:17) expresses anxiety that black children who have been neglected by educators for a long time have become a menace to the South African society. Explaining the events that took place in the black townships on the East Rand, Mokone (1996) blames educators who

neglect and use learners as political pawns. According to him, learners who are affiliated to the Congress of South African Students (COSAS), aligned to the African National Congress, and those who are affiliated to the Azanian Students' Movement (AZASM), aligned to the Azanian People's Organisation, interfere with the learning and teaching processes, while at the same time their political activities have an adverse impact on the management and human relations (Teleki 1994:9-11).

2.2.4 Persistent idleness and absenteeism

It is expected of the employee and the employer to maintain sound social and working relations because they interact formally and informally in the workplace. These relations are regulated by the LRA (section 1(a)-(d) of the LRA, No. 66 of 1995). Conflict within the school as an organisation is resolved by the management of the school, educators, employee organisations and the school governing body. External agencies like the Education Labour Relations Council and the South African Council for Educators may also resolve disputes that may have arisen within the school (Sch.1, item 2(1) of the LRA, No. 66 of 1995 & section 28(e)(f) of the EEA, No. 76 of 1998). The diagram below shows the structures that could be used when resolving conflict.

Figure 2-1: The conflict resolving structure



The above Figure 2-1 distinguishes two types of disputes that may occur at school level namely disputes on labour and professional misconduct issues. Columns A and B show the typical paths that labour disputes and professional misconduct disputes may follow. Alleged contravention of the professional code of conduct may be referred to SACE by the school

Absenteeism and idleness are potential causes of conflict in schools. An educator who is persistently absent from school lowers the morale of other educators who regularly report for duty. He or she also impedes sound working relations that may exist between the management of the school and himself or herself (Cuming 1993:360-361). Absenteeism means that learners are not attended to, tuition hours must be increased, extra work must be given to other educators, and a high failure rate at the end of the year must be expected. The above-mentioned is true if an educator spends many idle hours just sitting in the staff room or basking in the sun (Khupiso & Pretorius 1998:4).

It is acceptable for an educator to be absent from school if there are valid reasons like ill health and authorised leave by the employer. Educators who absent themselves from duty for no valid reasons contravene section 17(1)(m) of the EEA (No. 76 of 1998). It has been however noticed that there are some educators who absent themselves by feigning sickness while others are idle while on duty. Bierman (1998:11) observed that half of the educators in Mpumalanga around Ermelo do not report for duty on Mondays. He furthermore noted that these educators arrive at the workplace a few hours before the end of the school day, while others leave the schools on Fridays as early as ten o'clock in the morning. According to him, the rural schools are worst hit by this practice. At these schools educators do not report for duty on Mondays as well as Fridays. Bierman (1998) reported that in one of the rural schools an educator slept for the entire day on the Monday at the school with the instruction that no one should disturb him.

In Khayelitsha outside Cape Town an educator spent eighteen months at home receiving her full pay. This particular educator absented herself from work in spite of the fact that she was instructed by the authority to go to work (Jordan 1998:7). In some schools formerly controlled by the then DET, educators do not start with teaching at the beginning of every term. The schools where this is practised are not effective (Rees 1996:18, Mabunda 1998:4). In addition to this it must be mentioned that educators who practise this are guilty of misconduct in terms of section 17(1)(m) of the EEA (No. 76 of 1998), in that they absent themselves from school without leave or a valid reason.

2.2.5 Fighting on the school premises

Fighting is as bad as the abuse of intoxicating beverages, absenteeism and idleness. Fighting within the school affects productivity and the organisational climate and culture of the school. Aggressive behaviour and friction within a school cause stress which leads to educators blaming one another for any problem that may exist at a school. Aggression creates fear and frustration among educators, and this has a negative impact on societal values, norms and human relations (Cascio 1995:554). In situations where educators are fighting amongst themselves, professionalism is likely to be eroded (cf. paragraphs 1.5.8 & 1.5.10).

Fighting within the school ranges from fist-fights, stabbing, sexual assault and to the use of firearms (Khupiso & Pretorius 1998:4, Jordan 1998:7, Malefane 1999:1-2). It is incumbent upon the human resources managers at school level to prevent fighting. When appointing educators, precautionary measures should be taken. A principal of a school should have sound knowledge of human resources management because this could help him or her to inculcate zero tolerance of fighting among his or her staff members. Professionalism should at all times be instilled in educators. Above all, a principal should act promptly when he or she hears or realises that there is tension between educators (Byars & Rue 1997:511, Cascio 1995:554).

Fighting on school premises is becoming increasingly common. Khupiso and Pretorius (1998:4) report that educators attached to a school in Daveyton on Gauteng's East Rand fought amongst themselves. The reporters' informants maintain that the cause of the fight was that one of the educators instigated learners to throw eggs and tomatoes at other educators of the same school. They furthermore informed him that the problem was compounded by the appointment of another educator as a principal, not the instigator. Apparently, the instigator was the favourite of some of the educators of that school (Khupiso & Pretorius 1998:4).

In section 17(1)(b)(c)(g) of the EEA (No. 76 of 1998), it is clearly spelt out that an educator who engages himself or herself in fighting is guilty of misconduct, because an educator is someone who is supposed to be a role model to the learners. If an educator engages him/herself in bad behaviour like fighting, learners are likely to think that fighting is the norm or acceptable standard of living that is to be imitated and emulated. The fighting in which the above-mentioned educators engaged, negatively affected tuition and meaningful learning in that learners were

neglected by educators of that school for a period exceeding a year (Khupiso & Pretorius 1998:4).

An educator who fights another educator, more especially on the school premises, is contravening paragraph 3.7 of the SACE Code of Conduct which stipulates that an educator must use appropriate language and behaviour in his/her interaction with learners, and that he/she must act in such a way as to elicit respect from the learners (Boshoff & Morkel 1999:4-10). In the light of the foregoing stipulation, it becomes clear that the above-mentioned educators and a Kayelitsha principal who slapped an educator in the presence of her forty Grade 1 learners flouted the SACE Code of Conduct (Jordan 1998:7). In addition to this, it can also be said that the conduct of the Daveyton educator and that of the principal of Kayelitsha constitute reasons for dismissal (Grogan 1997:115-116).

Human and working relations are important aspects of management which need to be given serious attention. Should human and working relations be managed ineffectively and inefficiently, fighting which can result in killing, is inevitable. Ineffective management of human and working relations may lead to the collapse of discipline as is the case with some schools formerly controlled by the now defunct DET. An educator who gunned down three educators in the staff room at a school in Soweto outside Johannesburg is a case in point. According to the report, the killer educator made threats before the actual killing, and his threats were reported to officials of the Department of Education who did nothing about them (Malefane 1999:1-2).

In the light of Malefane's (1999) report, it was clear that there were bad working relations between the killer educator and the rest of the staff members, including the principal of that school. According to the report, the killer educator would even absent himself from work without any valid reason, but steps were not taken, though it is explicitly stated in section 14(1)(a) of the EEA (No. 76 of 1998) that an educator is deemed to be discharged if he or she absents himself or herself from work for a period exceeding fourteen consecutive days without the permission of the employer. The deduction which is made with regard to lack of discipline at some schools formerly controlled by the then DET, is that there are management problems at various levels of management of the education system in South Africa (cf. paragraphs 2.2; 3.2; 4.2 & 5.2).

2.2.6 Drug abuse

Drug abuse by employees in South Africa needs attention more than ever before. Since the inception of the democratic government in South Africa, illegal immigrants have flocked to this country with great expectations of finding jobs, some with bad intentions as well. Many of them came to this country to sell drugs such as *cocaine*, *mandrax*, *opium* and *khat*. It is on record that *khat*, which is being illegally smuggled into South Africa by Ethiopians and Somalis, is chewed openly on the streets of Johannesburg, in full view of everybody including the police who seem to be unaware that what is being chewed is indeed a drug (Smillie 2000:7).

From what is regularly reported in print and via the electronic media, it becomes clear that the laissez-faire and tolerant attitudes towards drugs which were ushered in with the new dispensation increased the rate of drug abuse among the people of South Africa including the educators. Thulo (2000:3) reported that an educator attached to a high school in Umlazi, South of Durban, smokes dagga with his principal on the school premises. According to the report, the school has a dagga smoking room where drugs are sold by thugs who enter the school premises freely, in the process abducting school girls for the purpose of raping them. This practice prompted the School Governing Body (SGB) to file a case of misconduct in terms of section 17(1)(h) of the EEA (No. 76 of 1998) against the principal, the school security guard and the educator.

It must be mentioned that in terms of section 17(1)(e) of the EEA (No. 76 of 1998) it is an offence which amounts to misconduct to sell dagga on the school premises. Subject to the provision of the foregoing section educators are prohibited to undertake any private agency as is the case with the above-mentioned principal and one of his educators, and it is also against societal norms and values to sell dagga at school.

The selling of dagga on school premises is also prohibited by section 21(1)(a)(b) of the Drugs and Drug Trafficking Act (No. 140 of 1992). In terms of this section, a person may be guilty of an offence if (s)he is found in possession of dagga exceeding 115 grams in or within any school grounds or within a distance of 100 metres from the confines of such school grounds of any dangerous dependence-producing substance; or is found in possession of any undesirable dependence-producing substance, other than dagga.

Section 21(2) of the Drugs and Drug Trafficking Act (No. 140 of 1992) defines a "school" as any educational institution, except a university, college of education or a technikon, where full-time education, including pre-primary education, is provided to pupils; and subsection two of section 21 of the Drugs and Drug Trafficking Act (No. 140 of 1992) furthermore defines "school grounds" as a land, whether it is contiguous or not, buildings or accommodation, sporting or other facilities used for or in connection with the activities of the school.

The above-mentioned educators contravened section 17(1)(d) of the EEA (No. 76 of 1998) in that they were negligent or alternatively indolent in the carrying out of their duties attached to their posts and this resulted in the learners falling prey to drugs and thugs. The smoking of dagga by educators on the school premises, even outside the school, has a negative impact on discipline, and this action also has a negative effect on the administration of the school and, as such, the educators were liable to a charge of misconduct in terms of section 17(1)(b) of the EEA (No. 76 of 1998).

Apart from having a negative effect on the management and leadership of principals, the abuse of drugs has detrimental effects on family life and on the mental well being of the user. Using drugs excessively can also cause depression and psychological disorders such as a psychosis which is common among those who abuse drugs (Smillie 2000:7). Research conducted in America shows that the use of drugs in the workplace decreases performance of employees and as such productivity is adversely affected. In addition to an adverse impact of drugs on productivity, it was discovered that drug users steal whatever can be sold from the workplace, so that they are able to buy drugs (Sherman & Bohlander 1992:443).

The findings of the research conducted in America proved to be authentic because the principal mentioned in the foregoing paragraphs seems to be psychologically affected by dagga to such an extent that he saw nothing wrong with the smoking of dagga with his educators and learners, and he referred to dagga as a holy herb. It must also be mentioned that the smoking of dagga by the principal contributed to the mismanagement of the school funds, and in the hearing which was held at the school, the principal refused to hand over the financial documents to the governing body of the school. This he did in the presence of an officer from the circuit office of the Department of Education. Another charge levelled against the principal was that he was no longer effectively managing and leading the school (Thulo 2000:4).

Educators smoking dagga with learners is becoming prevalent in some of the schools that were controlled by the former DET. An educator attached to a school in Kutlwanong near Odendaalsrus in the Free State is a case in point. This educator belongs to the Rastafarian religion and he comes to school every day attired in Rastafarian clothes. At times he comes to school barefooted and smelling of dagga. It is notable that the educator has formed a reggae music group and Rastafarian movement with learners with whom he smokes dagga. Together with these learners, he comes to school wearing dreadlocks.

At one stage he was confronted by parents who wanted him to stop involving learners in the Rastafarian religion but he refused to do so. He even told the School Management Developer (SMD) in charge of the school that he was not going to stop promoting the Rastafarian religion because section 15(1) of the Constitution (No. 108 of 1996) clearly spells out that everyone has the right to freedom of conscience, religion thought, belief and opinion (SP File EMIS 42908239:1999).*

As set out in section 28(1)(d) of the EEA (No. 76 of 1998), the SACE has established a code of professional ethics for educators registered with this council. It is therefore imperative for educators to acknowledge the fact that teaching is a noble calling, and that they should behave in such a way that they work and interact harmoniously with the learners and their parents. In terms of the SACE Code of Conduct, it is expected of an educator to act in such a way that he or she is respected by the learners and it is also imperative that educators must recognise parents as partners in education, and that they must behave in a way that will enhance the dignity and status of the teaching profession.

The educator mentioned above did not comply with the code of professional ethics for educators as contemplated by the SACE Code of Conduct in that he smoked dagga with learners. In addition to this, he contravened section 17(c)(g) of the EEA (No. 76 of 1998) in that he refused to stop his involvement in the Rastafarian movement and the involvement of learners in this movement. Secondly, he is also liable to a charge of misconduct, in that he behaved in a disgraceful, improper and unbecoming manner on duty by being discourteous when talking to the principal and the SMD.

* The name of the educator is not used, instead this number is used. The information can be retrieved from the file at the Odendaalsrus district office.

The smoking of dagga at the school mentioned above had a negative impact on the behaviour and moral values of the boys and also on the well being of the educator. Sometimes the educator can be mistaken for a lunatic because of his hair style, by going to school barefooted as well as by the camouflage clothes he wears when coming to school. This educator is not in any way a role model for the learners.

Official documents revealed that his performance in the classroom had deteriorated to such an extent that he was given the Lower Grades which are very important because it is here where the foundation is laid (SP File EMIS 42908239:1999).^{*} The school to which this particular educator is attached, performed worst where in the 1999 Grade 12 end of year examination in the Free State. For instance, out of 121 matric learners, only 30 learners managed to pass the examination i.e. the school obtained a 24.79% pass rate, and as such, rendered itself to be classified by the national minister of education Kader Asmal under the dysfunctional schools (Pretorius 2000:2).

2.3 Misconduct stemming from protest actions

2.3.1 Illegal marches, chalk-downs and strikes

Chapter two of the Constitution is characterised by democratic principles and values. These are the noble features of the Constitution of South Africa because the rights of everyone in the country are enshrined in this chapter. Section 23(2)(a)(c) of the Constitution (No. 108 of 1996) affords union members the opportunity to defend their rights. Subject to the provision of section 23(2)(c) of the Constitution (No. 108 of 1996), employees affiliated to a recognised trade union have the right to strike. This right assists unions *inter alia* in protesting against unfair dismissal and labour practices, appalling work conditions, and to demand salary increases.

Points related to the right to strike are catalogued in section 64(1)(a)-(d) of the LRA (No. 66 of 1995). In the case of the private sector, trade unions must give the employer at least forty eight hours' notice in writing of the commencement of the strike (section 64(1)(b) of the LRA, No. 66 of 1995). In the case of the public sector, the employer shall be given at least seven days' written notice of the commencement of the strike (section 64(1)(d) of the LRA, No. 66 of 1995).

^{*} The name of the educator is not used, instead this number is used. The information can be retrieved from the file at the Odendaalsrus district office.

The strike must be organised in accordance with section 3(1)-(3) of the RGA (No. 205 of 1993). For instance, the majority of the members of a union must vote in favour of the strike, using a secret ballot. Union representatives must inform their members that for the period they embark on the strike, there will be no remuneration (section 67(3) of the LRA, No. 66 of 1995).

Mention must also be made that it is illegal for union representatives to force other members to engage in strike action (section 8(10) of the RGA, No. 205 of 1993). Despite the provisions of this Act, it is a common practice for some unionised educators to engage in illegal marches, chalk-downs and strikes (Javiva 1999:2). In terms of regulation 5(1) of the RGA (No. 205 of 1993), it is not permissible for education employees to riot and to damage personal and government property during marches or strikes. It must be noted that the rights to strike are limited. For instance, if an agreement has been reached to call off the strike, the employees must honour the agreement. It is also expected of employees who render essential services or a maintenance service to refrain from embarking in the strike (section 65(1)(d)(i)(ii) of the LRA, No. 66 of 1995).

The phrase "essential service" is extremely important and refers to a service which is necessary. Teaching and educating children who are tomorrow's nation is extremely important. Section 65(1)(d)(i) of LRA (No. 66 of 1995) does not protect the right of learners to education if essential service does not refer to the service rendered by educators. Some educators deny learners the right to basic education, by engaging in illegal strikes, marches and chalk-downs (section 29(1)(a) of the Constitution, No. 108 of 1996). It seems as if some educators do not take section 36(1) of the Constitution (No. 108 of 1996) into consideration when they take the decision to embark on protest action.

Learners are abandoned by unionised teachers during labour actions. An illegal strike disrupts schooling, thereby affecting the management of schools and human relations of the school community. According to Javiva (1999:2) learners in some of the Gauteng schools showed discontent following educators' illegal strikes. They for instance, complained that the educators' strike was affecting preparations for the final year examinations. Monama and Makunike (1999:2) hold the view that parents and community leaders are not in favour of educators' illegal strikes, chalk-downs and marches. According to them parents are not impressed by the Act that affords educators the right to strike. Parents and community leaders called for the amendment of

section 71(10) of the LRA (No. 66 of 1995) to include educators as those who are identified as rendering essential services.

2.3.2 Unauthorised time off

In terms of sections 15(1) and 82(1)(p) of the LRA (No. 66 of 1995), union office bearers and workplace forum members are entitled to time off which enables them to perform their functions as representatives of employees. A union office bearer is an employee employed to work for the employer. So is the case with someone serving in a workplace forum. In addition to his or her normal work, it is expected of him or her to do work related to labour relations. It is difficult, if not impossible, for the union office bearers and the workplace forum members to cope with both their normal and their union duties. It must be noted that the provisions of the subsections mentioned above exclude other employees who are not serving as office bearers or on the workplace forum (Boshoff & Morkel 1999:3c-85 - 3c-87).

In light of the provisions of sections 15(1) and 82(1)(p) of the LRA (No. 66 of 1995), the functions of the union office bearers and workplace forum members are among others, collective bargaining; negotiations and or consultations with management; meetings with an employee and an employer concerning labour relations; discussing disciplinary matters with the employer and the employee; attending training sessions; observing whether interviews are conducted in accordance with the procedures laid down in the resolution adopted in the Education Labour Relations Chamber. Union office bearers and workplace forum members, shall adhere to the time off regulations; and they shall not exceed the number of hours agreed upon. Permission from a person authorised to allow time off must be produced on demand by the line function managers (Boshoff & Morkel 1999:3c-85 - 3c-87).

As has already been mentioned, only the employee organisation's office bearers and workplace forum members are accorded an opportunity to do work related to labour matters during school hours. Employees who are entitled to time off should know that, before such time-off can be granted, the person responsible for granting it must be given a reasonable period of notice. It must be made clear that meetings with other educators should be held after school or during break. Union representatives must avoid interrupting the teaching and learning process, for this will be against the principles of the Culture of Learning, Teaching and Service (COLTS). The

hours that have been utilised for time off must be recorded in the register kept for this purpose (Boshoff & Morkel 1999:3c-85, 3c-86).

To exceed the period agreed upon in the Education Labour Relations Chamber, and to encroach on teaching and learning time, constitute misconduct because it is the learners' constitutional right to be taught under conditions that are conducive to learning (section 29(1)(a) of the Constitution, No. 108 of 1996). It is, however, not uncommon for union representatives to release learners without the consent of principals as early as ten o'clock for the purpose of attending meetings. This is done even if permission has not been granted by a person designated by the employer to grant time off (Shiba 1999:6). Union representatives also carry out union's duties during school hours without any permission. This practice is serious because it adversely affects learning, teaching and management of schools as well as labour relations.

An educator attached to one of the schools in Masilo township near Theunissen in the Free State is an office bearer of the SADTU regional branch. This educator has a tendency of absenting himself from work without even informing the principal or completing the time off register before he takes leave. On his return from his unauthorised leave, when asked by the principal where he was, he would simply tell him that he was attending an urgent union meeting. When requested to produce a letter which authorised his time off, he would fail to do so. With the intention of reprimanding him, the school governing body called him to a meeting which he refused to attend. The subject he teaches is suffering because of his regular absenteeism (SP File EMIS 44008151:1999).*

2.3.3 Hostage taking

The word hostage is not found in the lexicon of the Labour Relations literature. This word is in fact used when someone has been captured, or a person who has been held in a hijacked aeroplane, or when a captured person is kept in a house, office, shop or whatever the building or place may be. The person is kept hostage till such time as the demands of a person who keeps him or her are met (Reuters 1999:15). The people who make use of this tactic or strategy are often political protesters or terrorists who threaten the government of a country for their own reasons. In order to solve labour problems, some educators still use any tactic they deem fit,

* SP File EMIS 44008151:1999. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (District 18, Free State Department of Education).

including hostage taking. By using hostage taking, they emulate and imitate political protesters to force the employer to meet their demands (de Wet 1997:4).

It is, however, not surprising to realise that some educators do use hostage strategy to solve labour problems because education in South Africa is highly politicised (Teleki 1994:1-4). Using hostages as a strategy is a sign of the militancy that is present in the politicised educators who express their political will in this hostile action. Educators who use a hostage strategy to induce a response from the employer are liable to a charge of misconduct because there are strategies that are accorded by the provisions of the LRA and the Constitution that may be used by educators instead of hostages (sections 17; 23(1)(b)(c) of the Constitution, No. 108 of 1996). Though it is their right to embark on protest actions such as strikes and assembly, educators should bear in mind that their rights are not absolute (section 36(1) of the Constitution, No. 108 of 1996).

It is reported that educators in one of the Free State schools in Hoopstad held an education officer hostage. The reason for doing this was that the school to which the educators are attached was forced by the shortage of accommodation to share premises with another school for six years (de Wet 1997:4). The system whereby two schools share premises is known as the platoon system. The school which has no premises of its own normally uses the afternoon session at the host school (Maseko 1993:7). The Hoopstad educators who used hostage taking as a strategy to force the employer to meet their demands did not consider the fact that hostage taking could affect labour relations negatively.

In the case of the Hoopstad incident, it must be noted that before the officer was held hostage all the avenues for solving accommodation problems were explored by educators. They, for instance, used labour actions like strikes and boycotts to pressurise the provincial government to erect a building for their school. The amateurish company which was given the contract could not cope with the work. This led to the work being abandoned much to the frustration of the educators who convened a meeting with the education officer in charge of the school, under the pretence that they were going to discuss the management of labour relations. Upon arriving at the school, the educators held the education officer hostage, using all sort of threats, including intimidation (de Wet 1997:4).

Be that as it may, the crux of the matter is that holding officers hostage constitutes a reason for dismissal because this action does not befit a professional. In addition to this, it can be said that by taking the officer a hostage, the educators denied him his constitutional rights, in that they infringed upon his dignity, freedom of movement and privacy (sections 10; 12(1)(a) & 14(d) of the Constitution, No. 108 of 1996). In terms of section 7(1)(2) of the LRA (No. 66 of 1995), the officer who was representing the employer had the right to be protected against unfair labour practice. The classroom in which the educators held the officer hostage was used unlawfully because it was not meant for holding individuals hostage. The action of these educators was tantamount to misconduct, an unfair labour practice and a criminal offence.

2.3.4 Illegal demonstrations and insulting slogans

It is the labour unions' prerogative to defend their rights which are catalogued in sections 23(1)(f) and 5(1)-(4) of the LRA (No. 66 of 1995). Human dignity, freedom, security, expression and environmental protection which are the rights of an individual are also entrenched in sections 10 and 16(1) & 24(a) of the Constitution (No. 108 of 1996). The dignity of every employee and employer should be protected. This is possible if each employee and employer is treated as a human being in the workplace. Both the employee and the employer must feel safe to execute their duty. The workplace should accord the employees freedom of speech.

Labour unions have the right to assemble with the intention of demonstrating or picketing (section 17 of the Constitution, No. 108 of 1996). It is incumbent on the labour union to make the necessary arrangements prior to any assembly envisaged by that union. An assembly which is not permitted is regarded as illegal (section 3(1) of RGA, No. 205 of 1993). There are members of labour unions who assemble illegally, while at the same time they use abusive language or insulting slogans. It is a truism that freedom of speech is allowed in the workplace, but the provision of the Constitution forbids the employee to abuse it (section 36(1) of the Constitution, No. 108 of 1996). It is against the law to incite and to create hatred that is based on race or ethnicity because this constitutes a cause to harm (section 8(5)(6) of the GRA, No. 205 of 1993).

Employees or union representatives normally use assemblies to demonstrate or to petition an employer who fails to address their grievances or demands in the workplace. The objective of a demonstration is to pressurise the employer to address the employees' demands or grievances. In terms of section 17 of the Constitution (No. 108 of 1996), a demonstration should be peaceful

and those who participate in it should be unarmed. During the demonstration, the procedures enumerated in section 8(1)-(10) of the GRA (No. 205 of 1993) shall apply to the conduct of gatherings and, where so indicated, to the conduct of demonstrators. The provisions of the above-mentioned sections of the Constitution and the RGA seem to be ignored by educators when demonstrating. The unionised educators in Allanridge in the Free State are cited as an example. These educators assembled illegally with the learners in front of the Odendaalsrus District Office to demonstrate (Seloane 1998:1).

The officer of the Department of Education, who is in charge of the planning of school buildings, was forced to receive the memorandum. The educators and the learners chanted insulting slogans, and they swore at the officer. The educators instructed the learners to force open the locked main door to the entrance of the offices. The learners tried in vain to open the door. This demonstration was not peaceful. The slogans on the placards carried by the educators were insulting education officers.

Upon his arrival, the District Manager for education was intimidated and greeted with boos and jeers (Seloane 1998:1). The dignity, physical integrity, honour, reputation or privacy and security of education officers were threatened by these educators whose actions constituted misconduct and an unfair labour practice because the physical planner (the education officer) was not given a chance to state his side of story or to defend himself (Sch. 7, item 2(1)(a) of the LRA, No. 66 of 1995).

The conditions of gatherings and demonstrations were not observed by the convenors of the gatherings. During the protest demonstrations whose intention was to force the government to increase the salary of the educators by the percentage desired by unions, ethnic, racial and sexist insults were hurled at the Public Service and Administration Minister Geraldine Frazer-Moleketi by the members of the labour unions (Mecoamere 1999:1). By behaving and acting in this fashion, section 8(5) of the RGA (No. 205 of 1993) was contravened. The provisions of this section stipulate that no person present at or participating in a gathering or demonstration shall incite hatred of other persons or any group of other persons on account of differences in culture, race, sex, language or religion.

2.3.5 Malicious damage to property

Damage to property occurs when a person "wrongfully and through his own fault causes damage" (Botha 1994:76). Malicious damage to property often takes place at the time when labour union members assemble with the intention of demonstrating, marching or picketing. In terms of section 11(1)(2) of the RGA (No. 205 of 1993), a person who causes damage to property is liable to a charge of misconduct, if it has been established by the human resource managers at the school level that a statutory duty to control marchers was breached without any justification, and that the wrongdoer intended to cause malicious damage to property. It is incumbent upon the human resources manager to ascertain whether the act of the wrongdoer is wrongful and illegal in terms of section 11(2) of the RGA (No. 205 of 1993).

It must be borne in mind that union representatives have a legal duty in their capacity as union office bearers when organising a protest march, demonstration or picketing to register their dissatisfaction with the employer. This means that the union representatives should see to it that the protest march or demonstration is peaceful, unarmed, and that malicious damage to property is avoided (section 17 of the Constitution and section 11(1)-(4) of RGA, No. 205 of 1993).

Should one of the union representatives or the members of the union unjustifiably cause damage to property, the union as a juristic person could be held responsible because he/she failed to adhere to the law and regulations pertaining to assembly, demonstration, picketing and petition (section 17 of the Constitution, No. 108 of 1995 & section 11(1)-(4) of RGA, No. 205 of 1993). The picture below shows how the walls of the district office of Odendaalsrus were damaged by the unionised educators who marched to this office to stage a demonstration which was a protest action against redeployment, rationalisation and temporary educators (It must be mentioned that other writing on the wall is not published because of the profane language used).

Picture 2-1: Malicious damage to property



Malicious damage to property is a serious offence, in that the constitutional rights regarding the ownership of property by an individual are infringed (cf. section 25(1) of the Constitution, No. 108 of 1996). Schools whose window panes, doors, inside walls have been broken during protest marches do not provide adequate privacy and security to learners. Makoe (1991:6) alluded to the fact that on the walls of metropolitan schools, there are derogatory slogans and defaming graffiti. Maseko (1993:7) and Somphetha (1993:4) report that the roofs of schools were burnt down during protest marches at the height of unrest in South Africa. According to them, learners are forced to use classrooms without roofs and educational facilities, and these harm the learners' dignity.

As has already been mentioned, the unionised educators marched to the Odendaalsrus District office to protest against the termination of temporary educators' service. What was strange was that the Odendaalsrus District office was targeted, instead of the provincial offices of education which terminated the services of the educators. It was also not clear what the objective of the protest march was because educators whose duties were terminated knew that they were temporarily appointed (Seloane 1997:4). What puzzled one was the fact that the protest march was not orderly. Instead of demonstrating peacefully, the union representatives and members maliciously damaged the walls of the district office with the intention of provoking and humiliating the employer (cf. Picture 2-1).

2.3.6 Political activities on the school premises during school hours

What makes human beings different from animals is that they strive to satisfy their political needs because they are political beings. The Constitution accords all the South African's citizens the right to participate in politics. It also allows everyone to associate with any political party, and to choose any political party he or she wants to vote into power. Mention must be made that an individual is protected from being coerced to participate in political activities. In order to satisfy political needs, an individual should be allowed to express himself or herself freely without infringing on the rights of others (sections 16(1)(2); 18; 19(1)-(3) of the Constitution, No. 108 of 1996).

As the term denotes, the workplace is the place where workers or employees are expected to work, and not to engage themselves in party political activities (Chapter 2, regulation C.3.7 of the PSA Regs, No. R. 679 of 1999). If educators actively involve themselves in politics on the school premises during school hours, this act shall be regarded as denying the learners their constitutional right to learn and to be taught (section 29(1)(2) of the Constitution, No. 108 of 1996). In South Africa some educators practise politics on the school premises, and this makes learners believe that politics is better than education (Mabunda 1998:4). Political activities during school hours impact negatively on the learning and teaching process. Similarly, the management of labour relations as part of human resource management is impeded by political activities on the school premises.

What is notable in South Africa is that institutions of learning that used to be known as DET schools are not motivated because of the legacy of the political struggle. In the past, learning institutions, more especially the secondary schools were the battlefields where the then National Party government was fought (cf. paragraphs 1.1 & 1.2). In spite of the fact that the National Party government has collapsed, educators still practise politics on the school premises during school hours. Mothapo (1997:10) reports that politicised educators do not want to change from the state of negativism to the state of professionalism, and that this state of affairs renders schools ineffective and unproductive.

Practising politics during school hours became rampant after the release of Mr Mandela in 1990 (cf. paragraphs 1.1 & 1.2). Because of political activities during school hours, a great deal of learning time was lost through protests, boycotts, marches, sit-ins and the disruption of classes

which was followed by violence. Molefe (1993:6) reported that it appeared as if educators and learners were deriving pleasure from practising politics on the school premises during school hours. Educators looked for an issue or something which could be used as a pretence to justify staying out of classrooms. For instance, Soweto educators took to the streets to protest against the retrenchment of their colleagues. This led to no schooling for two weeks while SADTU was negotiating with authorities to have retrenched educators reinstated (Molefe 1993:6).

By participating in politics during school hours, an educator is doing a disservice to the community he or she is obliged to serve, and this behaviour renders him or her liable to a charge of misconduct (section 17(1)(b)(c)(d)(m) of the EEA, No. 76 of 1998). Political activities on the school premises during school hours are detested by parents because they want their children to be taught for every hour of the school day (Monama & Makunike 1999:2). In terms of the SACE code of conduct, an educator should take cognisance of the fact that parents are partners in education, and that educators should promote a harmonious relationship with them. The contravention of the educators' code of conduct renders an educator liable to a charge of misconduct (section 28(f)(i)-(iii) of the EEA, No. 76 of 1998, Boshoff & Morkel 199:4-9, 4-10, 4-11).

2.3.7 Failure to honour agreements

In terms of section 23(1)(c)(d) of the LRA (No. 66 of 1995), issues pertaining to labour matters are negotiated and agreed upon by employee and employer organisations in the Education Labour Relations Council. There are a number of items that may be negotiated and agreed upon. Among others, Dessler (1997:573) identifies the following: management rights; grievance procedures; arbitration of grievances and disciplinary procedures. According to Dessler (1997), an agreement which entails the above-mentioned is called a contract agreement. As has already been noted, section 23(1) of the LRA (No. 66 of 1995) confers on every registered employee union and registered employer organisation the right to collective agreement. Labour relations matters to be agreed upon are negotiated by the Education Labour Relations Council.

The Education Labour Relations Council is a juristic person established in terms of section 37(b) of the LRA (No. 66 of 1995), and it consists of employer organisations and employee organisations. The Education Labour Relations Council is authorised by the provisions of the LRA to negotiate agreements on matters of mutual interest, or by means of consultation. The

Education Labour Relations Council can negotiate agreements in respect of disputes; settlement of matters of mutual interest and other labour matters (section 28(2)(a)-(j) of the LRA, No. 66 of 1995). Agreements may also be reached between the employer and the employee on the date upon which labour or protest action may commence or discontinue (section 64(1)(a)-(c) of the LRA, No. 66 of 1995).

In terms of section 23(2) of the LRA (No. 66 of 1995), a collective agreement binds the employer and employees. According to the provisions of the afore-mentioned section, even the person who was not employed at the time when the decision was taken, shall be bound by the agreement should he or she be employed after the collective agreement has been concluded. In the case of labour action, employees are bound by the agreement to commence or discontinue a protest action on the date agreed upon by the employee organisations and the employer organisation. To dishonour agreement may constitute misconduct (section 64(1)(a)-(c) of the LRA, No. 66 of 1995).

A typical example of educators who dishonoured an agreement reached in the Education Labour Relations Council is that of Kutlwanong near Odendaalsrus in the Free State. The local branch of SADTU protested against the number of parents serving on the Governing Body of a school that was conducting interviews for a post of the Head of Department, because they feared that one of their friends would not be recommended for the post (Seloane 1997:4). It is surprising if not ironic to see that SADTU questioned the number of parent representatives when in actual fact SADTU was represented in the Education Labour Relations Council which agreed that the number of parents shall be more than those of other stakeholders (section 23(1)-(9) of SASA, No. 84 of 1996).

Failure to honour an agreement is not a new thing in the teaching fraternity. In the old dispensation educators failed to honour agreements reached between them and the authorities. Luti (1993:2) pointed out that agreements reached between the teachers' unions and the education authorities in Pretoria to discontinue a strike was broken. According to Luti (1993), most of SADTU members pressed ahead with a national strike despite agreement reached at that meeting between the Government and education organisations. This arrogant gesture on the side of educators affected the labour relations at all schools controlled by the erstwhile DET; and it also led to unfair labour practices such as evicting principals from their schools by SADTU (Molefe 1993:3).

2.3.8 Disclosure of organisational information

Section 32(1)(b) of the Constitution (No. 108 of 1996) states that everyone has access rights to organisational information, while in section 16(1)-(3) of the LRA (No. 66 of 1995) it is explicitly stipulated that employees should have access to information related to their employment. It is however stressed in section 16(4) of the LRA (No. 66 of 1995) that some information is confidential and sensitive; and that it may not be published or disclosed. It is because of this reason that the employer should sensitise the employees about the information which is confidential and sensitive. To maintain good labour relations, union representatives shall disclose information deemed helpful for collective bargaining to other employees (Graham & Bennett 1998:279).

In terms of section 17(1)(i) of the EEA (No. 76 of 1998) and section 201(1) of the LRA (No. 66 of 1995), union representatives and other educators are prohibited from disclosing information gathered or obtained by the educator or union representatives through their employment, without prior permission of the employer. An educator shall be found guilty of misconduct should he or she disclose information with the intention of threatening the control of education in general and that of schools in particular. The following information may not be published because it may jeopardise the administration and management of education: issues related to national security; illegal information; confidential information; matters affecting an individual; *sub judice* matters; information intended to defame the well-being of the employer (Graham & Bennett 1998:279).

In the old dispensation, section 22(1)(l) of the ETA (No. 90 of 1979) prohibited educators from disclosing information without first having obtained the permission of the Director-General. In spite of this Act, educators did disclose sensitive information. An educator attached to one of the schools in Soweto near Johannesburg is cited as an example. This educator informed a media reporter that the DET under supplied schools with books. The educator gave an example of an incident where the DET supplied fifty books instead of the hundred and thirty books ordered (Sompetha 1993:4). It might be true that the number of books received differed from the number of books ordered; but the crux of the matter is that the Department of Education considered the number of books on hand, and the number of learners before books could be supplied. If eighty learners increased by fifty, the school was supposed to have been supplied with fifty top up books,

not one hundred and thirty books because it was assumed that there were still eighty books on hand.

The disclosed information intended to cause substantial injury to the employer and it also appealed to the emotions of the educator's listeners. It is very strange to realise that the educator did not tell the public that educators do not retrieve books from the learners and that the learners do not return books to schools at the end of every year (Mabunda 1998:4). Instead he blamed his irresponsibility on the DET. Furthermore, the educator intended to derogate the DET and to tarnish its integrity and image, by informing the press that there was a shortage of desks and vandalism of learning institutions (Somphetha 1993:4, Makoe 1991:6). What this educator reported holds water, but he failed to tell the public that vandalism of buildings and the stealing of school assets was not done by DET.

It is a fact that structural damage is a common problem among most schools formerly controlled by DET. The members of the community, including hooligans and thugs removed windows, doors, corrugated iron sheets and furniture from most of the township schools. It is therefore unfair for this educator to blame vandalism and theft on DET. Seats and desks are for instance used by patrons in shebeens around the townships while doors, windows and corrugated iron sheets are used to erect shacks (Somphetha 1993:4). In fact, what one sees at the institutions of learning in the townships, is the consequence of the political upheaval of the past few years. During the political struggle, learners were encouraged to damage and to destroy every government structure because it was associated with the dissolved National Party government (Molefe 1992:11).

2.4 Contravention of statutory provisions

2.4.1 Sexual abuse of learners

Sexual harassment is detested and abhorred in the workplace. Most cases that have been reported in the Labour Relations literature are those cases where the employer or the employee sexually harass other employees or employer in the private sector for one reason or another (Leap & Crino 1993:110-112, Dessler 1997:38-39). However, sexual abuse has become increasingly common in the education public sector, more especially at school level. Educators court the learners they teach, and sexually abuse them. In most of the cases reported, learners who have been sexually

abused are minors (Lengane 1996:1, Seloane 1998:1, Sefara 1998:3, Mamaila 1998:3). A school going child is a minor who is between the age of seven and eighteen, and he or she is still under the care and the protection of both parents and teachers (Oosthuizen 1994:55).

According to Leap and Crino (1993:111), sexual harassment is when a male or a female employee makes sexual offers or advances in exchange for favours in the workplace, or when an employee rapes another employee. In the school setting, sexual abuse is committed differently because here we find an adult abusing a child. Sexual abuse of learners by educators is in violation of section 17(1)(g) of EEA (No. of 1998), in that the provision of this section stipulates that an educator shall be guilty of misconduct if he/she commits sexual or any other form of harassment.

The sexual abuse of learners by educators is also in conflict with section 12(1) of the Constitution (No. 108 of 1996), which accords an individual the right to move freely and to be secure. In addition to this, it must be said that paragraphs 3.1, 3.3, 3.5, 3.6 and 3.7 of the SACE Code of Conduct clearly spell out that an educator must behave as follows towards the learner: respect the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality; strive to enable learners to develop a set of values consistent with those upheld in the Bill of Rights as contained in the Constitution of South Africa (No. 108 of 1996); avoid any form of humiliation, and refrain from child abuse, physical or psychological; use appropriate language and behaviour in his or her interaction with learners, and act in such a way as to elicit respect from the learners (Boshoff & Morkel 199:4-9; 4-10).

The foregoing SACE Code of Conduct is not observed by some educators. It has for instance been noted that they engage themselves in sexual intercourse with learners as young as nine years, and who are still minors, and who need to be guided and protected. In spite of this fact, learners are nonetheless sexually abused by some educators into whose care they are entrusted (Mamaila 1998:3). Sexual intercourse which involves educators and learners is regarded as rape, and constitutes misconduct even if it occurs after hours, outside the school premises at a social function, or whatever the place may be. Even if the sexual intercourse occurred with the consent of a learner, it will be regarded as a sexual abuse because a learner is still a minor, and this immoral act could constitute a reason for dismissal (Leap & Crino 1993:111).

Sexual harassment of women and sexual violence against babies, toddlers and school going children is rampant in South Africa. Almost everyday electronic and print media report on rape of

minors. Zulu (2002:4) also observes that some of the rape incidents occur in the school premises where the rapists are educators. Mohale (2002:3) supports what Zulu (2002) has observed by pointing out that the researchers of the South African Medical Research Council found that of all the rapes in South Africa, teachers are responsible for a third.

It seems as if the labour unionism, which is not necessarily professionalism, plays a pivotal role in this regard. Some unionised educators no longer regard themselves as professionals but ordinary labourers/workers who must take part in industrial actions which are more often than not radical and distracting in nature (cf. paragraphs 2.3.1 - 2.3.8).

The preceding paragraph implies that the professional values and norms that the teaching profession cherished before the introduction of unionism have been eroded. Hence the rape of girls as young as nine years by the educators in the school premises. This notion is supported by Human Rights Watch (March 2001) which pointed out that in spite of the fact that the South African girls have more educational opportunities than their counterparts elsewhere in the Southern Sahara states, they are being raped, sexually abused, sexually harassed and assaulted by their own teachers, in the school premises. Sexual violence and sexual harassment of learners by their teachers deny them the right to basic education as enumerated in section 29(1) of the Constitution, No. 108 of 1996).

Lengane (1996:1) reported that a principal of a Soweto school near Johannesburg raped a nine year old school girl attending his school. The indecent and immoral act took place in the principal's office during school hours. It is said that the principal usually asked the girl to bring water to his office where he raped her whenever she brought water. Lengane's (1996) informants told him that there were other girls who were also sexually abused by this principal. In the Northern Province, in a rural area, an educator abducted a thirteen year old girl and raped her. However, the educator was arrested by the police after keeping the girl at his home for two days (Sefara 1998:3).

Another incident of rape occurred at one of the Free State schools in Thabong near Welkom. An educator attached to this school raped a thirteen year old girl. The incident took place at the school in the afternoon during a fund-raising campaign. The educator instructed the school girl to follow him to the staff-room where the girl was accosted. Having realised that the staff-room was not favourable and conducive to raping the girl, the educator instructed her to follow him to one

of the school's classrooms. Upon arriving in that classroom, the educator repeatedly raped the girl (Seloane 1998:1).

Against the background of the sexual abuse incidents outlined above, it becomes clear that the conditions and situations the learners are subjected to are dangerous. These hazardous conditions impede proper learning and educative teaching. It has been found that a learner who is sexually abused and victimised is psychologically affected, and that this results in irreparable damage to the learner's career (Leap & Crino 1993:110). It has also been noted that the victims of rape sustain serious injuries during the forced sexual intercourse to such an extent that they are hospitalised. Subsequent to their discharge from hospitals, they need post trauma counselling to try to assist them psychologically (Sefara 1998:3).

2.4.2 Transgressing financial control regulations

In terms of section 16(1)-(3) of the SASA (No. 84 of 1996), the School Governing Body (SGB) of a public school governs the school. It must be noted that this body is not a line function body and does not manage the school, but governs it by seeing to it that the school funds or the school fees and the physical assets of the school are administered in accordance with the provisions of sections 21(1)(a) and 37(1)-(6) of the SASA (No. 84 of 1996). The budget of the school is drawn up in accordance with financial regulations by the SGB, and it must show the estimated income and the expenditure envisaged for the following financial year. After the budget has been approved by the parents in a meeting meant for this purpose, money may be collected from the parents through the learners or through any fund raising. It is not procedurally correct to collect the school fees before consensus is reached between the parents and the school (sections 38(1)(2) & 39(1)-(4) of SASA, No. 84 of 1996).

The school funds and the school fees are administered by the SGB in accordance with the financial rules laid down by the Head of Department. According to the provisions of SASA, all the money that is collected by the SGB must be deposited into an account with a recognised commercial bank. It must be noted that the money collected by the SGB is to be used for educational purposes or for the performance of the functions of the SGB. Most SGBs have appointed principals of schools as treasurers, while the educators have been assigned to collect money from the learners (section 37(1)-(6) of SASA, 1996, No. 84 of 1996).

The method of collecting money from learners differs from school to school. Some schools use class teachers to collect money from the learners. These educators are provided with class receipt books whose numbers differ from that of another class teacher. When a learner has paid, he or she is given a receipt, and this money is handed over to the principal who in turn gives a receipt to the class teacher for the money he or she received from that particular class teacher. Principals are expected to deposit all the moneys in the school banking account. At other schools, learners pay the school funds or fees at the school secretary's office (section 37(3) of the SASA, No. 84 of 1996).

The school funds or fees are a bone of contention at many schools in the townships because of the lack of the knowledge of financial management of the principals of these schools. The lack of financial expertise has led to principals' properties being set alight or damaged by the learners who demand to know how the school money is used. It has also caused discontent among the educators, parents and learners (Collins 1994:1, Rantsekeng 1995:2). Another reason why there are always complaints in respect of school funds or fees, is because educators steal money collected from the learners. A case in point here is a class teacher at one of the schools in Thabong, near Welkom, in the Free State. This educator embezzled the money collected from the learners for a long period of time before this was discovered by the principal (SP File EMIS 44712033:1998).*

At that school, each learner paid hundred and twenty rand per annum towards the school's development fund. The educator would report only sixty rand to the principal, and he lined his own pockets with the other sixty rand. This educator contravened Chapter 2, regulation C.4.8 of the PSA Regs (No. R. 679 of 1999) by writing hundred and twenty rand on the original receipt without inserting a carbon paper. After the learner had been given the receipt, the educator wrote sixty rand on the counterfoil as well as on the receipt that remains in the book with carbon paper in place. How he did that nobody knows. In the receipt book, the money as paid in by the learner, was reflected as sixty rand, while on the receipt given to the learner it was indicated that the learner paid hundred and twenty rand (SP File EMIS 44712033:1999).*

* SP File EMIS 44712033:1999. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (District 18, Free State Department of Education).

Another educator at the same school contravened Chapter 2, regulation C.4.8 of the PSA Regs (No. R. 679 of 1999) by receiving the money from the learners and failing to pay it in at the secretary's office. The educator also failed to submit his receipt book to the secretary's office before he left for home every day, despite the fact that he knew that the receipt books were to be left daily with the secretary of the school. When the principal instructed him to submit the receipt book to his office he refused. He however, submitted it on the intervention of the SGB. The receipt book indicated that the educator committed fraud by changing the dates on which the learners paid their development funds (SP File EMIS 44712033:1998).*

2.4.3 The forging and selling of reports

Subsequent to the Soweto uprising in 1976, the situation at schools situated in the black residential areas changed tremendously. Some of the learners from these areas go to schools with all kinds of weapons, while others abuse alcohol and drugs (Makoe 1996:17, Dlamini 1998:3). At these schools some of the learners do what they like. They go to school dressed shabbily, they arrive at school very late and leave school before the end of the school day, and they are seen basking in the sun all day long or loitering in the dusty streets of the townships. Some go to the extent of playing soccer in the classrooms or of engaging themselves in gambling without any fear of their educators (Makoe 1991:2).

The educators at these schools are demotivated, and have lost direction. Those who were serious about their work have decided to take retrenchment packages to avoid the shameful situation which is discernible in some schools (Matseke 1997:12). Some of the remaining educators still come to school very late and refuse to plan and prepare their lessons. These educators do not allow principals to pay their classes a visit. It is therefore difficult and impossible for the principals to give guidance, supervision and to exercise control over their professional work (Scholtz 1990:1-3). Because of the aforementioned facts, schools do not perform well in cultural activities, sporting activities as well as in the examinations. The results of the Grade 12s for the last ten years speak for themselves (Mabunda 1998:4).

* SP File EMIS 44712033:1999. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (District 18, Free State Department of Education).

As a defence mechanism for the poor performance at schools, the wayward educators blame every thing on the dissolved National Party government, even on the present government. For instance, when a learner has failed the examinations, they will simply tell you that he or she failed because the school where that particular learner attended did not have a library or a laboratory, when in actual fact they encouraged the learners to destroy those facilities prior to the new dispensation (Khupiso 1991:1, Maseko 1993:7). Others hide behind the cloak of SADTU, and if the principals dare demand work from them, they threaten them with SADTU (Krissy 1998:7).

The situation at these schools is so deplorable that educators forge and sell examination reports to learners. An educator attached to one of the Thabong secondary schools near Welkom, contravened section 17(1)(a)(l)(n) of the EEA (No. 76 of 1998) and Chapter 2, regulations C.4.5 and C.5.3 of the PSA Regs (No. R. 697 of 1999) by forging and selling reports to learners. He stole the report forms and the principal's stamp. This educator allotted marks to learners even for the subjects they were not doing. The marks that were allotted to learners did not tally with the mental ability of those learners. After the report forms had been completed, the educator committed a serious offence by forging the principal's signature (SP File EMIS 44712040:1998).^{*} According to Sharrock (1989:286) a person who forges the signature of a person who has been authorised to sign official documents is committing a criminal offence.

When it was discovered that he had embarked on an action that was detrimental to the management of the school and that of the labour relations, he wrote a letter to the principal in which he apologised for his action (SP File EMIS 44712040:1998).^{*} The forging and selling of reports is rife in the Goldfields schools that were controlled by the then DET. What could be mentioned at this juncture is the fact that each and every examination report fetches fifty rand, while female learners secure sexual pleasures for the seller (SP File EMIS 44712040:1998).^{*} This practice is common to some schools, but not necessarily found in every school.

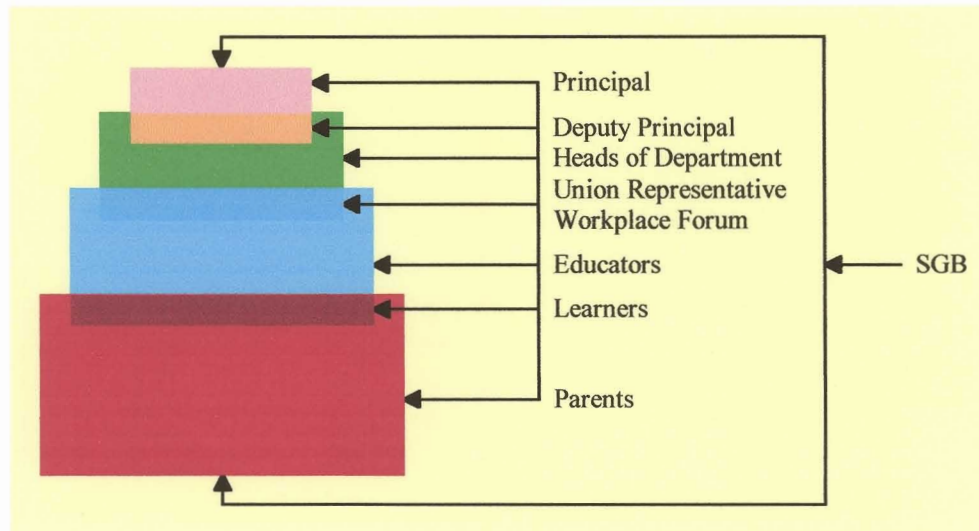
2.4.4 Using school property without permission

A school is an organisation because it has all the characteristics of an organisation. Among others, people and organisational culture are mentioned as some of the characteristics of an organisation.

^{*} SP File EMIS 44712040:1998. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (Lejweleputswa District, Free State Department of Education).

People are placed in the different levels of the organisational structure of a school as depicted below in order to perform the school's functions.

Figure 2-2: The structure of a school



Each of the above people, on each level of the school structure has a specific role to play. An ordinary educator cannot play the role of a principal, nor can a learner play the role of an educator, so is the case with a parent. Should anyone on the level of the school structure, as depicted in Figure 2-2 play a role of another person, labour relations are inevitably going to be adversely affected (O'Neill 1994:102-103). People on each level of the school structure, except the learners, define the policy, the rules, the objectives or goals, the values and norms as well as the code of conduct of the school (Boshoff & Morkel 1999:2A-9; 2B-12; 2B-18; & 2B-35).

The principal manages systems and procedures, and sees to it that they are implemented by the people on each level of the school structure. The organisational culture of the school is concerned with how and why the school functions as it does, as well as the elements that influence the school labour relations. Should norms and values of a school not be observed by the school community, more especially educators, labour relations will inevitably be adversely affected, and everybody will lose direction. And where there is no direction, everybody does what he or she likes (O'Neill 1994:102-104).

It must be borne in mind that at a school, educators differ in terms of personality and attitude. A principal as a human resources manager is therefore dealing with different attitudes and

personalities. With regard to personality, Luthans (1998:131) identifies different characteristics of an employee's personality traits. Among others he makes mention of emotional instability. According to him, an employee who displays this characteristic is always tense, insecure and nervous. He furthermore says that attitude is how an employee feels and behaves towards another person (Luthans 198:139). Some of the educators attached to the township schools display emotional stability, whereas on the other hand they have a negative attitude towards the principal and the school.

A Thabong educator, near Welkom, in the Free State was always tense and nervous. This educator felt insecure at school. Every time the principal held a meeting, he attacked the principal for no apparent reason. Whenever the principal addressed an issue, he claimed that the principal was referring to him, when in fact he was not. The behaviour he displayed made some of the educators believe that he was a hero, and they therefore hero-worshipped him.

He developed a negative attitude towards the school and everything that the principal said or did. Having realised that he was being hero-worshipped, he rallied support from some of the learners who did not want to adhere to the rules of the school as well as those educators who adored him (SP File EMIS 44712044:1995).*

Because of lawlessness and anarchy that is prevalent at schools, he managed to do as he pleased whenever he wanted. He was often seen in the principal's office submitting learners and educators' so-called grievances. He also succeeded in getting the keys for the hall and those of some of the classrooms. This educator was no longer playing the role of an educator but he played the role of the principal (Figure 2-2). Ministers of independent churches always went to him without the knowledge of the principal to negotiate the use of the school hall over the weekends. The local people who wanted to use the hall arranged with him. He let these people use the hall without the permission of the principal or that of the SGB of the school (SP File EMIS 44712044:1995).*

* SP File EMIS 44712044:1998. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (District 18, Free State Department of Education).

Every time the hall was used, there was a certain amount of money paid by those who hired it. He lined his pockets with that money which was never reported and disclosed to the principal. The education officer in charge of the school discovered this sad state of affairs, and he immediately put an end to this practice (SP File EMIS 44712044:1995).* By using the school hall without the knowledge of the SGB, and that of the principal, the educator contravened section 20(1)(g)(l) of SASA (No. 84 of 1996) which stipulates that the control of the school building is exercised by the SGBs of schools, not educators. This educator also acted in conflict with section 17(1)(e)(g)(j)(k) of the EEA (No. 76 of 1998), in that he privately made money by hiring the hall out, by harassing the principal and by using state property without permission.

2.4.5 Allotting marks to learners without marking their scripts

As the head of the learning institution, a principal is responsible and accountable for everything that happens at his/her school. He/she manages the human resources as one of the key areas that need to be managed by him/her (Chapter 2, regulations C.1-C.5 of the PSA Regs, No. R. 1091 of 1999). The educators who resist control and supervision retard the progress of the school and they also influence and affect the labour relations of the school negatively (paragraphs 2.5.3 & 2.5.4). If the examination scripts are not marked, the principal of a school is held accountable because it is his or her responsibility to see to it that educators mark the scripts and enter the marks in the mark sheets. It is also incumbent on the principal to organise and to plan the release of the examination results and the issuing of reports to learners (Chapter A, paragraph 4 of the EEA Regs, No. 222 of 1999).

Examinations are very important because they are the end product of what has been done throughout the year. They also serve as a gauge which assesses both the learner and the educator. Examinations enable the learner to see where he or she stands in terms of knowledge which the educator has imparted throughout the year, and they also help in making the Grade 12 learners aware of the careers they may choose in future. On the other hand examinations help the

* SP File EMIS 44712044:1998. This number is used to protect the educator's identity. The information can be retrieved, using this number if need be (District 18, Free State Department of Education).

educator to determine whether the standard he or she has set should be reviewed or not. In the case where learners are allotted marks without the educator having marked their scripts, it will be difficult to assess both the learner and the educator; and the standard of education is inevitably going to deteriorate (Mabunda 1998:4).

Owing to the situations and conditions at some township schools, principals feel powerless and this leads to a laissez-faire attitude. Where there is a laissez-faire attitude, educators normally do what they like without any fear of anybody. Prabhakara (1998:9) reported that a school in KwaZulu-Natal was running short of educators. Those who were on the staff did not co-operate with the top structure of the school (Figure 2-2). The educators of that school did not want to teach learners at all. According to Prabhakara (1998) everyday six or ten educators absented themselves from school, and those who reported for duty whiled away their time in the staff room. At the end of every quarter, including the end of year examinations, they transgressed Chapter 2, regulations C.1.1, C.1.3 and C.1.5 of the PSA Regs (No. R. 679 of 1999) by allotting marks to learners without marking their scripts.

In another incident, the progress of a school in Mamelodi outside Pretoria was retarded by the fact that some of the educators of that school did not mark the learners' scripts. Despite the fact that the scripts were not marked, the educators allotted marks to the learners. The director of education for Pretoria district became aware of those irregularities, and he warned the parents that they must ignore the reports that were sent to them because learners' marks were not authentic. The allotting of marks to the learners without marking their scripts constitutes misconduct in terms of section 17(1)(b) of the EEA (No. 76 of 1998) and Chapter 2, regulations C.1.1, C.1.3 and C.1.5 of the PSA Regs (No. R. 679 of 1999).

2.4.6 Inciting and instigating others against the principals or other officers

South Africa has been an undemocratic country with an undemocratic society for a long. When the new dispensation was ushered in, violence and aggression abounded in South Africa. In fact, research shows that this country has the highest violence rate in the world (Mulholland 1998:1). The violent behaviour which manifests itself in the country in general, and in the schools in particular, came about as a result of political struggle against the then National Party government (paragraphs 1.1 & 1.2). During the political upheaval, there was no control whatsoever at

schools. Educators refused to submit to authority and supervision. They also incited and instigated learners and political thugs against principals and DET officers (Scholtz 1990:1-3).

To harass principals and officers is in violation of the provisions of the Acts and the Constitution of South Africa which are underpinned by democratic values and principles. It must also be noted that section 4(1)-(3) of LRA (No. 66 of 1995) confers on the employer the fundamental right to be protected against unfair labour practices. Principals and officers are immediate managers who have been empowered by the provisions of the PSA Regs to perform the function, or to play the role of the employer (Chapter 2, regulations B.1; B.2 & B.3 of the PSA Regs, No.R. 679 of 1999). It is therefore unacceptable for the educators to incite others against principals or any of the Department officers, whether it is during labour action or during normal teaching hours (section 8(5)(6) of the RGA, No. 205 of 1993).

In spite of the above stipulations, SADTU incited and instigated educators who are affiliated with this union to prevent departmental officers from visiting schools and to bar principals from paying class visits to control educators' professional work (Scholtz 1990:1-2 & Mothapo 1997:10). In the premises of schools in Soweto, political thugs, who were incited and instigated by educators against the principals and the departmental officers, caused havoc in the township in general, and in the schools in particular. The instigation and incitement led to the burning down of some educators', principals' and inspectors' cars and houses (Makoe 1991:6).

Another recorded incident is where Soweto educators incited and instigated learners against principals who were trying to exercise control during the time when the country was in turmoil. The result of incitement and instigation was that the principals were whipped at gun-point by the learners they were supposed to be disciplining. The instigated learners instructed the principals to leave the premises of schools (Smith 1993:4). The torture the principals were subjected to, traumatised and affected them psychologically. The act of the educators who incited and instigated learners against principals, constituted unfair labour practice and misconduct. This act also tarnished the integrity and the dignity of the principals (section 10 of the Constitution, No. 108 of 1996).

It is evident from the discussion in the research project that subsequent to the dissolution of the National Party government, the unionised educators resented and challenged the management and leadership of schools (cf. paragraphs 2.24, 2.3.1, 2.3.4, 2.3.6 & 2.4.6). This resentment resulted

in the unionised educators discriminating against some principals. The discrimination which is meted out to some principals (cf. paragraph 2.4.8.5) is in conflict with section 9(4) of the Constitution (No. 108 of 1996).

Secondly, it is unconstitutional for the unionised educators to discriminate against some of the principals because the provision of section 9(4) of the Constitution (No. 108 of 1996) confers on the employee and the employer the right to be treated like any person in the workplace because people are equal before the law. Thirdly, every person should feel free and protected while executing his or her duty in the workplace. A person who does not treat others equally, and who also discriminates against others denies others their constitutional right. Discriminating against others in the workplace constitutes an unfair labour practice (section 7(1)(2)(b)(c)(v) of the LRA, No. 66 of 1995).

What one sees and hears happening at schools, like the killing of educators, or the stealing of educators' cars on the school premises, is the recurring of incitement and instigation by unionised educators; and today South Africa reaps the fruits of incitement and instigation (Malefane 1999:1). What concerns most South Africans is the appalling conditions that are discernible at the learning institutions that were meant for blacks. Incitement and instigation have a negative impact on the management of schools and on labour relations in particular (Molefe 1993:6, Maseko 1993:7).

Lastly and more importantly, it must be pointed out that to instruct a person to ill-treat another person, is constitutionally unacceptable because every person has the right to execute his or her duty freely, and to be protected and secured at his or her workplace (section 12(1) and 24(a) of the Constitution, No. 108 of 1996). Subject to paragraphs 6.1, 6.3 and 6.4 of the SACE Code of Conduct, an educator must refrain from undermining the status of his/her colleagues and he/she must respect the various responsibilities assigned to colleagues and the authority that arises therefrom, to ensure the smooth running of the educational institution; and it is also expected of an educator to use proper procedures to address issues of professional incompetence or misbehaviour (Boshoff & Morkel 1999:4-10).

2.4.7 Corporal punishment and assault

Educators interact with learners on a daily basis in the classrooms; on the sports-ground; during excursions; at school functions etc. The educator learner encounter is that of an adult and a child. It is therefore the duty of the educator to discipline the learner whenever both the learner and the educator are in an educational situation (du Plooy & Kilian 1980:67). When maintaining discipline, an educator must be fair. Discipline at schools should not be negotiable. In terms of Christian beliefs, it is the God-given right of a parents to discipline their children, and hence the right of an educator who is acting *in loco parentis* (cf. Eph. 6:4).

When disciplining learners, democratic principles and values must be considered. Disciplining learners is not a new thing because education has been a phenomenon which has been present in every culture. According to the Basotho custom in the past, only elderly people were allowed to discipline children. Even today, it is in conflict with the SASA (No. 84 of 1996) to delegate a learner to discipline another learner (Boshoff & Morkel 1999:2B-24).

A code of conduct for learners should be formulated because it helps educators to maintain discipline. It is however surprising, if not disgusting to realise that learners at black schools formulate codes of conduct for themselves (Esterhuyse 1995:18). However, it is not clear whether the formulation of codes of conduct by learners is a world wide phenomenon. Even then, it must be noted that a learner is a minor who should be guided and assisted by an adult at all times (Boshoff & Morkel 1999:2B-63 and section 28(3) of the Constitution, No. 108 of 1996). Because of the minor's age, his/her legal knowledge is limited. It is therefore necessary for the educators to guide a learner if he or she is allowed to exercise his or her right to have a say in education or to participate in the formulation of the code of conduct (Bondesio 1989:24; 36; 38). To allow COSAS to formulate a code of conduct for other learners without any assistance is similar to a situation whereby a patient would be allowed to prescribe medication for other patients.

If a learner does not want to conform or comply with the school's code of conduct, punishment must be meted out in accordance with the SASA. Under no circumstances should an educator harm a learner psychologically, physically or spiritually. According to SASA, punishment should be regarded as a corrective measure (section 9(1)-(5) of SASA, No. 84 of 1996). When punishment is administered at a school, offenders will become aware of unacceptable behaviour.

The aim of punishing a learner is to create an awareness in the offender of the values and norms of the society in which he or she lives. Punishing learners helps an educator maintain discipline and order. Though the principal is accountable at his or her school, there are some issues which can be resolved by educators. When disciplining learners, it must be noted that the law does not allow corporal punishment and assault (Boshoff & Morkel 1999:2B-24; 2B-25).

The rights of an individual are enumerated under the Bill of Rights in the Constitution of South Africa. Among others it affirms the democratic values of human dignity and privacy (section 10; 11; 12 & 14 of the Constitution, No. 108 of 1996). It is therefore incumbent on the school to see to it that the aforementioned rights of learners are protected and respected. If a learner is treated, or punished in a cruel, inhuman or degrading manner by an educator, this is a violation of the learners' rights. Instead of assaulting and administering corporal punishment to the learner, an educator should look for a lasting solution to the disciplinary problem (Boshoff & Morkel 1999:2B-21).

In terms among others of the provision of section 10(1) of SASA (No. 84 of 1996), no educator or any person shall physically, spiritually or psychologically assault or ill-treat a learner. Though corporal punishment has been abolished, there are still educators who administer it, at some schools that used to be under the control of the DET. Sebokeng educators - a place situated near Vereeniging in Gauteng are cited as an example. Three educators of this school whipped an eleven year-old learner repeatedly till he sustained body injuries. After whipping him, the three educators apologised to the learner's grandmother who opened an assault case with the local police (Nxusani 1999:3).

In another incident, an educator attached to a school in KwaZulu-Natal's South Coast meted out corporal punishment to a seven year old girl because she could not write two English words on the writing-board. This particular educator used a stick on the learner's arm till the stick was broken. When it broke, the learner had the chance to run out of the classroom. This did not help her because the educator instructed other learners to fetch her. The little girl was again beaten; but this time with a wooden spoon. The assault was so severe that the girl had to be taken to the hospital where the doctors declared that the injury was so serious to such an extent that the limb would have to be amputated if there was no improvement (Xhabanisa 1998:1).

The above sketched scenarios indicate how cruel, degrading and inhumane educators can be. The incidents of assault mentioned above also show how educators are ignorant of legal aspects which will not stand up in a court. These educators seem not to be aware of the fact that by assaulting learners they violate section 28(1)(d) of the Constitution (No. 108 of 1996), and that corporal punishment is unconstitutional. In terms of section 10(2) of the SASA (No. 84 of 1996) educators who whip learners render themselves liable to a charge of assault, and on conviction to a fine which may amount to dismissal or whatever the fine the MEC for education may deem fit (section 34(c)(ii) of EEA, No. 76 of 1998).

2.4.8 Insubordination as a dimension of misconduct

2.4.8.1 Insolence or lack of respect for authority

The word insolence is used in Labour Relations literature to depict lack of respect of an employee for an employer. Managers at every level of the organisational structure represent the employer, and they therefore ought to be respected and treated with courtesy (cf. Figures 2-2 & 3-1). South African common law also demands that the employee should show respect to his employer because the employer and the employee do not operate on the same level in terms of their positions (Grogan 1993:43).

Respect and authority go hand in hand. The human resources manager is vested with authority which makes it possible for him or her to give orders, to make decisions and to give direction to the educators (Dessler 1997:4). Educators as employees are expected to obey and to respect the human resources manager because obedience and respect ensure efficiency and less interference in the management of a school as an organisation (Hersey, Blanchard & Johnson 1996:4). Even if he or she is not satisfied with the circumstances surrounding the instruction given to him or her by the principal, an educator should obediently carry out that instruction and lodge his or her complaint afterwards in writing (Chapter A, regulation A7.1 of the PSA Regs, No. R. 1091 of 1994).

It is however, important for the human resources manager to avoid bullying and bossing educators. An effective human resource manager is the one who commands respect. This is possible if the human resources managers come to the level of the employees because the days

when formal authority used to be revered are gone (Dessler 1997:15). The modern trend in management of human resource is that the human resources manager should perceive himself or herself to be a team leader who involves educators in the management and leadership activities of the school. This could be done if the human resources manager interacts with the educators in order to influence, inspire and motivate them towards the attainment of goals. The positive interaction of the human resources manager with the educators increases trust, confidence and sound relationships (Dessler 1997:15).

Insolence or lack of respect is displayed differently in different situations by employees in the workplace. This can be done by being impudent, cheeky, disrespectful and rude (Grogan 1997:116). For instance, rudeness is displayed when an employee talks to the employer using profane language. An American employee was fired for using profane language and swearing at his supervisor. The reason for displaying this behaviour was that the supervisor reprimanded him for using sign language to insult his foreman (List 1998:108). Insolence warrants dismissal if it is intentionally done. In South Africa, an employee who displayed anger, refused to do the work he was instructed to do; instead he arrogantly told his supervisor to do it himself. In another incident, an employee was dismissed for tearing up documents in anger, in the presence of the disciplinary committee (Grogan 1997:116-117).

Similarly, at schools educators do display unbecoming behaviour that constitutes insubordination. An educator at a school in Khayelitsha near Cape Town became hysterical when she was confronted by the headmistress for the maladministration of school funds. The educator shouted at the headmistress, and insulted her in the presence of the learners (Jordan 1998:7). At one of the schools in Soweto near Johannesburg a principal who was newly appointed was manhandled by the members of SADTU who illegally confiscated the school's keys from him and illegally dismissed him. The following day scores of learners of that school were seen milling about next to the school because SADTU members had locked the gates (Mkhwanazi 1996:2).

In light of the above sketched incidents, it becomes clear that educators are sometimes ignorant of legal aspects, and that they also seem to be unaware of their role and that of the principal. It also becomes clear that some SADTU members act *ultra vires*, because they think that they are above the law, by virtue of their union having formed an alliance with the government (Nkoto 1999:12). The educators mentioned above have presented their actions in the worst possible light. What they did, does not befit the actions of education practitioners. The behaviour they displayed is in

conflict with section 17(1)(b)(g) of the EEA (No. 76 of 1998). These educators also violated the Constitution of South Africa, in that they did not respect the dignity and privacy of the principal.

In addition to the above, the SADTU members did not have the right to dismiss the principal because he was not appointed by this particular union. By dismissing and confiscating the keys from the principal who had been legally appointed, and who had entered into a contract with the Department; the SADTU members breached the law of contract (du Plessis, Fouché & van Wyk 1998:12). Only the Department of Education has the right to terminate the service contract of an educator, not the SADTU members (du Plessis *et al.* 1998:20).

Moreover, it is an unfair labour practice and unacceptable to discriminate against an employee on the basis of political affiliation (section 6(1) of the Equity Act, No. 55 of 1998). Affiliation to the Congress of South African Trade Union (COSATU) which has formed an alliance with the African National Congress (ANC) makes SADTU believe that it is ruling this country. For example, they oppose the government should they not be involved in initiating a move, no matter how good it is. The teacher award which is opposed by this particular union is cited as an example.

2.4.8.2 Refusing to carry out legitimate instructions

The principal of a school has been legally appointed to head the school. He or she is delegated the power by the employer to give non teaching staff and educators reasonable, legitimate and lawful instructions (Chapter A, regulation A7.1 of PSA Regs, No. R. 1091 of 1994). The principal's legitimate instructions must be carried out by everybody at school. An educator who refuses or fails to carry out legitimate instructions which have been given to him or her by his or her principal, or anybody who has been empowered by the Act to give lawful instructions may be found guilty of insubordination (Chapter A, regulations A7.1 & A7.2 of PSA Regs, No. R. 1091 of 1999). Section 17(1)(c) of the EEA (No. 76 of 1998) also stipulates the fact that an educator who disobeys, disregards or wilfully defaults in carrying out a lawful order given to him or her by a person having the authority to give it, displays insubordination.

Refusal by the employee to carry out the employer's instructions could lead to dismissal. But, before such an action could be taken, the investigating officer should ascertain whether the refusal to carry out instructions was, *inter alia*, serious, persistent and deliberate. If these factors cannot

be proved, the case will not hold up in court because a court of law considers many factors, such as the ones mentioned above before any employee can be discharged on account of insubordination. Principals should bear in mind that it is against the law to instruct educators to do work which is illegal for them to perform, or to instruct an educator to teach a subject he or she is not qualified to teach (Grogan 1997:117-118),

A classic example of insubordination was displayed by two educators at one of the Gauteng schools on the East Rand, who imposed their religion on the learners much to the disapproval of the principal and education authorities. These educators held prayer meetings with the learners of their classes before and after school. The prayer meetings were held in the name of a church called the Hope of Glory. The principal instructed the educators to stop involving the learners in the religion where Satan was a main issue. Another reason for disallowing them to hold prayer meetings was because they never asked permission from the principal nor the SGB of the school to practise their religion on the school premises. Lastly, the principal instructed them to stop henceforth with their prayer meetings because they held her up in the afternoon when she wanted to lock the classrooms and the gates (Mbonambi & Dladla 1998:2).

The two educators disobeyed the reasonable and lawful instructions of the principal. Instead, they instructed the learners whom they involved in their religion to hold the prayer meetings at the spot where the principal parks her car. The educators furthermore impudently told the principal that they would not stop with their prayer meetings because Satan was at the school. The departmental officers who failed to stop this practice were summoned to the school. Upon arriving at the school, the departmental officers found the two educators having a row with the principal. They shouted, talked at the top of their voices and pointed fingers at the principal. One of them went to the extent of labelling the principal an autocrat on leaving the principal and the departmental officers (Mbonambi & Dladla 1998:2).

It is a fact that section 15(1) of the Constitution (No. 108 of 1996) confers the right to freedom of religion, belief and opinion on an individual. It is unconstitutional to practise one's religion if the religious observances do not follow rules made by the appropriate public authorities (section 15(2)(a) of the Constitution, No. 108 of 1996). Lastly, educators should know that it is wrong to emphasise only one's own rights and values, when on the other hand the rights and values of others are ignored or overlooked.

Considering the unbecoming behaviour of the above-mentioned educators and their refusal to obey legitimate instructions of the principal and those of the departmental officers, it becomes clear that there is something wrong with the education system of our country, and that drastic steps must be taken to normalise the situation at schools. It is also high time that educators are informed that the rights enumerated under the Bill of Rights are not absolute (section 36(1) of the Constitution, No. 108 of 1996). The actions of the educators mentioned above, infringed the constitutional right of the principal who had been empowered by the Act to give lawful instructions to non-teaching staff and educators (Chapter 2, regulation C.3.2 of the PSA Regs, No. R. 679 of 1999).

2.4.8.3 Defiance

The word defiance is used when a person or group of people openly refuses to carry out instructions or to obey authorities; or when someone displays behaviour that defies a person who is vested with authority. Defiance as a form of refusing to carry out instructions is the highest degree of insubordination. An educator who defies education policies, rules, regulations, orders and procedures may be found guilty of insubordination (Dessler 1997:601). In this country, defiance was used by political activists when they openly and intentionally refused to abide by the regulations, rules and statutes laid down by the former National Party government. In order to understand the current use of the word in education, it is significant to consider the historical background of black education in South Africa (Kallaway 1984:12).

As long ago as 1920, educators in the former homeland of the Transkei defied the then government of the day by putting up their own schools which were funded and run by them. The reason why the schools were founded is because the founders were opposing the government and missionary schools which were perceived as oppressing blacks mentally and suppressing their cultural values as well as retarding the advancement of blacks (Edgar 1984:184-185). This was followed by country wide defiance. In the 1950s, educators defied the then National Party government by refusing to implement the policies of the Bantu Education system; as well as to popularise the ideology of separate development among the learners (Molteno 1984:96-97).

Defiance is a serious offence; more especially when an educator defies an authority openly in the presence of his or her colleagues. According to Dessler (1997:601-602) defiance done openly is a ground for dismissal because other employees in whose presence an employee displays such

behaviour may influence them to imitate and emulate him or her. In South Africa, black educators used defiance to fight for equality in education. In some instances defiance was unnecessarily overemphasised and absolutised to the detriment of the education of the country's black children. In this country, in the former black schools, defiance became rife subsequent to Mr Mandela's release in 1990. Educators defied the authorities for a number of political issues and on numerous occasions (Mothapo 1997:10).

At one stage, the work books for educators (better known as the green books) were taken to the erstwhile area offices of education in broad daylight where they were dumped by educators. This was done in defiance because educators did not want to use the work books for reasons better known to themselves. Secondly, the educators, *inter alia*, refused to carry out departmental instructions; to attend departmental courses and to participate in departmental sports activities. They also defied the education authorities by barring circuit inspectors and subject advisers from visiting schools. Thirdly, educators instructed school telephonists to defy education authorities by putting the telephone down on discovering that the caller was one of the education officers. Lastly, educators defied the authority of the School Management Councils, to such an extent that these councils were disbanded (Scholtz 1990:1-2).

In Daveyton, on Gauteng's East Rand, human relations at one of the schools were strained. Owing to this circumstance the SGB of the school instructed one of the educators to stay at home till such time as the educators' differences were sorted out. Following this instruction, another fifteen educators defied the SGB by also staying at home in support of their colleague, and some of the educators of this school openly defied parents by telling them that they would not teach learners before their problem was attended to. Because of the refusal of educators to teach, learners were seen climbing through classroom windows and running about aimlessly outside the classrooms for eight months (Khupiso & Pretorius 1998:4). At another school in Khayelitsha outside Cape Town, an educator stayed at home for eighteen months, receiving remuneration every month. She defied education officers by refusing to resume her duties (Jordan 1998:7).

The above sketched scenarios indicate how serious defiance may affect human and labour relations in schools as well as the day to day management of schools. Defiance constitutes an unfair labour practice against an employer (schedule 7, section 2(1) of the LRA, No. 66 of 1995). In terms of section 17(1)(c) of the EEA (No. 76 of 1998), an educator who disobeys or refuses to carry out lawful instructions of the employer shall be charged with insubordination. In addition to

this, Chapter 2, regulations C.1.1 and C.2.8 of the PSA Regs (No. R. 679 of 1999) stipulate that an employee shall be faithful to the Republic and honour the Constitution and respect and protect every person's dignity and her or his rights as contained in the Constitution.

2.4.8.4 Intimidation

Intimidation as a form of insubordination is viewed in a serious light because it infringes on the freedom and the rights of employee and employer (section 16(1); 21(1) & 22 of the Constitution, No. 108 of 1996). Intimidation is usually used by political movements or organisations at institutions of learning. The NECC, the COSAS, the AZASM and some of the SADTU members and their supporters are cited as examples of such organisations (Heart & Maphisa 1990:2, Smith 1993:4, Mokone 1996:17). Intimidation occurs when a person or a group of people sharing the same belief frighten others in order to force them do what they want them to do. Intimidation may be done publicly or secretly. A disguised person may intimidate the government by killing the leaders of a country or by burning down houses or businesses in order to force the government to yield to the opinion of his or her organisation (Ray 1999:2).

Intimidation can also be expressed by singing, speeches and facial expressions. In rugby, or any other sport, a team playing against another one may intimidate it before the match kicks off. The reason for doing this is to frighten the opponents and to build up self-confidence, because an old adage says: *you frighten your man, then he is half defeated*. The famous *haka* which is an intimidating action is normally performed by the All Blacks before the match starts. In the old days, tribesmen would pull fierce faces, while making frightening gestures that scared or frightened their opponents in order to build up self-confidence (Mulholland 1998:1). In schools that are situated in the townships, educators who lack commitment, professionalism and discipline intimidate education officers and principals in order to force them to yield to their demands.

In terms of Chapter 2, regulations C.1 up to C.5 of the PSA Regs (No. R. 679 of 1999), an educator as a public servant should be faithful and loyal to the officers of the government of the day. It is undemocratic for the educators to intimidate education officers and principals. In fact, everybody who holds a higher position should be respected and treated with courtesy. As professionals, educators should avoid and refrain from transgressing rules and regulations (Matseke 1999:12). Some of the SADTU members and their supporters usually intimidate principals and the government in furtherance of their interests or objectives. In terms of the law,

it is illegal to promote the interests of one's political party or one's union to the detriment of the management of schools (Chapter 2, regulation C.2.7 of the PSA Regs, No. R. 679 of 1999). The Constitution is also against individuals or groups of people who intimidate others at the workplace because intimidation tarnishes the dignity of the victims (section 10 of the Constitution, No. 108 of 1996).

Some ill-disciplined, unprofessional and wayward unionised educators intimidated the authorities by embarking on strikes during working hours to force the government to increase their salaries. Before they marched to the education offices, they forcefully removed learners and educators from the classrooms. Their action was a blatant intimidation which was aimed at scaring educators and learners away from schools and to force educators who were reluctant to join the public sector unions' strike to march with them (Mecoamere 1999:1). By virtue of their having formed an alliance with the ANC, some of the politicised SADTU members labour under the impression that non alliance and apolitical principals should be intimidated and ill-treated (Nkoto 1999:12).

Another example is that of the Soweto educators who embarked upon an illegal strike which forced the Department of Education to apply the principle of no work no pay. Having realised that their salaries had been deducted, following the illegal strike, the dissident educators forced the DET to pay back deductions made from their salaries. This was done by chasing all the Soweto principals away from schools. The "dismissed" principals stayed at home for three months receiving their remuneration. The intimidation used by SADTU did work because the officers of the DET were scared away from schools; and in order for the principals to resume their duties, the DET had to pay back the deductions made from their salaries (Mohale 1993:4).

2.4.8.5 Usurping the principal's role

A principal is an executive officer. He or she as an immediate manager is delegated the power by the employer to head the school; and he or she is provided with appropriate power and authority to manage his or her school effectively and efficiently (Chapter A, regulation A5.1 the PSA Regs, No. R. 1091 of 1994). There should be no one to unreasonably dispute the power and authority of the principal because he or she has been lawfully assigned the power to carry out the administrative and management duties of the school which include among others human resources

management, management of buildings and physical assets as well as the maintenance of discipline (Chapter A, regulations A4.1 & A4.2 of the PSA Regs, No. R. 1091 of 1994).

Any person who qualifies to be a principal is appointed by the head of the Education Department of the specific province. When signing appointment forms, a person who has applied for a principalship post enters into an employment agreement with the Provincial Education Department that he or she will play the role of a principal (section 6(1)(a) & (2) of the EEA, (No. 76 of 1998) & Annexure 2 of the PSA Regs, No. 103 of 1999). A principal is empowered by the provisions of the Regulations to perform the duties that are listed under the duties and responsibilities of educators (Chapter A, paragraph 4 of the EEA Regs, No. 222 of 1999). No one should interfere with the principal in his or her endeavour to perform his or her duty, nor should anyone usurp the principal's role. In terms of section 79(2) of the BCEA (No. 75 of 1997), an employee is prohibited from threatening another employee when executing his or her rightful duty.

At the time when the unrest was at its height in this country, the usurping of the principal's role started. Politics played the major role in this regard (cf. paragraphs 1.1 & 1.2). Every politicised educator in every institution of learning perceived himself or herself to be a principal. This was done because principals were regarded as collaborating with the dissolved National Party government (Smith 1993:4). The usurping of the principal's role recurred in the new dispensation. A case in point is the dismissal of a newly appointed principal in one of the schools in Soweto, whose role was usurped by educators (Mkhwanazi 1996:2). Some educators seemed not to differentiate between the role of an ordinary educator and that of a principal. As a result of this, they wanted to go beyond their job description which is clearly spelt out in Chapter A, paragraph 4.5 of the EEA Regs (No. 222 of 1999).

In their meeting held in 1990 in Alexandra to discuss the issues surrounding the suspension of their month-long strike, Soweto and Alexandra educators decided that the role of principals, deputy principals and heads of department should be usurped by educators. Among others, it must be mentioned that they unofficially disbanded satellite schools which were set up to relieve the burden of the existing schools, thereby instructing learners and educators to return to their mother schools. They illegally replaced heads of department who had been appointed in terms of the law with the unofficial subject committees whose members were their friends and who shared their beliefs. The time table, which was the responsibility of the principals to draft, was reduced

by educators to a maximum of 32 periods per week; and they instructed the principals and heads of department to teach full-time (Scholtz 1990:1).

The educators went to the extent of cancelling extra-mural activities. That is why even today we do not see educators remaining at school in the afternoons to supervise sporting activities. The line function of the Department of Education was adversely affected by the decision taken by the educators. No one at the schools seemed to be accountable, because school principals, deputy principals and heads of department were reduced to the level of ordinary educators, who taught not less than 18,6 hours per week. The educators registered learners, "planned" and "organised" the running of schools. The educators who unofficially served as members of subject committees instructed other educators not to prepare or to plan their lessons. The school principals and their top management were disallowed by educators to exercise control over the educators' professional work (Scholtz 1990:2).

Considering the above incidents, one is tempted to say that perhaps a precedent was created by the fact that our education system does not train principals, as it is the case with other countries. For instance, in America principals are trained and developed at assessment centres where their managerial skills are honed (Dessler 19997:181-183). As a result of the apparent unavailability of the assessment centers in this country, educators do not see any difference between them and principals. Even if this is the situation in our country, this does not permit them or give them licence to contravene statutes, regulations and the Constitution. In fact, it is unfair and constitutionally unacceptable for educators to usurp principal roles because in terms of section 7(1) of the LRA, the principal has the right to be protected against unfair labour practices; and his or her dignity must be protected (section 10 of the Constitution, No. 108 of 1996).

2.5 Phenomena having a bearing on misconduct

2.5.1 Bureaucracy and the education system

The education system has the characteristics of an organisation. One of the characteristics of the education system which is discernible is bureaucracy. According to Luthans (1998:517-518), bureaucracy as one of the characteristics of an organisation has its own characteristics. Among others he stresses the fact that labour is divided in accordance with competency in which positions are arranged in a hierarchy i.e. there are lower levels, middle levels and higher levels of operations

(Figures 2-2 & 3-1). In order to ensure uniformity, there are sets of rules within which the bureaucrats and their subordinates operate. Luthans (1998) argues that it is incumbent on the bureaucrats to maintain sound human relations and to manage labour relations effectively and efficiently. Upward mobility in the hierarchical structure is done on the basis of qualifications, seniority or achievement.

However, there are advantages and disadvantages of bureaucracy as an organisation structure. The following disadvantages are cited as an example: incompetent officers lack initiative and imagination, hide behind the cloak of bureaucracy and this results in the organisation not functioning properly. More often than not, the bureaucrats are not specialists in the positions they hold i.e. they have not been trained in human resources management, and this affects the productivity and the effectiveness of the organisation. The activities of human resources and organisational communication are not well co-ordinated, and this impedes the smooth running of the organisation which results in a lot of money and time being wasted. Bureaucrats take a long time before they give attention to a problem because of rules and procedures that have been laid down, and this leads to bureaucratic red tape (Luthans 1998:519-520).

What is said of bureaucracy in the private sector's organisation also holds true for bureaucracy in the public education sector's organisation. With the advent of the new dispensation in South Africa unusual appointments of the officers who were to fill vacant posts in the higher echelons of the education public sector were made. Most of the officers who were appointed were post level one educators holding positions in SADTU or affiliated with it, while others were recruited by their political colleagues from the private sectors. Friends, relatives, family members and siblings who knew nothing about management and leadership in education were also appointed in higher positions (Matuna 1998:30). The following diagram shows how appointment of officers in the management echelon of the Education Department of the Free State Provincial Administration was done in 1995:

Figure 2-3: Deviation from procedures, processes and requirements

POST	PREVIOUS POST	MANAGERIAL EXPERIENCE	AFFILIATION
Deputy Director General	lecturer	none	MEC Associate
Chief Director Education	teacher	none	SADTU
Director Auxiliary Services	clerk	none	MEC Associate
Director - College of Education	lecturer	none	MEC Associate
Director - Sports and Recreation	principal	one year	SADTU
Director - Special Needs	teacher	none	SADTU
Director - Human Resources	clerk	none	MEC Associate
Director - General and Further Education	inspector	four years	MEC Associate
Director - Specialised Support Services	teacher	none	SADTU
Director - Lifelong Learning	subject advisor	none	SADTU
Director - Information Services and Heritage	lecturer	none	MEC Associate
Director - Financial Management	Assistant Director	four years	Non-affiliate

The terms in the last column of Figure 2-3 are inferred from Mphahlele, Takala and Prinsloo's (1995) report.

During the latter half of 1994, the first MEC for education in the Free State Department of Education established a strategic management team which was given the brief of looking into the education structure that would be suitable for the Free State province (Mphahlele, Takala & Prinsloo 1995:51). According to the informants, all the officers depicted in Figure 2-3, except the director for finance and auxiliary services served on the MEC's strategic management team. It was furthermore established that the director for financial management was appointed in spite of the fact that he was non-affiliate because there was no one who could be charged with financial responsibility. On the other hand, the director for auxiliary services was appointed because he used to disclose the former Qwaqwa home land's sensitive information to the chief director for education and the other members of the strategic management team.

In light of Figure 2-3, it becomes clear that only two officers namely the Director for Financial Management as well as the Director for General and Further Education seemed to have experience in financial and human resources management respectively. It must furthermore be mentioned that the chief director for education was appointed a deputy principal of a school in August 1994. However, he never performed the duties attached to the post of a deputy principal because he was never at school as he was serving on the MEC's strategic management team. It is because of this reason that Figure 2-3 depicts him as a teacher without any managerial experience.

According to the findings of Mphahlele *et al.*(1995:48), the chief director for education was, among others, appointed because he led SADTU which is a very strong teachers' union, not necessarily on the basis of managerial experience in education.

Another point which needs to be mentioned is that an officer who was appointed as a director for human resources was never in the public education sector before, as he was an employee of Sparta Beef Cattle Feeders - a farm situated 15 km north east of Marquard (a small town in the eastern Free State). According to the findings of Mphahlele *et al.* (1995:54-55) one of the reasons advanced by the interview panel as to why he was appointed is that he was a practising personnel practitioner at top level. The phrase "practising personnel practitioner at top level" is vague and confusing. This phrase does not tell whether this man was a manager or a team leader.

Furthermore, Mphahlele *et al.* (1995:24-42) reported that the processes and procedures followed when appointing officers in the public sector were not in accordance with the national norms, and that the interview panel did not meet the stipulations and the norms of the Public Service Commission. For example, the applications received shortly after the closing date were not considered; candidates who complied with the requirements were not short listed for an interview; candidates who did not comply with the prescription were short listed; some of the recommendations were signed by the director-general, whereas some were not etc. In the light of the foregoing exposition, it becomes clear that nepotism and corruption abound in the Free State education department.

As may be seen from Figure 2-3, people who lack experience are appointed in management positions, when highly experienced people, with successful track records are marginalised and sidelined. When South Africa became a democratic country, one would have thought that the appointments of officers would reflect all the people of South Africa, seeing that the country is rich in human resources. But, to everybody's surprise, the government appointed incompetent ANC youths, some of whom studied overseas, and who did not know the functioning of the South African education system. Furthermore, the present government made a mistake by ignoring the fact that a dedicated educator is demotivated if an insolent political party colleague or an ANC office bearer is promoted (Malatjie 1997:7, Matseke 1998:11).

Incompetence; inexperienced officers; abdication of responsibility by bureaucrats; appointment of officers who have not been trained in the position they hold; hierarchy and procedures have a

bearing on misconduct. In terms of section 17(1)(d) of the EEA (No. 76 of 1998), an educator who idles away is guilty of misconduct. However, incidents of misconduct that manifest themselves in education are rather tricky and complex, in as much as it is difficult to apportion blame on the educator or on the bureaucrats. A Khayelitsha educator is cited as an example. This educator stayed away from school for eighteen months while getting her salary every month (cf. paragraph 2.5.1).

The education officers were told about this case, but nothing was done at the time when the educator, despite an instruction, refused to resume her duty (Jordan 1998:7). The deduction which is made is that the officers did not have knowledge of human resources management and the procedures as well as rules pertaining to the management of misconduct. Alternatively the officers lacked experience and competence which led to them being afraid of taking decisions. It becomes abundantly clear that incompetence and lack of experience contribute to the negligence of duty.

Another similar case to that of the Khayelitsha educator is that of an educator at Daveyton, on Gauteng's East Rand (cf. paragraph 2.5.2). This educator stayed at home for eight months receiving her salary every month. When the Department of Education received a report about this incident, the officer in charge told the Sunday Times reporters that the Department of Education heard about the incident for the first time, when according to reliable sources known to the Sunday Times the matter was reported to the district office of education several times by the parents of that school (Khupiso & Pretorius 1998:4).

The case of this educator suggests that communication between the school and the Department of Education is not well co-ordinated. This case also suggests that lack of experience and incompetence of the bureaucrats played a vital role in prompting educators to commit misconduct. In fact, the education officer in charge of this school contravened section 17(1)(d) of the EEA (No. 76 of 1998), in that he neglected his duty or alternatively he was indolent in carrying out his duty.

Bengu (1998:1) reported that educators of three technical schools in Soweto were paid salaries for two years while doing nothing because of the lack of facilities and equipment at those centres. Learners at those centres were also disadvantaged by the prevailing circumstances. Because of laxness, educators had no choice but to award practical marks to learners who never did practical

work, and who were seen basking in the sun everyday doing nothing. In terms of section 17(1)(d)(m) of the EEA (No. 76 of 1998), an educator who is absent from duty or who neglects duty should be charged on account of misconduct. But, in the case of these educators, it is difficult to lay a charge against them because the three technical schools were not supplied with facilities and equipment. The director for provisioning in the Department of Education is to be blamed; and he or she should be charged with misconduct in terms of section 17(1)(d) of the EEA (No. 76 of 1998).

2.5.2 Collegiality among educators

The old proverb that says birds of a feather flock together became true during the political turbulence when black educators exercised collegiality for a good cause or practice (paragraphs 1.1 & 1.2). The aim of this collegiality was to look for a structure or a body to which they could belong and have equal authority when taking decisions that would bind every educator irrespective of the peculiarity of the decision. Another reason which prompted the formation of collegiality was that they were opposed to the bureaucratic structure which has the image of bureaucratic red tape, whereas collegiality gives way to professional authority and individual decision making. Collegiality allows educators to share common values, beliefs and to discuss problems pertaining to conditions of employment (Bush 1994:38).

Collegial theory is an attractive model for educators because every educator feels free to discuss and to reach an agreement which binds every participant. Collegiality also cultivates a sense of belonging and ownership among the educators. Most unfortunately, collegiality among the black educators was used mostly for politics. All the decisions taken by educators in a structured meeting were honoured. If for instance, educators decided to boycott an occasion that was organised by the then National Party government, they did so because they felt that the decision was theirs, and that they were bound to support it. Collegiality helps educators to achieve their goals because they talk as one voice. A case in point is the black South African educators who achieved wonders, but also caused havoc and destruction in institutions of learning meant for blacks (Bush 1994:39, paragraphs 1.1 & 1.2).

In most cases misconduct at schools is committed as a result of the decision taken by educators in a joint meeting. In the case where all educators commit misconduct, it becomes complex or tricky to lay a charge against an individual. In a meeting held by residents of Mamelodi, outside

Pretoria, police harassed the residents, and this led to the local educators taking a decision to stay away from schools. The stay away was organised at the time when the learners were writing their mid year examinations. The stay away from work constitutes misconduct because it contravenes section 17(m) of the EEA (No. 76 of 1998). In the case of these educators who stayed away from work, it was difficult for the Department of Education to institute punitive measures. In fact, the DET which wanted to apply the principle of no work no pay failed to do that (Heard & Mapisa 1990:2).

In Bohlakong near Bethlehem, in the Free State, fifty-four educators were arrested following illegal labour action. The police had no choice but to arrest the educators who interfered with the day to day administration of the local area's Office of Education. Fifty educators who called themselves the Bohlakong Progressive Teachers' Union went to the local area office of education to stage an illegal sit-in. Prior to the illegal sit-in, the educators had reached consensus that they would not move unless their colleagues were released. Collegiality helped in the release of the fifty-four educators. Sharing a common set of values by educators forced the authorities to re-open negotiations. This case is also tricky and complex for one to lay a charge of misconduct (Heard & Mapisa 1990:2).

Another case where abuse of collegiality played a role in committing misconduct is that of educators at one of the schools in Gauteng Province. The SGB instructed one of the educators of this school to stay at home while her problem was being sorted out. Fifteen educators of this school held an illegal meeting where a decision was taken that they were not going to report for duty till such time as their colleague was called back by the SGB (Khupiso & Pretorius 1998:4). The stay away by the educators, while the learners are left without educators, is in conflict with section 17(d)(m) of the EEA (No. 76 of 1998) and section 29(1)(a)(b) of the Constitution (No. 108 of 1996). Collegiality also played a role in committing misconduct prior to the formation of SADTU. The Soweto and Alexandra educators held a meeting where consensus was reached that a month-long strike would be suspended; and would be replaced with defiance of the inspectors and subject advisers (Scholtz 1990:2). As has already been mentioned in paragraph 2.5.4, defiance constitutes misconduct.

2.5.3 Subjectivity among educators

Some educators do not identify themselves with the education system; and they perceive organisational situations, events and activities of the bureaucrats differently. They are selective in attaching meaning to the organisation as a whole. They tend to select those events and situations which work for the education system and blow them up out of proportion. If for instance, a principal controls work effectively, and demands a high standard of work from educators, they make use of this situation by attaching a negative meaning to it. According to the subjectivity theories, some educators tend to ignore the reality that is there in the education bureaucratic structure and this leads to them deriving from the bureaucratic structure their own values and beliefs which are in most cases subjective. It has also been observed that some educators focus on the individual member of the organisation for reasons of their own (Bush 1994:43-44).

When interacting with the organisation and its bureaucrats, some educators interpret events, situations and the activities of the organisation subjectively. Such educators are not always satisfied with the organisation and its management. They always capitalise on the failure of the organisation, but fail to give credit to the bureaucrats where they deserve it. The subjective theories stress the fact that subjective educators within the education system use their malicious tongues to destroy the organisation. They are influential and critical; and they therefore do not observe legitimacy and professionalism within the education system. Subjective educators are indolent and insolent; and as a defence mechanism, they mobilise other educators and learners who hero-worship them, against the principals. Lastly, it can be said that they do not teach seriously, but always lodge grievances and demands with the authorities (Bush 1994:44-45).

Subjectivity among black educators has a bearing on misconduct which led to the prevailing situation in the schools which are situated in the areas that were known as black areas in South Africa. The subjective decision which was taken by the then National Education Union of South Africa (NEUSA) in a meeting which was attended by the Soweto and Alexandra educators was a turning point in the history of the education of children attending township schools. That meeting surprised everybody because the issue was no longer the DET, but it was personalised in that the focus was on individuals. The meeting decided that inspectors and subject advisers would be barred from visiting schools. According to that meeting, the inspectors and subject advisers harass, rather than help educators in their tasks. The reason advanced by these educators was

subjective because it was focusing only on an individual who might have harassed educators (Scholtz 1990:1-3).

Before one could pass his or her judgement, one should bear in mind that people are not the same, and that it is wrong to expect people to operate in the same way. It is true that there might have been officials and principals who used control and supervision to victimise educators. However, it must also be borne in mind that it is wrong to generalise and afterwards claim that all officials and principals victimised educators (Mothapo 1997:10). The subjective decision that was taken by NEUSA percolated very fast through to other regions in South Africa, till it permeated the whole of South Africa. Even today, there are some educators who commit misconduct by refusing principals access to their professional work, because supervision is still an anathema to them, as some go to the extent of taking class visit from principals as interference with their work. The worst part of it is that the Department of Education put a moratorium on control and supervision of educators because of the subjective decision that was taken by educators (Mothapo 1997:10).

As has already been mentioned, refusing to submit to authority and control as well as barring officials from visiting schools constitutes misconduct (cf. paragraphs 2.4.4 & 2.5.2). If it had not been for subjectivity among the educators, or among those who derived the subjective meaning from the school visit by the officials and the class visit by the principals, there would not have been appalling conditions at schools that are situated in the townships. Today, township schools suffer the consequences of barring officials and principals from exercising control over educators' professional work. The following are mentioned as examples of the results of lack of control in schools: high failure rate; lack of discipline; insolence and indolence; laissez-faire attitude; defiance; lawlessness and anarchy (Mothapo 1997:10, Matuna 1998:30, Mabunda 1998:4, Matseke 1998:11).

2.5.4 Ambiguity and hidden agenda

Ambiguity theories can be proved true in South African education, more especially in black schools, if one were to match theory with practice. Educators' hidden agendas complicated the educational issues to such an extent that ambiguity becomes abundantly clear in education. Ambiguity theories have to do with uncertain and complex situations, events and conditions which manifest themselves in the education public sector. The instability and unpredictability at schools

support the notion that ambiguity is prevalent in the South African education system (Bush 1994:45). The question of the so-called temporary educators and the redeployment of educators render schools unstable and unpredictable and this causes uncertainty among all educators in South Africa (van de Venter 1998:30).

In schools that are known as black schools, anarchy and lawlessness are caused by those who call themselves stake-holders (cf. paragraphs 2.3.3; 2.4.4; & 2.5.5). Because of anarchy and lawlessness, the goals of schools are ambiguous. To some of the black learners and the black educators, schools are there to achieve only political goals. Mabunda (1998:4) argues that the black learners do not do well in the grade twelve external examinations because they still believe that politics is better than education. He furthermore warns that black schooling will be doomed to extinction if black learners and black educators do not divorce themselves from politics and start to seriously aim at attaining educational goals. Because of the confusion which was brought about by politics in education, most of the township schools do not understand their processes. Hence they operate on a trial and error basis which leads to a high failure rate (Table 4-1 & Figure 5-1).

The bureaucrats are never in their offices for they hold meetings whose objectives are unclear because no decision emanating from these meetings are implemented. These bureaucrats are uncertain about what is expected of them. For them holding meetings every day is working (Malatjie 1997:7). Ambiguity and educators' hidden agendas have a bearing on misconduct. Educators who were employed after July 1, 1996 are said to be "in excess". It is true that in their letters of appointment, it was mentioned that in terms of section 6(1) of the EEA (No. 76 of 1998) they were temporarily appointed. However, it must also be borne in mind that it is difficult for a person who lives in a country where unemployment is rife to admit that his or her duty can be terminated after working for more than three years.

The uncertainty regarding the appointment of the temporary educators prompted educators to commit misconduct. Sefara (1999:3) reported that an educator attached to a school in Giyana in Northern Province fought the principal over redeployment and rationalisation. It is reported that the principal earlier gave the educator a letter in which she was informed that she was redundant, and that she was to be redeployed to another school where the service of a temporary educator would be terminated. When the educator arrived at the school the following day to report for duty, the principal refused to hand the time register over to the educator to record the time at

which she arrived at school. An argument which resulted in fighting started. The educator used profane language, and resorted to an assortment of objects with which she hit the principal. All these constituted misconduct in terms of section 17(1)(g) of the EEA (No. 76 of 1998).

In another incident, reported by Shiba (1999:6), educators abandoned learners during school hours to hold meetings during which the question of the temporary educators was going to be discussed. Holding meetings during school hours is in conflict with section 17(1)(d)(m) of EEA (No. 76 of 1998), in that the educators neglected the learners, or alternatively they were indolent in carrying out duties attached to their posts, and lastly, they absented themselves from schools or duties without leave or permission from the employer.

Matuna (1998:14) stresses the fact that there is a lot of uncertainty and complexity in education because of new policies which are introduced before the basics like discipline are put right at schools. He is also against the fact that bureaucrats rush to destroy that which is working, in favour of a new system which has not been planned thoroughly. Curriculum 2005 is mentioned as an example of one of the things that are hastily implemented by the government before considering the nitty-gritty. He furthermore points out that individuals with strange agendas negatively influence decision making in education.

Perhaps at this juncture the influence of the teacher unions which makes it difficult for one to determine whether it is the government or the teacher unions that run the affairs of the public education sector should be mentioned. For example, it is this influence that prompts some educators who hold positions in SADTU to commit misconduct intentionally or unintentionally because they are aware that they are in the majority, and that the government is lenient when dealing with them (cf. paragraph 2.3.2). It is this influence that causes the tension which exists between the teacher unions, central government and the provincial governments, concerning the transformation of education in this country (van de Venter 1998:30).

The hidden agenda was also evident when the Hoopstad educators called the education officer pretending that there was an urgent educational matter to be discussed; only for him to find that they intended to hold him hostage (cf. paragraph 2.3.2). The Allanridge educators mentioned earlier in paragraph 2.3.2 are not exceptions. These educators marched to the District Office of Education with a hidden agenda. They pretended that they were going to demonstrate peacefully, when in actual fact they planned to stage a sit in and to hold District officers hostage (cf.

paragraph 2.3.4). It is for the above mentioned reasons that Shange (1999:10) recommends that the ruling party should emulate the actions of the former British Prime Minister - Margaret Thatcher - who acted very harshly against unions who destabilised the public and the private sectors in Britain.

2.6 Conclusion

This chapter reveals that politics contributed to a laissez-faire management of schools. The chapter reviews the situation in which anarchy, lawlessness, lack of respect and the intimidation of officials and principals prevailed. The chaotic situation which is not suitable for educative teaching and meaningful learning prompts the educators to contravene codes of conduct and provisions of the Acts and Regulations. The contravention of the aforementioned adversely affects the school as an organisation. In the township schools, the function of the structure of an organisation is not clear, in that the role of the principal, the learners and the educators are influenced by misconduct which is prevalent at these schools.

Misconduct seems to have a devastating impact on the productivity, effectiveness and efficiency of the township schools. Many competent principals and educators opted for voluntary severance packages because they could not manage highly politicised educators. The matters of unionised educators is also a factor which contributed to the termination of most effective principals because it was difficult and impossible for them to manage labour relations effectively and efficiently. From the discussion of this chapter, it became clear that organisational behaviour, standards, educational values and norms are adversely affected by misconduct. It also became evident that uncertainty, incompetence and conformity play a role in contributing to the commitment of misconduct by educators.

Chapter 3

3.0 EDUCATION MANAGEMENT AND THE LAW

3.1 Introduction

According to Malherbe and Beckmann (2001:2) the word education "implies activities such as developing, influencing, growing, inducting, accompanying, guiding, actualising, strengthening, assisting, meeting, supporting, liberating, instructing and learning." They furthermore say that the word law "comprises those rules of conduct that apply generally in society, are enforced by the state, and exist for the purpose of regulating the affairs of society justly and equitably" (Malherbe & Beckmann (2001:7). It must be noted that there is relationship between education and law.

Because of the fact that education is an affair of society, its three forms, namely informal, formal and non-formal need to be regulated by law (Malherbe & Beckmann 2001:3-4). For example, parents and other community members protect the rights of the child by applying legal rules. In South Africa and other countries, the government is responsible for the provision of formal and non-formal education to its subjects. It is for this reason that the government is obliged to legally regulate education (Malherbe & Beckmann 2001:5).

In each and every country where education is regulated by the government, a public education policy is formulated (Malherbe & Beckmann 2001:5). The education policy that is formulated by the government must be implemented by all the managers who manage education in all levels of education management structures. Referring to the private sector, Swanepoel, Erasmus, Van Wyk and Schenk (2000:292) also confirm that legal prescripts have to be taken into account when dealing with policy and procedures.

Before a look is taken at how education managers should take legal prescripts into account when managing procedures regarding misconduct, it is deemed necessary to mention that there are three levels of education management structures discernible in each and every province in South Africa. These levels can be designated as micro, meso and macro levels. In practical terms these are, the school level, the district level and the provincial level. In each of these levels, there are managers

who manage the workforce or human resources (West-Burnham 1994:89). As human resource practitioners, these managers need to have a balanced perspective on the management of employees in the public education sector as well as on the functional role of each management level with regard to legal aspects and education policy (Oosthuizen 1994:129-134).

The procedures that are stipulated in the legislation and other prescripts, the necessary circulars and the relevant provisions of the Acts and Regulations need to be consulted and duly applied when managing human resources in general, and particularly when dealing with misconduct (cf. section 22(1)(2)(3) of the EEA (No. 76 of 1998), and Sch. 8, item 3(1)-(30) of the LRA (No. 66 of 1995). The human resource managers in each level of the education management structure must for instance know how to formulate charges, and how to call on the educator concerned to respond to the charge or charges of misconduct (cf. paragraph 3.3.1).

It must always be borne in mind that, when the new dispensation was ushered in in 1994, the interim Constitution Act (No. 200 of 1993) was adopted. This Constitution was amended and finally adopted in 1996. After its final adoption, it was known as the Constitution Act (No. 108 of 1996). The Constitution (No. 108 of 1996) is the supreme law which enshrines fundamental human rights. When human resource managers at all levels of education manage misconduct in particular, and human resources in general, the basic values and principles governing public administration as set out in chapter 10 of the Constitution (No. 108 of 1996), more especially section 195(1)(2) of the Constitution (No. 108 of 1996) must be considered.

In fact, public schools, as organs of state are bound by the provisions of section 195(1)-(6) of the Constitution (No. 108 of 1996). Like the government in the national and provincial spheres, the governance and management of schools as organs of state must comply with the provisions of chapter 10 of the Constitution (cf. section 195(2)(c) of the Constitution (No. 108 of 1996). For example, section 195(1)(a) stipulates categorically that public administration must be governed by the democratic values and principles which are enshrined in the Constitution (No. 108 of 1996), including the principle of high standard of professional ethics.

It has however been noted that the bureaucrats who have not been trained in human resource management, or who lack human resource management knowledge are incompetent in managing systems and procedures. As a result the values and principles contemplated in section 195(1)-(6) of the Constitution (No. 108 of 1996) are not satisfied. The lack of human resources

management knowledge renders the education management structure ineffective (cf. paragraph 2.5.1). In this regard, Bush (1994:320) implies that the education structure cannot be functional in the case where bureaucrats neglect their duty attached to their posts because the education structure has been designed to deal effectively with organisational issues that cannot be attended to by the single individual. Before further discussion can be embarked upon, the different levels of the education management structure are diagrammatically represented as follows:

Figure 3-1: The levels of the education management structure

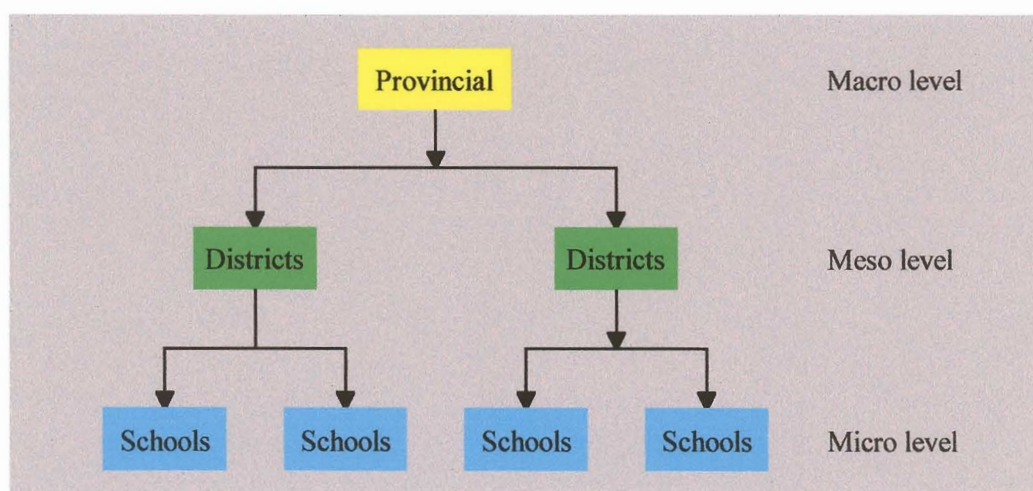


Figure 3-1 depicts the levels of the education management structure in each province in South Africa. At the macro level there are different directors who manage different sections. The head of the directors (director general/superintendent) is also the overseer of education in the province. At the meso level we have district managers who head the district and who manage education with the assistance of other officials such as the school management developers, learning facilitators and examination officers. The principals, deputy principals and heads of department are the lower education managers who work at the micro level.

All the above-mentioned human resource managers must have knowledge of legislation and education policy which enables them to analyse legislation relevant to human resource management in the education public sector e.g. investigations, disciplinary hearings and procedures to be followed in respect of misconduct cases (sections 18(1)-(2), 19(1)-(5); 20(1)-(3) & 21(1) of the EEA, No. 76 of 1998). The education managers in general, and principals of schools in particular, manage labour relations as part of human resource management with regard to educators and non-teaching staff (Oosthuizen 1994:119-122).

This chapter aims at relating law to education. Misconduct and insubordination that are committed by teachers will be discussed in relation to law, while at the same time attention will be paid to the role the human resource managers play in terms of the management of misconduct and that of the state or government as the regulator of public education. When discussing issues surrounding the cases of misconduct the promotion of just administration act and the basic values and principles governing public administration as stipulated in section 33(1)-(3) & section 195(1)(2)(c) respectively of the Constitution (No. 108 of 1996) and other relevant prescripts will be considered.

3.2 Misconduct in relation to legal aspects

3.2.1 Administrative law

Busher and Saran (1995:11) view a principal of a school as a professional leader and a manager (the leadership and management of a principal will be discussed in detail in paragraphs 4.1 and 4.3). At a school there is a school-based management structure (cf. Figure 2-2). The school management covers the administrative aspect of the law of education at every school. The formulation of the school policy and rules is the responsibility of the school principal and his or her staff members, while the administration of the school is the principal's responsibility who also ensures that his or her staff members' administration within their classrooms is effectively carried out (Oosthuizen & van der Westhuizen 1994:114).

As a professional leader, a principal is responsible for the internal administration of the school. Nobody should interfere with the internal administration of a school, including the courts of law. It does however happen that under certain circumstances the intervention of the courts of law is needed. When the policy and the rules of a school are formulated, the principal and his or her staff members should consider the Constitution which is underpinned by democratic values and principles (Duke & Canady 1991:6-7). According to Duke and Canady (1991), an implemented and observed policy and rules of a school help to promote sound labour relations and effective school administration.

Principals ought to think about professionalism when administering the affairs of the educators, the learners and the parents. They must at all times consider values and principles which govern

public administration. These values and principles are embedded in the Constitution (No. 108 of 1996) which is the supreme law of this country. Among others these principles include high standards of professional ethics, the services which must be provided impartially, fairly, equitably and without bias, the people whose needs must be responded to and the public who must be encouraged to participate in policy-making (section 195(1)(a)(c)(e) of the Constitution, No. 108 of 1996).

The principal has the power to implement the policy and the rules of the school. A person who interferes with the implementation of the school policy and rules impedes the administrative acts of the principal. Among others, the tasks of the principal are, the control of the attendance registers, the issuing of school fund receipts to educators who have been assigned to collect school funds, division of work among the staff members and the planning of the time-table and the year programme. In addition to the powers and authority vested in him or her, a principal of a school has a discretionary power which helps him or her to use his or her judgement which is based on the policy, rules, particular circumstances and the principles of reasonableness (Oosthuizen & van der Westhuizen 1994:115).

An ordinary educator is not delegated the power to manage a school in the presence of a principal (section 36(1)-(4) of the EEA, 76 of 1998). It is true that a principal may assign functions to an educator. However, a principal remains accountable and answerable because he or she is the central figure vested with legislative control and administrative power (Oosthuizen & van der Westhuizen 1994:116). Be that as it may, the crux of the matter is that some educators of the former DET schools act *ultra vires* by taking over the administrative function of a principal, and by so doing, they contravene the administrative law (cf. paragraph 2.5.5).

It was reported elsewhere in the research project that educators rejected the time-table because it was said to be congested, and that they drew up another time-table in which they reduced the number of periods per week (cf. paragraph 2.4.8.5). The allotting of duties to staff members was also completed by educators who disregarded the principal's administrative powers. The extra-mural time-table was cancelled by educators and they instructed other educators to stop taking part in extra-mural activities. The educators took upon themselves to register learners, and they tampered with the administrative function of the human resource section of the Provincial Education Department by illegally dismissing a principal who had entered into a contract with the Department of Education (c.f. paragraphs 2.5.1 & 2.5.5). When someone is elevated to a higher

position, administrative work is involved, for instance, the issuing of a letter of appointment to a particular individual (cf. Appendix A of the Public Service Regulations of 1999).

A principal of a school is vested with the authority to draw up a policy which could help him or her to regulate and control matters that are within his or her realm of authority (Duke & Canady 1991:1). A principal may therefore establish a policy requiring all educators to record the time of their arrival and departure from the workplace. Such time is normally recorded in the attendance register kept for this purpose (Boshoff & Morkel 1999:3B-17). If implemented by the principal and observed by educators, this policy will improve the conditions of the school, the labour relations and the control of educational activities. It is reported that educators contravened the administrative act of the principals by reporting late and leaving the school premises at any time during working hours. This means that the recording of the arrival and departure in the time register is not observed by educators (cf. paragraph 2.2.4).

3.2.2 Common law

Bray (2000:57) holds the view that the main source of law is the Constitution. After the Constitution and other legislation case law, common law and custom are the most important and most frequently used sources of education law. She furthermore points out that common law is that branch of the law which is not written in legislation (Bray 2000:59). South Africa has derived common law from Roman-Dutch law and English law. When applying common law to the education system of South Africa, the cultural diversity and the legal background of this country should be taken into consideration. There are principles of common law which should be considered by the human resources managers and educators who deal with cases in the public-education structure. Among these principles are the *ultra vires* doctrine, in *loco parentis* and rules of natural justice (Oosthuizen 1994:40-41).

It was mentioned in paragraph 3.2.1 that an employee who exceeds the powers entrusted to him or her in terms of the empowering Acts or Regulations acts *ultra vires*, if (s)he is aware of her/his actions, such actions are invalid and *mala fide* because the intention was to act unprocedurally. In a case where the principal does not know or understand his/her legal functions, (s)he may without knowing it and without bad intentions, act *ultra vires*. In paragraph 3.2.1, it was reported that a principal who was newly appointed at one of the schools in Soweto was illegally dismissed by SADTU members, who went so far as to confiscate the school's keys from the principal. The

educators acted *ultra vires* in that they acted intentionally and in that they did not have legal authority to dismiss the principal, in that they acted unfairly and unreasonably, and in that they exceeded the jurisdiction of their competency (cf. paragraph 2.5.1).

To ensure that justice prevails in the public education sector, employee and employer should apply the rules of natural justice. For instance, when the case of a person is to be dealt with, there should be evidence of justice. Justice can only prevail if everybody involved in the case is given the opportunity to state his or her case in order to ensure fairness, accuracy, objectivity and the making of the right decision. The principle in which a person is given the opportunity to put his or her case across is referred to as the *audi alteram partem* rule (Oosthuizen 1994:41:42).

In the case of the principal who was dismissed by the members of SADTU, justice was not done (cf. paragraph 2.5.1). The SADTU members acted *mala fide* and unconstitutional by dismissing the principal without giving him the opportunity to state his case; and they also contravened the rules of natural justice by dismissing the principal - besides which they had no power to dismiss him. The right of the newly appointed principal was infringed by the members of SADTU who did not even have the discretionary powers which allowed them to take discretionary decisions (cf. paragraph 2.5.1).

All the educators attached to a school, including the principal, are the secondary educators of a learner or a school-going child, whereas the parents are the primary first educators. All the learners or the school-going children have been entrusted into the care of educators while the parents are absent. Educators are professionals who purposefully educate and teach learners different subjects and special fields such as the art of music etc. While carrying out his or her task, an educator exercises authority over the learner or school-going child. The act of exercising authority is justified by the educators' position in *loco parentis*. Authority that is exercised over the learners ensures an orderly and harmonious environment which allows a good quality of education to take place (Oosthuizen 1994:45-46).

In light of the preceding paragraph, it is deduced that discipline is the cornerstone of an ideal school. It is because of this reason that discipline and the exercising of authority must be given attention. In paragraph 2.2.3, it was pointed out that the educators who were supposed to act in *loco parentis* neglected learners. These educators put moratoriums on the maintenance of discipline and the exercising of authority over the learners. They befriended the learners they

were supposed to discipline, to authoritatively give instructions and to see to it that the learners adhere to the school's rules and policy. The resultant repercussions from this negligence were ill-disciplined learners, ineffective school management and poor matric results (cf. Table 4.1 & Figure 5.1).

3.2.3 Criminal law

Criminal law is part of public law (Bray 2000:18). The primary source of criminal law is common law. It must however be noted that there are crimes which are referred to as statutory offences such as drug offences which are regulated by the Drugs and Drug Trafficking Act (DDTA) (No. 140 of 1992). Because of this, it becomes clear that legislation is also a source of criminal law (Kleyn & Viljoen 1998:143). The main concern here is to identify offences which are criminal in nature at schools and to briefly discuss criminal law as a source of the law of education. Similarly, the differences and similarities between a criminal offence and a civil offence will be alluded to (Elliot & Allen 1993:1). It is also notable that sometimes it is difficult to classify an offence under criminal law because of the fact that other crimes are not defined in statutes (Smith & Hogan 1993:1).

Dine and Gobert (1993:18) hold the view that it is difficult to define a crime or to state whether an action is a criminal offence. They argue that in their attempt at defining a crime, scholars of criminal law made omissions in their definitions. They furthermore suggest that when a definition of a crime is formulated, the following should be included in the definition: *moral wrong*, though it is difficult to criminalise all immoral conduct. They also mention *harm or damage to the public*, which also makes it difficult to say whether the public is harmed or injured by the conduct of the defendant; the *punishment of offences*, which is the most important characteristic of the criminal law, though it may be difficult to say as to what constitutes punishment; finally, *a criminal procedure and proceeding* which should be employed when dealing with a criminal case (Dine & Gobert 1993:18-19).

The deduction which is made from the above exposition is that the following acts may constitute criminal offences: falsification of documents; stealing of the organisation's money; public drunkenness; fighting and killing; malicious damage to property; ethnic, racial and sexist insults; raping of learners; the forging and selling of reports; corporal punishment and assaults (cf. paragraphs 2.2.1; 2.2.2; 2.2.6; 2.4.1; 2.4.2 & 2.4.3). For one to be able to say whether an action

is a criminal offence, it is of vital importance to identify the procedures and proceedings which could be followed in the case. It must also be noted that not all criminal offences involve immoral conduct or damage to the public (Dine & Gobert 1993:7; 19).

From the above-mentioned offences which have already been discussed, it will suffice to pay attention to only one offence, namely, killing in the workplace. It was reported earlier in paragraph 2.2.5 that one of the educators attached to a school in Soweto gunned down another educator on the school premises. According to the report, the accused threatened the victim many a time before the actual killing. The principal who is the immediate human resource manager of the accused and the bureaucrats did not act pro-actively, though they were informed about the behaviour of the accused educator in time. The action of the accused constitutes a criminal offence in that it has the characteristics or aspects of a crime (Dine & Gobert 1993:18-22).

To differentiate this action from a civil action, it is deemed necessary to highlight the following: In this case the concern is the public wrong which was done by the accused, and the initiator of the suit which is the South African Police Services (SAPS) which took the decision to arrest the accused. After his arrest, the case was referred to the Protea Magistrates Court where the prosecutor brought formal charges against the accused. In this incident, the title of the case would be *S v Defendant*. The letter *S* stands for the State and defendant stands for the accused who is legally accused of murder. Because of its status, the State is referred to as a titular victim in a criminal case (Oosthuizen 1994:49, Dine & Gobert 1993:20-21).

In this case, moral fault and blame-worthiness are the main concerns. The State should therefore establish whether there was an intention to kill. Unlike the civil law, criminal law is concerned with carelessness or that which puts other people's lives in danger. If the accused intentionally missed or injured the educator he killed, he was still going to be charged with attempted murder. For the prosecutor to declare the action of the accused a criminal offence, he or she must first of all ascertain beyond reasonable doubt that it is indeed a criminal case. In a criminal case, procedures to be employed should be stricter than the procedures employed in a civil case, and the defendant should be allowed access to a lawyer. If found guilty, the penalty to be meted out may amount to a number of years imprisonment, depending on the presence or not of extenuating circumstances (Dine & Gobert 1993:20-22).

3.2.4 Constitutional law

In section 2 of the Constitution (No. 108 of 1996) it is stated that the Constitution is the supreme law of the Republic of South Africa. This means that all the laws of our country are subordinate to the Constitution. The Constitution of South Africa is underpinned by democratic values and principles, while the Bill of Rights is enshrined in it. The Bill of Rights and the democratic values and principles are very important for the human resource managers in the public education sector to know, and to manage human resource according to them (Jeffery 1997:5;8-9). The Bill of Rights, the democratic values and principles seem not to be observed or respected by employees in the public education sector in general and in schools in particular (cf. paragraphs 2.2.3; 2.3.1; 2.3.2; 2.3.3; 2.5.4 & 2.5.5).

The Bill of Rights which is the cornerstone of democracy in the Republic of South Africa is applied to all laws of the country. In all public-law relationships the person/party in authority must act with the public interest in mind because the Constitution or constitutional law has to do with the public interest (Neethling, Potgieter & Visser 1996:16, 31, 55). When the rights are to be exercised, principles of common law should be considered in order to promote the spirit, purport and objects of the Bill of Rights as set out in section 39(1)&(2) of the Constitution (No. 108 of 1996). In terms of section 34 of the Constitution (No. 108 of 1996), a person is allowed to lodge his or her case with the court if such person feels that his or her fundamental right entrenched in the Constitution has been violated (van der Waldt & Helmbold 1995:51).

From the foregoing exposition, it becomes clear that constitutional law which falls under public law deals, among others, with the contravention of the democratic rights of a juristic or natural person. As a component of public law, constitutional law has to do with the individual and the State (Neethling *et al.* 1996:16, 31, 55). As was discussed in paragraph 2.3.3 educators of a school in Hoopstad took an officer hostage to solve labour problems, despite the fact that they had other mechanisms at their disposal to solve labour problems (cf. sections 64(1) of the LRA, No 66 of 1995 & 23(2)(b)(c) of the Constitution, No. 108 of 1996). This was a crucial violation of human rights which might have been urgently and immediately interdicted by the High Court which would have freed the officer who was taken hostage and after that the law could have taken its course.

The dignity and other democratic rights of the officer were infringed in that the educators who were his subordinates humiliated him by swearing at him and intimidating him. The officer's right to freedom and security was violated by educators who held him hostage in the classroom, and who denied him the right to go to the toilet and to go to the restaurant to buy food. During the ordeal, the officer felt insecure because he was threatened, and psychologically tortured by his junior subordinates. The educators infringed the privacy of the officer in that they forced him to put up with them in the same classroom, when some of them were worthy to be called his children. Above all, they denied him the democratic right to freedom of movement (cf. sections 10; 12(1)(2); 13 & 21(1) of the Constitution, No. 108 of 1996).

3.2.5 Law of evidence

Sexual abuse of learners by educators is increasing to such an extent that it warrants attention. Cases of sexual abuse of learners mostly occur on the school premises where the culprits are educators into whose care a learner has been entrusted, and who are supposed to be acting in *loco parentis*. There is reason to believe that most of the cases of the learners who are sexually abused by educators are not reported. However, those that have been reported show that learners are indeed subjected to child abuse such as rape and public indecency (Swanepoel 2000:2).

Sexual intercourse with a minor constitutes a criminal offence irrespective of consent, and the act is regarded as rape which renders an educator who commits the act guilty of a criminal offence (cf. paragraph 3.2.3). The researcher attended the court hearing of the sexual abuse case discussed in paragraph 2.4.1, and it was found that a learner who was allegedly raped by an educator was from a broken home. This particular learner stays with her unemployed father who has been deserted by her mother. The proceedings, the findings and the verdict of the case are as follows:

- (a) **Offence** : Rape
- (b) **Case Number** : SHB 195/98
- (c) **Defendant** : Y*
- (d) **Title** : *S v Y*
- (e) **Finalising date** : 17 June 1999

* Y stands for the name of an educator who was accused of allegedly having raped a learner. His name can be found on the file whose case number is SHB 195/98 in the Welkom Magistrate court.

i) Facts and evidence

The presiding magistrate over the proceedings of this case which was put on trial in the Welkom magistrate court was M. Schutte, and the state prosecutor was S. Ferreira. The accused who was the educator in this case was represented by Advocate M. Stanley. It was alleged that the accused raped a thirteen year old girl attending the same school where the accused was teaching. Owing to the fact that the state prosecutor brought formal charges against the educator, the State acted as a titular victim (cf. paragraph 3.2.3). The educator was accused in accordance with the provisions of the Criminal Procedure Act (CPA) (No. 51 of 1977), and the proceedings were made easy for the learner and the accused in that they were allowed to speak in the language in which they were conversant through S. Modiroa who acted as an interpreter.

The accused denied that he had raped the learner, and on the basis of the evidence induced from the witnesses, the witnesses' statements and the medical report, the presiding magistrate acquitted the educator of the charge of rape. According to the learner, she was raped by the educator on Friday afternoon - a day on which the school had a film show. In terms of the records of the school, the date on that day was 15 May 1998. In other words, the learner was allegedly raped on 15 May 1998. The learner was not taken to the medical practitioner immediately after the alleged rape. Instead she went to see him on 27 May 1998.

In spite of the fact that the doctor found that the learner was no longer a virgin, it was difficult for him to detect whether she was raped or not because she had since washed herself after the alleged rape. Furthermore, it can be said that another factor that influenced the responses of the learner was the level of maturity. Immaturity contributed to stating facts illogically. She, for instance, told the doctor that she was raped on Friday. Counting the days back on the calendar from 27 May 1998, the first Friday was that of the 22 May 1998, so the doctor recorded 22 May 1998 as the date on which she was raped, and this date did not agree with the statement she made at the police station namely that she was raped on 15 May 1998.

When she was further cross-examined by the prosecutor and the accused's lawyer, she said that she was raped on 18 May 1998. According to the statement made by one of the witnesses, and who is also one of her classmates, the complainant told her that she was nearly raped by the accused. Even here, it could be argued that as a young girl, who has respect for her teacher, she was scared of being frank, and mention must also be made that the witness did not want to

involve herself in a case where a learner and an educator were featuring because at one stage she told the court that when the complainant related the rape story to her, she told her that she must stop talking about the educator because she did not want to discuss an issue which involves an educator.

In the statement she made to the police, the complainant said that she was standing next to the hall with her two friends on Friday afternoon - on the day the school staged the film show, and that she was called by the accused to the staff-room. According to the complainant, in the staff-room the accused wanted to know whether she was in love with someone. Upon denying that she was, the accused told her that as from that day they would be lovers. He then instructed her to go to the Grade One classroom which is far from the hall where the function was held. It is in this classroom where the alleged rape took place. In the statement which the complainant made to the two female educators of the school, she said that the accused had sent her to fetch him water which she was to deliver to the Grade One classroom where the accused would be waiting for her.

When asked whether she screamed, or whether her clothes were torn while being raped, the complainant responded by saying that she indeed screamed while she was being raped. As regards to the issue of clothes, she told the court that they were not torn because the accused instructed her to take her panties off before raping her. The deduction which is made here is that the little girl who was staying with her unemployed father, and whose mother had left her and her father, consented to have sex with the accused in order to secure a source of income, unaware that she was being sexually abused and exploited.

ii) Decision

Schutte M. SHB 195/98:

The court found that it was not clear as to the date on which the alleged rape did take place. It was also not medically confirmed that the complainant was indeed raped because she went to see the medical practitioner long after she had washed herself. The statements she made to the police, to the two female educators of the school and to the witness were contradictory. Another thing that made the court decide in the accused's favour was that it found it very strange that the complainant's screams were not heard by anybody, even by the factotum who was said to have

been working nearby, and that the complainant did not report the rape incident to anyone or any teacher before leaving for home on that day. Having considered the aforementioned points and facts, the accused was discharged in compliance with section 174 of the CPA (No. 51 of 1977).

iii) Comment

The principal of the school did not manage this case as he should have. After a thorough investigation it was found that the case was reported by somebody else to the police, not the principal. This case serves as an eye-opener to human resource management practitioners that learners who are alleged victims of rape should consult a medical doctor immediately before washing themselves, and that the victims must be subjected to counselling prior to the court hearing.

However, it must be made clear that, in terms of section 17(2) of the EEA (No. 76 of 1998), the Department of Education has the right to take disciplinary action against the educator in spite of the fact that he was acquitted by the court on the charge of rape. Finally, a fine not exceeding one month's salary or dismissal and the removal of the educator from the register of SACE for a specified period or indefinitely can be imposed by SACE on the educator (section 5(iii)(bb)(cc) of the SACEA, No. 31 of 2000).

3.2.6 Private law

Private law has been in existence since time immemorial, and it developed as an entity from Roman law (Neethling, Potgieter & Visser 1996:47-50). Private law aims at looking into the relationships that exist among legal subjects. There are however concepts and institutions that are found in private law, which are similar to those found in other law disciplines. Persons are legal subjects because the relations that exist between them are governed by the law. A legal subject is any individual, irrespective of his or her gender, age, belief, mental capacity and ability; while a juristic person is any association or organisation e.g. companies, banks, schools, universities, School Governing Bodies, and the South African Broadcasting Corporation (Cronjé 1994:7,9, Bray 2000:14-15).

In this study, learners as natural persons, with regard to the right to *corpus* or body, will be looked into. The action of SADTU as a juristic person will also be given attention. The rights of

an individual which are catalogued in Chapter 2 of the Constitution (No. 108 of 1996), under the Bill of Rights will be alluded to in the discussion of the law of persons. According to Cronjé (1994:3-4) the law of persons has norms of conduct which regulate the behaviour of persons. For example, it is not permissible for a person to drive a car while under the influence of alcohol. There are relationships among legal subjects which are governed by the law of persons. These relationships have to do with the rights of the legal subjects. A person has for an example, the right to own property, which must be respected by another legal subject.

It must be mentioned up-front that the Bill of Rights renders more protection to personal rights because they are fundamental rights which have to be recognised by both the state and government schools - in the vertical relationship and between persons in the private law relationship or a person respecting another person's rights - in the horizontal relationship.

For example, in section 12(1)(d)(e) of the Constitution (No.108 of 1996) it is categorically mentioned that everybody has the right not to be tortured in any way and not to be treated or punished in a cruel, inhuman or degrading way. The state or government schools are obliged to legally protect the body or *corpus* of a learner from any assault. However, in paragraph 2.4.7, it is indicated that three educators of a school whipped an eleven year-old learner repeatedly till he sustained bodily injuries, in spite of the fact that section 12(1)(d)(e) of the Constitution (No. 108 of 1996) and section 10(1)(2) of the South African Schools Act (No. 84 of 1996) prohibit corporal punishment.

In another incident which is also discussed in paragraph 2.4.7, an educator meted out an outlawed corporal punishment in terms of sections 12(1)(d)(e) & 28(1)(d) of the Constitution (No. 108 of 1996) and section 10(1)(2) of the South African Schools Act (No. 84 of 1996) to a seven year-old girl and harmed her. The grievous bodily harm was so severe that the girl had to be taken to the hospital. The pain the two learners suffered as discussed above is viewed in a serious light, and is liable to be awarded compensatory damages by a court of law or the state (cf. section 7(2) of the Constitution No. 108 of 1996).

A person can suffer bodily harm or *iniuria* as a result of rape. The cases of alleged rape which are discussed in paragraph 2.4.1 refer. In the discussion, it is alleged that a principal of a Soweto school raped a nine-year old school girl attending his school. It is assumed that the raping of this girl by the principal caused pain because the principal could have not raped the nine-year old girl

without forcing sexual penetration against the little girl's consent. The right of this girl, as set out in section 28(1)(d) of the Constitution (No. 108 of 1996) namely to be protected from maltreatment, neglect, abuse or degradation was violated. The violation of dignity as mentioned in section 10 of the Constitution (No. 108 of 1996) occurred because the principal could not have raped the little girl without soiling her with his sperms and without kissing her against her consent.

The right to bodily and psychological integrity which includes the right to security in and control over the body of the little girl as set out in section 12(2)(b) of the Constitution (No. 108 of 1996) was violated. The raping of the little girl by the principal constitutes bodily harm which caused the girl to lose sentiment and to experience feeling of out-range. Because of this serious bodily violation it was reported that the little girl was traumatised, and she had to be given counselling (cf. paragraph 2.4.1). The report went further to say that subsequent to the raping of the nine-year old girl a criminal charge was laid against the principal.

As set out in section 11 of the Constitution (No. 108 of 1996), a legal subject has the right to life. In terms of this section, it is unconstitutional and a criminal offence to take the life of a person by killing her/him. In paragraph 2.2.5, it was indicated that one of the educators at a school in Soweto outside Johannesburg gunned down three educators in the staff-room, and killed one of them. The killing infringed on the right to life of the killed educator as a legal subject, and the injured educators suffered bodily harm.

Section 12(1)(c)(d) & (2)(b) of the Constitution (No. 108 of 1996) stipulates that every person has the right to freedom and security of the person which includes the right to be free from all forms of violence and not to be tortured in any way. Furthermore, it stipulates that every person has the right to bodily and psychological integrity which includes the right to security in and control over their body. The education officer who was taken hostage (cf. paragraph 2.3.3), was psychologically harmed by the educators who took him hostage because he was threatened by violence which caused fear. Emotional anxiety came about as a result of threats.

The education officer was psychologically tortured in that the educators used insulting remarks which caused emotional shock. The fear and emotional shock from which the education officer suffered affected his physical-mental well-being. The educators who took the officer hostage furthermore infringed on his right to security and control over his body. For example, the officer

could not move his body freely by going to wherever he wanted to go. The education officer's inherent dignity and the right to have his dignity respected and protected as set out in section 10 of the Constitution (No. 108 of 1996) were violated in that he was forced by the situation wherein he found himself to sleep in a classroom which he shared with teachers who took him hostage.

The foregoing discussion concerned natural persons. At this juncture attention is paid to a juristic person who has the following characteristics: *continuous existence*, (a school exists continuously irrespective of its members who change from time to time); *possessing property* (a school is a juristic person because it possesses property which has been provided by the School Governing body or the State); *does not acquire gain*, (a school does not make any financial gain when teaching and educating learners). Other organisations which do not make gain, and which are classified as juristic persons are the Education Labour Relations Council (ELRC) and trade unions. SADTU, whose activities have been discussed in this research project, is therefore a juristic person because it has the three characteristics mentioned above (cf. paragraph 2.3.1).

In section 25(1)-(9) of the Constitution (No. 108 of 1996), it is alluded that every person has the right to own property, which must be respected by another legal subject. It is contravention of section 21(1) of the Constitution (No. 108 of 1996), if another person damages or destroys the property of another person, because such act is tantamount to depriving a person of property. In addition to this, the act constitutes the crime of malicious damage to property.

As discussed in paragraph 2.3.5, the members of SADTU (a juridical person) maliciously damaged the property of the state (juridical person) during an industrial action. The damage of property by the members of this particular union is viewed in a serious light in terms of section 25(1) of the Constitution (No. 108 of 1996), and if steps were taken against the members of this union, they could have been held liable for malicious damage to property (cf. Picture 2.1).

3.2.7 Case law

There are legal subjects in education such as the learners, the educators, the education officials, the state and the parents who are liable to the law. The cases of these legal subjects are tried in the different courts should they transgress the law. Discussing case law without looking into the different courts that deal with cases in South Africa may cause confusion. In terms of section 166(a)-(e) of the Constitution (No. 108 of 1996), there is a hierarchy of courts which deal with all

judicial matters. These courts are the Constitutional Court, the Supreme Court of Appeal, the High Courts, the Magistrates Courts or any other court established in terms of the Act of Parliament.

The courts are independent bodies which are subject to the Constitution and the law. It is because of this independence that nobody or no organ of the state may interfere with the function of the courts. It must also be mentioned that the courts are protected by legislation in order to ensure impartiality, dignity, accessibility and effectiveness. For instance, an order, a ruling or any decision given by any court in South Africa must be obeyed or carried out by the person concerned, failing which such person is charged with contempt of court (cf. section 165(1)-(5) of the Constitution, No. 108 of 1996).

Case law has two characteristics, namely, the doctrine of precedents or *stare decisis* and the legal principles on the basis of which decisions were taken or *ratio decidendi* as they are sometimes called. The doctrine of precedents means that the decisions taken by a higher court are binding over courts that are over the lower level. For example, the decisions of high courts, including any high court of appeal are binding over the Magistrates' Courts and any other lower courts established in terms of an Act of Parliament. In South Africa the highest court is the Constitutional Court whose decisions are binding over all courts (Oosthuizen 1994:47).

The principle of *ratio decidendi* means that the courts have a reason or reasons for passing judgement, and these form precedents. This means that the lower courts will in future consider the reason or reasons which were used by higher courts when passing judgement. It must be noted that all the proceedings of the Constitutional Court and that of the Supreme Court are recorded in the volumes of law reports. These law reports are the sources which contain case law. It is also notable that in the provinces, the decisions of the provincial supreme courts are binding over the lower provincial courts of that particular province, but not over the lower courts of other provinces (Oosthuizen 1994:48, Bray 2000:55).

An example of a case of which the decisions and reasons would be binding over the lower courts is the one discussed in paragraph 3.2.4, should the officer have taken the Department of Education to the other courts, for example High Court first, because the case concerns constitutional matters such as the right to dignity, privacy, freedom of movement, after this it would then have gone to the Constitutional Court. This case could have been recorded in the law

reports for further reference. Its title would have been indicated as *the Officer (his surname) v Free State Department of Education*.

Regarding the rape case (cf. paragraph 3.2.5) which was put on trial in the Magistrates' Court, the magistrate who presided the proceedings made decisions which are not reported in the law reports. However, but the proceedings are kept on record and there is nothing to prevent other lower courts in the same province from following the verdict of the first court. The lower courts are established or recognised in terms of an Act of Parliament, including any court of a status similar to either the High Courts or the Magistrates' Courts (cf. section 166(e) of the Constitution, No. 108 of 1996).

Another example of a case of which the decision will be binding on those who smoke dagga, and who were discussed in paragraph 2.2.6 is that of a man called Gareth Prince who recently asked the Appeal Court in Bloemfontein to allow him to smoke dagga while practising as an attorney (Reckard 2000:6). This man claimed that the smoking of dagga was a religious requirement for Rastafarians. However, five judges of the Appeal Court turned down his request. The court indicated that the smoking of dagga including cannabis was dangerous to society, and that the law was obliged to protect everybody in South Africa, including the Rastafarians, from the harm that could be inflicted by dagga (Rickard 2000:6).

3.2.8 Labour law

The sources of labour law are the Constitution (No. 108 of 1996), common law, case law and public law. It must also be mentioned that, among others, the following Acts form part of labour law: Employment Equity Act (No. 55 of 1998); Labour Relations Act (No. 66 of 1995); Employment of Educators Act (No. 76 of 1998); Basic Conditions of Employment Act (No. 75 of 1997) etc. The aim here is to look into what the labour law has to say with regard to the termination of educators' employment, or to be precise, the dismissal of educators.

In paragraph 1.5.9 the word dismissal was defined. It will therefore be unnecessary to define it. The following are *inter alia* the grounds for which an educator can be dismissed or discharged by his or her employer: on account of ill-health; appointment on probation; incapability; and on account of misconduct (cf. sections 11(1)(2), 12(1)(3), 13(1)-(3), 14(1)-(10) & 17(1)-(3) of the EEA, No.76 of 1998). The main aim here is to discuss dismissal on account of misconduct. The

other grounds for which an educator may be dismissed will therefore not be entertained. It must also be noted that fair and unfair dismissal of educators will be given attention to.

When the human resource manager in the public-education structure has decided to recommend the dismissal of an educator, it is necessary for him or her to make sure that what is decided upon is in accordance with the relevant provisions of the sections of the EEA (No. 76 of 1998) and LRA (No. 66 of 1995). This is very important because in terms of section 33(1) of the Constitution (No. 108 of 1996), everyone has the right to administrative action that is lawful, reasonable and procedurally fair.

A human resource manager may dismiss an educator on the basis of section 14(1)(a) of the Employment of Educators Act (No. 76 of 1998) which stipulates that an educator who absents him/herself from work for 14 consecutive days without the permission of his/her employer is treated as having dismissed him/herself. However, section 34 of the Constitution (No. 108 of 1996), stipulates that everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing, before an independent and impartial tribunal or forum. Such educator would therefore still have recourse to the law.

Secondly, a human resource manager who dismisses an educator without giving him/her a hearing contravenes section 35(3)(a), (c), (e) & (f) of the Constitution (No. 108 of 1996) which stipulates that every accused person has a right to fair trial, which includes the right to be informed of the charge with sufficient detail to answer it, to a public trial before an ordinary court, to be present when being tried and to choose, and be represented by, a legal practitioner [in the case of disciplinary hearing, by a fellow employee or a union representative], and to be informed of this right promptly.

Earlier in the research project, educators' actions, which seem to be falling within section 17(1) of EEA (No. 76 of 1998), and some which might have been recorded in case law were discussed. The human resource managers should consider rules and procedures which will determine whether an educator is liable for dismissal. Before an attempt can be made at looking into the dismissal of educators on the grounds of misconduct, the following actions which may constitute the reason for dismissal are mentioned: transgression of codes of conduct; misconduct stemming from protest actions; insubordination as a dimension of misconduct and phenomena having a bearing on misconduct (cf. paragraphs 2.2; 2.3; 2.4; 2.5; & 2.6).

As has already been mentioned, a school is an organisation which has a hierarchical structure (cf. Figure 2-2). All the human resource managers in the different levels of the school structure, manage cases of misconduct. The principal as an immediate manager must make sure that the necessary steps are followed before the case is reported to the district level. Sch. 8, item 4(1) of the Labour Relations Act (No. 66 of 1995) is clear on this point. Among others it stipulates that the principal should notify an educator of the allegations against him or her using a form and language that an educator can reasonably understand.

An educator should be allowed the opportunity to respond to allegations (cf. section 34 & 35(3)(a) of the Constitution, No.108 of 1996). In addition to this, it must be mentioned that an educator is entitled to a reasonable time to prepare the response and to the assistance of a trade union representative or fellow educator (cf. section 35(3)(b) of the Constitution, No.108 of 1996). With regard to internal disciplinary hearing, the principal should communicate the decision taken, and preferably furnish an educator with written notification of that decision. In any case, the educator has a right to access to the reason for such decision (cf. section 32(1)(b) of the Constitution, No. 108 of 1996).

If a principal has satisfied himself or herself that the necessary steps with regard to misconduct committed by an educator have been followed, and that reasons surrounding the case which has been established are fair, the charge of misconduct is referred to the District Manager, who in turn will refer it to the Director for Human Resources at the Provincial level (cf. Figure 3-1).

After satisfying him/herself that the allegations need to be investigated, the Director for Human Resources appoints an investigation team. If the investigation findings warrant a hearing, a disciplinary tribunal which should be objective, reasonable and fair in judging the misconduct case is set up (Upex 1994:147). If the disciplinary tribunal proves on a balance of probabilities that the educator is guilty of misconduct, or if the educator admits to the charges, the recommendations of the sanctions are forwarded to the Head of Department or the Member of the Executive Council (MEC) for education as an employer (cf. sections 1(vi)(b) & 24(2)(a)(iv) of the EEA, No. 76 of 1998).

The Head of Education or the MEC for education may, after considering the documents, discharge the educator from service or implement any sanction that has been recommended by the

disciplinary tribunal or reject it if (s)he deems it necessary to do so (cf. section 24(2)(iv)(3) of the EEA, No. 76 of 1998). The educator concerned has the right to appeal to the Minister or the MEC for education against the findings of the disciplinary tribunal. The Minister or the MEC for education may dismiss the appeal or uphold it (cf. section 25(1)-(5) of the EEA, No. 76 of 1998).

Thirdly, a human resource manager should take into consideration section 185 of the Labour Relations Act (No. 66 of 1995) which categorically stipulates that an employee has the right not to be unfairly dismissed. In terms of section 188(a)(b) of the Labour Relations Act (No. 66 of 1995) unfair dismissal occurs when the employer fails to prove that the reason for dismissal is fair related to the employee's conduct or capacity, or based on the employer's operational requirements, and that the dismissal was effected in accordance with a fair procedure.

To belong to a trade union and to participate in its activities does not constitute misconduct. An educator who is dismissed because of his or her belonging to a trade union is unfairly dismissed. If an employer dismisses an educator without having given him or her the opportunity to state his or her side of story or without having written a warning to him or her, such dismissal will automatically be considered as unfair. On the other hand, dismissal is unfair if it is based on personal feelings of the employer, instead of the facts emanating from the fair procedures and proceedings.

The action of an educator shall not constitute insubordination if he or she refuses to teach the subject for which he or she has not been trained, in the situation where an educator who teaches that particular subject is absent. Should the employer dismiss such educator, the dismissal will be referred to as an unfair dismissal (Fouché 1998:279-281 & section 187(1)(2) of the LRA, No. 66 of 1995).

3.3 Legal aspects of managing misconduct

3.3.1 Systems and procedures

A system is a method of connecting parts in order to make a whole. In administering education affairs at a school level, the principal connects all the activities of a school systematically. When the affairs of a school are treated fairly and within the reasonable time which allows the decision to be taken, in accordance with the rules and the policy of that particular school, such process is

referred to as a procedure (Carrell *et al.* 1995:784). Systems and procedures to be followed in administering the school affairs are laid down in circulars, regulations and some statutes. A principal of a school manages systems and procedures on a daily basis. It is therefore expected of a principal to manage systems and procedures effectively and efficiently in order to ensure sound labour and human relations (Greenberg & Baron 1997:15;159).

Before an educator can be charged with misconduct, all the human resources managers from the lower level to the upper level of the hierarchical structure should employ the systems and procedures that are in place (cf. Figure 3-1). A principal who is an immediate human resource manager at school level should take precautional measures before a case of misconduct is reported to the District office, because such a case may not hold in court if procedures are not followed. It is incumbent on the principal to discuss the rules, regulations, and the school policy with the educators before any step is taken against the transgressors. For example, educators should be made aware that alcohol does not go with work; that late coming and absenteeism retard the progress of the school; that abusing learners sexually is taboo; that political activities in the workplace are not allowed; and that contravening financial control regulations is punishable (Dessler 1997:596).

The second chapter of this research project revealed that some educators are ill-disciplined. Punitive disciplinary measures should not be applied before a principal follows the necessary procedures that are prescribed, including counselling, when managing misconduct. The fact that a principal is responsible and accountable suggests that he or she is responsible for drawing up development programmes or for organising workshops that would improve the behaviour of his or her educators (cf. section 2(1)(c)(d) of the Skills Development Act (SDA) (No. 97 of 1998). In the training sessions, the educators concerned could discuss problems related to their behaviour which affect their performance. This could be done by using a method referred to as sensitivity training, which is a technique that could make educators understand their own behaviour, and the impact it has on other educators and on labour relations (Greenberg & Baron 1997:564-567).

Following a principal's explanation of the norms and standards, as well as the training of his or her educators in issues that are related to discipline, it is then that disciplinary steps could be taken against an educator who does not want to comply or conform with the accepted standards of the school. Labour unions that are operating within a school are a reality, and one cannot ignore this fact. Most of these unions have site committees attached to a school. The site committee should

therefore be allowed to discuss issues relating to their member's disciplinary action with the principal (Dessler 1997:596). Despite the fact that SASA (No. 84 of 1996) does not afford the School Governing Body the opportunity to discuss disciplinary issues with the educator concerned, the principal should involve them in order to maintain sound human relations (cf. section 20(1)(2)(3) & 21(1)-(6) of the SASA, No. 84 of 1996).

Section 33(1) of the Constitution (No. 108 of 1996) stipulates that everyone has the right to administrative action that is lawful, reasonable and procedurally fair. Among others, fair procedure, in terms of Sch. 8, item 4(1) of the Labour Relations Act (No. 66 of 1995) means that the employee should be allowed the opportunity to respond to the allegations. This is done by writing a letter to him or her, in order to afford the educator the opportunity to put his or her case in writing, in which he or she explains as to why he or she persistently comes to school late or whatever the case may be (Dessler 1997:598, Squelch 1999:29-30).

An example of a letter that could be written to an educator who has contravened the provision of section 17(1)(m) of the EEA (No. 76 of 1998) is as follows (cf. paragraph 2.2.4):

Institution's Address

Mr/Mrs/Ms _____

Dear Mr/Mrs/Ms _____

ALLEGED UNAUTHORISED LEAVE

It has come to my attention that you were absent from your duty without leave or valid reason on/from..... This action is viewed in a serious light due to the fact that you have contravened section 17(1)(m) of the EEA (No. 76 of 1998). The school is considering instituting proceedings to the effect of leave without pay.

You are therefore afforded the opportunity to comment in writing within seven calendar days after receiving this letter why I should not give you leave without pay for the said period. In failing to submit the said response, I will take it that you agree to the granting of leave without pay for the above stated period.

Please forward your reply to the Principal at the above mentioned address.

Principal's signature:

Receiver's signature:

Date:

Date:

The case is then reported to the District Office with all the facts surrounding it, including the letter of response from the educator. If the educator refuses to respond to the letter which afforded him or her the opportunity to state his or her side of the story, the principal can nevertheless proceed with the case, and he or she should include the letter in which he or she explains that the educator in question was afforded such opportunity, but he or she failed to respond (cf. paragraph 3.2.2). After studying the documents, and satisfying itself that systems and procedures were effectively managed by the principal, the District Office must forward all the documents to the Human Resource Director at Provincial level, who in turn will study the documents of misconduct (Carrell *et al.* 1995:710-712).

Having satisfied himself or herself that the case holds water, the Human Resource Director will appoint in writing one of the human resource managers as the investigating officer to investigate the case by obtaining evidence in order to determine whether there are grounds for which the educator concerned could be charged with misconduct. The investigating officer is expected to report to the Human Resource Director following the completion of the investigation. During the investigation of the case, it is not permissible for the investigating officer to cross-question the educator concerned without ascertaining from him or her whether he or she was prepared to respond to questions without assistance from a representative. The educator concerned has the right to remain silent should the investigating officer ask questions that make the educator concerned feel that the response will be used against him or her in future (cf. section 18(1)(2) of the EEA, No. 76 of 1998).

3.3.2 Formulation of misconduct charges

A charge of misconduct is formulated after the investigating officer has forwarded the documents of misconduct to the Human Resource Director following the investigation (cf. paragraph 3.3.1). If the human resources director is of the opinion that there was reasonable fairness and that the misconduct which was investigated constitutes reasons to continue with the case, the charge of misconduct is formulated in writing. A letter that charges the educator concerned is delivered to

him or her, and it is handed over to him or her in the presence of a witness. The educator concerned must sign both the original letter and the copy thereof. The educator concerned keeps the original letter, while the copy is filed in the educator's personal file (section 19(1)(2) of the EEA, No. 76 of 1998).

On the charge sheet, the educator concerned is instructed to write a letter within 21 days after the receipt of the charge sheet to the Human Resources Director in which he or she denies or admits the charge. It is also expected of the educator concerned to give explanations when responding to the charge of misconduct. It must be noted that the educator concerned has the right to refuse to give his or her explanations in his or her response. It is incumbent on the Human Resource Director to inform the labour union to which the educator concerned belongs about the charge. If the educator concerned admits the charge, he or she will be regarded as guilty of misconduct (section 19(2)-(5) of the EEA, No. 76 of 1998).

Examples of the charge sheet and a letter which instructs the educator concerned to respond within 21 days after the receipt of both the letter and the charge sheet are given below. Note that the case of misconduct is based on the discussion in paragraph 2.2.4 of the research project.

The Address of the Human Resource Director

Mr/Mrs/Ms _____

ALLEGED MISCONDUCT

You, (the name of an educator concerned), employed by the Department of Education and therefore an educator as defined in section 1(v) of the EEA (No. 76 of 1998), hereafter referred to as the Act, are hereby, and in terms of section 19(1)-(5) of the Act charged with the following misconduct:

Charge 1

You are guilty of misconduct in terms of section 17(1)(m) of the Act in that on or about X date (the actual date on which the misconduct was committed) you were absent from duty without leave or valid reason when you did not report for duty.

Alternative to charge 1

You are guilty of misconduct in terms of section 17(1)(b) of the Act in that on or about X date (the actual date on which the educator concerned was absent) you performed or caused or permitted to be performed or connive at any act which is to the prejudice of the administration, discipline or efficiency of any department, office or institution of the *State* when you did not report for duty.

A directive calling on the educator concerned to respond to the charge

You are hereby requested, in terms of section 19(2) of the Act, to send or deliver a written admission or denial of the above-mentioned charge with which you are charged, within twenty one (21) calendar days after receiving this charge sheet. Such admission or denial and/or representation is to be made to: The Head of Department (give his or her address in full). Your attention is also drawn to the provisions of sections 19(5) and 21(1) of the Act. It must be noted that the contents and the facts pertaining to the charge sheet are based on section 19(1)-(5) of the EEA (No. 76 of 1998).

The Human Resources Director is empowered by the provisions of the EEA (No. 76 of 1998) to suspend an educator before or after the formulation of the charges against such educator, if there are grounds which cause the Human Resource Director to feel that the educator concerned should be suspended. Before suspending an educator, the *audi alteram partem rule* is applied i.e. the Human Resource Director informs the educator concerned about the suspension in writing, furnishing him or her with reasons as to why he or she is to be suspended, and he or she is given 14 days within which he or she must tell the Human Resource Director why he or she should not be suspended. Having received a letter from the educator concerned, the Human Resource Director considers provisions of the EEA before suspension is instituted. The educator concerned is suspended in writing if there are grounds which validate suspension (section 20(1)-(3) of the EEA, No. 76 of 1998).

Example of a letter in which the reasons for the intended suspension are furnished, and which should be responded to within 14 days as well as a letter which suspends an educator concerned are given below:

A letter stating reasons for the intended suspension

The Human Resource Director's address

Mr/Mrs/Ms _____

Dear Mr/Mrs/Ms _____

Intended suspension on account of alleged misconduct

The Department is considering suspending you with salary in accordance with section 14(2) of the EEA (No. 76 of 1998), pending a departmental investigation regarding a minor's sexual abuse charge against you. Before the Department may suspend you with salary, you are afforded the opportunity to submit to the Department all the facts relevant to this issue which may influence the Head of Department with regard to the envisaged suspension.

If there is anything that you want to bring to the attention of the Head of Department which might change his or her decision, you may write a letter to him or her, in which you explain everything to him. Note that the correspondence should reach him or her within 48 hours after the receipt of this letter. His or her address is as follows: (Give the full address of the Head of Education).

If the Head of Department does not receive a letter from you within 48 hours after you have been given this letter, the decision will be made without your response. You are therefore advised to view this in a serious light.

Your co-operation in this regard is highly appreciated.

.....
Human Resources Director

Recipient's signature:

Date:

Date:

A letter suspending an educator concerned

Address of the Human Resource Director

Mr/Mrs/Ms _____

Suspension with immediate effect

Subject to section 14(2) of the EEA (No. 76 of 1998), the decision has been taken that you be suspended with salary from duty with immediate effect, pending a departmental investigation into the alleged sexual abuse you committed against a minor.

You may under no circumstances visit or enter any building, office or institution of the Department without the permission of the Head of Department.

Your co-operation in this regard is highly appreciated

.....
Human Resource Director

Date:

The above-mentioned letters are based on the sexual abuse of a learner which was discussed in paragraph 2.4.1.

3.3.3 Disciplinary hearing

After the initial steps have been taken in terms of the charge of misconduct contemplated in paragraph 3.3.2, the next step to be taken will be the inquiry by the Disciplinary Tribunal. The tribunal is a group of people consisting of one or more of the educators working with the one charged with misconduct, and management representatives from the Human Resource section at provincial level (cf. Figure 3-1). The Human Resource Management representatives should be conversant with the policies, the systems and procedures that are in place, so that they are able to explain them, where necessary, to other members of the panel (French 1994:511-512). To be more specific, there should be a chairperson, someone acting as a prosecutor, and two other persons who shall be nominated by the educator concerned. If the educator concerned belongs to a trade union, the two persons shall be union representatives (section 21(1) of the EEA, No. 76 of 1998).

The chairperson of the disciplinary tribunal shall decide upon the time and place where the disciplinary hearing must be held. All of the above is done in consultation with the Head of Department. The educator concerned will be given 14 days' notice in writing of the time and place where the disciplinary hearing will be held. The trade union to which the educator concerned belongs shall also be told about the disciplinary hearing. The disciplinary tribunal will

summons any person who might have information which may assist them in handling the disciplinary hearing, as well as the documents or anything recorded in the administrative books like the logbook, the time register, the appraisal record etc. All the persons who are summonsed to the disciplinary hearing shall be asked questions to adduce information that may help in resolving the issue at hand. All records, in the form of books or documents shall be perused in order to find information relevant to the issue at hand (section 21(2)(3) of the EEA, No. 76 of 1998).

The letter which summons the educator concerned will be signed by the chairperson of the Disciplinary Tribunal, or any person designated by the chairperson. The letter will be posted by registered mail or it may be handed over to the educator concerned in the presence of a witness. When questioning the individuals who have been summonsed, as well as perusing books, objects and documents, the law relating to privilege should apply. The Head of Department has the right to call on any person to attend the inquiry into the charge of misconduct. Such a person may cross-question the educator concerned, as well as the witnesses in order to adduce evidence surrounding the case of misconduct (section 22(1)(2) of the EEA, No. 76 of 1998).

The educator concerned has the right to be present, to be assisted and represented by another person, to call witnesses, to ask questions to any person who supports the charge, and to have access to documents that implicate him or her. The records of the proceedings as well as the evidence emanating from the disciplinary hearing should be kept by the Disciplinary Tribunal. Subsequent to the inquiry, the Disciplinary Tribunal will determine whether the educator concerned is guilty or not. Should the Disciplinary Tribunal find that the educator concerned is guilty or not guilty of misconduct, such educator will be told about the findings which shall be forwarded to the Head of Department with the Disciplinary Tribunal's recommendations (section 23(a)-(c) of the EEA, No. 76 of 1998).

A letter summonsing an educator concerned to attend a disciplinary hearing

Address of the Human Resource Director

Mr/Mrs/Ms _____

Dear Mr/Mrs/Ms _____

In terms of section 21(3) of the EEA (No. 76 of 1998) you, (the name of educator concerned) are hereby given notice to appear on (the date on which he or she must appear) at (the commencement time) at the (the place where the disciplinary hearing will be held), before the disciplinary tribunal appointed in accordance with section 21(1)(b) of the EEA (No. 76 of 1998), where a disciplinary hearing is going to be conducted in respect of the alleged misconduct you have been charged with on (the date which appear on the charge sheet and on the letter which afforded the educator concerned the opportunity to state his or her side of story as contemplated in paragraph 3.3.2. Note that the procedures and your rights during the proceeding are catalogued in section 22(1)(2) of the EEA (No. 76 of 1998).

Your co-operation in this regard is highly appreciated.

.....
Head of Department

Date.....

Signature of the educator concerned..... Signature of the Witness.....

Date:

Date:

3.3.4 The role of the governing body

Figure 2-2 clearly shows that the School Governing Body (SGB) is not in the line function. The reason being that this body does not manage the school but governs it (cf. section 16(3) of SASA, No. 84 of 1996). The word govern among others means to rule as contemplated in section 16(1) of SASA (No. 84 of 1996). In other words, the School Governing Body stands in a position of trust towards the school (section 16(2) of SASA, No. 84 of 1996). Someone who is a governor or ruler has powers and responsibilities. It is therefore, expected of a ruler to protect, to supply basic needs, to develop and to improve his or her organisation and the well-being of his or her subjects. Most of the black parents who serve on the SGB cannot deal with the wayward educators because they do not have legal power to handle teacher misconduct (A concerned parent 1999:12).

The School Governing Body is empowered by the provisions of SASA (No. 84 of 1996) to recommend the appointment of an educator. But when it comes to discipline, the School Governing Body has no say whatsoever. In other words, they are not empowered by the Act to recommend the dismissal or the suspension of an educator, in spite of the fact that they

recommend the appointment of an educator or non-educator staff (section 20(i)(j) of SASA, No. 84 of 1996). If one has to consider the functions of the School Governing Body listed in section 20(1)-(3) of SASA (No. 84 of 1996), it becomes clear that it is illegal and unlawful for the School Governing Body to summons an educator to an internal disciplinary hearing. For instance, the School Governing Body of a school in Daveyton, on Gauteng's East Rand acted *mala fide* and *ultra vires* by suspending an educator while sorting out differences that existed between educators at that school (cf. paragraph 2.5.3).

The provisions of section 20(1)(a) of SASA (No. 84 of 1996) confer upon the Governing Body the function to promote the best interests of the school and its development by providing quality education for learners. It is really ironical to say that the Governing Body is to see to it that quality education is provided, when they are not empowered to discipline educators who in actual fact are the people who should see to it that quality education is provided. The Act does not give direction as to how the Governing Body should deal with an educator who refuses to carry out instructions; an educator who does not want to submit to authority and control; an educator who abuses alcohol and an educator who sexually abuses learners (cf. paragraphs 2.2.2; 2.2.4; 2.4.1 & 2.5.1).

The functions and the powers of the Governing Body need to be reviewed if stability, order and discipline are to be established and maintained at schools. However, Gantsho (1998:15) feels that this is not possible because people who make decisions in the Education Labour Relations Council are mostly from the SADTU camp. As a result of this, parents are deprived of the opportunity to make important decisions with regard to misconduct committed by educators. This has caused a lot of dissatisfaction among parents who are also not satisfied with the limited functions and the powers vested in the SGBs (A concerned parent 1999:12).

Parents complain, for instance, that they are not involved in discussing and debating policies and bills before they are formulated and passed. They furthermore complain that when a case of misconduct is investigated, only the views of educators are considered, and that no one takes cognisance of the fact that the parents' children pay the worst price for the unbecoming behaviour of educators discussed earlier in this research project as well as educators' resistance to authority and control (Concerned Parent 1999:12). With regard to disciplining an educator, the principal may, if he or she so wishes, involve the Governing Body, more especially when the principal's intention is to warn the educator who persistently commits the same offence. But in reality, the

School Governing Body does not play a role in disciplining educators (cf. section 20(1)-(3) of SASA, No. 84 of 1996).

3.3.5 The role of the principal

The principal of a school is an immediate supervisor who manages human resources at school level (cf. Figure 3-1). The principal is not empowered by any provision of any Act to dismiss or to suspend an educator on account of misconduct. As the head of the school, the principal's role is to manage potential misconduct by staff members and report incidents. This could be done by effectively maintaining discipline and exercising authority over human resources. Principals should perceive discipline as a learning opportunity for educators, not as an end in itself (Chapter A, regulations A4.1 & A4.2 of the PSA Regs, No. R. 1091 of 1994). Before an attempt can be made to maintain discipline, the principal should identify factors that lead to educators committing misconduct.

Following the identification of these factors, the principal should train staff, build educators' capacity, and develop educators' skills in respect of legal aspects (Chapter 1, regulations B.1-B.4 of the PSA Regs, No. R. 679 of 1999). It is evident from the research project that misconduct at schools is often committed out of a sheer ignorance or lack of legal knowledge. With a view to training educators for the purpose of developing their legal knowledge and skills, the principal should draw up a development programme in which all educators are included according to their status or level. For instance, the principal may indicate that on a particular day, the sports committee or cultural committee or top management of the school or the union site committee or whatever the case may be, are to be trained in legal aspects (Graham & Bennett 1998:302).

With regard to the factors which contribute to the commitment of misconduct discussed in this research project, the principal can decide to train union representatives in issues pertaining to the disclosure of organisational information; illegal marches, chalk-downs and strikes; unauthorised time off; holding others hostage; illegal demonstration and insulting slogans; malicious damage to property; political activities on the school premises during school hours; failure to honour agreements; inciting and instigating others against the principal or other officers and usurping the principal's role. All these seem to be done by unions, more especially SADTU. If the principal could build capacity and develop the union representatives, this could help them to equip themselves with legal skills and knowledge for handling the above. It is also assumed that

misconduct in relation to the above could be minimised, and that labour relations could improve (French 1994:298, Graham & Bennett 1998:302).

Other staff members including the union representatives could be trained in laws which deal with the following topics: dishonesty; drunkenness; gross negligence; persistent idleness; indolence and absenteeism; fighting on the school premises; 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; corporal punishment and assault; insolence or lack of respect for authority; refusing to carry out legitimate instructions; defiance and intimidation. People who need legal knowledge more than others in the school setting are union representatives and the school's top-structure (French 1994:298-299, Graham & Bennett 1998:302).

3.3.6 The role of the Provincial Human Resource Managers

As has already been mentioned, the school as an organisation has a hierarchical structure (cf. Figures 2-2 & 3-1). The hierarchical structure forms a line through which the activities of the organisation are carried out. This line is referred to as the line function or the organisational line. In practical terms, this means that at the top of the organisational structure there is a person (manager) who is in authority. This person's authority percolates down through other persons (managers) in the different levels of the hierarchical structure of the organisation. The main object of having the line function or the organisational line is to make the task of the organisation easier, and to distribute duties evenly among the managers in each level of the hierarchical structure (van der Westhuizen 1991:165).

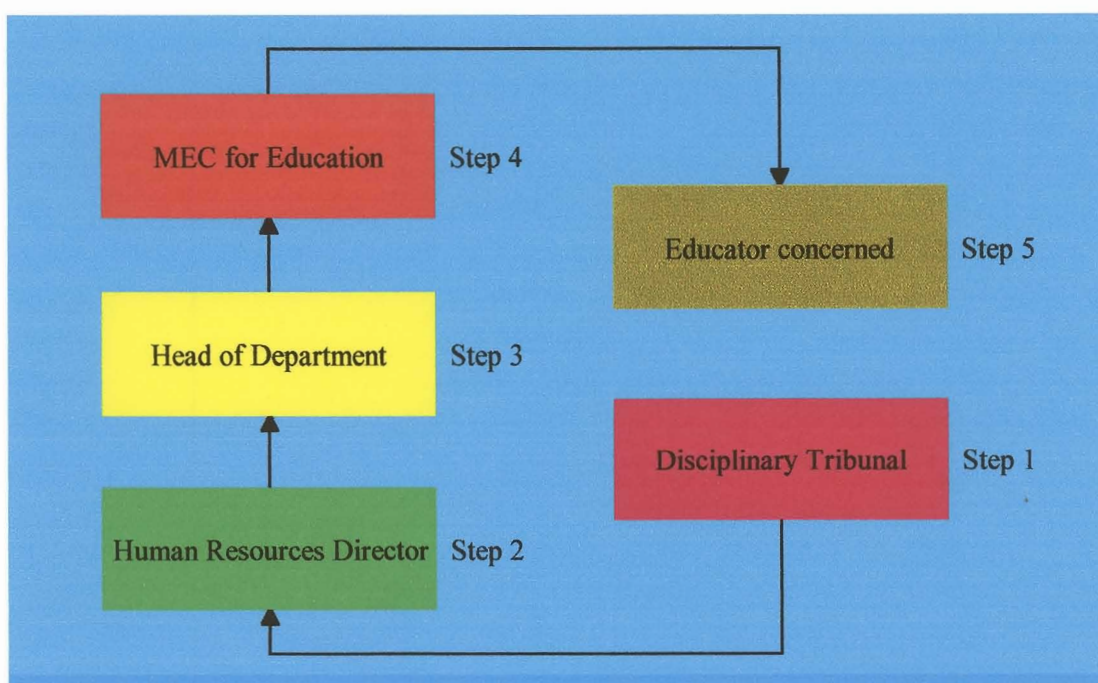
Each manager in each level of the hierarchical structure of the education system is empowered by the provisions of the Acts or Regulations to make decisions in accordance with the legislation (cf. Chapter 2, Part II, regulation C.3(a)(b) of the PSA Regs (No. R. 679 of 1999) & Chapter A, regulation A22.2(f)(i) of the PSA Regs, No. R. 1091 of 1994). Section 36(4)(b) of the EEA (No. 76 of 1998) authorises any Head of Department to perform any duty regarding the handling of the cases of misconduct. By any duty, it is presumed that decision making is included. Making decisions in accordance with the Acts and Regulations ensures the attainment of goals. Managers need not be scared of making decisions because they are authorised to make decisions which will

allow them to carry out their managerial tasks. If decisions are not made, there will definitely not be any progress in the organisation (van der Westhuizen 1991:40).

After the procedure contemplated in paragraphs 3.3.1; 3.3.2 and 3.3.3 has been followed, one of the Human Resource Managers must make a decision, because his or her role is to make decisions based on the findings of the Disciplinary Tribunal. For instance, he or she must make the decision to forward all the documents to the Head of Department if he or she feels that the findings hold water (cf. section 24(1) of the EEA, No. 76 of 1998). The Head of Department should without any waste of time make a decision on the findings. He or she may reprimand, fine, deduct money from the salary of the educator concerned or dismiss him or her (section 24(2)(3) of the EEA, No. 76 of 1998). The foregoing exposition depicts the Provincial Human Resource Managers' function that is performed through the organisational line.

The last person to make a decision with regard to the findings of the disciplinary tribunal is either the Head of Department or the MEC who are employers (cf. section 1(vi) & 36(1)-(4) of the EEA, No. 76 of 1998). Their decision will get things done, and things can only be done if managers operate like links of a chain used to pull a load. If one link is broken, it will be impossible for the chain to pull a load. With regard to Human Resource Managers at Provincial level, it seems as if there is no link between them. The incidents discussed in paragraphs 2.2.4; 2.2.6; 2.3.2 & 2.3.4 are cited as an example. From the foregoing paragraphs, it was evident that Human Resource Managers failed to play their role. The link between the Human Resource Managers can diagrammatically be represented as follows:

Figure 3-2: The link between the human resource managers at provincial level



The above Figure 3-2 shows steps that are followed when a disciplinary hearing is instituted. After the necessary evidence has been collected the disciplinary tribunal deals with the case of misconduct. If it is proved on a balance of probability that the educator is guilty, the case of misconduct is referred to the human resources director. After satisfying him/herself, that the educator in question has contravened the Act, the head of department with or without the collaboration of the MEC endorses or rejects the sanction which have been recommended by the disciplinary tribunal. The last step is where the educator who was accused is informed about the final verdict.

The activities of the organisational line should produce a chain-reaction as depicted by the above diagramme. In step one the Disciplinary Tribunal forwards the misconduct documents with their recommendation to the Provincial Human Resources Director in step two. The Human Resource Director sends the documents with his or her recommendation to the Head of Department in step three. Either the Head of Department or the MEC in step four decides the fate of an educator concerned. Lastly, the educator concerned gets feedback in step five, either from the Head of Department or the MEC.

3.3.7 The role of the South African Council for Educators (SACE)

The South African Council for Educators (SACE) came into being as a result of a collective agreement reached by the Education Labour Relations Council (ELRC) (cf. section 4 of the SACEA, No. 31 of 2000). As a statutory body which has been put into place collectively, it has a role to play with regard to professional ethics of educators. SACE consists of educators and other stakeholders. Educators are collectively nominated by the organised profession. Other stakeholders are nominated by the Department of Education, the national associations representing school governing bodies, the Council on Higher Education, the councils of further education and training and the national bodies representing independent or private institutions recognised by the Minister (section 6(1)(a)-(h) of the SACEA, No. 31 of 2000).

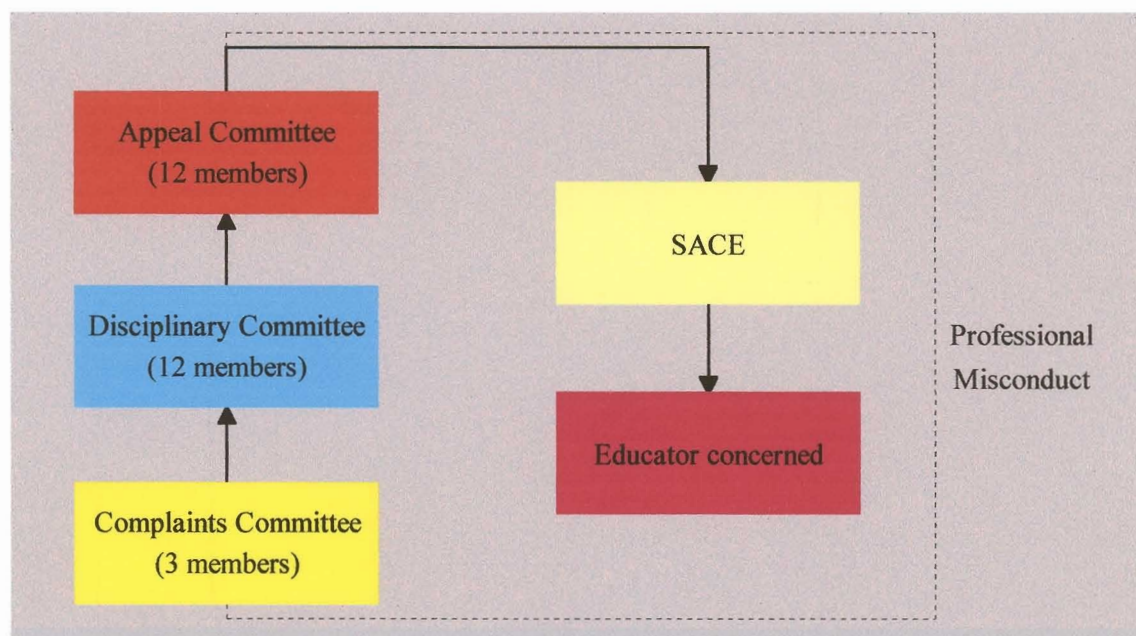
Like any other body, the SACE cannot run its affairs without funds. Therefore, this body is funded by all educators who are defined in terms of section 1(vi) of the EEA (No. 76 of 1998), and who are registered with this body. It is notable that the SACE is not a government body, but an independent body which helps the Department of Education with professional and disciplinary matters by liaising and exchanging ideas with the education officials and the organised teaching profession. The link between the teaching profession and the officials is made possible by members appointed by the Minister with due consideration to representation in respect of race, gender, disability and geographic distribution (section 6(1) of the SACEA, No. 31 of 2000).

SACE is a juristic person whose function is to determine minimum criteria and procedures for registration or provisional registration of educators (section 5(a)(i)-(v) of the SACEA, No. 31 of 2000). This body is responsible for the development and the training of educators who are registered with it and it also advises the Minister of Education on matters relating to the education and training of educators (section 5(b)(i)-(vii) of the SACEA, No. 31 of 2000). Unlike section 17(1)(a)-(n) of the EEA (No. 76 of 1998) which deals with misconduct, section 5(c)-(d) is primarily concerned with the professional ethics of educators or professional misconduct.

Professional ethics and misconduct cannot be separated because they are related. For example, an educator who uses profane language to learners commits misconduct and at the same time he/she breaches the code of professional ethics. The role of the SACE is therefore to see to it that professionalism and educational standards are maintained. For example, an educator who breaches the code of professional ethics may be brought to the SACE Disciplinary Committee

which determines a fair hearing procedure (section 5(c)(ii) of the SACEA, No. 31 of 2000). After it has conducted a hearing, the Disciplinary Committee may caution or reprimand an educator; impose a fine not exceeding one month's salary on the educator; or remove the educator from the register for a specified period or indefinitely should he/she be found guilty by the SACE Disciplinary Committee (section 5(d)(iii)(bb)-(iv) of the SACEA, No. 31 of 2000). The function of the above mentioned committee can diagrammatically be represented as follows:

Figure 3-3: Inquiry into the contravention of the professional code of conduct



As is the case with misconduct cases, an educator who is not satisfied with the penalty imposed by the above-mentioned committee, has the right to lodge an appeal with the committee meant for this purpose. The Appeal Committee must in turn follow the procedures that are laid down when dealing with the case of breach of the professional ethics. Having satisfied itself that the procedures and the proceedings were fairly done and legally followed, the SACE Appeal Committee may institute the penalty recommended by the Disciplinary Committee. All the committees that deal with the cases of a breach of the professional ethics must keep a record of the proceedings of every investigation and disciplinary hearing (cf. section 14(7) of the SACEA, No. 31 of 2000).

3.3.8 The role of the Education Labour Relations Council (ELRC)

The ELRC is a juristic person that has been established in terms of Sch. 1, item 2(1)-(6) of LRA (No. 66 of 1995). This Council consists of the employer organisations and the employee organisations as determined by the Act, and the stipulations in the constitution of the Council. The employer organisations can only negotiate within the ELRC if they have been empowered to do so while the employee organisations are allowed to negotiate if they have sufficient members who are affected by the issue at hand. This means that both the employee organisation and the employer organisation should be authorised to represent their members in the ELRC (Sch. 7, item 16(1)-(4) of the LRA, No. 66 of 1995).

The role of the ELRC is really not to deal with cases of misconduct *per se*. However, this Council may deal with misconduct related to labour. This is done by way of a collective agreement that may be reached by the council. The council has, for instance, agreed to regulate professional discipline of educators (Sch. 7, item 16(8) of the LRA, No. 66 of 1995). For the organisation to function effectively and efficiently, discipline should be established and maintained, because discipline is the cornerstone of every organisation. Discipline is therefore of mutual interest to the employer and employees of the ELRC, and it should be negotiated or discussed (Sch. 7, item 17(d) of the LRA, No. 66 of 1995). Chapter two revealed that some educators were wayward and ill-disciplined to such an extent that they brought schools as organisations into disarray (cf. paragraphs 2.2.6; 2.3.1; 2.3.2 & 2.3.3).

Misconduct related to labour are as follows: disclosure of organisational information; illegal marches, chalk-downs and strikes; unauthorised time off and hostage taking. Surely, these issues can constitute disputes that could be discussed by the employer organisations and the employee organisations in order to reach an agreement of some sort. For instance, it could be agreed upon as to what should be done if employees hold an employer hostage. With regard to the disclosure of organisational information; chalk-downs and strikes; as well as unauthorised time off, the employer has the right to take these matters to the ELRC, because the Act does not permit educators to embark on them. This is normally done in writing within fourteen days after the incident (Sch. 7, item 22(1) of the LRA, No. 66 of 1995).

The Act gives direction as to what should be done if educators disclose organisational information, embark upon illegal marches, chalk-downs and strikes, as well as unauthorised time

off (cf. sections 16(1) 65(1) of the LRA, No 66 of 1995). It must also be noted that an agreement reached by the employer organisations and the Employee organisations is done in writing and signed by the parties concerned. The signed agreement is binding to the members of the ELRC, and it should under no circumstance be breached within the stipulated period of agreement.

Section 32(7) of the Labour Relations Act (No. 66 of 1995) stipulates that in the event of a deadlock, that is when the registered trade unions whose members constitute the majority of the members of trade unions or the registered employers' organisations, whose members employ the majority of employees that are party to the bargaining council, vote in favour of the extension (cf. section 32(1)(a)(b) of the Labour Relations Act, No. 66 of 1995), the minister, at the request of the bargaining council, must publish a notice in the Government Gazette cancelling all or part of any notice published in terms of section 32(2)(6) of the LRA (No. 66 of 1995) from a date specified in the notice. In this way the collective agreement intended to bind all parties concerned is nullified.

3.3.9 Conclusion

The foregoing chapter provided an overview of the legal aspects that should be known by Human Resource Managers in the public education sector. Different disciplines of law that should be considered when managing the work-force proved to be a valuable source to the law of education. Administrative law for instance, deals with the legal administrative task of the Human Resource Manager, and it affords discretionary powers to the Human Resource Managers and authority which enable him or her to carry out his or her administrative task. Other disciplines like constitutional law assist the human resource managers to manage organisations in accordance with the democratic principles and values as set out in section 195(1) of the Constitution (No. 108 of 1996).

It was also evident from this chapter that the Human Resource Managers cannot effectively manage the organisation if legal aspects are ignored. It became clear that it is imperative to apply the law of procedure and the rules of natural justice when managing systems and procedures, while it is not acceptable to formulate charges without considering the law of evidence. From the discussion in the chapter it was shown that the Human Resource Managers can effectively manage the system and procedures if they know the prescribed procedures, regulations, manuals, acts and circulars. The role of each and every manager on each level of the hierarchical structure, and that

of the following juristic persons shed light with regard to management of misconduct: the school governing body, the SACE and the ELRC.

Chapter 4

4.0 MANAGEMENT AND LEADERSHIP OF PRINCIPALS

4.1 Management and leadership as practical activities

4.2 Introduction

Management and leadership are similar in that they are practical activities for which the principal of a school is responsible. The most important practical activities of a principal, as a leader, are to influence, to motivate and to inspire educators. Carrel *et al.* (1995:10-11) indicate that the practical activities of a principal as a manager are control, supervision, disciplinary procedures, induction of educators, administration etc. Similarly, Swanepoel *et al.* (2000:390) explain the differences between a manager and a leader as follows: a manager is a person who administers, controls, imitates, copies, accepts the status quo and who does things correctly, while a leader innovates, creates, inspires, originates, challenges the status quo and does the correct things.

In light of the above, it becomes clear that educators are led by a principal with a view to attaining the school's goals. It also necessitates the fact that educators should be the followers of a principal. The activities of the principal as a leader and those of educators as followers are controlled and affected by the leader's intellectual traits, personality traits and physical traits, as well as the situational variables such as job demand, internal and external factors (Hersey, Blanchard & Johnson 1996:175-177; Badenhorst 1999:239). A principal as a leader is able to inspire and to influence educators to attain a school's goals if there is an effective communication structure in place within the school as an organisation. In addition to this, it needs to be mentioned that a principal must have a vision to realise the school's goals (Hersey *et al.* 1996:91).

The management and leadership activities which are carried out by a principal within a school as an organisation are analogous with the activities carried out by a soccer team. If, for instance, a soccer field on which the activities are carried out is bumpy, full of long grass, scattered with debris, and is also without lines, it will definitely be difficult, if not impossible, for the soccer team to carry out its activities on such soccer field. So is the case with a principal, if there are

situational variables which will have an adverse impact on his or her management and leadership activities (Hersey *et al.* 1996:130; 176).

Misconduct and insubordination committed by educators outside and inside the school may be variables which may affect peace, social justice and democracy in the workplace (cf. section 1(a)-(d) of the LRA, No. 66 of 1995). If for instance, an educator is persistently absenting himself or herself by participating in illegal marches, chalk-downs and strikes, as discussed in paragraphs 2.2.4 and 2.3.1, these could impact negatively on the leadership and management of principals as is the case with a soccer team that practises on a soccer field full of obstacles. This chapter intends therefore to investigate whether misconduct and insubordination have a negative impact on the management and leadership of a principal.

4.2.1 Impact of misconduct on the management tasks of principals

4.2.1.1 Control and supervision

As has already been indicated, there is a difference between a manager and a leader (Swanepoel 2000). Because of these differences, these two concepts, namely "a manager" and "a leader", will be dealt with separately. In addition to the assertion by Swanepoel (2000), distinguished authors and management researchers noted that to be a good manager does not necessarily mean that one is a good leader, because the tasks of a manager and a leader are different to a certain extent (Badenhorst 1999:239). The research findings have also shown that an organisation which is over managed and underled does not grow and it does not keep abreast of the changing world (Swanepoel *et al.* 2000:389).

The word "manage" denotes a situation where a manager does things routinely by following laid down procedures. According to Swanepoel *et al.* (2000:389) to manage means "to bring about, to accomplish, to have charge of or responsibility for, or to conduct." Control and supervision are for instance, management tasks which are routinely done by a principal in order to make sure that the educators' work is done in accordance with the job description as laid down in Chapter A, paragraph 3 of the EEA Regs (No. R. 222 of 1999). Because control and supervision are management tasks which are routinely done by principals, Hersey *et al.* (1996:147-148) refer to them as the traditional practice of managing an organisation. According to them, control and

supervision do not contribute to the quality and quantity of the employees' performance. Their assertion is, however, contrary to what Bittel and Newstrom (1990:95-96) aver.

It is the prerogative and the implicit right of the employer to exercise control over the work of the employees and to supervise it in order to attain goals (Squelch 1999:14-15). The school as an organisation strives to achieve goals such as academic standards, professional development, educator performance, and sound labour and human relations (Hersey *et al.* 1996:94-97). In a school setting, a principal who is an immediate manager is empowered by the provisions of Acts and Regulations to act as an employer so that he or she can exercise control over the work of educators and supervise them (section 62(1)-(3) of SASA, No. 84 of 1996; section 36 (4)(a)(b) of the EEA, No. 76 of 1998 & Chapter 2, regulation B.1-B.3 of the PSA Regs, No. R. 679 of 1999). Control and supervision cannot be separated because one presupposes the other. For instance, after a principal has exercised control over the professional work of educators, he or she will supervise as to how the work should be done in order for the school to attain its goals (Claydon 1994:88; 461).

Control as the management task of a principal has to do with the checking of the work of educators by the principal in order to find out whether the work is being done in accordance with the set standards or to make sure that educators do put in the reasonable effort that will make it possible for them to attain the school's goals (Bittel & Newstrom 1990:92-93). Control, therefore aims at assessing and regulating educators' performance. It is because of control that it will be possible for the principal to develop educators. If a principal does not check the work of educators, it will be impossible for him or her to know their weak and their strong points (Bittel & Newstrom 1990:93-95). After the cause of weakness has been identified, the principal supervises the work to ensure school efficacy. Positive supervision also encourages educators to strive to attain the school's goals (Buchanan & Huczynski 1997:168).

Research findings show that misconduct has an adverse impact on control and supervision (Teleki 1994:54-55). In terms of section 17(1)(c) of the EEA (No. 76 of 1998) defiance is a serious misconduct that renders an educator liable to disciplinary action. According to Scholtz (1990:3) educators took a decision in a meeting held in Soweto in 1990 to defy principals by refusing to prepare their lessons and by refusing to allow principals access to their professional work and visits to their classrooms. Scholtz (1990) also admitted that control and supervision of educators' work in the erstwhile DET was totally lost by officials as a result of the decision taken in that

meeting. He furthermore told the then regional directors for education, in circular number 9/1/5 of 24 April 1990,* that some of the educators were trying to implement the so-called Peoples' Education in some of the schools as a result of the loss of control and supervision (Scholtz 1990:3).

The refusal of educators to submit to control and supervision constitutes insubordination (section 17(1)(c) of the EEA, No. 76 of 1998). Insubordination as a form of misconduct has a negative impact on the management of principals and the productivity of schools (cf. Table 4-1 & Figure 5-1). As it may be seen from the said table, schools performed poorly in the Grade 12 examinations. It is because of this reason that the President of this country, Mr Thabo Mbeki, once said that the principals who under-performed would be sacked, and that the government would close down schools that do not produce acceptable Grade 12 results (Mecoamere 2000:1; Pretorius 1999:1). In expressing his views with regard to the poor Grade 12 results, the Education Minister, Professor Kader Asmal said that those schools which are in this situation are abysmal (Pretorius 2000:2). If control and supervision had not been rejected by educators, the high Grade 12 failure rate would not have occurred (Mothapo 1997:10).

Educators who bar principals from exercising control over their work and from supervising it, make it impossible for a principal to maintain educator discipline. Laxness and laissez-faire management styles that are the direct result of refusal by educators to submit to control were once denounced by the Education Minister, Professor Kader Asmal, on his unannounced visit to some of the township based schools (Pretorius 2000:2). It is this lack of discipline that led to the following: schools not starting with teaching on the first day of each term; educators not having working timetables; classes not beginning on time in the morning and after break, and some educators abusing drugs and alcohol while others resorting to violence in the workplace (cf. paragraphs 2.2.1; 2.2.2; 2.2.4; 2.2.6 & 2.2.7). Because of the refusal of some of the educators to submit to control and supervision, the situation at most township schools is deplorable to such an extent that the learners who can afford to go to the former model C schools have left the township schools (Matseke 1997:12, Mabunda 1998:4, Mothapo 1997:10).

* The then Deputy Director of the DET acknowledged as follows that the Department had lost control over schools: "Die Departement het beheer verloor oor hierdie skole. Vir alle praktiese doeleindes is hierdie skole nou deel van die alternatiewe stelsel. Daar bestaan goeie rede om te glo dat "Peoples' Education" by sommige onderrig word."

The refusal by educators to submit to control and supervision as acknowledged by Scholtz (1990) was under the spotlight even in the new dispensation. In their letter dated 17 February 2000, the SADTU site committee of one of the schools in Monyakeng near Wesselsbron in the Free State instructed all the educators affiliated with this union not to submit to control and supervision (File 14/4/3 EMIS : 2000).^{*} The position or the stance taken by the SADTU site committee of that school smacks of insubordination, and it is in conflict with the provisions of section 29(1)(a)(b) of the Constitution (No. 108 of 1996) which alludes to the fact that a learner has the right to education. This also violates the fundamental right of the employer as stated by Squelch (1999:14).

Their attitude towards control and class visit also reveals that they cannot differentiate between control as a management function and appraisal as an activity which aims at the development of educators (Bittel & Newstrom 1990:90;192). Another reason why they resist control and class visits is because they see themselves as people who are running education because they were afforded the opportunity to discuss issues pertaining to appraisal.^{**} Others are scared of control, supervision and class visits because they don't want their shortcomings to be exposed (Mothapo 1997:10).

In terms of section 38 of the Constitution (No. 108 of 1996), the right of a learner to education should be controlled and enforced by a competent court. It is nevertheless notable that a court of law does not operate at a school level, but that it could only enforce this right if somebody reports someone who tampers with it (section 38 (a)-(e) of the Constitution, No. 108 of 1996). At school level, a principal is empowered by the provisions of section 36 of the EEA (No. 76 of 1998) and the provisions of Chapter 2, regulation A5.1 of the PSA Regs (No. R. 679 of 1999) to exercise control over the professional work of educators and to see to it that learners receive basic

^{*} The content of the letter of the SADTU site committee of one of the schools in the Free State dated 17.02.2000 reads as follows: "With reference to the circular from the Provincial secretary and the letter from the Branch, the X (X stands for the name of a school which the researcher does not want to disclose) Site Structure took a stand not to submit lesson preparation for control as well as not allowing the SMT (School Management Team) to pay class visits. We therefore request the principal to inform the management team about this new development".

^{**} The assertion is supported by the extract of the letter written by SADTU Free State Provincial Office, addressed to all its members in the Free State " . . . SADTU has trained its membership on the contents of the Appraisal Document and we therefore have a responsibility to defend its implementation."

education as stipulated in section 29(1)(a) of the Constitution (No. 108 of 1996). Anyone who disputes the right of the principal to exercise control over the professional work of educators may therefore deny the learners their right to an acceptable standard of education as contemplated in section 29(1)(a)(b) of the Constitution (No. 108 of 1996).

4.2.1.2 Organising

"Organising" and "organisation" are two different concepts. When people have been brought together to continually pursue a goal, they form a structure which is referred to as an organisation (Buchanan & Huczynski 1997:9). In a school setting, educators strive, among others, to achieve academic standards, high pass rates in all grades, high standards in cultural and extra mural activities, acceptable societal norms and values (Bittel & Newstrom 1990:138). On the other hand, we find that organising has to do with the arrangement or the deployment of resources by a principal in order to enable educators to achieve goals such as the ones mentioned above (Buchanan & Huczynski 1997:396-397).

As may be seen from the foregoing exposition, organising is meaningless if there are no people belonging to an organisation. A principal as a human resource management practitioner organises as one of his or her managerial activities. If, for instance, there are conflicts between educators, it is expected of a principal to resolve the conflicts, so as to make a school a suitable workplace for educators (Hersey *et al.* 1996:492-493). A principal's conduct is a decisive factor that creates and maintains an acceptable organisational culture and climate within a school as an organisation. A well organised principal divides or breaks down the work and allocates it to each of his or her educators. In order for the educators to work effectively towards the achievement of goals, their work should be co-ordinated by the principal (Buchanan & Huczynski 1997:397).

The extra mural activities of a school are allocated by a principal in accordance with the seasons. Educators are charged with the responsibility of ensuring the attainment of the best performance. Financial, human and material resources are also allocated by a principal of a school as a manager (Bell 1992:37, Bladford 1997:212-214). A principal is responsible for the staffing at his or her school. If for instance, there is a shortage of teaching and non teaching personnel, a principal must take up this matter with the Human Resources section, at provincial level (Harris & Monk 1992:2-3). The projects of a school like fund raising, road safety awareness etc. are initiated by the principal who delegates the responsibility of running these projects to the educators.

Controlling, supervising, organising and planning are interrelated. For a school to attain its objectives, a principal must actively manage all of the afore-mentioned managerial activities. If for instance, it has been planned that examinations at a certain school must be written, the principal provides the framework for running these examinations. This is done by dividing the work among the educators. Some educators are assigned to invigilate, while others are assigned to duplicate the question papers. During the entire period of the writing of the examinations, the principal exercises control over the running of these examinations while determining where supervision is needed (Badenhorst & Scheepers 1995:92-96).

A principal of a school where there are Grade 12 learners is in turn monitored by a team referred to as the Examination Monitoring Team. This team is established by the examination body in each province. This team visits the examination centres unannounced during the final Grade 12 examinations. The function of this team is to make sure that principals carry out their management functions namely control, supervision, organising and planning. Upon arriving at a school, they check whether the principal has organised invigilators in accordance with regulations, whether the principal arranged the examination rooms, whether there are sufficient seats for the candidates and whether the scripts are returned as stipulated in regulation 5.4.1 of the National Policy on the Conduct of the Senior Certificate Examinations (NPCSCE of 1999).

The managerial activities of a manager cannot be sacrificed for something else, that is why the marking process is also monitored. It is for this reason that, in terms of regulation 5.4 of the NPCSCE of 1999, an Examination Monitoring Team has been set up. As is implicitly shown in regulation 5.4.1 of the NPCSCE of 1999, the main function of the monitoring team is to ensure that the examination is conducted in accordance with the rules and procedures determined by the examining body. Control, supervision, organising and planning can be schematically represented as follows:

Figure 4-1: A school and the managerial activities of a principal

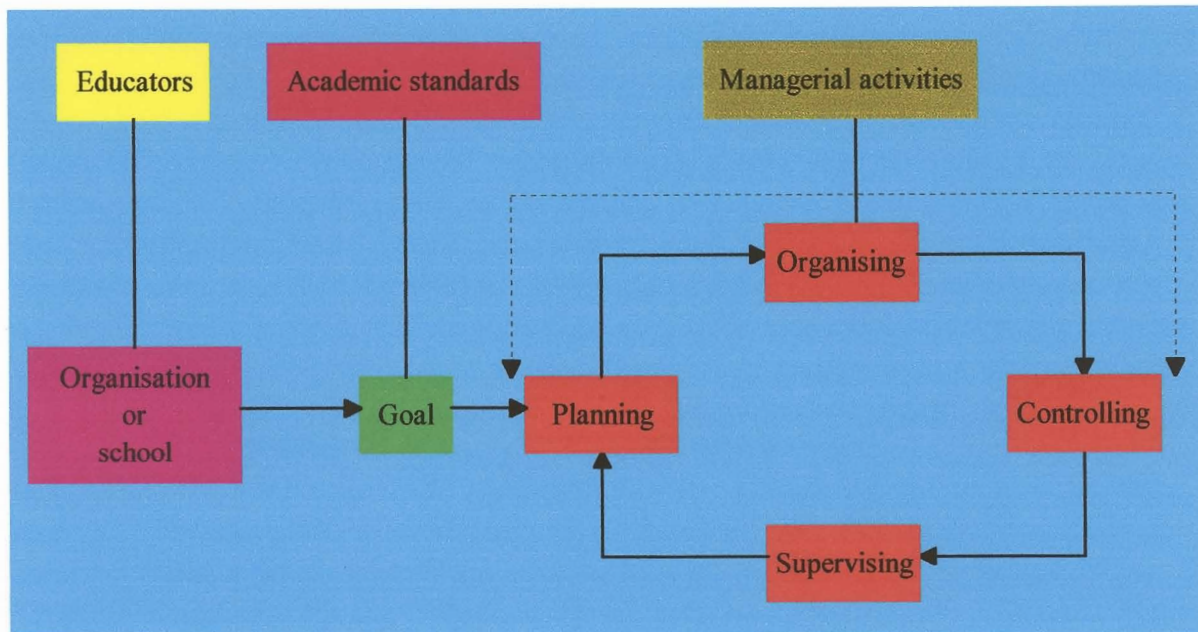


Figure 4-1 depicts managerial activities of a principal. Educators who are part of the school as an organisation are managed by the principal to enable them to maintain high academic standards which ensure the attainment of the organisational goal. For this to be realised, the principal must effectively carry out the following managerial activities: the professional work of the educators must be continually supervised and controlled; and the activities of the school must be thoroughly planned and organised to avoid organisational ineffectiveness and inefficiency.

The duplication of examination papers requires honest educators who do not steal question papers in order to sell them. Those who steal question papers for the purpose of selling them to learners contravene section 17(1)(a)(b)(l) of the EEA (No. 76 of 1998), Chapter 2, regulation C.4.12 of the PSA Regs (No. R. 679 of 1999) and Chapter A, regulation A17 of the PSA Regs (No. R. 1091 of 1994). The stealing of question papers has serious repercussions on organising as a managerial activity of a principal and it is a cause for concern. Nevertheless, some of the educators in the township based schools steal question papers to sell them to the learners. In this regard, Hlongwa (1998:3) reported that in Kwamashu near Durban, learners and educators were accused of fraud in the Durban Regional Court.

According to Hlongwa's (1998) report, an educator whose charge was to act as a chief invigilator had been selling examination question papers to learners for years. The stealing of question papers leads to the disorganising of the management of examinations at schools. The principals of

schools where question papers are stolen in order to sell them, are forced to rearrange the dates on which the examinations will be rewritten, the reallocation of invigilators and the management of examinations. The reorganisation of the examinations has a financial implication and it also affects the time management of principals. In addition, the stealing of question papers was found to be affecting the learners psychologically (Mngadi 1990:9, Seeger 1997:2).

If an educator has been charged with the function of teaching the learners, it is expected of that particular educator to teach them every period throughout the day. Should he or she neglect the learners, this will constitute misconduct (section 17(1)(d) of the EEA, No. 76 of 1998). Negligence of work by educators impacts negatively on the management of the school. An incident which occurred in one of the schools in Gauteng is cited as an example. Jordan (1998:7) reported that an educator of a certain school stayed away from school for eighteen months as a result of a labour dispute. The eighteen months' leave was unauthorised. The negligence or indolence of that educator suggests that the principal was forced to reallocate work and to rearrange the timetable.

A negligent or indolent educator frustrates the arrangements of the principal, and he or she also interferes with the co-ordination of the school's activities such as the subject committees, morning devotion duties, extra mural activities etc. (Badenhorst & Scheepers 1995:16; 24). Should half of the educators not report for duty on Mondays, or should some come to school late and leave the school at ten o'clock in the morning every day, this will surely impact negatively on organising as a managerial activity of a principal (Bierman 1998:7). Because of this negative impact, material resources are not optimally used and this is a recipe for conflict in the school as an organisation. In a situation where there is conflict, educative teaching and meaningful learning does not take place (Khupiso & Pretorius 1998:4).

4.2.1.3 Planning

The organising of resources by a principal of a school is usually followed by the process of planning. A principal plans how, by whom and by when, the resources are to be used or the objective is to be achieved (Bladford 1997:77). To ensure the optimal and profitable use of the resources, as well as to evaluate or to assess how resources are used towards the attainment of the set objectives or standards, the principal exercises control over the educators' work and he or she also supervises them. Controlling, organising, supervising and planning are intertwined (Bittel

& Newstrom 1990:48; 66; 90). This means that for a principal to manage a school effectively, he or she must engage himself or herself in all of the aforementioned managerial activities. Planning needs to be used by a principal because it saves time, money, material resources and it also ensures the optimal use of human resources and effective administration (Bladford 1997:92-95).

The school sets goals before a plan of action is directed towards such goals. Plans which aim at the attainment of goals may apply to a longer or a shorter time. The plans that aim far ahead are referred to as long term planning, while those that do not aim far ahead are referred to as short term planning (Bladford 1997:81). The guidelines for reaching the set goals, standards or objectives within the short or the long term planning are referred to as the policy of the school. The school policy normally includes schedules, procedures, rules and regulations (Bittel & Newstrom 1990:66-67). Planning is the management function that should be carried out by all human resource managers in the hierarchical structure of the education system in the province (cf. Figure 3-1).

The long term planning is largely the prerogative of the managers on the macro level. These managers usually deal with strategic planning. The short term planning is typically the responsibility of the managers on the meso and micro levels (Bittel & Newstrom 1990:66). The timetable of the Grade 12 external examinations are, for instance, planned and drawn up by the managers on the macro level of the hierarchical structure of the provincial education system, while the managers on the meso and micro levels, for instance, the district manager, the school management developers and the school management teams implement the policy regarding the examinations, and at the same time follow the procedures, the rules and the regulations governing the Grade 12 external examinations (cf. Figure 3-1).

It constitutes misconduct should educators usurp principalship, while at the same time trying to plan the activities of a school (section 17(1)(a)(b)(c)(g)(l)(n) of the EEA, No. 76 of 1998). The grabbing of power by educators has an adverse impact on planning as a management function of a principal. It came to light that educators affiliated with SADTU at one of the schools in Gauteng acted *ultra vires* by dismissing their principal and usurping the principalship. The taking of the principal's power affected the action plan which was drawn up to attain goals, and this led to all the periods planned on the timetable not being filled, with the result that the learners milled around the school premises all day long (Mkhwanazi 1996:2).

At one of the schools in Atteridgeville near Pretoria, an educator contravened section 17(1)(d) of the EEA (No. 76 of 1998) in that he was negligent or indolent in the carrying out of the duties attached to his post by disappearing without preparing the reports for the end of year examinations of the thirty seven Grade 9 learners (Sowetan Reporter 1997:4). The act of that educator constitutes a serious misconduct which has an adverse impact on planning as a managerial activity of a principal. According to the report, learners who were not furnished with the examination results could not be placed in any grade since their results were not known. The non-placement of those learners made it impossible for the principal of that school to plan class groups, and to draw up the timetable.

Violence and aggressive behaviour at schools has a negative impact on the management of principals (cf. paragraph 2.2.6). These behavioural problems are becoming increasingly common and prevalent at schools. Educators in one of the schools in Gauteng are cited as an example. Those educators contravened section 17(1)(g) of the EEA (No. 76 of 1998) in that they behaved in a disgraceful, improper or unbecoming manner, or, while on duty, were discourteous to any person by fighting among themselves in the workplace. The fighting scared the principal of that school to such an extent that she was forced to lock herself in her office every day (Khupiso & Pretorius 1998:4). The tension between educators experienced by that school had a negative impact on the attainment of educational standards. Some of the educators were for instance, seen holding meetings all day long, while others were avoiding being taken to task. Because of this laxness the half-yearly examinations at that school were not written as planned (Khupiso & Pretorius 1998:4).

The long term planning is also adversely affected by misconduct committed by educators. The disruption of classes as a result of chalk-downs, illegal marches and strikes are cited as examples (cf. paragraph 2.3.1). It is reported that educators would stay away from their schools for more than a month and claim that they would make up time for lost on illegal strikes, chalk-downs and marches. Those educators talked about so called "operation catch-up" that never took place. How could they have worked during the holidays when they failed to carry out their duty during the normal working hours (Heard 1990:3)? The disruption of the classes on account of illegal strikes, chalk-downs and illegal marches is not a thing of the past. Even in the new dispensation educators are still disrupting schooling (Shiba 1999:6). Disruption of classes impacts negatively on the number of days planned for the school terms.

4.2.1.4 Building of educators' commitment

The building of educators' commitment is one of the management functions of a principal as a human resources manager. In terms of the information gleaned from the available literature, the word commitment as used in the workplace means the willingness of the educators to totally involve themselves in the activities of a school to attain the agreed goals of a school with which they identify themselves, while at the same time they display loyalty to their school and effort to accomplish the tasks entrusted to them (Beardwell & Holden 1994:18, Hollinshead & Leat 1995:17, Armstrong 1996:319).

Commitment of educators to their work and their school is viewed in a serious light, and it should therefore be effectively managed by a principal, because it increases the school's productivity, it enhances psychological involvement, the dignity of a school, the self-worth of educators and the ethos of a school (Hollinshead & Leat 1995:17; Dessler 1997:15). It is, however, notable that the scholars of human resources management perceive the building of educators' commitment differently. Some hold the view that the involvement of educators in the management of schools could commit them to their work, while others believe that orientation which is sometimes referred to as assimilation or socialisation could help improve the educators' commitment to their work (Bell 1992:29; Dessler 1997:247).

In an attempt to investigate how misconduct impacts negatively on the commitment of educators as well as the management of educators' commitment, the research project focuses on the orientation of educators because it is believed that their commitment could assist them to attain the goals and values of their school (Dessler 1997:248). Mention must be made that orientation in as far as this research project is concerned does not refer to a situation where a newly appointed educator is given information about the school on his or her arrival. In this research project orientation means familiarising educators with the goals of a school, the circulars from the head office of education, and new developments and innovations. All these are ongoing processes which must be managed continually. In this way, it is believed that commitment of educators to their work could be encouraged (Dessler 1997:247).

A well-organised school has a policy which is a guideline for actions. These actions reflect the school's objectives and the procedures as well as principles which help the educators carry out their work (Bittel & Newstrom 1990:79). For the educators to strive for quality work, they need

to participate in teamwork, personal development, the school's communication system and the values of the school which must include mutual respect. All the aforementioned should be dealt with from time to time with a view to improve educators' commitment to their work (Dessler 1997:248). The school's organisational culture and climate are of vital importance and they need to be instilled into educators on a continuous basis. The contents of the Terms and Conditions of Employment of Educators Regulations (EEA Regs, No. R. 222 of 1999), the Basic Conditions of Employment Act (BCEA, No. 75 of 1997), the Employment of Educators Act (EEA, No. 76 of 1998), the Regulation Gatherings Act (RGA, No. 205 of 1993) and the other relevant Acts and Regulations should be imparted to educators in general and to union representatives in particular in order to avoid a situation where employment issues are not legally handled (Dessler 1997:247).

It is believed that educators who know what the law has in store for them will be committed to their work; and it is also believed that such legal knowledge will deter them from freely committing misconduct, as is currently the case (Bray 2000:11-23). Educators who commit misconduct by absenting themselves from school, by dodging the work entrusted to them, and by not respecting the starting and the ending time, lack commitment, impact negatively on productivity, involvement, loyalty, teamwork, personal development, mutual respect and the management of principals (cf. paragraphs 2.2.1; 2.2.3; 2.2.4; & 2.3.6).

Dishonesty as spelt out in section 17(1)(d) of the EEA (No. 76 of 1998) abounds in township based schools, in that some educators are negligent or indolent in the carrying out of the duties attached to their posts. Dishonest educators do not have interest in their work and they therefore do not involve themselves in the activities of the school, nor do they display loyalty to the school and their employer. Indicators of disloyalty and dishonesty are coming to school late, the absence of educators from duty on Mondays and Fridays, the syllabuses which are not completed by educators, the whiling away of time by some of the educators in the staff room all day long and at some of the farm schools educators sleeping at the teachers' cottage during school hours (Bierman 1998:11).

In spite of the fact that educators call themselves stake-holders and workers, some do not work seriously, and at the same time they do not show that they have a stake in education. The disruption of the smooth running of schools, the sowing of hatred, the culture of no respect for authority, lack of professionalism, laziness, negligence, stubbornness and laxness are cited as examples (cf. paragraphs 2.21; 2.2.3; 2.2.4; 2.2.6 & 2.3.1). The aforementioned inappropriate

activities of educators indicate that educators do not identify themselves with the school as an organisation, as well as the set academic standards and goals of the school. The low level of educators' commitment led to the point where the education minister Professor Kader Asmal said that the government would deal harshly with educators who lack commitment (Mohale; Fuphe; Kotlolo & Mecoamere 2000:1).

4.2.1.5 Motivating educators

According to Badenhorst and Scheepers (1995:58) the word "motivation" has been derived from the Latin word *movere*, meaning "to move". From the word "move," the word "movement" is derived, and this word means to inspire people to work harder and to enjoy the work they do in the workplace. Motivation is the management function of a manager. A principal of a school is therefore the driving force behind the educators' work. A principal can succeed in motivating educators to work harder, and to enjoy their work if they know that there is a well-defined goal that must be attained as well as the reward that would satisfy their needs, because one of the reasons why educators work is to satisfy their needs (Armstrong 1996:296).

The needs of educators in life in general and in the workplace in particular are satisfied in accordance with Maslow's hierarchy of needs. These needs are identified by Maslow as the hierarchy of five basic needs. Educators need food to live and to stay alive; that is why they work in order to earn a living (Bittel & Newstrom 1990:247). At some of the township based schools, educators need security more than ever before in the history of the South African education because there is rampant criminality which has led to a culture of fear in these schools. For instance, boys carry knives and guns to school and they rape girls on the school premises. This situation is so dangerous that the educators have decided to leave it unchallenged (Pretorius 1998:5).

Educators are social beings whose social needs must be satisfied. This could be done by establishing sound human and labour relations among them so that they can easily interact with others and one another. As has already been mentioned in paragraph 4.2.1.4, self-worth is very important. A principal of a school must make educators feel worthy and respected because it is believed that this could make them feel proud about their work. Research has shown that a person who is not humanely treated does not perform the way he or she should (Bateman & Snell 1996:37-38). Finally, educators want to do what they prefer at schools, and it is for the principal

to see to it that this need is satisfied by allowing them to do what they are capable of doing (Bittel & Newstrom 1990:248-249).

All the aforementioned needs in Maslow's hierarchy of needs are very important, and a principal must take them into consideration when motivating educators. A principal should also bear in mind that he or she is responsible for satisfying and making educators happy at school. It is for instance, incumbent upon a principal to make life worth living at a school by appreciating what educators do every day. A system of reward or an incentive of some sort can help in this regard. The school premises could be made safe if a principal involves the entire school community in tackling the problem of wayward learners and thuggery. A principal should see to it that mutual respect and social gatherings are encouraged because they enhance a sense of belonging in educators and it is believed that this could motivate educators to work harder (Bittel & Newstrom 1990:250).

The situation mapped at the township based schools indicates that educators attached to these schools do not get satisfaction from their jobs, and it is also clear that their morale has dropped tremendously (cf. paragraphs 2.2; 2.3; 2.4 & 2.5). The low morale and the lack of job satisfaction are the results of the high level of politicisation of these schools. Politicisation has led to the vandalising of schools, appalling conditions at schools and the appointment of an inefficient top echelon of the public education sector (Mtshali 1992:17; Mthembu 1993:4; Malatjie 1997:7). Because the morale has dropped, some educators come to school late while others absent themselves on feigned sickness, and on the other hand, others avoid performing their duties with the result that the school's objectives are not achieved (cf. paragraph 2.2.4). The picture below shows one of the vandalised schools in the Odendaalsrus District of Education:

Picture 4-1: Vandalised classroom of a school



Lack of motivation impacts adversely on the management of a principal. It is difficult, if not impossible, for a principal to manage time if educators contravene section 17(1)(d) of the EEA (No. 76 of 1998) which stipulates that an educator shall be guilty of misconduct if he/she is negligent or indolent in carrying out of the duties attached to the educator's post, and the consequence is that educators' abilities and capabilities are not optimally utilised. Late coming is negligence and/or indolence, and it constitutes misconduct that contributes profoundly to educators' meaningless teaching and irresponsible actions such as refusal to do lesson planning and preparation, stubbornness, intimidation and defiance because a latecomer will always tend to use a defence mechanism (cf. paragraphs 2.2.1; 2.2.4; 2.4.3 & 2.5.1). The aforementioned actions lead to educators not achieving their objectives and the actions also cultivate irresponsible educator behaviour.

Demotivated and politicised educators are confused. It is because of this confusion that they can't differentiate between their role and that of a principal. For example, they bar principals from carrying out managerial tasks such as control, organising, monitoring etc. It has also been noted that some of the politicised educators perceive class visits from principals as interference with their work (Mothapo 1997:10). The refusal by demotivated educators to be class-visited is an indication that they lack quality consciousness and that they are not proud of their work. It also shows that they do not know that the employer has the fundamental rights to monitor the quality

The above picture is an example of classrooms whose window panes have been broken, and whose doors have been removed. At this school all the classrooms have been vandalised, while 12 of them are not in use. It seems as if nobody cares about this state of affairs because the principal informed the researcher that the situation has been like this since 1996. The vagrants' excrement and debris are scattered all over the floors of the disused vandalised classrooms.

of service delivery. The refusal to acknowledge that the school management team has the capacity and duty to guide and supervise them, has led to low productivity and the failure to attain school's goals (Pretorius 2000:2).

4.2.1.6 Goal-setting

A goal is a target towards which all the plans of a school are directed. This means that the underlying purpose of a school is to reach its goals through realising multiple goals. The effectiveness or the output of the school should be well-defined. An example of a well-defined output or effectiveness may concern the academic outcomes of the learners e.g. 100% pass rate in Grade 12 or the quality of teaching. The goal of a school should be included in the school's mission statement, and it must clearly state what that particular school wants to achieve. When a school decides upon goals or objectives, the values set for that school and educator-learner relations should be taken into account (Creemers 1996:23, Hendry 1995:75, Bittel & Nestrom 1990:67).

In the light of the above paragraph, it becomes clear that goals induce effectiveness or the desired output. A well-managed school sets goals towards which the educators are working or which they aim to achieve or attain (Armstrong 1996:527-528). A principal must see to it that a set goal is well-stated, explicit and time-oriented. It must for instance, be clearly stated that every day, during periods, learners must be taught in order for the whole school to achieve a high pass rate at the end of each year. For a school to be successful in attaining its goals, a principal must make sure that goals are communicated to all educators, and that they all understand them (Bittel & Newstrom 1990:70).

In order for a school to successfully attain goals, there must be a goal priority list which must contain a limited number of reasonable, manageable and meaningful goals. The following are cited as examples of matters that goals on the priority list of a principal could deal with: academic standards, learner and educator discipline, time management, moral values and societal norms etc. (Bittel & Newstrom 1990:69-70). A principal, together with his or her staff, sets goals which are followed by the managerial activities of a principal (cf. Figure 4-1). For instance, once a goal has been set, a principal proceeds with the process of planning, organising, controlling and supervising.

As may be seen from the discussion in paragraphs 2.2; 2.3; 2.4 & 2.5, most of the township-based schools haven't any clearly defined goals. Some of the educators attached to these schools are self-centred and egocentric with the result that they always pursue self centred goals. They don't worry at all about the learners, the schools problems and the parents, instead they worry about the money they earn, and the conditions under which they work (Monama & Makunike 1999:2). To indicate that they do not have a specific goal to pursue, the educators do not feel scared to abandon the learners in order to participate in illegal matches, strikes and chalk-downs, while others do not hesitate to be absent on unauthorised time off (cf. paragraphs 2.3.1 & 2.3.2).

The situation at most township schools is deplorable and these schools have ceased to be schools because they pursue political goals instead of educational goals (Mabunda 1998:4). A school cannot be an institution of learning and at the same time be a political institution. There are some schools whose educators play politics in the school instead of taking care of educative teaching and meaningful learning (cf. paragraph 2.2.6). At some of the township-based schools, educators commit misconduct by defying and intimidating principals. It is on record that the leadership of SADTU instructed and encouraged its members to defy principals and to refuse to carry out instruction given to them by principals (cf. paragraphs 2.5.2; 2.5.3 & 2.5.4). The behaviour of these educators impacts adversely on goal-setting as a management task of a principal.

The problems in the South African private and public sectors in general, and in education in particular, are caused and perpetuated among others by the trade unions. As long as the government of the day allows SADTU to interfere with goal-setting as a management function of a principal, schools will not perform the way they should (Shange 1999:10). SADTU mislead their members by leading them to believe that teaching is about educators, when in fact teaching is about learners. If for instance, there weren't any learners, there would not be educators.

It is really worrying because, since the inception of the new dispensation, SADTU has been discussing issues that concern themselves. Nowhere have they shown any seriousness in helping the government with which they have formed a partnership to deal with educator and learner discipline, vandalism, thuggery and hooliganism on the school premises, under-performance of educators; instead, they render lip-service in the form of rhetoric to please and entertain their listeners, most of whom are their supporters (cf. paragraphs 2.5.1; 2.3.4 & Rees 1996:18).

SADTU officials are involved in the drafting and discussing of education policy which is, in fact, a rule or guideline which should state the limits of the actions of educators, despite the fact that some of SADTU members display unbecoming behaviour which affects the management task of principals (Concerned Parent 1999:12).^{*} It is also notable that some of the members of this union who have been elected to serve as office bearers do not teach learners. Instead they engage themselves in union matters during school hours as is permitted by section 15(1) of the LRA (No.66 of 1995), like attending disciplinary tribunals and their union's regional as well as provincial meetings, thereby adversely affecting goal-setting as a management task of a principal (cf. paragraph 2.3.2).

4.2.2 Impact of misconduct on the management areas of principals

4.2.2.1 Human resources

Human resources are assets without which the existence of a school is impossible. Some scholars of organisational behaviour refer to human resources as the workforce or employees (Hendry 1995:1, Bittel & Newstrom 1990:13). Owing to the fact that human resources are valuable assets, human resource managers must take care of them. This could be done by applying management styles that are acceptable to all and sundry. Training and creating of excellence through the culture of commitment helps to nurture human resources. Finally, it is very important to engage in a high level of productivity all the time in order to keep human resources usefully occupied (Bittel & Newstrom 1990:13, Hendry 1995:4).

From the foregoing paragraph it becomes clear that educators are assets that make a school what it is, and that educators converge at a school in the pursuit of common goals. In addition to what was said above, educators as human resources are a key management area of a principal, and as such, educators should be regarded and seen as experts in their work, and problem solvers in their classrooms. For the educators to perform effectively and efficiently, a principal should direct and manage their work instead of doing their work. A principal should also synergise a vision and a mission statement in order to stimulate educators to achieve their goals (Dessler 1997:694, Bittel & Newstrom 1990:4).

^{*} The author of the article in Sowetan of 25 October 1999, entitled *Governing bodies need more power* appearing on page 12 is a parent who did not want his/her name published. He/she just wrote A Concerned Parent.

As people working together at a school, educators should harmoniously interact with one another. Sound human relations in a school as an organisation are possible if labour relations which are referred to as employee relations or employment relations by some scholars, are effectively managed by a principal of a school (Bateman & Snell 1996:36-37). The management of labour relations is more often than not influenced by labour unions. The labour union is a reality and it must be recognised. At a school where the legitimacy of the labour union is denied, disruption and disorganisation of teaching and learning processes are likely to occur. On the contrary, at a school where the labour union is recognised, the converse could be the case. There are five management styles that could help a principal to effectively manage labour relations (Hollinshead 1999:76).

Authoritarian principals who do not want to change normally use the *traditional management style* which focuses on the results or the goals of the school. A principal who uses this style is oppressive and does not care about the educators whom he or she sometimes objectifies. A principal using this management style does not recognise the labour union and this impairs labour relations at a school (Hollinshead 1999:76).

Other principals who are likely to resist unionisation in a school are the ones who use the *paternalistic employer management style*. The difference between this management style and the first one is that it focuses on a high level of educators' commitment in the pursuit of the goals (Hollinshead 1999:76). A principal using the *paternalistic employer management style* is finicky about the appointment of educators. He or she endeavours to recommend committed educators for appointment, and educators who have already been appointed are trained with the view to enhancing commitment.

There is also the principal who uses the *consultative management style*. This principal recognises the existence of the labour union as a reality and he or she involves the union in decision making (cf. section 86(1)(a)-(d) of the LRA, No. 66 of 1995). This is an ideal management style because educators of a school where this management style is used, are likely to be happy because their participation and consent are valued by the principal (Hollinshead 1999:76). The *consultative management style* encourages a situation where the union together with management solves problems. This is perceived as the management style that ensures representivity and enhances two-way communication (cf. section 84(1) of the LRA, No. 66 of 1995). In a school setting this

management style can establish and sustain sound labour relations if a trade union based work forum contemplated in section 81(1) of the LRA (No. 66 of 1995) could be established.

Then there is the principal who uses the *constitutional management style*. This principal follows the laid-down procedures, rules, regulations, policies and other prescripts. Instead of him or her considering the merits of issues surrounding the case, he or she always refers educators to rules and regulations as well as the agreement based on legal aspects. The legal documents which could help in this regard are Resolutions taken in the Education Labour Relations Chamber, education statutes such as EEA (No. 76 of 1998), LRA (No. 66 of 1995) etc. (Hollinshead 1999:77).

Lastly, there is the principal who uses the *opportunistic management style*. This principal is pragmatic, and he or she easily comes to terms with the position and the stance of the union. Because of this, it becomes easier for a principal to sit around the table with the union if necessary, to resolve a conflict or to negotiate an agreement. The understanding of one's point of view helps a principal to re-assert the managerial prerogative if needs be (Hollinshead 1999:77). This type of management style could assist in restoring a culture of learning and teaching as well as the re-establishment of labour relations which have deteriorated at the township-based schools (cf. paragraphs 2.2.3; 2.2.4; 2.3.3; 2.4.6 & 2.5.5).

In terms of section 2(1)(a) of the Skills Development Act (SDA) (No. 97 of 1998), the skills of the South African human resources must be developed to improve productivity, quality of life of workers, delivery of social service, and the prospects of work and labour mobility. Horwitz (1991:137) implies that a principal as a human resources management practitioner, must train educators so that they are able to meet the day to day work requirements. The training of educators makes high productivity possible. In support of the above assertion, Hendry (1995:65) stresses the fact that organisations must invest in people as resources by giving them training and by engaging them in development.

In the light of the foregoing exposition, it becomes clear that there should be sound labour relations in the workplace and that the labour relations must be effectively managed by a human resources manager. It also appears that there is a need for the training and development of human resources in order to increase productivity and to attain the organisational goals. In terms of the

discussion in chapter 2 of the research project, it is clear that the labour relations at the schools formally known as black schools have been tarnished (cf. paragraphs 2.2.4 & 2.3.3).

A situation where educators merely ignore the authority and the presence of the principal as well as the Acts, the Regulations, the statutory guidelines and other prescripts, is a sign of ineffective management of labour relations. It is on record that educators would not hesitate to take to the streets to protest against low salary increments, or to demand stationery, disregarding the provisions of sections 2(1)(2); 3(1)-(3); 4(1)(2); 5(1)-(5) & 8(1) of the RGA (No. 205 of 1993) which deal with the points that should be taken into account when labour protest is to be embarked upon. During strike action, a principal is caught in the crossfire, and the strike situation impairs employment relations (cf. paragraphs 2.3.1 & 2.3.2).

Another crucial issue that faces a principal as a human resources manager is the question of the training and the development of educators. Some township-based school educators bar principals from class-visits for the purpose of exercising control as a management function (cf. paragraph 4.2.1.1). It is by means of class-visits that a principal may be able to identify the areas that need training during his or her visit to the educators' classes. From the discussion in chapter 2 of the research project, it became clear that it would be difficult to develop educators who deny a principal, subject facilitators and school management developers access to their professional work (cf. paragraphs 2.5.3 & 2.5.4).

As may be seen from the foregoing exposition of the management styles of a principal, the *consultative* and the *opportunistic management styles* seem to be desirable ones because they are characterised by the following democratic values and principles as set out in section 7(1)-(3) of the Constitution (No. 108 of 1996): human dignity, equality and freedom; and the protection and fulfilment of the rights as catalogued in the Bill of Rights.

As has already been discussed, these management styles afford the educators the opportunity to be involved in the management of schools (Hollinshead 1999:76-77). Lastly and more importantly, it must be mentioned that principals who prefer to use these management styles, should take cognisance of the fact that educators' involvement may be limited because an individual's rights may be limited in terms of section 36(1)(a)-(e) of the Constitution (No. 108 of 1996).

The other management styles cannot be wished away. In the event where educators abandon and neglect learners for the purpose of embarking on illegal marches, chalk-downs and strikes as discussed in paragraph 2.3.1, a principal should feel free to use the *constitutional*, the *traditional* and the *paternalistic employer management styles*, more especially if the labour union wants to dominate principals and to dictate terms to them as discussed in paragraphs 2.5.2; 2.5.3; and 2.5.4. Using these management styles may force educators to refrain from destabilising schools and this could make them work towards the attainment of goals (Hollinshead 1999:76).

It is also believed that these management styles could help a principal deal effectively with the laissez-faire type of attitude that is rampant in some of the township-based schools, as discussed in paragraph 2.2.4 because some times a problem is not solved if a manager does not put his or her foot down. This was evident when President Thabo Mbeki and Professor Kader Asmal criticised educators strongly after the release of the 1999 matric results (Mecoamere 2000:1).

4.2.2.2 Quality and productivity

According to Murgatroyd and Morgan (1992:45) the word quality has to do with three concepts namely *quality assurance*, *contract conformance* and *customer-driven quality*. It is because of these three concepts that they hold the view that the word quality should be defined differently as follows: Firstly, "*Quality assurance* refers to the determination of standards, appropriate methods and quality requirements by an expert body, accompanied by a process of inspection or evaluation that examines the extent to which practice meets these standards." Secondly, quality is defined in terms of "*contract conformance*, where some quality standard has been specified" during the negotiation of the contract. The last concept namely *customer-driven quality* "is defined in terms of meeting or exceeding the expectation of customers."

In an endeavour to investigate the extent to which quality is managed in schools, productivity will be alluded to. The term "productivity" is defined by Mondy and Premeaux (1995:18) as "a measure of the relationship between inputs and quality and quantity of outputs." Similarly, Lussier (1996:456) defines productivity as "a performance measure of inputs to outputs" and he continues further to say that "the inputs include employee's time, materials, equipment, and so forth." In the definitions, the words "inputs" and "outputs" are significant in that the former denotes the extent to which educators put in efforts for the productivity to be realised, while the latter denotes productivity which must be desirable and acceptable in terms of quality and quantity

(Mondy & Premeaux 1995:19). From the definitions, it is also clear that quality performance of educators is expected to produce quality academic results and learners who are capable and able to compete in the labour market.

Effectiveness and efficiency are related to productivity. The term "effectiveness" is defined by Mondy and Premeaux (1995:19) as "the capability of bringing about an effect or accomplishing a purpose." They define the term "efficiency" as "the capability of producing desired results with a minimum of energy, time, money, materials, or other costly inputs." On the other hand, Bateman and Snell (1996:42) define the effectiveness as "the degree to which the organization's outputs correspond to the needs and wants of the external environment." Another term, namely "efficiency" is defined by Ivancevich and Matteson (1999:28) as "the ratio of outputs to inputs." In some of the township based schools, effective and efficient educative teaching by educators, meaningful learning by learners as well as effective and efficient management by principals could take place only if quality assurance is practised by principals, learning facilitators and school management developers (Murgatroyd & Morgan 1992:47-48).

Quality assurance aims at ensuring whether the products which schools intend to produce will be of high quality. For this to be realised, there must be effective and efficient quality control. Principals, learning facilitators and school management developers must have access to the educators' professional work and their classrooms to conduct inspections, to make sure that practice in the classrooms meets the set standards. In their evaluation and assessment, principals, learning facilitators and school management developers must at all times be honest and objective (Longenecker, Moore & Petty 1997:421).

Where inspection is practised, educators are motivated because they are told from time to time as to what kind of performance standards are expected from them as inspection sets the standards that schools must strive to achieve (Murgatroyd & Morgan 1992:49). In most of the township-based schools, effective and efficient quality control is still an anathema to some of the educators. According to Mothapo (1997:10), these educators regard class-visits by principals and other officers as interference with their work, and they therefore refuse officials access to their classrooms and their professional work, thereby contravening section 17(1)(c) of the EEA (No. 76 of 1998) which stipulates that an educator shall be guilty of misconduct if he/she disobeys, disregards or wilfully defaults in carrying out a lawful order given to him/her by a person having the authority to give it, or by word or conduct displays insubordination. This particular

misconduct impacts negatively on quality assurance, hence the low productivity at the township based schools (cf. Table 4-1 & Figure 5-1).

Quality in schools can also be viewed in terms of contract conformance. The contract referred to here is not a legal contract. By this is meant that a person merely does what he or she said he or she would do. The difference between quality assurance and contract performance is that there is no panel of experts who inspect the work. Instead, there are internal people (educators) who commit (contract) themselves to do the work and to meet the deadlines in accordance with set quality standards. In each and every school educators are given work to do. This means that educators enter into a contract between themselves and a school. Subsequent to the completion of the work, internal assessment is done to find out whether the work is of high quality, or whether the work has been neglected or abandoned (Chapter A, paragraph 4.3(e)(iv) of the EEA Regs, No. 222 of 1999).

Insofar as contract conformance is concerned, quality is assessed in terms of how educators do their work without inspection being conducted, in order to determine the extent to which educators comply with their starting and ending time in the morning and at the end of the school day, as well as the completion of the syllabi. Unlike the quality assurance which focuses on inspection, contract performance assessment is done on a continuous basis (Murgatroyd & Morgan 1992:48). It has, for instance, been discovered that quality performance management does not occur in some of the township-based schools. From the discussion in paragraphs 2.2.4 and 2.3.1, it is clear that some of the educators neglect learners by engaging in illegal marches, chalk-downs and strikes, while others absent themselves from schools, or are persistently idle while on duty. In the above-mentioned paragraphs, it was also shown that negligence or indolence as spelt out in section 17(1)(d) of the EEA (No. 76 of 1998), impacts negatively on teaching and learning.

Quality at schools is sometimes driven by customers, hence customer-driven quality. In a school setting, customers are the stake-holders in education. As a human resources manager, a principal must regard educators as customers whose inputs can improve the school's performance (Murgatroyd & Morgan 1992:49). Educators as customers can improve quality teaching or performance if they are afforded the opportunity to help design a plan that could contribute to the improvement of discipline, teaching methods, planning and preparation of lessons (Longenecker *et al.* 1997:418). Customer-driven quality is a myth in schools where educators have lost

direction as a result of misconduct committed by some unionised educators at some schools formally known as black schools in South Africa. Misconduct as discussed in paragraphs 2.2 and 2.3 has an adverse impact on customer-driven quality in schools.

4.2.2.3 Labour relations

The formation of the new government in 1994 in South Africa marked a new dawn in the laws of this country. For instance, the new LRA came into operation on 11 November 1996 (Botha 1997:1). In terms of section 1(a)-(d) of the LRA (No. 66 of 1995), the purpose of the LRA is to advance labour peace and the democratisation of the workplace, and it also gives effect to and regulates the fundamental rights conferred by section 27 of the Constitution (No. 108 of 1996), while at the same time it provides a framework within which employees and their trade unions, employer's and employees' organisations can collectively bargain and formulate industrial policy. The purpose and intention of the LRA cannot be realised if a principal of a school does not effectively manage labour relations which are referred to as employee relations or employment relations by some of the scholars of organisational behaviour (cf. paragraph 4.2.2.2). In this research project, labour relations will be used to mean either employee relations or employment relations.

Ineffective and inefficient management of labour relations and other factors such as the politicisation of schools cause instability in schools as is the case with the schools formally known as black schools. Owing to instability, principals are unable to exercise quality control over educators' professional work, and as a result of this, schools are unable to achieve their goals (cf. paragraphs 2.2.3; 2.3.1; 2.3.4; 2.3.6 & 2.4.6). Instability also leads to disharmony and to a situation that is not conducive to teaching, learning and managing. How educators relate to the management of the school and the employer, determines the quality of labour relations at a school (Hollinshead, Nicholls & Tailby 1999:3-7).

There are a plethora of factors that affect and influence the relations between the management of the school and the employer (department of education) such as the manner in which work is organised; the terms and conditions under which the work is done, unfair dismissal, workload and working hours, the salary of educators and the treatment of educators (Hollinshead *et al.* 1999:3-4). Some of the above-mentioned factors are within the competence of the Department of Education and the management of the school, while others overlap. The organising of work in a

school set up is a managerial function of a principal (cf. paragraph 4.2.1.2). A good principal organises work in such a way that the efficiency of the school and educator job satisfaction is improved (Ivancevich & Matteson 1999:123-125).

Work that is not properly organised results in educators not achieving the set objectives. The allocation of duties to educators must be done according to the qualifications, capabilities and abilities of educators. A principal who ignores this fact adversely affects labour relations and the quality of work in the workplace (Ivancevich & Matteson 1999:123-125). In terms of section 1(c)(d) of the LRA (No. 66 of 1995), a principal of a school is afforded the opportunity to discuss issues such as the organising of work with the educators or the union representatives, and to formulate school policy in order to avoid impairment of the labour relations.

Determining workload and the working hours of educators is the competence of both the principal and the Department of Education. For example, a principal must allocate the work to educators in terms of Chapter A, paragraphs 3.2 and 4.5 of the EEA Regs (No. 222 of 1999). Ignoring this fact could lead to discontent and dissatisfaction that may have an adverse impact on labour relations. The workload and the working hours are negotiated jointly by the labour unions and the Department of Education as a bilateral venture. Negotiation of this nature is referred to as a collective agreement or collective bargaining (Hollinshead *et al.* 1999:4).

Preferential treatment that is given to some of the educators and the discrimination of educators based on friendship, relatives, tribalism, sex, creed and belief, negatively affect labour relations (Dessler 1997:57-59). Discrimination in the workplace does not only affect labour relations, but it is also in conflict with section 6(1) of the Employment Equity Act (Equity Act) (No. 55 of 1998), which stipulates that no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth. Despite this, some principals do not recommend members of other unions for promotion, instead they prefer educators who are affiliated with the union to which they belong. For instance, some principals who belong to SADTU and some officials who belong to the African National Congress (ANC) are alleged to be guilty of the aforementioned (Matseke 1998:15, Gantsho 1998:15).

If the basic needs as discussed in paragraph 4.2.1.5 are not satisfied, labour relations are likely to be affected. Both the principal and the Education Department must give attention to the basic needs in order to avoid impediment of labour relations. Educators as employees want maximum security in their employment. Retrenchment in the form of voluntary severance packages and redeployment are cause for concern because these two factors threaten the educators' job security. It for this reason that SADTU and the Congress of South African Trade Unions (COSATU) took to the streets in protest against the above-mentioned practice (Molema 2000:14). Inadequate salaries paid to educators affect their ability to satisfy basic needs, hence illegal marches, demonstrations, chalk-downs and strikes in protest of meagre salaries (cf. paragraphs 2.3.1 & 2.3.4).

At this stage, it is necessary to make mention of the fact that the events and actions of SADTU that took place since the formation of this labour union resemble those of the industrial unions. As has already been indicated in paragraphs 2.3.3; 2.3.4 and 2.3.5, SADTU used force to address conditions under which educators work. During the assembly, this particular union maliciously damaged the government building while some of its members insulted the officers of the Department of Education. It is on record that insults ranging from racial to sexist were hurled at the Public Service and Administration Minister Geraldine Frazer-Moleketi (Mecoamere 1999:1). This type of behaviour promotes hostility between the employer and the educators, thus impairing labour relations (cf. section 8(5)(6) of the RGA, No. 205 of 1993).

In the light of the foregoing paragraphs, it is clear that collective bargaining has to do with the democratisation of the workplace in that educators through their unions are afforded the opportunity to contribute to the management of a school. Meaningful participation and contribution by labour unions is impossible without co-operation. Labour unions must not perceive the SMT of a school as an entity that intrudes on their operational territory, and they must refrain from emulating and imitating industrial unions (Botha 1997:23-24). Similarly, the SMT of a school must manage labour relations in compliance with the democratic values and principles as stipulated in section 7(1)-(3) of the Constitution (No. 108 of 1996). Management styles of a principal as discussed in paragraph 4.2.2.1 could also help in this regard.

4.2.2.4 Developmental appraisal

The idea of developmental appraisal in South African schools came about as a result of the system which was known as Evaluation and Grading of Teachers (EGT) which was used at the traditional black schools by the now defunct Department of Education and Training (DET). This system was designed by the DET without the involvement of the stake-holders, hence the resistance that manifested itself among the black educators (van der Bank 2000:2). Be that as it may, the crux of the matter is that this system did have advantages and disadvantages just like any other system. In terms of this system the educators were evaluated on the following: curricular efficiency, extra-curricular efficiency, personality and character traits as well as professional disposition and attitude. These were the criteria used to give merit awards to those who met these criteria (DET 1985:2-3).

The advantages of this system were that it determined whether an educator was striving towards the achievement of the set objectives of the school, and it also identified the weaknesses and the strengths of the educator so that it could be easy to motivate, to appreciate, to encourage and to give guidance to such an educator. Among others, the object of the system was to give the teaching profession the dignity it deserves by striving to establish standards and upholding them. Lastly, it aimed at identifying educators who were eligible for promotion. Educators who qualified for evaluation were those who were permanently appointed, professionally qualified and who had applicable years of teaching experience (DET 1985:4,7).

Unfortunately, evaluators who, at the expense of educators who deserved to be evaluated favourably, favoured their cronies, lacked objectivity in evaluating some of those who got the chance of being evaluated. As a result of favouritism, educators who were not supposed to be given merit awards were chosen much to the dissatisfaction of good educators (Mhlongo 1990:9). It is against this background that educators intensified resistance against the system, and this was also done as part of political struggle. Inspectors and principals were hindered in carrying out this task. What made matters worse is the fact that inspectors and subject advisors were barred from visiting schools, while some of the principals were intimidated and defied (Heard 1990:3, Tema 1990:2).

The events mentioned above necessitated the reorganisation of a system of evaluation which is referred to as developmental appraisal. This system came about as the results of the involvement

of the stakeholders. There was a lengthy discussion by most of the teachers' unions and organisations on developmental appraisal, and this resulted in their concluding a resolution in the ELRC. Amongst others, the aim of introducing this system was to arrest the deterioration of quality education in traditional black schools (van der Bank 2000:40). In terms of Chapter C, paragraph 1.2 of the EEA Regs (No. 222 of 1999), developmental appraisal requires that there should be the following in the workplace or in the institutions of learning: democratic organisational climate, a learning culture, educators who are committed to development, openness and trust.

Before a further exposition of developmental appraisal can be given, it is necessary to mention that, in every organisation, it is of the utmost importance to pay attention to performance before one thinks about development. In fact, it is not logical to start by developing an educator before assessing his/her performance in the teaching and learning situation. Performance appraisal is important because it has to do with the setting of goals, the giving of feedback to educators, the extent to which educators strive to achieve goals, the warning of educators about unsatisfactory performance, the identifying of needs for training (Fidler 1992:14). Unfortunately in the South African education system it is the other way round i.e. developmental appraisal before performance appraisal.

Like the former system, namely EGT, developmental appraisal has aims. One of the aims is to develop educators professionally in order for them to be able to deliver quality teaching and to manage effectively. In other words, educators and SMTs are appraised with a view to developing their skills in teaching and management respectively (cf. Chapter C, paragraph 2.1 of the EEA Regs, No. 222 of 1999). Development of educators is based on the principle of life-long learning. In terms of developmental appraisal, educators learn and develop throughout their teaching career, hence the word development implies an ongoing process which consists of the following: reflective, self appraisal, peer appraisal, collaboration and interaction with panel (cf. Chapter C, paragraphs 2.2 & 2.3 of the EEA Regs, No. 222 of 1999).

As per agreement reached on 28 July 1998 by the stakeholders in the Education Labour Relations Council (ELRC), Staff Development Teams (SDTs) were set up in each institution of learning. The implementation of the agreement reached on the above-mentioned date started in 1999 (van der Bank 2000:2). In spite of the fact that other teachers' unions and organisations were involved in the discussion that brought about the developmental appraisal, SADTU perceives

developmental appraisal as its brainchild (van der Bank 2000:2). Another mistake that SADTU makes is that it labours under the delusion that developmental appraisal has replaced control, monitoring and supervision as a management function of the principal. It does not even take cognisance of the fact that developmental appraisal is one of the key areas that a principal manages (cf. paragraph 4.2.1.1).

In South Africa this system was hastily introduced without considering the attitudinal and disciplinary problems of most of the educators attached to the traditional black schools. In Chapter 2 of the research project, the attitudes of some of the educators towards professionalism and their work were spelt out. Among others, it was explicitly shown how educators fail to honour agreements, and how they incite and instigate others against the principals or other officers. The refusal to submit to authority and control was also pointed out (cf. paragraphs 2.3.7; 2.4.6 & 2.5.2). In the light of the foregoing factors, it becomes clear that developmental appraisal is not the only answer to the solution of the problems in schools as some of the SADTU members think it is. This is also supported by the fact that in most of the advanced countries where this system is used, problems have been picked up (Fidler 1992:27-38).

Owing to the fact that most educators derive pleasure from laxness and a laissez-faire type of situation at schools, they opted for developmental appraisal because of the fact that an educator chooses the date on which he or she wants to be appraised as well as the peer and the union representatives who will act as appraisers, in the presence of the following panel members: a senior and or an outsider (cf. Chapter C, paragraph 2.5 of the EEA Regs, No. 222 of 1999). However, it is notable that the educators have made a mockery of the developmental appraisal. For instance, it is on record that an educator who teaches Mathematics chose his friend who teaches Sesotho to appraise him (cf. Personnel files 1999: Odendaalsrus District Office).*

Another issue which needs to be mentioned is that a school is different from other organisations such as a garage, a chain store and others. At a school an educator is confined to his or her classroom, and so is the case with his or her co-educator. But, as regards to petrol attendants, they work together where everyone of them sees how his or her co-worker performs everyday. In such a situation, it is easy for anyone of them to rate any co-worker on a daily basis, on any

* The file of the educator in question as well as the name of the district in which the school where the educator is attached is mentioned instead of his name in order to ensure anonymity.

aspect of the work (Sherman & Bohlander 1992:272). On the contrary, it is difficult to appraise the work of educators because an educator works with learners who are expected to know what was taught not teaching *per se*. In other words, what matters is the learning outcomes not teaching as such, and the problem is also compounded by the fact that educators are not working in one classroom where they see each other and one another daily in the learning and teaching situation (Fidler 1992:31).

According to Chapter C, paragraph 2.7 of the EEA Regs (No. 222 of 1999), the developmental appraisal system gives the appraisee the latitude to choose the criteria in terms of which he or she wants to be developed. Owing to this fact, developmental appraisal becomes a failure in that educators choose criteria like human relations, leadership, community, extra curricular duties and contribution to school development (cf. Chapter C, paragraph 3.1 of the EEA Regs, No. 222 of 1999).

The aforementioned criteria do not contribute much to the academic results of the learner, the learning outcomes and to what is happening in the classroom. For instance, in which way is the criterion *community* going to improve the performance of learners in the classroom and so forth? It is on record that the criteria which are believed to have a bearing on learning and teaching like the following are not chosen: creation of learning environment, lesson preparation and methodology, classroom management etc. On the basis of this, developmental appraisal becomes a failure (Personnel files 1999: Odendaalsrus District Office).*

Loyalty is the cornerstone of every organisation. An organisation whose employees are loyal develops rapidly and it also flourishes (Carrel *et al.* 1995:286). The Chapter 2, regulation C.1.3 of the PSA Regs (No. R. 679 of 1999) also demands that an employee should be loyal in executing the policies of the government of the day. In spite of this prescript, it has been established that some of the educators are disloyal. The corruption that the president of the country, Mr Mbeki, wants to eliminate in the public service is alive in schools (Mkhabela 2000:1). Some of the educators contravene Chapter 2, regulation C.3.3 of the PSA Regs (No. R. 679 of 1999) by showing favouritism when appraising their friends.

* The file of the educator in question as well as the name of the district in which the school where the educator is attached is mentioned instead of his name in order to ensure anonymity.

As may be seen from the foregoing paragraphs, some educators do not execute their duties in a professional and competent manner as contemplated in Chapter 2, regulation C.4.4 of the PSA Regs (No. R. 679 of 1999). For instance, it is not professional to deceive oneself by choosing a criterion that will not contribute much to one's development as is the case with some of the educators. Developmental appraisal is a form of ongoing training because during and after the appraisal, educators are given feedback with the view to improving them (cf. Chapter C, paragraph 2.9 of the EEA Regs, No. 222 of 1999). To deliberately ignore a criterion like the creation of a learning environment, lesson preparation and methodology, classroom management etc. is tantamount to refusing the responsibility to avail oneself of ongoing training and self development throughout one's career (cf. Chapter 2, regulation C.4.7 of the PSA Regs, No. R. 679 of 1999).

Experience is needed, and experience cannot be replaced by anything, that is why experience is rewarded in most organisations. In the South African education system, the converse is the case. Young and inexperienced educators dictate terms in education without being called to order. Most of these are SADTU affiliates who think that they are above the law by virtue of their union having formed an alliance with the ruling party (cf. paragraph 2.3.6).

Their arrogance contributes to the failure of developmental appraisal because they want things to be done their own way. Self-appraisal has also proved to be a failure because most of educators attached to the erstwhile DET schools cannot manage themselves, let alone their time (cf. paragraphs 2.2.4 & 4.2.1.1). The question of an outsider coming to school, for instance, a lecturer from a nearby university, to appraise an educator is another limiting factor because it is not clear as to who must pay the transport of such a person (Personnel files 1999: Odendaalsrus District Office).*

4.2.2.5 Discipline and counselling

The word "discipline" is used as a noun to refer to training or control that aims at making someone to obey rules or to control himself or herself. This word can also be used as a verb to mean training a person in obedience. Discipline is the management area of the principal, and it

* The file of the educator in question as well as the name of the district in which the school where the educator is attached is mentioned instead of his name in order to ensure anonymity.

needs to be administered firmly, but sensitively (Bittel & Newstrom 1990:368). Similarly, the term counselling refers to the professional advice that is given to a person who has a problem of self-control. For example, a principal can call an educator who persistently comes to school late to his or her office to listen to the problem that causes late coming, and after listening to the educator, a principal gives advice that could put a stop to late coming (Graham & Bennett 1998:236).

An educator who is ill-disciplined or who cannot control himself or herself does not comply with the school's performance standards, and does not even meet some of job obligations. Ill-disciplined educators do not obey the rules and regulations that guide educators as to how they should behave at the workplace. Research has shown that employees who lack self-control do not respect and trust their manager (Carrel *et al.* 1995:702). The lack of self-control by some of the educators contributes to their contravention of section 17(1)(h) of the EEA (No. 76 of 1998), which stipulates that an educator shall be guilty of misconduct if he/she is under the influence of intoxicating liquor or stupefying drugs, while on duty or acting in an official capacity. The vivid examples of educators who lack self-control are those who come to school drunk (cf. paragraphs 2.2.2).

Ill-disciplined educators contribute to the malfunction of schools, and as such the schools do not achieve their goals. A case in point are those educators who abuse drugs, and who were discussed in paragraph 2.2.7 of the research project. At the school where the educator who practises the Rastafarian religion, management is malfunctioning. At this school, there is unacceptable noise in the classrooms throughout the day. The moving in and out the classrooms by learners is the order of the day. One can easily mistake these learners for thugs from their appearance. Their friends from the township enter the school premises to see them without asking permission from the principal, and they smoke dagga with the outsiders in the toilets during school hours.

Mention must be made that the educator who smokes dagga at the school discussed in paragraph 2.2.7 does not want his head of department to control his professional work. As a result of this lack of self-control, the Grade 12 learners performed badly in his subject, namely History. The results of the 57 learners he taught were as follows: On the Higher Grade, 2 learners obtained an H symbol; on the Standard Grade, 2 learners obtained an E symbol, 3 learners obtained a GG

symbol and 49 learners obtained an H symbol; and on the Lower Grade, 1 learner obtained an F symbol. It becomes obvious from the foregoing analysis that only 2 learners out of the 57 learners passed History on the standard grade at that school. In other words, only 3,5% passed the grade 12 History while 96,5% failed it (The grade 12 Examination Results 1999:Odendaalsrus District Office).*

Counselling of educators with deviant behaviour could help to enhance self-control because counselling aims at making ill-disciplined educators feel that what they do is unacceptable, and it ultimately makes them find a solution to a problem (Graham & Bennett 1998:236). When conducting counselling, it must always be borne in mind that the main object of counselling is to instil self-control in educators who are ill-disciplined. A principal must therefore avoid, by all means, embarrassing educators when conducting counselling. Steps that are followed when counselling is conducted must be considered, and the principal should be friendly, empathetic, and above all he or she must be firm and professional in practising positive discipline (Bittel & Newstrom 1990:368).

According to Graham and Bennett (1998:237) the principal can use the *directive* and the *non-directive* approach when conducting counselling interviews. In the case of educators who are persistently absent from work as discussed in paragraph 2.2.4, *non-directive* counselling can be conducted as follows: The educator concerned is asked to define his or her problem while encouraging him or her to discuss it freely without hiding the facts. Thereafter, the principal must make sure that the educator agrees with solutions that emerge from the discussion, and he or she must also accept facts as they are (Graham & Bennett 1998:237).

When conducting *directive* counselling, the principal takes the initiative and he or she also suggests the ways of solving a problem. If, for instance, an educator does not report for duty on Mondays and he or she arrives at the workplace everyday a few hours before the school breaks up as was the case with the educators discussed in paragraph 2.2.4, the principal must outline the implications and the consequences of the indolence and absenteeism. Having satisfied himself or herself that the educator understands the repercussions of indolence, he or she must suggest to the educator the solutions to be considered, and the principal must make sure that the correct

* The file of the educator in question as well as the name of the district in which the school where the educator is attached is mentioned instead of his name in order to ensure anonymity.

decision is made. In both the *directive* and the *non-directive* approaches to counselling, the principal must keep minutes that are signed by both the principal and the educator (Graham & Bennett 1998:237).

As set out in section 17(d) of the EEA (No. 76 of 1998), an educator who is negligent or indolent in carrying out duties attached to the educator's post commits misconduct as is the case with educators discussed in paragraph 2.2.4. Failure to report for duty on Mondays and Fridays as well as absenting oneself on feigned sickness suggests that effective teaching does not take place at schools where educators practise these. This practice also suggests that the syllabus is not completed, and as such the learners' performance and the teaching outcomes are not up to standard. The negligent and the indolent educators as indicated above ought to be counselled with a view to disciplining them.

For the organisation to be effective and to attain its goal, maintenance of discipline is important. It is for this reason that a principal of a school should know that there are at least two approaches to discipline namely *incorrect discipline* and *preventive discipline* (Carrel *et al.* 1995:703). An example of incorrect disciplinary techniques are those which were applied by the principal of an educator discussed in paragraph 2.2.7. It was picked up in the log book of the school that the educator who could not control himself because of addiction to drugs was once caught by the principal sitting in the door, facing the sun, instead of invigilating the History test that was written by the learners at that time.

The principal intimidated, threatened, harassed and browbeat the educator. Furthermore, it was discovered from the information gleaned in the log book of the school, that in another incident, the educator would only be given feedback when he did something wrong, like coming late and leaving for home while classes were still on. According to Carrel *et al.* (1995:703), it is expected of a principal to give negative and positive feedback as well. Another mistake the principal made was that he never dealt with the drug abuse while it was still at the initial stage, and he never counselled the educator with a view to improving his performance.

Incorrect discipline mentioned above, caused tension between the principal and the educator to such an extent that the educator threatened to attack the principal physically in the presence of the learners. Instead of applying incorrect discipline, the principal could have applied preventive

discipline because according to Carrel *et al.* (1995:703) it creates job satisfaction. This could have been done by clarifying the proper behaviour to which the educators must subscribe. In practising preventive discipline, the principal was supposed to have given the educator the opportunity to discuss the drug abuse problem through techniques such as counselling or discussion that could have made the educator realise his problem (Carrel *et al.* 1995:703-704).

4.2.2.6 Safety on the school premises

Safety is a management area of principals. It is therefore expected of principals as immediate managers to give attention to the improvement of safety at schools (Graham & Bennett 1998:137). This could be done by preventing factors that threaten the safety of learners and educators, and by exercising proper control over the movement of people entering school premises as well as the movement of those who are already on the school premises (Bittel & Newstrom 1990:476). Protecting educators and learners on the school premises should be viewed in a serious light because South African schools in general and the schools that were controlled by the erstwhile DET in particular are no longer safe (Pretorius 1999:5).

The accidents that occur on the school premises differ from the accidents that are experienced by industries. In firms accidents may occur as a result of fire, electricity, sharp objects which may cause loss of life, broken bones, loss of limbs or eyesight and electrical shock (Carrel *et al.* 1995:614). As regards schools, accidents are caused by gangsters that stalk the premises of some of the traditional black schools. Assaulting school girls and robbing educators at gunpoint on school grounds, and violence by fellow learners and educators are becoming common in some schools that were controlled by the now defunct DET (Pretorius 1999:5).

Prior to the Soweto uprising which took place in 1976 schools were dignified and respected (Mamaila 2000:6). Gangsterism, drug abuse, violence and disrespect of authority were not practised on the premises of the schools that were controlled by the erstwhile DET. The political struggle in South Africa contributed to the deplorable situation in schools that were used as the battlefields where the dissolved National Party government was fought against (cf. paragraph 1.1). The use of educators as combatants changed their attitude and their behaviour, and this led to their contravention of section 17(1)(m) of the EEA (No. 76 of 1998), which stipulates that an educator shall be guilty of misconduct if he/she is absent from office or duty without leave or valid reason.

Another mistake the unionised educators make is to incite learners against other educators who do not conform to their way of life and to call learners "comrades" with whom they stage protest marches and sit ins. The learners used for this purpose are mostly those who are affiliated to the Congress of South African Students (COSAS) and to a lesser extent those who are affiliated to the Azanian Students' Movement (AZASM). The involvement of learners in things such as politics, and allowing them to call educators "comrades" create the impression that they have equal status with educators. This attitude negatively affects discipline to such an extent that there is a total collapse of order in some of the schools (Mabe 1990:9). To incite learners against others, and to misuse them is a contravention of section 28(1)(f)(ii) of the Constitution (No. 108 of 1996), which stipulates that a child must not be required or permitted to perform work or provide services that place at risk his/her well-being, education, physical or mental health or spiritual, moral or social development.

The criminal abuse of learners affects their upbringing and their morals. It has been established that learners who are criminally abused, develop dysfunctionally during their childhood and adolescence, and as a result of this, they cause lawlessness and anarchy on the school premises (Earl-Taylor 2000:12). This is supported by the fact that an elderly History educator was frog-marched and her house was burnt down by learners belonging to COSAS in one of the schools in Tembisa, under the pretext that she was an apartheid agent. In another incident, matric learners who were sitting for examinations were chased away by COSAS members armed with weapons ranging from pangas to guns. All these were done on the school premises where everybody was supposed to be safe (Mokone 1996:17).

The involvement of learners in politics has adversely affected the discipline at traditional black schools. At some of the schools COSAS and AZASM have become a nuisance to the management of schools. Owing to the fact that they are aligned to the different political parties, they have radically conflicting views with regard to the management of schools. It is because of this reason that they sometimes fight among themselves on the school premises where many are killed (Mokone 1996:17). The deplorable situation created by these rival factions prompted thugs in Kwathema township, in the East Rand to jump on the COSAS and the Pan African Students' Organisation (PASO) bandwagon. Those who went under the name of COSAS fought against those who went under the name of PASO, and in the process many were killed on the school premises. This conflict scared learners and educators away from school (Ledwaba 1997:4).

During 1990, the situation mapped above was worsened by the political instability in our country. Many educators, most of whom SADTU members, became political pawns, and they made use of learners to disrupt classes and the smooth running of schools (Mabe 1990:9). The unionised educators instructed learners to defy the authority of the principal, the inspectors and the police. Both educators and learners who excelled in practising mischievous conduct became heroes and heroines. The defiance of authority, which started then, is continuing even in the new dispensation. There has never been a paradigm shift in the way some of the educators and learners in the township schools perceive authority (Mamaila 2000:6).

Defiance and misuse of learners is the contravention of section 17(1)(c) of the EEA (No. 76 of 1998) as well as section 28(1)(d) of the Constitution (No. 108 of 1996), which respectively state that an educator shall be guilty of misconduct if he/she disobeys, disregards or wilfully defaults in carrying out a lawful order given to him/her by a person having the authority to give it; and that every child has the right to be protected from maltreatment, neglect, abuse or degradation. It is because of defiance and criminal abuse of learners that we have a culture of violence which threatens the safety of educators as contemplated in section 8(1) of the Occupational Health and Safety Act (OHSA) (No. 85 of 1993).

For example, the learners who are used by educators to defy authority have become a menace to everybody on the school premises. In one of the schools in Soweto, learners held two female educators at gun point and escaped with their cellphones and their jewellery. It is for this reason that the former member of the Executive Council for Education in Gauteng, Mrs Metcalfe, once agreed that there was a dire need to curb crime, gangsterism and drugs on the school premises because of the threat they posed to the safety of educators and learners (Mecoamere 1999:5).

Earl-Taylor (2000:12) reports that children who have been brought up in a violent environment are psychologically affected and this is manifested in the violent behaviour they display. This is true in learners used by educators for the furtherance of their delinquent aims. For example, they do not have any respect for the school and the authority of the principal. They do not even perceive their former educators and their school with pride. Coming back to the school - after they have dropped out - to cause havoc, suggests that they want to vent their anger on those educators who wasted their time by involving them in things that were not educational. A case in point is a group of youths who left school, and who would enter the school premises, spin cars,

fire shots in the air and abduct girls to secluded places where they raped them (Dhlamini 1999:13).

The assertion of Earl-Taylor (2000) is furthermore supported by the situation where it was found that the criminally abused learners were emotionally and behaviourally disturbed, and that this resulted in their displaying murderous behaviour. In this regard, Maluleke (1990:5) reported that a 19 year old learner who was registered at one of the schools in Orlando East, killed a 16 year old girl on the school premises after she allegedly refused his sexual advances. This particular learner never showed any respect for the school and the authority of the principal. In another incident, learners of a school in Khayelitsha disrespected their educators by throwing stones at them; while at one of the schools in Soweto a principal was shot dead on the school premises before her car was hijacked by youths (Siluma 1999:9).

In terms of the provisions of section 8(1), (2)(c) of the OHS Act (No. 85 of 1993), every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his/her employees, and he must make arrangements for ensuring, as far as is reasonably practicable, the safety and absence of risks to the health of his/her employees. From the foregoing provisions of the OHS Act it becomes clear that it is the prerogative of the employer to see to it that the working conditions and the workplace are not threatening the safety of employees, and that the employees are protected from danger.

Mamaila (2000:6) suggests that the political leadership of this country must inculcate respect for law and order, in young people who think that one is elevated to a higher position because of showing disrespect for authority not education. He continues to say that it is important to change the attitudes of both the learners and the educators towards authority in order to ensure safety in schools, and to make it easy for the Department of Education to deal with the dangerous situation that manifests itself in schools.

4.2.2.7 Influences of the external environment

The public school education system is an open system which is influenced by the external environment. It is therefore incumbent upon a principal to keep abreast of current issues in order to cope with the management of the school. The external environment has a significant impact on the management of principals. For instance, educators may bring behaviour from outside to

influence the tone of a school (Sherman & Bohlander 1992:38-39). There are many forces regarded as part of the external environment that may influence the management of principals and the performance of educators. Carrel *et al.* (1995:53) identify the following environmental forces: political forces, economic systems, labour traditions and legal forces.

It can furthermore be said that educators' performance influences the external environment (Sherman & Bohlander 1992:38). In South Africa, the political forces played a role in the decline of principals' management authority in schools that were controlled by the now defunct DET (cf. paragraph 1.1). As has already been alluded to, the political forces are the outsiders who manipulate educators in the furtherance of their political agenda. It must be mentioned up front that it is not wrong for educators to partake in politics because section 19(1)(b) of the Constitution (No. 108 of 1996) allows everyone to do so.

In spite of the fact that it is the right of every citizen of this country to participate in the activities of the political party of his or her choice, it is wrong for the educators to engage themselves in party political activities in the workplace because Chapter 2, regulation C.3.7 of the PSR (No. R. 679 of 1999) stipulates that an employee must refrain from party political activities in the workplace. Be that as it may, the fact of the matter is that the political forces gained momentum on the school premises towards the end of 1989 and it reached a climax in 1990. Some of the educators who belonged to the disbanded National Education Union of South Africa (NEUSA) carried the following demonstration slogans (written as they appeared on the placards): away with the animal Struwig; apartheid plus education = poison; *phansi ngama (down with)* puppet inspectors *pansi (down)*; liberate our minds; away with apartheid education; DET means don't educate them and *Yebo (Yes) NEUSA hayi Struberi (Struwig must go/resign).**

In light of the slogans captured from the placards of the union mentioned above, it becomes clear that educators brought politics from outside onto the school premises. Politics helped them to lodge complaints against the appointment of whites only in higher positions, hence the mentioning

* NEUSA demonstrated on 14 February 1990 to register their dissatisfaction and discontentment with the then separate education systems in South Africa. (NEUSA was a teachers' union that was acting as a mouthpiece for some of the South African teachers before it was replaced by SADTU which was launched on 6-7 October 1990.

of Mr Struwig's name, who was the then regional director of DET for the Johannesburg region. Furthermore, the rest of the slogans were derogatory remarks that were hurled at the now defunct DET, aimed at inciting political violence which was imminent at that point in time. When the new dispensation was ushered in, things became worse because the new political system gave the educators the right to strike, to assemble, to demonstrate, to picket and to petition (cf. section 17 & 23(1) of the Constitution, No. 108 of 1996).

The economic systems of the country are regarded as outside forces that may adversely affect the principal's management techniques. Opposition to the policies of growth, employment and redistribution (GEAR) has caused damage to the management of schools. This policy is protested against by the powerful trade union namely COSATU under whose auspices SADTU operates. Whenever COSATU takes to the streets to protest against GEAR, they are joined by SADTU who abandon learners in classes. In terms of section 17(1)(d)(m) of the EEA (No. 76 of 1998), abandoning learners constitutes misconduct. As regards the policy of growth, employment and redistribution, Molema (2000:14) argues that this policy is resented by unions because it does not aim at transforming the South African society or eradicating poverty in this country.

The government is also embarking on economic policies which are not favoured by educators, and which prompt educators to disrupt teaching and learning. It is on record that the Department of Education retrenched educators by allowing them to opt for the voluntary severance package and later by embarking on the rationalisation of educators in the form of redeployment. All these caused discontent among the educators, and resulted in their taking to the streets (Molema 2000:14). Another economic policy that is not welcomed by SADTU and COSATU is restructuring, downsizing and privatisation because this means loss of jobs (Hlangani 2000:6).

The economic problems are compounded by the fact that South Africa has been plunged into recession. For example, it is a reality that there is a high rate of inflation in this country. The fluctuation of the value of rand, and the expensive commodities such as oil are other factors that influence the South African economy. Similarly, the interest rate that is fluctuating does not make it possible for investors to invest in our country, and this adversely affects economic growth and job creation (Monama 2000:1). As a result of these factors, the government finds it difficult, if not impossible, to increase salaries and to improve working conditions, hence educators commit misconduct by illegally taking to the streets in protest of meagre salaries (cf. paragraph 2.3.1).

Since 1976, the belief that one is likely to get what one wants by using force, whether by a strike, boycott, sit in, demonstration, picketing or the destruction of the public property has been passed from one generation to the other. At this point in time, this has become a tradition which can be referred to as a labour tradition. This labour tradition led to educators and principals under performing in most schools that were controlled by the erstwhile DET (Bierman 1998:11), and it has now become a culture which is referred to as the culture of no learning, teaching and service, hence the government is striving for the restoration of the culture of learning, teaching and service (Mabunda 1998:4).

The legal system in South Africa has made educators confuse freedom and licence, and this impacts negatively on the management of schools. This has even made educators believe that education is about educators whereas it is not. If learners or children can be removed from all the schools in the country, educators will cease to exist. In the light of this assertion, it is reasonable to say that education is about learners (Mokhabukhi 1998:11). As has already been indicated, section 4(1)(a)(b) of the LRA (No. 66 of 1995), confers on the employee the right to participate in forming a trade union or federation of trade unions, and to join a trade union, subject to its constitution. Because of this permissiveness, most of the parents in this country feel that the LRA should be amended so that teaching could also be classified as an essential service because section 71(10) of the LRA (No. 66 of 1995) forbids some employees such as the intelligence service staff to take part in protest actions (Monama & Makunike 1998:2).

4.2.2.8 Time and quality priority

In paragraph 4.2.1, the principals' management tasks which need time to be realised were discussed. Should there not be enough time to devote to the principals' tasks, there will be a deficiency in the management of schools. Allocating and using time effectively enables a principal to manage a school effectively (Boone & Kurtz 1992:14). In the light of this, it becomes clear that time is important, and that time is one of the most important key areas that a principal manages. In addition to this, it can be said that time management is a process whereby a principal effectively allocates his or her time among his or her tasks (Bain 1995).

The work of educators should be well-planned and structured so as to allow everything to be done systematically and logically at a school. For example, time is allocated to the subjects taught, extra-mural activities, meetings etc. More importantly, an educator should be assigned to

a specific task or work to be done, and it must be made clear to the educator as to how much time is required for that particular task to be completed. It is also notable that work should not be haphazardly done; but should be done in accordance with the priorities which are assigned to time. Time is valuable, hence its management is desperately needed by the school as an organisation (Whetten & Cameron 1998:96-98).

To manage time effectively and efficiently, a principal of a school must establish priorities. The priorities are very important because they guide the principals' use of time, and they also prevent problems such as the following: only one educator being given everything to do at a school; a principal unable to plan the school work properly, no quality control of the work and the school not achieving its objectives. Priorities should be arranged or drawn up daily, weekly, monthly and annually; and there should be objectives attached to each priority. Educators should be responsible for each priority. A list of priorities should be arranged in order of preference and importance (Boone & Kurtz 1992:141).

Bain (1995:63) points out that managers who succeed in managing time effectively are those who manage it. For instance, this is done if a manager spends time on important tasks, while minor tasks are delegated to subordinates. Before delegation could be done, a principal must negotiate with educators in order to make sure that the educator will carry out the task effectively and efficiently. Similarly, a principal who has a vision as to where he or she wants to take a school to is able to manage time effectively and efficiently. More importantly, a principal must have a diary in which he or she records the week's key tasks which are prioritised, while he or she makes his or her routine known to the educators (Bain 1995:64).

Prioritising time among the school's tasks is useless if educators do not adhere to it. In this regard, Evenden and Anderson (1992:280) point out that poor performance is caused by inability to assign priorities to time and to manage it effectively. This was evident in one of the schools in Kutlwanong, in the Free State. Most of the educators of that school do not adhere to time allocated to tasks. For example, it was observed that they come to school late, and that the first period of each day or half thereof is lost. So is the case with learners. At this school, everyday after break, learners saunter into the classrooms from the township and the school yard thirty minutes or more late; while some of the educators spend their time in the staff-room.

The actions of some educators sketched above constitute misconduct in terms of section 17(1)(d) of the EEA, in that they are negligent or indolent in the carrying out of the duties attached to their posts. As a result of this misconduct, the educators of the above-mentioned school produced poor matric results. In 1999, there were 121 Grade 12 learners at that school. Out of this number, 4 obtained a university entrance, while 26 obtained school leaving certificate, and 91 failed the Grade 12 examination. This means that only 30 learners or 24,79% passed, and that their failure to adhere to time and to keep to it contributed to a 75,21% failure rate (The Grade 12 examination results, 1999: Odendaalsrus District Office).*

Evenden and Anderson (1992:281) hold the view that an educator who does not manage his or her time well is not accepted by other educators, and this leads to poor interpersonal relations and inadequate co-operation among the educators. Their view is supported by the fact that some of the educators in some of the schools in Mpumalanga failed to report for duty on Mondays, and they arrived daily at schools a few hours before the end of the school day, while on Fridays they left the schools as early as ten o'clock in the morning (cf. paragraph 2.2.4). The behaviour of those educators suggests that there was no co-operation between the educators and their principals, and it also prompts one to deduce that a poor relationship between the principals and the educators of those schools exists.

A school where time is ineffectively managed does not have objectives, or if ever there are some, they are unclear and confused as a result of which a principal does not perform the way he or she should (Evenden & Anderson 1992:281). From the behaviour of the educators of the above-mentioned schools, it can be deduced that there is no delegation and control, and as a result of this, objectives and priorities are not clearly defined, and this leads to their not being accepted by all concerned; hence the mismanagement of time by the educators mentioned above. The educators who do not come to school on certain days and who go home before the end of the school day as is the case with the educators discussed in paragraph 2.2.4 create the impression that they do not have objectives and priorities.

* The name of the school and the educator cannot be named to protect the school and the educators' identity.

The problem of mismanagement of time is surmountable. A principal of a school can solve this problem by confronting those who flout the stipulation of time or the paragraph that deals with time in the school policy. When tackling this problem, a principal must be frank in discussing it with his or her educators (Evenden & Anderson 1992:141). In addition to this, Whetten and Cameron (1998:102) maintain that the problem of time could be solved if a principal holds meetings regularly whereby the educators are reminded about a deadline or during which a principal pressurises educators to conform to a time limit.

4.3 Principals as leaders in a school setting

4.3.1 Impact of misconduct on the leadership skills and techniques of principals

4.3.1.1 Leadership vision

Effective leadership makes things happen under any conditions, situations and circumstances. In order for him or her to lead the organisation effectively, a leader must have a strong belief in a vision. Charlton (1993:47) defines a vision as "a picture, target or goal of the future that is realistic, credible and consequently better than the present." Similarly, Daft (1999:126) defines a vision as "an ambitious view of the future that everyone in the organization can believe in, one that can realistically be achieved, yet offers a future that is better in important ways than what now exists." The foregoing definitions of a vision entail the visualised goals of the future that are better than the present ones, and the realistic goals that are achievable in common.

The above-mentioned definitions also imply that men and women who are in leadership must have a vision, and that they must also believe in what they do because believing in oneself and having a vision as to where one wants to take the organisation which one leads to, is of the utmost importance (Hersey *et al.* 1996:92). In addition to this, the above-mentioned definitions imply that the present is connected with the future by the vision that a leader has. More importantly, a vision helps a leader to set standards, to motivate subordinates, and to provide meaning for what his or her followers are doing in the organisation (Daft 1999:127). Lastly, from the definitions, it becomes clear that a leader who accepts responsibility is able to make things happen.

In an organisation achievement of goals does not happen accidentally, but, it is predetermined by a leader. There are pre-planned actions which are made known to the followers beforehand, and

which are clarified in view of making them understood before they are put into practice. A principal is a leader in his or her own right at his or her school. It is therefore expected of a principal to worry about the future of a school, and to have a vision as to where he or she wants to take a school. Such a principal will always have a clear plan of action (Hersey *et al.* 1996:92). A clear plan of action helps a principal and educators to understand the purpose, objectives and priorities of a school, and it also fosters team work (Yukl 1998:342).

A principal, as a leader, can only succeed in effectively leading a school if he or she has an idea, a framework and a mental plan. A principal who is not a visionary retards the progress of a school, and he or she also under-performs. Similarly, a principal who is a visionary, and who realises it, is followed by educators, and his or her school becomes a powerful organisation (Hersey *et al.* 1996:92). A leader's vision must be articulated in such a manner that it becomes a reality to a school as an organisation. This could be done by communicating it to the educators repeatedly. Meetings, circulars, school magazine and the workshops that are organised internally could help in this regard (Yukl 1998:342).

A school as an organisation is in existence to pursue objectives. If it were not for the objectives that a school pursues, it would not be necessary for it to exist. Among others, a school pursues desired academic results and successful educators and learners' performance. However, there are factors that influence the achievement of objectives such as the situation and the organisational activities. It is incumbent on the principal as a leader to influence activities that are carried out in a school situation. In spite of the fact that there is resistance in a school as an organisation, a principal who has a vision is likely to turn things around (Hersey *et al.* 1996:93).

Monama and Makunene (1999:2), Makapela (1997:18) and Mamaila (2000:6) hold the view that both educators and learners misconstrue democracy and freedom. To them these mean that everyone is entitled to do what pleases him or her at any time. This attitude has negatively affected the power and the authority of the leadership in some schools that were controlled by the erstwhile DET. For example, some unionised educators abuse their rights by transcending their scope of operation or their domain thereby watering down a leader's vision. Mothapo (1997:10) supports this by pointing out that they do not want to change, as they are still clinging to the old defiance campaign strategy which were used by political activists who aimed at destabilising the country during the political struggle. Another point which needs to be mentioned is that the ruling party came into power because it made use of SADTU to topple the then National Party

government. It is because of this reason that SADTU is riding on its high horse (Appollis 1999:10).

Apart from the internal factors that impact adversely on the principals' leadership vision, such as the ones mentioned above, there are external factors which may impact on the principals' leadership vision such as politics, economy, technology, environment and culture (Hersey *et al.* 1996:93). As has already been mentioned, political activities in the workplace constitute misconduct in terms of Chapter 2, regulation C.3.7 of the PSA Regs (No. R. 679 of 1999). For instance, it was noticed that some of the educators abandoned learners to pursue political issues during working hours (cf. paragraph 2.3.6). The educators who ignored the visualised objectives, the set standards and performance impacted negatively on the principals' vision.

Each school strives towards achieving success. However, success can only be achieved if a principal has a vision as to how he or she wants to realise the results that will lead to success. In order to achieve success, a principal should effect change where necessary. For instance, a plan which does not work must be changed into something else thought to be the best. More importantly, this something else must be implemented by a principal. It is of no use to have beautiful plans and strategies that are not implemented (Hersey *et al.* 1996:94). The success of the principal's vision may be negatively affected by educators who abuse alcohol and drugs because such educators carry out their responsibilities with a low level of commitment which results in a vision not being turned into results (cf. paragraphs 2.2. & 2.2.7).

Vision and mission are concepts which are interrelated, but which are not the same. These concepts are normally used side by side by organisations. Daft (1999:133) defines mission as "the organization's core broad purpose and reason for existence . . . and it provides a basis for creating the vision." Yukl (1998:443) points out that the mission is an element of a vision, and he also indicated that each and every organisation formulates its own mission statement. According to him "the mission statement usually describes the purpose of the organisation in terms of the type of activities to be performed for constituents or customers."

In the light of the foregoing paragraphs, it becomes clear that a mission indicates the intention of the existence of a school as well as the service that a school intends delivering to the learners. A mission of a school may be formulated as follows: To provide quality education for the learners. According to Daft (1999:133) a vision can be derived from the mission of an organisation. For

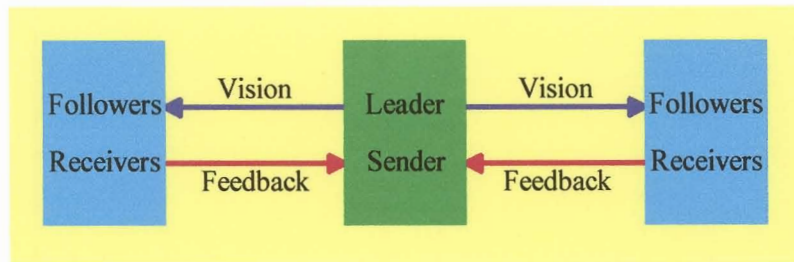
instance, questions asked by Hersey *et al.* (1996) namely "Where do the managers want to go and how do they want to go there?" can help principals to develop a vision and a mission. A principal may ask questions such as the following: What do I want the school to do for the learners? How do I want to achieve this for the learners?

The hypothetical mission statement mentioned above cannot come to fruition unless there is co-operation, commitment, loyalty and responsibility on the part of educators. The quality education to be provided to learners is a fallacy if educators lower the standards by continually committing misconduct such as dishonesty, drunkenness, gross negligence, persistent idleness, indolence and absenteeism (cf. paragraph 2.2). The transgression of a code of conduct as mentioned above suggests that insufficient work is given to learners, and in the event where learners are given fraudulent examination reports, this suggests that they do not get what is due to them, and that the vision of a principal as a leader as well as the mission of a school are adversely affected.

4.3.1.2 Effective communication

Communication as an element of leadership is a broad concept which has been explored by many scholars of organisations. Research has shown that communication is the cornerstone of any organisation and that without sound and effective communication, organisations would perish (Daft 1999:155). Effectiveness is defined by Boone and Kurtz (1992:12) as the "extent to which a manager or organization achieves a goal or task." In this context, effective communication would mean the extent to which a leader's communication achieves the intended goal or objective. If communication does not attain its objective, it is said to be ineffective. Communication is defined by Daft (1999:155) as "a process by which information and understanding are transferred between a sender and receiver."

In the above definition of communication, a sender and a receiver are mentioned. For the purpose of this study, a sender is a leader and receivers are followers. More importantly, there must be feedback in every communication in order to make sure that the message has been received and interpreted the way it was intended by the sender (Evender & Enderson 1992:90). In the light of the foregoing exposition, it becomes clear that there are three elements of communication namely a sender, a receiver and feedback, and that these elements are always there in both the manager's and leader's communication. The following figure represents the elements mentioned above:

Figure 4-2: The Process of Communication

Daft (1999:155) makes a distinction between management communication and leadership communication. According to him, managers communicate facts, statistics, and decisions; whereas leaders communicate a vision. He furthermore perceives a leader as a communication champion because it is by means of communication that a leader pursues an organisational vision. The distinction made by Daft (1999) between a leader and a manager is confusing. Does a manager for example, not have a vision as to where he or she wants to take the organisation that he or she manages? Whetten and Cameron (1998:13) share the same concern and sentiment. It is because of this that they do not differentiate between the concepts leadership and management.

Be that as it may, the fact of the matter is that a principal of a school is a leader though it has been discovered that principals of the traditional black schools seem not to be playing the role of a leader. The events that were sketched in Chapter 2 bear testimony to this. The events also suggest that there is no effective communication at some of the schools already mentioned. A situation at one of the schools in Khayelitsha near Cape Town is cited as an example. At that school a principal assaulted an educator in front of the learners. In fact, it was expected of the principal to have created an open communication policy that allows all those involved to air opinions, not to fight. The deduction which is made here is that the principal could not effectively communicate with her educators to influence them positively (Jordan 1998:7).

A successful leader is one who has an open communication policy which creates a climate conducive to open communication. According to Daft (1999:156) a climate of open communication "means sharing all types of information throughout the company, especially across functional and hierarchical levels." Open communication is not like the top-down type of communication which is used by traditional and conservative leaders who believe in talking down to the people instead of coming down to the people to share the vision of the organisation with

them. In an open communication system, communication flows in all directions, and there are no boundaries, and it effectively influences the followers (Daft 1999:158).

An example of communication which is not effective is discernible at a school where an educator meted out severe corporal punishment to a seven year old child, despite the fact that corporal punishment has been legally abolished. It was reported that the educator hit the learner with a stick till it was broken. Seeing that the stick was broken, the educator made use of a wooden spoon to further assault the learner (Xabanisa 1998:1). The deduction which is made here is that there was no effective communication and no open communication policy at that school. If the principal was an effective communicator, the educator could have been convinced that corporal punishment had been abolished in terms of section 10(1) of SASA (No. 84 of 1996).

Another communication skill that is expected of a leader is listening. A leader must understand and interpret what is being said in order to get a clear meaning or to make sense out of the communication. A leader can only grasp the contents of communication at hand if he or she listens attentively. He or she must also have the listening skill and energy to listen (Daft 1999:160). In listening carefully to what a follower says, a leader develops understanding. A leader who does not pay attention to what followers say may misconstrue the ideas, and this may impair the vision of the organisation. On the other hand, understanding followers may give a leader an opportunity to influence them positively towards the attainment of goals (Evenden & Anderson (1992:110).

Educators as one of the situational variables within a school as an organisation affect the performance of schools. The Grade 12 examination results at schools that were controlled by the erstwhile DET bear testimony to this. Some of the educators at these schools contravene section 17(1)(k) of the EEA (No. 76 of 1998), which stipulates that an educator shall be guilty of misconduct if he/she misappropriates or makes improper use of any property of State. The misuse of the school property by an educator discussed in paragraph 2.4.4 suggests that there was ineffective or lack of communication at that school. The contravention of statutes by educators, such as the educator mentioned above impacts negatively on the performance of learners (cf. Table 4-1 & Figure 5-1).

At one of the schools in Kutlwanong near Odendaalsrus in the Free State, for example, an educator who abuses dagga influenced the communications of the principal adversely. According

to official reports, the principal is always emotional when communicating with the dagga smoker because he does not show any respect to the principal (cf. paragraphs 5.6.2.3.4). The lack of respect for the authority of the principal displayed by the dagga smoker suggests that it has a negative impact on the communication of the principal, hence the principal is always emotional when dealing with him. Everything the principal says to him is not effective, and this has a negative impact on his performance. For instance, all the Grade 12 learners taught by the dagga abuser failed the final examination in 1999, and the overall percentage pass at that school was 24,79% (cf. Table 4-1 & Figure 5-1).

Negligence or indolence as spelt out in section 17(1)(d) of the EEA (No. 76 of 1998) also impacts negatively on the communication skills of principals, hence the leadership vision of most principals at the traditional black schools is not being realised. It is for this reason that parents whose children attend schools in the townships complain about educators who do not have the interest of their children at heart because of numerous reasons, one of which being that educators' children attend the former model C schools, and as a result, they go on illegal strikes for weeks (Dhlamini 1998:6). This is confirmed by the fact that in one of the conferences held in Durban, SADTU officials were told by the ANC president Thabo Mbeki to crack down on undisciplined educators who neglect learners by abusing alcohol and by toyi-toying during working hours (Khumalo 1998:3).

Feedback as one of the elements of communication must also be given attention by a leader, and this could be done if a leader gives it to followers whenever they say something to him or her, whether verbally or written. On the other hand, followers must also give feedback when a leader says something to them (cf. Figure 4-2). Evenden and Anderson (1992:106) express anxiety that feedback which is not well structured or which is negative may result in a leader being attacked or blamed, that is why they suggest that a leader must always be calm while guarding against personalising issues when giving feedback. Daft (1999:170) concurs with Evenden and Anderson (1992) by stressing the fact that giving feedback is a sensitive issue that needs to be handled with care.

In the light of the foregoing paragraphs, it becomes clear that it is by means of communication that a leader is able to influence and to inspire his or her followers to direct their activities towards a shared goal (Yukl 1998:3-4). It is also notable that there are channels which are used by leaders when communicating with their followers. Daft (1999:164) defines a channel as "a

medium by which a communication message is carried from sender to receiver." The following are the communication channels that could be made use of: meetings, oral presentations and written presentations. In all communication channels, a leader must display skills which help him or her to clearly put his or her message across (Whetten & Cameron 1998:483,521).

As may be seen from the foregoing paragraphs, effective communication in schools is needed so as to enable a principal as a leader to influence and to inspire educators to teach effectively towards the producing of desired examination results in general, and the Grade 12 examination results in particular. Mention must be made that communication is also used to influence, to motivate and to inspire educators to achieve other goals like academic standards, professionalism, human relations, etc. In schools which are characterised by anarchy and lawlessness, as is the case at some of the traditional black schools, influencing and inspiring of educators by means of effective communication is highly dubious. In the situation as spelt out above, it is found to be fit and proper to say that principals as leaders are not followed by educators but "chased" by educators.

4.3.1.3 Human relations

Human relations have been a concern for many scholars of organisations from time immemorial. People like Kurt Lewin and Elton Mayo are remembered for their contributions in this regard (Greenberg & Baron 1997:12-14, Sherman & Bohlander 1992:11). The scholars argue that sound human relations contribute to the desired results or outputs. The exponents of human relations hold the view that employees' feelings and attitudes should be considered if one wants to attain objectives (Hersey *et al.* 1996:100-101). Sound relations are needed for the leader to be able to influence the employees or followers towards the achievement of goals. A leader who is self-centred, and is not concerned about helping others to grow and develop, retards the progress of the organisation he or she leads (Daft 1999:41).

A leader can create sound human relations by effectively interacting with followers. This could be done if a leader considers and accepts his or her followers. More importantly, a leader should be concerned about the needs and feelings of his or her followers. A leader who does the aforementioned, and who is also friendly, is likely to win the friendship and loyalty of the followers (Yukl 1998:94). Hostility and animosity abound in schools where principals lack interactive skills. A school in Daveyton, on Gauteng's East Rand is cited as an example. It was

reported that in that school educators contravened section 17(1)(b) of the EEA (No. 76 of 1998) and Chapter 2, regulation C.1.3 of the PSA Regs (No. R. 679 of 1999) by fighting with each other, and by being disloyal in that they refused to teach for almost a year (Khupiso & Pretorius 1998:4).

The situation mapped above is likely not to happen if a principal as a leader maintains effective interpersonal relationships. The fighting by the educators of the school mentioned above affected the interactive skills of the principal. According to Khupiso and Pretorius (1998), the principal locked herself up daily in her office instead of interacting with her educators. The reason for doing this was that she was powerless to do anything about the state of affairs at her school. As may be seen from the foregoing assertion, the conduct of educators as discussed in paragraph 1.2, as well as in chapter 2 of the research project has a negative impact on the leadership skills and techniques of principals.

Other aspects of leadership which are very important, and which need to be mentioned are friendliness and firmness (Yukl 1998:94). In the case of this principal who locked herself daily in her office, it is difficult to say that she was friendly or not. Secondly, her inability to deal or to handle conflicts and situational problems do not suggest that she was unfriendly. Instead, one is inclined to believe that she could not apply leadership skills and techniques because of the conduct of educators discussed in paragraph 1.2 and chapter 2. Thirdly, it can be concluded that the conduct of the educators negatively affected her firmness.

Yukl (1998:95) furthermore argues that a friendly, co-operative and supportive follower (educator) contributes to job satisfaction and attainment of goals. On the contrary, a hostile and impersonal (follower) educator contributes to a low pass rate. This sentiment was echoed by the North West Education MEC, Mr Tolo, after the release of the Grade 12 examination results at the end of 1997. He commented that hostile educators embarked on illegal strikes that ran for several days, and that this move affected the performance of learners negatively. The remark was made because of the poor matric performance. Out of 48 524 candidates of the North West who sat for the examination in 1997, only 50% managed to pass. Out of that number, 11% obtained matric exemption, and 39% passed without matric endorsement (Dhlamini 1998:6).

In paragraph 2.2.2; 2.2.4 and 2.2.7, alcoholism, drug abuse and absenteeism were discussed, and according to Yukl (1998:95), they contribute to job dissatisfaction and stress among leaders

because they prevent followers from working towards the attainment of goals. From what Yukl (1998) has stated, it is deduced that a principal as a leader should interact with the educators with a view to supporting and helping them. If a leader supports his or her followers, they become satisfied with their leader and their job, and they are likely to stop contravening legislation and codes of conduct.

To build sound human relations, it is of vital importance to show acceptance and positive regard to followers. It is therefore expected of a principal as a leader, to refrain from bursting out in anger, insulting or using abusive language to educators, as well as criticising them unnecessarily. A principal should rather maintain a pleasant and cheerful disposition. This could be done by regularly spending time with the educators. A principal who does this gets to know his or her educators better. For example, he or she is in the position of knowing their personal problems, their family matters and their interests (Yukl 1998:95).

On the other hand, a principal who keeps himself or herself aloof from the educators, and who does not support them is faced with a shocking surprise. For example, an educator attached to a school in Atteridgeville near Pretoria shocked the principal at the end of 1996 when he could not submit the marks of 37 learners. This suggests that the principal did not keep regular contact with the educator with a view to supporting him. The educator in question acted irresponsibly because he disappeared without preparing the learners' reports, and as a result, the learners did not receive their end of year examination results (Sowetan Reporter 1997:4).

Interactive skills and supporting educators are important. If the principal of the school discussed above was serious about supporting educators, it is believed that the incident would not have occurred. Many principals fail to provide social support and to show sympathy when one of the educators is aggrieved or upset (Yukl 1998:96). A principal of a school in Kayelitsha near Cape Town did not act professionally and sympathetically when dealing with her educator's case. Instead, she slapped the educator in full view of her learners, thereby contravening section 17(1)(a)(b) of the EEA (No. 76 of 1998). The principal was supposed to have collected facts from the educator and other sources rather than assaulting her. It appeared as if the principal was having a vendetta against the educator, and that is why she engaged in an act which did not befit a leader (Jordan 1998:7).

It is expected of a principal to be polite, patient and to refrain from displaying rudeness when talking to his or her educators. A person who is arrogant runs the risk of thinking that he or she knows better than educators whereas it is not the case. Among the educators, there may be someone who knows better than the principal. An arrogant principal wants to sound superior when talking to educators. On the contrary, a principal who has sound interactive skills is always polite, diplomatic, and he or she is prepared to help. For instance, in the event where an educator has not reported for duty for one reason or another, or when the educators cannot cope with the workload as set out in Chapter A, paragraphs 3.1 and 3.2 of the EEA Regs (No. R. 222 of 1999), the principal offers to assist (Whetten & Cameron 1998:434).

A supportive principal always strives to develop educators. If an educator has, for an example, done something wrong, he or she positively assists to improve self-confidence. A supportive principal also gives attention to the educators' personal problems such as family matters; financial matters; alcohol and drug abuse (Daft 1999:96). The leadership techniques that were discussed in paragraphs 4.2.2.5 could help in this regard. Owing to the circumstances mentioned above, it becomes clear that a principal as a leader must give attention to human relations, more especially in the new dispensation where people misconstrue our Constitution, which is underpinned by democratic values and principles, as giving them licence to do whatever they want to do.

4.3.1.4 Leadership styles

When a group of people come together for a certain purpose, one of them becomes a leader who has a different approach in leading such a group. It is this approach that affects the performance of a group. In their research Lewin, White and Lippin used three different groups of boys to find out how the approach each leader of the group used affected the performance of the group. The research revealed that the approach a leader used was a decisive factor that determined the climate and the atmosphere in each group (Buchanan & Huczynski 1997:231-232). The results of the research were also an eye opener that prompted other scholars like Tannenbaum and Schmidt to develop a continuum of leadership styles (George Jr. & Cole 1992:75).

In terms of the continuum of leadership styles there are the following types of leaders: a leader who always tells his or her group what to do, a leader who sells his or her ideas to his or her group; a leader who consults with his or her group to invite suggestions before he or she makes decision; a leader who decides jointly with his or her group and a leader who delegates his or her

responsibility and accountability to his or her group. The first two types of leaders are authoritarian leaders, the second two types of leaders are democratic leaders and the last type of leaders are laissez-faire leaders (George Jr. & Cole 1992:75).

In light of the above, it becomes clear that leadership styles that are used by different leaders are not the same, and that they affect the performance of the group. For example, Buchanan and Huczynski (1997:232-233) noted that a leader who opts for a laissez-faire style denies responsibility and he or she also abdicates authority. A group which is led by such a leader does less and delivers poor work, while play or hide and seek is the order of the day among the group members or followers. This is supported by what is happening in some of the traditional black schools. It is reported by Bierman (1998:11) that the parents of some schools around Ermelo lodged a complaint that half of the educators report for duty on Mondays, some are two hours late, while some arrive at school few minutes before knock-off time.

It was furthermore reported by Bierman (1998) that it was the practice for some of the educators to leave schools on Fridays as early as 10h00. According to the report, the situation in the rural schools was found to be the worst because some of the educators did not report for duty on Mondays and Fridays. Absenteeism and lack of punctuality occurred at an alarmingly high rate. At one of the schools an educator was reported to have slept throughout the day on a Monday within the school with strict instructions not to be disturbed. By sleeping while he was supposed to teach, the educator contravened section 17(1)(d) of the EEA (No. 76 of 1998), which stipulates that an educator shall be guilty of misconduct if he/she is negligent or indolent in the carrying out of the duties attached to his/her post. The laissez-faire type of situation depicted above contributed to some educators under-performing and low productivity at some schools (Dhlamini 1998:6).

In a situation where a laissez-faire leadership is used, communication is horizontal among the educators, and they are leaderless. As a result educators move around aimlessly without being given direction by a leader, hence the situation depicted above (Swanepoel *et al.* 2000:377). The laissez-faire leadership style does not allow the educators the opportunity to participate in the decision making. In spite of the fact that the laissez-faire leadership is viewed negatively, it yields desirable results if the educators are motivated, committed and highly skilled because as professionals, they know as to what is expected of them to do. However, some scholars do not

recommend this style because according to them it fails the educators in attaining standards and goals (George Jr. & Cole 1992:74).

Democratic leadership is perhaps the one that is most acceptable in general and in South Africa in particular because in the past, the political policy of this country gave preferential treatment to the whites when it came to appointing people in managerial positions, and that posed a problem of organisations being managed by whites only (Swanepoel *et al.* 2000:398). Now that South Africa is a sovereign and democratic country where all its citizens are equal in all respects, national cultural differences should be taken into consideration. White managers should know that gone are the days when whites alone led organisations, because section 3(2)(a) of the Constitution (No. 108 of 1998) clearly states that all citizens of this country are equally entitled to the rights, privileges and benefits.

Now that our country has a new Constitution that is underpinned by democratic values and principles as spelt out in section 7(1)-(3) of the Constitution (No. 108 of 1996), democracy should be practised even in the workplace. According to Buchanan and Huczynski (1997:233), a leader who opts for democratic leadership normally discusses with his or her followers the policy of the organisation before it is implemented. Similarly, Swanepoel *et al.* (2000:377) point out that, in a democratic workplace, a leader delegates authority while retaining responsibility, and he or she allows his or her followers to participate in decision making by using a two-way communication structure.

Swanepoel *et al.* (2000) furthermore stress the fact that, the democratic leadership style has advantages and disadvantages. According to them, its advantages are that followers become committed because of the sense of ownership, and on the contrary they found that the democratic leadership wastes a lot of time on consultation and discussion of issues related to work. In addition to this, it was found by Mecoamere (1999:1) that some educators abuse democracy in that they think that if they belong to the ANC or to SADTU, they are entitled to dominate others in the workplace.

A good example of what has been said above is some of the educators who operate under the auspices of SADTU. It was reported that educators at one of the schools in Gauteng contravened section 17(1)(a)(b) of the EEA (No. 76 of 1998) by instigating learners to throw eggs and tomatoes at the other educators who did not belong to their union. Instead of

approaching the problem diplomatically and democratically, the principal of that school was scared away, and daily locked herself in her office in fear of the educators she was supposed to be leading (Khupiso & Pretorius 1998:4). In as far as this case is concerned, it was expected of the principal of that school to have actively involved educators in the solving of the problem, and also in the decision making with regard to that problem.

In another incident some of the educators affiliated to SADTU contravened section 17(1)(g) of the EEA (No. 76 of 1998) by illegally dismissing their principal. According to the report, the principal was illegally and unofficially dismissed, and the keys of the school were handed over to other members of SADTU who were attached to another school. What the SADTU members did to the principal infuriated parents whose children attended that school, and this led to them taking a resolution in a meeting to reinstate the illegally dismissed principal (Mkhwanazi 1996:2). The actions and the stance taken by SADTU members constituted insubordination as spelt out in section 17(c) of the EEA (No. 76 of 1998), and it also impacted negatively on democracy in the workplace.

As has already been mentioned, another leadership style that is used by some of the principals is the authoritarian leadership style. Before any attempt could be made at looking into this style, it must be noted that George Jr. and Cole (1992:74) draw an unconvincing distinction between authoritarian and dictatorial leadership styles. For the purpose of this study, the concept authoritarian leadership style will be given attention. According to Swanepoel *et al.* (2000:377), a leader who opts for the authoritarian leadership style does not delegate authority, does not assign followers to clearly defined tasks and uses a top down type of communication.

The three types of leadership styles namely authoritarian, democratic and laissez-faire can be consolidated in some instances in order to get things done. In a situation which is volatile and life threatening (cf. paragraph 1.3.1 & 2.3.4), a leader may be obliged to opt for the laissez-faire leadership style. This style can also be used if educators are committed and motivated. Similarly, the authoritarian leadership style can be used if the decision which was taken by all concerned (if the democratic process has taken place) is not implemented because this style enforces order and discipline, and it also gets results in some other incidents (George Jr. & Cole 1992:74; Swanepoel *et al.* 2000:377).

Leaders who opt for an authoritarian leadership style must do so when the situation allows it because this leadership style may spark hostility, dissatisfaction and resistance (George Jr. & Cole 1992:74). This notion is supported by the situation where a principal of one of the schools in Khayelitsha outside Cape Town arrogantly and haughtily enquired about the money alleged to have been stolen by the educator in the presence of her forty startled Grade One learners. This confrontation led to the educator becoming hysterical and insulting the principal, and this resulted in fighting between the two (Jordan 1998:7). To avoid this confrontation, the principal should have called the educator to her office where the matter then could have been discussed.

4.3.1.5 Risk and decision making

A leader continually makes decisions as long as the organisation he or she leads exists. The decisions he or she makes sometimes involves risks. When a leader takes risks, that means that he or she forges ahead with the decision even if he or she is not sure about the consequences of an action he or she embarks upon. It is always of vital importance for a leader to know that in most decisions there could be a risk or uncertainty (Northcraft & Neale 1990:188).

Research conducted in America revealed that people differ regarding the taking of risks. The indecisiveness is at times determined by the time needed by a leader to seek information that could help him or her in taking decision. There are high risk taking leaders and low risk taking leaders. A high risk taking leader hastily takes decisions without having sorted out the logistics such as information, time frames, money involved, etc. In contrast to a high risk taking leader, a low risk taking leader is careful and takes logistics into consideration before decisions are taken. What is interesting is that the outcome or results of their risk taking are the same (Robbins 1992:62).

It has however been noted that leaders in general have an aversion to risk taking. The risk-averse leaders ignore the expected outcome of the risk taken, and as a result of this they opt for less risk taking decision. Contrary to this, a leader may be neutral i.e. he or she may be caught between risky and certain outcomes (Northcraft & Neale 1990:191). Similarly, there are factors that influence a leader to take decisions such as the "situational variables pertaining to the external, observable situation in which individuals find themselves" (Donnelly, Jr., Gibson & Ivancevich 1995:137).

In some of the traditional black schools, there are variables that make principals as leaders risk-averse. One of the schools in Gauteng is cited as an example. The educators of that school did not align themselves with paragraphs 6.1 and 6.4 of the SACE Code of Conduct, which stipulate respectively that an educator shall refrain from undermining the status and authority of his or her colleagues; and that an educator shall use proper procedures to address issues of professional incompetence or misbehaviour (Boshoff & Morkel 1999:4-10). Instead of supporting one of the educators at their school as their colleague who needed assistance, they scolded, taunted and tormented him, and this led to his shooting one of them dead (cf. paragraph 2.2.5).

In addition to this, they contravened Chapter 2, regulations C.3.3 and C.3.6 of the PSA Regs (No. R. 679 of 1999), which stipulate that the public servant must refrain from favouring relatives and friends in work-related activities and that he/she must never abuse her or his authority or influence another employee, nor be influenced to abuse her or his authority; and that he or she must deal fairly, professionally and equitably with other employees, irrespective of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language. These educators chased away the principal who had been legally appointed because he was not affiliated with their labour union (cf. paragraph 2.4.8.5).

Lastly and more importantly, they contravened section 17(1)(a)(g) of the EEA (No. 76 of 1998), which stipulate respectively that an educator shall be guilty of misconduct if he/she contravenes or fails to comply with a provision of the EEA or any law relating to education; or he/she behaves in a disgraceful, improper or unbecoming manner, or, while on duty, is discourteous to any person. According to Khupiso and Pretorius (1998:4), one of the educators at that school did not comply with the foregoing stipulations because he incited learners to throw eggs and tomatoes at some of the educators because he was not appointed as a principal and this caused a rift among the educators.

Khupiso and Pretorius (1998), went further by stressing the fact that the rift caused by the egg and tomato throwing formed two factions which literally fought each other. Instead of the principal taking a risk by deciding to deal with the situation, she passed the buck by reporting the matter to the parents and the officials of the department. Parents aggravated the matter by suspending the instigator educator, a role which in terms of section 20(1)-(3) of the EEA (No. 76

of 1998) is played by the employer. In support of the illegally suspended educator, fifteen of her colleagues also stayed away from school (Khupiso & Pretorius 1998:4).

In the light of the above, it can be said that there was insubordination which needed serious attention and prompt decision taking by the principal of that school. Instead the principal had an aversion to risk taking, for she was scared of the educators, hence locking herself in her office everyday (Khupiso & Pretorius 1998:4). In addition to this it can be said that the principal did not know the procedures to follow when dealing with misconduct as laid down by section 18(1)-(2) to section 25(1)(5) of the EEA (No. 76 of 1998).

When taking a decision, a principal as a leader should always consider democratic values and principles as well as the principles of common law. As a leader who is leading a team of educators, a principal should remember to involve them in decision making. According to Hersey *et al.* (1996:440), the involvement of educators in decision making is only done if a principal has satisfied himself or herself that educators have knowledge of the issue they have to be involved in, and that the educators are willing to be involved.

In the case where it appears that the educators are not on the same wave length as the principal, they must be allowed to brainstorm, to use the *Delphi Technique* that uses questionnaires, and to use the *Nominal Group Technique* that uses a few educators who sit around the table where each of them writes ideas on a piece of paper without saying anything to each other. Research revealed that the above-mentioned two techniques namely the *Delphi Technique* and the *Nominal Group Technique* are more effective than the *Brainstorming Technique* (Donnelly, Jr. *et al.* 1995:142-144).

The involvement of educators in decision making is referred to as consultative decision making by Hersey *et al.* (1996:440). Consultative decision making has proved to be the best for the educators who are committed and devoted to their work. It was also found that educators perceive the decision taken as theirs. However, Robbins (1998:267) is of the opinion that group decision making is time consuming because groups do take a long time to reach a conclusion or solution, and that in some instances there is an influence from other members exerted on other members to conform. This can result in members who are pressurised not to implement the decision made.

Whether a decision has been made together with the group or not, a leader should always be responsible for the decision made and be accountable for everything that may result from the decision made unilaterally. The decision can be made bilaterally and as such it is referred to as authoritative decision making. A leader applies the authoritative decision making style if he or she has the knowledge of something about which he or she has to take a decision. Taking a decision alone is also influenced by inability, unwillingness on the side of the followers and the confidentiality of the issue at hand (Hersey *et al.* 1996:440).

According to Mothapo (1997:10) some educators contravened section 17(1)(c)-(d) of the EEA (No. 76 of 1998) and Chapter A, paragraphs 4.2(e)(i) and 4.5(e)(i) of the EEA Regs (No. 222 of 1999) by refusing to be class visited by principals with a view to exercising control over their professional work and by refusing to prepare and plan their lessons daily, which is something that is a world wide principle of education. Mothapo (1997) furthermore indicated that the refusal of educators to submit to supervision and guidance contributes to the decline of education. This situation could be arrested if principals are prepared to take a firm authoritative decision regarding preparation and control. After all, a principal is an instructional leader who must take a lead in this regard, and he or she must also bear in mind that principals are empowered by the law to carry out their duty (cf. Chapter A, paragraph 4 of the EEA Regs, No. 222 of 1999).

It is of the utmost importance to note that in each and every organisation a leader makes a final decision. The followers must therefore be made aware that their inputs are weighed before they are put into practice, and a leader must guard against the situation where followers dictate terms. This could be done if a leader uses the *facilitative decision* making style which allows a leader and followers to work together in view of reaching a shared vision. In this way the followers share authority with a leader when taking decision. For example, a principal can work together with the educators in deciding how the fund raising campaign can be embarked upon (Hersey *et al.* 1996:441).

The last decision making style that could be made use of by a leader is *delegative*. This style is employed when a leader is convinced that followers are ready to take a decision, that they have the necessary and required experience and that they have information that will assist them in taking a decision. A leader identifies an individual who knows the subject to work on it, and to report to a leader on completion. The delegative decision making style can be entrusted to educators who are self-motivated and who are also prepared to work on their own. It is notable

that there are situations where *authoritative*, *consultative* and *delegative* decision making styles work successfully. It is therefore incumbent on a leader to choose the style which will suit the situation (Hersey *et al.* 1996:442).

As is clear from some of the examples mentioned above, principals at some of the traditional black schools face crises of credibility, legitimacy and authority as well as frustration as a result of tensions caused by the legacy of a political struggle; uncertainties and conflicting convictions to decide whether to belong to a disruptive teacher union or a professional teacher union. Owing to these circumstances, some of the principals are going through a traumatic period because of the relentless misconduct that the educators commit, and as such they are unable or unwilling to take decisions whether bilaterally or unilaterally (Matseke 1998:11).

The situation in some schools is aggravated by the fact that principals are instructed by anybody and everybody, including their educators and learners who are supposed to be their followers (Mtseke 1998:11). As a result of the above-sketched situation, principals may find it difficult if not impossible to make use of decision making techniques such as authoritative, consultative and delegative; and as such, schools are not effectively and efficiently managed; hence the academic standards, performance of learners and of educators, goals and motivating of educators are not achieved (cf. paragraphs 4.2.1.5 & 4.2.1.6).

4.3.1.6 Conflict and problem solving

Conflict and problems are two different concepts whose meanings are not the same. These concepts are interrelated and may be used interchangeably. It is expected of a principal to have the skills and to be able to use the techniques to deal with conflict and problem situations within a school as an organisation. According to Daft (1999:286), "conflict refers to hostile or antagonistic interaction in which one party attempts to thwart the intentions or goals of another." Similarly, George, Jr. and Cole (1992:118) define conflict "as verbally and/or non-verbally expressed disagreement between individuals or groups."

On the other hand, Robbins (1998:434) defines conflict "as a process that begins when one party perceives that another party has negatively affected, or is about to negatively affect, something that the first party cares about." Donnelly, Jr. *et al.* (1995:363) hold the view that conflict occurs every day in people's lives, and that it "results when there are incompatible goals, cognitions, or

emotions within or between individuals or groups, that lead to opposition or antagonistic interaction." From the above definitions, it becomes clear that conflict occurs as a result of opposition and disagreement between individuals or groups, and that disagreement results in one group preventing the other group from attaining its objectives.

When dealing with a conflict and a problem, it is said that a conflict is resolved while a problem is said to be solved. This means that a conflict is not a problem, and that a problem is not a conflict. In fact, if a conflict is not resolved, it leads to a problem (George, Jr. & Cole 1992:118). An example of a conflict is the situation where there were two factions at one of the schools in Gauteng. The goal or the objective of the one faction was that an educator whom they hero-worshipped should be appointed as a principal. On the other hand, the other faction did not want that particular educator to be appointed as a principal. Those two conflicting ideas caused conflict, and the interaction between the two factions became hostile with the result that a fight between the two ensued (Khupiso & Pretorius 1998:4). The consequence of that conflict was that the management of the school was negatively affected.

The fighting, which is of course misconduct in terms of section 17(1)(a)(b) of the EEA (No. 76 of 1998), scared the principal of that school away, and that led to the problem which remained unsolved. It follows that the officials of the Department of Education also took time before that problem could be solved because of their lack of problem-solving expertise and the lack of knowledge of dealing with misconduct cases (Khupiso & Pretorius 1998:4). Leaders who have the capabilities and abilities to handle conflict are those who are assertive, while other leaders are aggressive or passive in resolving a conflict. An aggressive leader wants to win whereas a passive leader adopts a submissive attitude towards a conflict. This attitude may aggravate a conflict situation, in that followers may take advantage of a leader's passivity (George, Jr. & Cole 1992:119).

Both aggressive and passive ways of dealing with a conflict are unacceptable because they can lead to the building up of resentment which may lead to disruption, violence and the organisational goals not being attained (Robbins 1998:447). The educator who killed another educator on the school premises of one of the schools in Soweto near Johannesburg is cited as an example. It is reported by Malefane (1999:1-2) that, before killing his colleague, the educator was isolated by other educators who formed a clique that was opposing what the isolated educator was doing and saying. The clique prevented the isolated educator from attaining his

goals. According to Malefane (1999), the principal knew about the circumstances surrounding that case, but he remained passive, and the result was that the isolated educator fatally shot one of the educators of the clique that opposed him and other members of the clique were injured, thereby contravening section 17(1)(b)(g)(l) of the EEA (No. 76 of 1998).

In this particular case, it was expected of the principal of that school, to mediate a peace settlement between the isolated educator and the educators who formed a clique before the killing, instead of being passive, or passing the buck by reporting his school's conflict to the education officials (Malefane 1999:1-2). Similarly, the principal was supposed to have used the styles that are used by leaders when resolving a conflict. For instance, *negotiation as a technique* of resolving conflict was supposed to have been used. This technique allows the two opposing parties the opportunity to negotiate peace while a principal acts as a facilitator. More importantly, the technique demands a compromise where no one loses and no one wins (Robbins 1998:449; Nortcraft & Neale 1990:244-245, Daft 1999:288).

Another technique of handling a conflict is *mediation*, where a principal as a third person mediates a peace settlement between the two factions. Or alternatively, where a neutral person either from within the school or from the Human Resources section at the district level or a union member is involved to resolve the conflict (Robbins 1992:455, Daft 1999:289). A conflict could also be *bargained* so that at end of the day all the parties involved in the conflict resolution win. This strategy or technique involves negotiating between two parties so that each party wins or gains. It is of the utmost importance to note that everyone involved in bargaining wants to win (Robbins 1998:450-451, Northcraft & Neale 1990:246).

The above-mentioned techniques are not the only ones that can be employed in conflict resolution. For the purpose of this study, the above discussed techniques suffice, and this brings us to the management of problems. According to Robbins (1992:103) a problem is "a discrepancy between some current state of affairs and some desired state." Hersey *et al.* (1996:291-292) point out that "a problem exists where there is a difference between what someone is doing and what that person's manager and that individual believe is really happening."

Robbins (1998) and Hersey *et al.* (1996) do perceive the concept problem the same way. They hold the view that a problem exists if there is a difference between two persons or any state of affairs, or alternatively, a problem can exist if two persons or more fail to agree on an issue

because of the different views or opinion they hold. In South Africa in general, and in the education public sector in particular, the knowledge and skills of conflict management are needed more than ever before, because learners and educators' way of doing things, prompts one to come to the conclusion that educators and learners confuse democracy with licence, hence the problems that occur daily in the schools (cf. paragraphs 2.3.3 & 2.3.5).

As has already been mentioned, a conflict causes a problem. The educators who contravened section 17(1)(d) of the EEA (No. 76 of 1998) by coming to school late and by whiling away time sitting in the staff-room all day long, caused conflict (cf. paragraphs 2.2.3 & 2.2.4). The conflicting idea with regard to this behaviour is that the principal wants the educators to be punctual and take their classes. The educators do not share the same vision as the principal. As a result of this, the following problems exist; low morale of educators; low performance on the side of educators; high failure rates in Grade 12; educators forging and selling reports; and educators allotting marks to learners without marking their scripts (cf. paragraphs 2.4.3 & 2.4.5).

The above-mentioned are some of the problems that make some of the traditional black schools in South Africa difficult to manage. Hence the need for equipping principals with knowledge of conflict management so that they are in the position to make use of techniques and methods that are used when dealing with problems. A principal as a leader must also make sure that he or she understands the nature of a problem before an attempt could be made at solving it. This could be done by calling educators, who are believed not to be seeing eye to eye because of the different opinions that they share to the office. Having satisfied himself or herself of the findings a principal must then *summarise a problem*. As the discussion continues, a principal gets new information that may help to solve a problem (George, Jr. & Cole 1992:126).

The second step is to elicit ideas from the educators who are involved in a problem or who are causing it. This is done by encouraging dialogue among the educators (Hersey *et al.* 1996:370). By so doing, a principal is striving to *search for mutually acceptable solutions*. In this stage a principal tries to look for mutually acceptable solutions that will help solve the problem. The techniques that are normally made use of are *brainstorming, chunking and more information*. It is however, advisable for a principal to *evaluate the possible solutions* before an attempt is made to reach a conclusion because a permanent workable solution is needed. More importantly, a principal must *decide together* with educators involved in a problem to enhance their ownership of the solution (George, Jr. & Cole 1992:127, Hersey *et al.* 1996:370-371).

4.3.1.7 Influence and power

Influence and power go together in that a person is able to influence another person if he or she has the power to do so. That is why more often than not we hear people saying that an influential person is powerful. It is expected of a leader to be powerful because one of his or her tasks is to influence his or her followers in the pursuit of goals. Yukl (1998:176) defines influence as a "process by which the agent affects the target [which may be] people, things, or events." According to him another person may influence the attitudes, perceptions and behaviour of another person in order to get the desired outcomes.

The outcomes that a leader may get when influencing his or her followers are compliance, commitment and resistance. The influence of a leader may result in followers committing themselves to carrying out a leader's request or to implementing a leader's decision effectively. A leader who succeeds in committing his or her followers is able to attain goals, because committed followers can tackle difficult and complex tasks whereas uncommitted followers find it difficult to do so. A leader also influences his or her followers in order to comply with what he/she wants them to do. The leader influences them to be willing to do whatever he or she wants them to do e.g. a leader may influence them to improve their performance. It is however noted that followers may resist what a leader wants to influence them to do (Yukl 1998:176).

There are skills and techniques that are used in influencing followers within an organisation. The *building of coalition* is a technique that may be used. Here a leader describes and explains problems in the organisation, and he or she consults the followers whenever there is a change. By so doing, a leader builds human relations, trust and respect. A leader can *expand the network* by contracting even those who are unwilling and the dissenters. In this way, a leader's vision can be achieved. More importantly, for a leader to succeed, it is expected of him or her to *use legitimacy and expertise* i.e. he or she exerts influence on the area where there is legitimacy and knowledge of the carrying out the task (Daft 1999:475-476).

Influencing followers is easier if a leader uses an *information and analysis* strategy. This means that a leader should gather facts, and thereafter analyse them before an attempt is made at influencing the followers to support a proposed course of action. The *use of symbolic action* could also help a leader in influencing his or her followers. By this, it is meant that he or she can

use symbols, stories, heroes, slogans and ceremonies that are influential. For instance, a story of a person who achieved against all odds, can influence and motivate followers towards the achievement of goals. Lastly, a leader can influence his or her followers if he or she is *assertive*. This means that a leader says convincingly what he or she believes in to persuade his or her followers to strive for the attainment of goals (Daft 1999:476).

The techniques and skills of influencing educators by principals are affected by laxness and laissez-faire type of attitudes created by politics in South Africa. One of the goals of the secondary schools which is not realised, is to improve the Grade 12 examination results (cf. Table 4-1 & Figure 5-1). This can only be done successfully or effectively, if a principal influences educators to work harder towards the attainment of this goal. The desired results of the Grade 12 learners do not happen accidentally, but they happen as a result of educators planning and working hard towards the attainment of these. A well-planned and prepared lesson, as well as effective teaching which has been influenced by a principal, helps in this regard (cf. paragraph 4.2.1.1 & 4.3.1.2).

In a situation where educators contravene section 17(c) of the EEA (No. 76 of 1998) by refusing to prepare their lessons, or to submit their lesson preparation for control, or to allow the principals access to their classes, and to teach effectively, the influence of a principal as an instructional leader is affected by insubordination. The educators of one of the schools in Monyakeng near Wesselsbron in the Free State are cited as example. Some educators of the school who belong to SADTU took the position that they would not allow the principal to control their professional work. They specifically indicated that they did not want their work books controlled, nor the principal paying them a class-visit (File No. 16/1/2/1EMIS No. 44908243: Odendaalsrus).*

The second concept that interrelates with influence, and that needs our attention, is power. It must be noted up front that power is not authority, but the ability of a leader to influence followers. Yukl (1998:177) defines power "as an agent's potential influence over the attitudes and behavior of one or more designated target persons." On the other hand, Robbins (1998:396)

* The File No. 16/1/2/1 EMIS No. 44908243: Odendaalsrus is used in order to protect the identity of the school and that of the educators concerned. The information can be retrieved by using this number if need be.

defines power as "a capacity that A has to influence the behavior of B so that B acts in accordance with A's wishes." Lastly, Daft (1999:470) defines power as "the ability of one person or department in an organisation to influence other people to bring about desired outcomes." In addition to these, Beckmann (2000:5) maintains that power is derived from the relationship that exists between the leader and the followers. If there are no sound relations within the organisation, it will be difficult for the leader to derive power that will help him/her to influence the followers.

Power has an origin or source, and research has shown that there are five bases or sources of power. A principal who is formally, officially and legally appointed has *legitimate power*, and he or she is empowered by the legislation to direct his or her followers who in turn must respect and work towards the school's goals (Robbins 1998:399). Another power comes as a result of reward, and as such it is referred to as *reward power*. A person is for instance promoted from a position of an ordinary educator to a position of a principal, and as such gets salary increase or reward as a result of promotion. Because he or she gets more pay, he or she has power over those who value what he or she gets. The increased salary he or she gets can influence others to work harder so that they may also be elevated to a higher position (Daft 1999:471).

The opposite of reward power is *coercive power*. A principal may have a coercive power if he or she is empowered by the regulations to dismiss or to recommend dismissal. Coercive power can also be evident when a principal is reprimanding, criticising or when he or she recommends demotion or leave without pay (Daft 1999:471). Similarly, a principal may derive his or her power from expertise, and such power is referred to as *expert power*. If a principal has knowledge, educators go along with his or her recommendations. In other words his or her expertise influences the educators. The last resource of power is *referent power* which comes about as a result of a leader's personal characteristics such as respect, honesty, trust etc. Research has shown that educators tend to identify themselves with a principal who commands respect, and this makes it easier for a principal to influence them (Robbins 1998:399, Daft 1999:471).

The aforementioned sources of power are very important for principals to influence their followers. However, it has been noted that most principals are frustrated, and that they do not know where to start, and how to start in bringing duty consciousness to educators or to influence them because educators do not want to change from a state of defiance and negativism to that of

co-operation, dedication and constructivism, even in the new dispensation. All these render principals as leaders powerless, with the result that they feel relegated to the ordinary status of a follower (Mothapo 1997:10).

The above-mentioned are supported by the fact that some of the educators affiliated to SADTU acted *ultra vires* by illegally dismissing an officially, formally and legally appointed principal, and as such they despised and tarnished legitimate power that had been vested in the principal by virtue of him having been elevated to the position of principal. The incident occurred in one of the schools in Soweto near Johannesburg, thereby impacting on the influential skills and techniques of the principal (Mkhwanazi 1996:2). Even if educators were empowered by statute to dismiss who ever they deemed fit to dismiss, it is an unfair labour practice in terms of section 188(1)(2) of the LRA (No. 66 of 1995) to dismiss an employee without taking into account relevant codes of good practice.

4.3.1.8 Leadership and teams

In many organisations work is organised according to well-defined teams. This is done in order to bring about high quality productivity, faster service delivery and customer satisfaction. Daft (1999:269) defines a team as "a unit of two or more people who interact and co-ordinate their work to accomplish a specific goal." It is however notable that a team is not an ordinary group of people, but a unit of people or work team coming together to work towards a goal. According to Robbins (1998:286), a work team is "a group whose individual efforts result in a performance that is greater than the sum of those individual inputs."

There are different types of teams that are discernible because of the objectives they pursue. A *problem-solving team* for example is a team of employees whose object is to discuss the improvement of production, work conditions and efficiency. Members of this team share ideas and they also suggest the methods that could help in solving problems (Robbins 1998:287). This team could help a great deal at our schools should they be established, because some of our schools are festering with problems (cf. paragraphs 2.2; 2.3 & 2.4). Similarly, there is a team referred to as a *functional team*. The members of this team in a school setting, are those in the top management of the school and they are the subject heads, the heads of department, the deputy principal and the principal. Together with the principal, the members of this team manage a school (Dessler 1997:322).

Another team which is identifiable is a *cross-functional team*. This team is composed of members from each of the functional sub units. It may also include outsiders from the district office of education. In a school setting, educators from different departments such as the departments of Social Science, Natural Science, African Languages as well as the members of the top management can be included in this team. The task of the team is to plan, to co-ordinate, to initiate co-operation and to solve problems (George & Jones 1999:547-548). This team could help in improving the state of affairs in some of the traditional black schools.

The last team that needs our attention for the purpose of this study is a *self-directed team*. This team consists of members who rotate with a view to producing an entire product. The product is usually produced after a long period of time. The example here is educators who teach the Grade 12 learners. These educators rotate in teaching the learners. For example, a Geography educator teaches for a period of 35 minutes or so, and he or she is followed by an educator who teaches perhaps Biology, and so they rotate. Here an educator specialises in the subject he or she knows and likes the best, and they are also given the necessary resources such as teaching aids, laboratory equipment, library books etc., and these educators are empowered to make decisions regarding their subjects (Dessler 1997:273).

In each of the teams discussed above, there is a designated team leader except in the self-directed team where we find that the team works with minimum supervision (Daft 1999:273). For the teams to be successful, they must have confidence and a confident team leader. An effective leader is one who is flexible. This means that he or she changes easily to suit the situation and he or she does not cling too much to the past. A good team leader does not believe too much in command and control systems, and he or she asks questions when he or she does not know (Robbins 1998:292).

A good leader is one who takes care of a team he or she leads. He or she adheres to the SACE Code of Conduct, and this is done by encouraging the team to treat the learners with respect and the dignity they deserve, while acknowledging the individual differences among the learners. Above all, they develop learners in line with the Bill of Rights as enshrined in the Constitution, and by exercising authority over the learners with compassion. Lastly, it is expected of a leader to support and to back up the team he or she leads (Ivancevich & Matteson 1999:322-325).

A leader must have communication skills because it is by means of communication that a leader is able to influence, to motivate and to inspire the team to work harder towards the organisational goals (cf. paragraph 4.3.1.2). To communicate effectively, a leader must have power that helps him or her to influence the team. This is possible if a leader is prepared to listen, to learn and to ask questions. A skillful leader is able to make decisions and to solve problems (Hersey *et al.* 1996:230). In order to lead a team effectively, a leader must learn to share power, because this helps a team to trust a leader if information and responsibilities are shared, and where there is trust, there is integrity, competence, consistency, loyalty and openness (Robbins 1998:294).

A leader must have a meaningful purpose that he or she shares with a team he or she leads. In fact, a team is united by values and commitment of the organisation. Hence team work should be promoted by means of things to which a team aspires such as the stories of principals or schools that do well academically and otherwise (Daft 1999:276). A leader must have a vision which is of course broader than a goal that he or she must share with a team to enhance the team's commitment, directness and efficacy. Research has shown that in an organisation where a team has a purpose, that organisation is capable and able to compete with flourishing organisations (Robbins 1998:292).

It is incumbent on a leader to see to it that a team works effectively and efficiently. It is, however, notable that educators at some of the traditional black schools relentlessly commit misconduct (cf. paragraphs 2.2; 2.3 & 2.4). As a result of this, the self-directed teams under-performed in the 1999 Grade 12 examinations. The 1999 analysis of the results of the Grade 12 of the four traditional black schools that have been selected according to their scholastic achievement and the performance of their educators from the schools in the Goldfields area of the Free State Provincial Education Department are as follows:

Table 4-1: The 1999 Grade 12 Examination Results of the Project Schools

School	Candidates	SDT	SS + M		SS		PASSED		FAILED	
			N	%	N	%	N	%	N	%
A	121	14	4	3,31	26	21,49	30	24,79	90	75,21
B	89	8	3	3,37	8	8,99	11	12,36	78	87,64
C	197	13	5	2,54	18	9,14	23	11,68	174	88,32
D	316	18	1	0,32	19	6,01	20	6,33	296	93,67
Total	723	53	13	1,8	71	9,82	84	11,62	638	88,24

SS + M= Matric with exemption; SS= Matric without endorsement; N= Number; SDT= Self-directed teams

From the above Grade 12 examination results Table 4-1, it becomes clear that the four project schools under-performed in 1999. The self-directed team that was handling the Grade 12 learners in school A consisted of 14 educators who are qualified to teach the Grade 12 subjects. It must also be mentioned that the school did not experience any shortage of text books, stationery and educators. Another thing that needs to be mentioned is that the school is well equipped, is a modern double storey building which has all the modern facilities like a laboratory, library, Home Economics centre and a modern administration block. There is nothing that prevents or hinders the self-directed team to perform well. However, the poor matric results can be attributed to the fact that educators are not on the level of readiness that requires educators to engage in meaningful teaching (cf. paragraph 4.3.1.10).

It must also be noted that the school A had 121 candidates, and that from this number the school managed to produce only 4 learners with matric exemption, while 20 passed without matric endorsement, and the remaining 91 were total failures. School B's Grade 12 learners were taught by a self-directed team consisting of 8 educators. 89 learners sat for the examination. Out of these learners, 3 obtained matric exemption, and 8 learners obtained matric without endorsement, while 78 failed the Grade 12 examination. The results of the school imply that educators are not yet ready to engage themselves in meaningful teaching, and that they have not yet changed their mind set (cf. paragraph 4.3.1.10).

School C had 197 learners who sat for the Grade 12 examination, and out of this total, only 5 learners managed to obtain matric with exemption, while 18 learners obtained School Leaving Certificates. The remaining 174 learners failed the Grade 12 examination. This is indicative of the fact that the 13 educators who constituted the self-directed team did not perform as was expected of them, the reason being relentless commitment of misconduct as set out in section 17(1)(a)-(n) of the EEA (No. 76 of 1998) preventing them from performing as they should. School D had 316 learners who sat for the Grade 12 examination. Out of these learners, only 1 learner obtained matric exemption, and 19 obtained school leaving certificates, while the remaining 292 learners failed the examination. The deduction which is made here is that the 18 educators who constituted the self-directed team at that school were not on the level of readiness to engage in meaningful tuition (cf. paragraph 4.3.1.10).

The results of school D confirm the fact that it is festering with the legacy of the struggle. At this school it is difficult to detect as to who the principal is because everybody wants to play the role of principal, thereby committing misconduct as set out in section 17(1)(a)-(n) of the EEA (No. 76 of 1998). They, for example, illegally dismissed the principal by inciting the learners to chase him away from school in 1998 (cf. paragraph 4.3,1.7). The action taken by those educators was in contrast with the code of good practice as contemplated in Sch. 8, item 2(1)-(4) of the LRA (No. 66 of 1995). It is the results of his unfair labour practice that led to the school obtaining 6,33% which was the worst matric results in the Odendaalsrus district of education in 1999.

The Grade 12 examination results indicate that the functional team of school D did not do their job. Yet, the school has a full complement of a school management team/functional team. There is for instance, a principal, two deputy principals, and eight heads of department at that school. This means that the team consists of 11 members. Mention must be made that the school has recently been built, and that it has all the modern facilities, equipment, textbooks, prescribed books and stationery which make it easier for educators to teach. It is, however, evident that the contributory factor to the poor matric results is misconduct that impacts negatively on the leadership, skills and techniques of the principal.

Table 4-1 and Figure 5-1 depict that the cross-functional team did not do its job. Here reference is made to the learning facilitators (subject advisors), the heads of department and the subject heads. The learning facilitators are willing to contribute towards the attainment of quality

examination results and towards educative teaching and meaningful learning, but they are prevented from doing so by the educators who do not want to submit to control and supervision (cf. paragraph 4.2.1.1). In terms of section 17(1)(c) of the EEA (No. 76 of 1998), an educator who disregards a lawful order by word or conduct displays insubordination. It is this insubordination that had an adverse impact on the control, planning and organising of the cross-functional team. In some instances, the learning facilitators are despised, humiliated, while their authority is undermined and eroded (cf. paragraph 4.2.2.7).

4.3.1.9 A leader and followers

It must be mentioned from the outset that some scholars and writers make distinctions between a leader and a manager (Swanepoel *et al.* 2000:390, Yukl 1998:4-5, Robbins 198:346-347). In paragraph 4.2.1, a manager and his or her practical activities within the organisation were discussed. It is therefore not necessary to repeat the description of the concepts manager and management here. However, allusion will be made to management and manager where necessary. Similarly, there are scholars and writers who do not draw a line of demarcation between a leader and a manager. Such scholars are Whetten and Cameron (1998:13-14) who maintain that "effective managers and effective leaders do exactly the same thing" and that a leader and a manager cannot be separated.

A leader comes to the fore whenever there are two people and more coming together for a specific purpose. From the group of people, one emerges as a leader who influences the behaviour of the group members. This is evident when there emerges a leader among a group of boys as young as three years whenever they play together. This is also true of relatives, friends, associates etc. (Hersey *et al.* 1996:91). Scholars who have attempted defining the word leader have done so in relation to the goal or the vision of the organisation. They, for instance, perceive a leader as someone who influences and inspires his or her followers to strive towards the attainment of goals or towards the realisation of a shared vision (Robbins 1998:347).

In South Africa, a study was conducted at the University of South Africa (UNISA), in the school of Business Management where the MA students were involved. The definition the students came up with differed a little bit from that of the other scholars from the other countries in that they reflected the South African perspective and culture. For example, they hold the view that an effective leader is (i) "an accepted person who displays a natural ability in a given situation to

inspire others to willingly follow an ideal or vision," (ii) "a leader is a person who leads followers to believe in themselves, their own strengths, abilities and worth, who inspires followers to commitment, motivation and self-confidence," and (iii) "a leader is a person who is capable of paradigm shifts, who takes risks, is a facilitator of people and empowers people, and who is perceived to be a trustworthy person with high moral values" (Swanepoel *et al.* 2000:375).

The foregoing definitions of a leader reflect a leader, followers, the act of inspiring, situation and charisma such as capability to change, risk in taking decisions, courageous, trustworthy, and leader's moral values. On the other hand, George and Jones (1999:404) perceive a leader as someone who motivates followers towards the achievement of the organisational objectives, and who develops the skills and confidence of the followers. Similarly, Greenberg and Baron (1997:434-435) perceive a leader as someone who initiates change if there are obstacles, so that he or she is able to attain the desirable goals. They also go further by saying that a leader is someone who gets things done.

By influencing, inspiring, motivating etc., a leader leads followers within the organisation. The act of leading is defined by Robbins (1998:3) as "a function that includes motivating subordinates, directing others, selecting the most effective communication channels, and resolving conflicts." In a school setting, a principal is a leader because he/she finds him/herself among educators whom he or she motivates, directs, inspires, influences, interacts with. He/she also resolves the conflicts that might be present within a school. Because of these reasons, educators are a principal's followers, and without them it is impossible for a principal to be a leader. In fact, Hersey *et al.* (1996:193) make it abundantly clear that a leader cannot exist if there are no followers.

Educators as followers who purposely form a formal group, which is perceived by Robbins (1998:240) as "a designated work group defined by the organization's structure," work together daily under the leadership of a principal. It is for this reason that educators must always be prepared to follow a principal. Should they be ineffective in this regard, the school's activities will be handicapped, and this impacts negatively on performance standards. In fact, research has shown that people within the organisation who do not want to follow are not courageous, honest, credible, working independently, committed to their work, and that this results in them under performing because they are unable to manage themselves (Robbins 1998:382).

It has been discovered that self-management is lacking among some of the educators. It is because of this reason that educators are unable to manage time, and as a result they commit misconduct by coming to school late, by dodging and bunking periods (cf. paragraph 4.2.2.8). It has also been discovered that some of the educators cannot think for themselves. A good example here is the question of lesson preparation and class-visits. The two issues are topical in our schools because some educators wait for SADTU to come and confuse them, and yet they know how to prepare a lesson, because each and every educator has undergone training in lesson preparation at the institution of higher learning where they qualified as educators. A case in point here is the educators attached to one of the school in Monyakeng township near Wesselsbron (cf. paragraph 4.2.1.1)

Most of the educators attached to the erstwhile DET cannot work independently due to the fact that they lack self-control, and as a result they refuse to follow principals who are their leaders (cf. paragraph 4.2.2.7 & 4.2.2.8). At a school where educators refuse to follow a principal, a school produces poor examination results at the end of the year, and the learners produced by such a school cannot fit in the society (cf. paragraph 4.2.2.6). Table 4-1 and Figure 5-1 bear testimony to this. The four project schools did not pass many learners in Grade 12, and the results they produced were not quality results. The following results of the four schools support the notion: School A's pass rate was 24,79%, school B's 12,36%, school C's 11,68% and school D's 6,33%.

It has been proved beyond reasonable doubt that some educators who do not want to follow a principal as their leader are not honest, and that they contravene section 17(1)(c) of the EEA (No. 76 of 1998) by misusing the school funds, by absenting themselves from schools, by falsifying records, by ignoring the starting and ending time and by abdicating responsibility (cf. paragraph 2.2.1). It follows that a dishonest educator at one of the schools in Thabong near Welkom, in the Free State collected money from the learners, and failed to report it to the school's secretary knowing full well that the policy of the school dictated that the money was to be reported (cf. paragraph 2.4.2).

Another example of a dishonest educator is the one who forged reports and sold them to learners. According to the report, the educator stole blank report forms and the school's stamp from the principal's office, and he allotted marks to the learners indiscriminately, and that led to the learners being given marks even for the subjects they did not do. Upon completion of the forms the

educator forged the signature of the principal thereby committing serious misconduct (cf. paragraph 2.4.3). In another incident, it was reported that an educator misused the school hall by allowing the local people to use it without the permission of the principal, and that he lined his pockets with the money he got from the users. All these are indicative of the refusal of some of the educators to follow principals (cf. paragraph 2.4.4).

4.3.1.10 Situational variables

There are variables in the situation where a leader finds himself or herself. These variables can contribute positively or negatively towards the leadership skills and techniques of a leader, and that is why they are referred to as the situational variables. Hersey *et al.* (1996:164) discuss the situational variables from another dimension and the business point of view. In as far as this research project is concerned, the converse will be true because the research project is concerned with the education public sector. However, the principles of the environmental variables noted by Paul Hersey, Kenneth H. Blanchard and Dewey E. Johnson will be applied, while taking into account that the situational variables differ from situation to situation (Hersey *et al.* 1996:164).

For the purpose of this study the following situational variables are of vital importance, and they are therefore given attention more than any other variables: organisational goals, social change, job demands, time and external variables (Hersey *et al.* 1996:173-177). One of the characteristics of an organisation is organisational goals. In fact, an organisation exists because of the goals that it pursues. According to Hersey *et al.* (1996:173) organisational goals consist of output variables and intervening variables. In a school setting where the mission of a school is to develop a child, the output variables will be moral values, healthy body, intellect and pass rate (at the end of the year or continuous evaluation) or failure rate. Hersey *et al.* (1996) refer to the output variables as short term goals which are measurable.

On the other hand, the intervening variables are capacity for effective interaction, communication and decision making. These variables are long term goals that are not measurable (Hersey *et al.* 1996:1733). The output variables impact on the leadership skills and techniques of a principal in that they change the leadership style of a principal. In schools traditionally referred to as black schools, some of the educators flout the SACE code of conduct which is related to the learners. For example, they do not do not respect the dignity, belief and the constitutional rights of learners because they involve them in disputes and issues such as political matters which do not concern

them, thereby affecting learners' moral standards that have been set by principals as leaders (Mabe 1990:9).

Now that South Africa is a democratic country, principals as leaders must uphold democratic values and principles in schools (cf. section 7(1)-(3) of the Constitution, No. 108 of 1996). In addition to this, principals must bear in mind that their followers have changed tremendously since the new dispensation was ushered in. The fact that South Africa is a member of the global village should be the principals' cause for concern because people are now moving easily from other countries to South Africa, as is the case with South Africans, and this changes the social mores of the people of the world. In South Africa for example, employees imitate and emulate other employees from elsewhere e.g. they resent being treated as subordinates who are being told from the top downwards (Greenberg & Baron 1997:339).

Social change as a situational variable has an adverse impact on the leadership skills and the techniques of principals. Some of the educators are critical of some of the things that are happening in schools in general and in the education system in particular (Hersey *et al.* 1996:177). This is compounded by the fact that the LRA allows the educators to participate in labour actions (cf. sections 64(1)(a)-(c) & 69(1)(a)(b) of the LRA, No. 66 of 1995). Some of the educators question the authority of principals whenever principals want to exercise control over educators' professional. Such educators may contravene section 17(1)(c) of the EEA (No. 76 of 1998) (Mothapo 1997:10). The involving of educators in the appointment of other educators in all levels affects the leadership skills and techniques of principals in that educators prefer their friends to competent applicants (Seloane 1997:3).

The work that has been assigned to educators to perform is one of the important situational variables. For instance, a structured job requires high task behaviour and direction. This means that principals are expected to give educators direction, and they must analyse the situation by interacting with the educators in their classes. Some educators annoy principals by not adhering to the rules and regulations, instead they do things incorrectly, knowingly and deliberately, thereby wilfully defaulting in carrying out their duty (cf. section 17(1)(c) of the EEA, No. 76 of 1998).

An educator attached to one of the schools in Masilo near Theunissen, in the Free State, was found by the SMD to have dated a Mercantile Law test as September, when in actual fact the

SMD was at that school in April 2000. Secondly, marks allocated did not correspond with marks on the memorandum of marking. Thirdly, it was discovered that the 1999 lesson preparations were used in the academic year 2000, and also that the class-work given on that day did not add up to 50 marks as indicated, but to 54 marks. All these constitute misconduct as spelt out in section 17(1)(b)(d) of the EEA (No. 76 of 1998), and it also indicates that the educator could not cope with the job demand (File No.16/1/2/1 EMIS No. 44008151: Odendaalsrus).*

A school is an open system that is open to external variables such as the economy, religion, politics etc. (Hersey *et al.* 1996:176). For the purpose of this study politics is given attention because it is the variable that played a leading role in the decline of leadership skills and techniques of principals. It is a well known fact that in the past educators were involved in politics. As a result of their involvement in politics, some of the educators perceive themselves as politicians, that is why they threaten, intimidate, harass principals, and in some instances instigate learners to beat principals or burn down principals' properties (cf. paragraphs 2.3.1, 2.3.6, 2.4.8.4 & 2.4.8.5).

The politicisation was so intense that some of the educators saw it fit to embark on political activities, rather than on educational activities, hence the slogan *[political] liberation before education*. Educators who took part in politics, rallied learners and outsiders around them to make schools and the townships ungovernable. The politicised educators told the learners not to pay their school fees. They also instructed the township residents not to pay for essential services, and they organised mass actions thereby destroying the economy of this country. All these were done because educators who initiated them claimed that schools were not isolated from the community. This political strategy impacted negatively on the leadership skills and techniques of principals (Montgomery 1993:15).

Time is a major factor in the situation in which a principal as a leader finds himself or herself. A principal needs time to complete managerial work or to work towards the attainment or achievement of goals and so is the case with educators (Hersey *et al.* 1996:175). The work that is

* File No. 16/1/2/1 EMIS No. 44008151: Odendaalsrus. This number is used to protect the identity of the educators and the school where they are attached. To have access to the information, this number can be used.

not completed within the stipulated time has an adverse impact on the skills and techniques of a principal as a leader. A case in point here is some of the educators who did not care about time. It was reported that half of the educators around Ermelo in Mpumalanga came late to school on Mondays, while some were always two hours late every day, and that others arrived at schools two hours before knock off time (Bierman 1998:11). At the schools where this is a common practice, a principal is unable to apply his or her leadership skills and techniques.

4.3.2 Impact of misconduct on the leadership of principals

4.3.2.1 Introduction

The concepts of leadership and a leader have been explained in the previous paragraphs. Here, it suffices to say that the two concepts have attracted the attention of scholars and writers who study organisations, and they discovered that leadership manifests itself in any organisation. The scholars came up with many definitions of leadership. Daft (1999:5), for instance, defines leadership as "an influence relationship among leaders and followers who intend real changes that reflect their shared purpose." Greenberg and Baron (1997:433) define leadership as the "process whereby one individual influences other group members toward the attainment of defined group or organizational goal."

In the light of the above definitions, it becomes clear that there is a difference between a leader and leadership. A leader purposely leads a group in order to achieve something (George & Jones 1999:404). On the contrary, leadership is a process that takes place whenever someone influences, inspires and motivates a group of people to strive or to work towards a set goal. Leadership is impossible without followers, influence, intention, shared purpose or vision, change and personal responsibility (Sherman & Bohlander 1992:476-477). It is of vital importance to note that the process of leadership is the function of a leader, followers and the situational variables that influence the style of a leader, hence the situational leadership (Ivancevich & Matteso (1999:408-409).

4.3.2.2 Situational leadership

In the situation where a leader finds himself or herself, there are situational variables, and it is incumbent upon a leader to sense or to diagnose situational variables. In other words, a good

leader is a good diagnostician who has the ability to sense and to identify variables that are situation based. The ability to diagnose the situation hones leadership skills and techniques, and this results in a leader adapting to a situation, or it can result in a leader changing his or her leadership style in order to suit a given situation. A good diagnostician is also in the position of varying his or her behaviour in order to meet the demands of the situation that confronts him or her (Hersey *et al.* 1996:189).

Some of the situational variables that affect or influence the leadership skills and techniques of a principal, and that must be diagnosed or sensed by a principal as a leader were discussed in paragraph 4.3.1.10. Hersey *et al.* (1996:189) express the view that a model they have developed, and which can be used by leaders to influence followers, results in situational leadership. According to them, situational leadership involves the direction and the guidance a leader gives to his or her followers; the way in which a leader relates to his or her followers; the level of readiness on which the followers are. In other words, a leader must take cognisance of the fact that all these affect one another (Swanepoel *et al.* 2000:382-383).

The followers as the most important variables are school based. It is for this reason that the emphasis in situational leadership is on the manner in which a leader relates to his or her followers because relationships can contribute to the leader not being rejected or accepted by followers who also determine the power that a leader may have to influence them (cf. paragraph 4.3.1.7). It must always be remembered that there are leadership theories and models, and that theories and models are not the same. Hersey *et al.* (1996:190) define, a theory and a model respectively as follows: "a theory attempts to explain why things happen as they do. As such, it is not designed to recreate events. A model, ... is a pattern of already existing events that can be learned and therefore repeated."

In dealing with the situational leadership model, one is looking at a process through which a leader takes decisions to effectively influence his or her followers, and it is also important to note that a situational leadership model is not a theory because in this model there are procedures, actions and outcomes which are based on methods that have been tested and which are practical and easy to apply. It is also important to note that the relationship which is important in terms of the situational leadership is the leader-followers relationship (Greenberg & Baron 1997:453-454).

The level of readiness which is the extent to which followers display willingness and ability to do the work was alluded to earlier on. A leader should know whether the people he or she wants to influence towards the attainment of goals are on an appropriate level of readiness. A leader also uses leadership styles in the leadership model as well as the readiness of the followers when influencing them. The styles that may be used are *task behaviour* and *relationship behaviour* which are respectively defined by Hersey *et al.* (1996:191) as follows: "Task behaviour is the extent to which the leader engages in spelling out the duties and responsibilities of an individual or group. Relationship behaviour is the extent to which the leader engages in two-way or multi way communication."

The relationship behaviour style is needed when a leader has to encourage his or her followers. He or she, should for example, communicate effectively with followers, and this is done by way of listening carefully and facilitating the activities, while supporting followers where necessary. The task behaviour comes to the fore when a leader gives directions by way of using a one way communication which is only from a leader to followers. When using task behaviour style, a leader is not concerned with the feelings of his or her followers, but he or she is concerned with the followers attaining goals. The relationship and task behaviours are two different styles that may be used by a leader in a given situation depending on the readiness of the followers (Sherman & Bohlander 1992:482).

Leaders should adapt to the situation in which they find themselves so that they are in a position to influence the followers towards the attainment of goals. It must, however, be noted that the situation in which a leader finds himself or herself, is in turn influenced by the situational variables that are situation based. As has already been mentioned, such variables, among others are followers without whom leadership is impossible. If it happens that followers decide not to follow, leadership and the production of the organisation are adversely affected. It is for this reason that it is believed that followers are very important variables (Swanepoel *et al.* 2000:380).

In order to establish and maintain the leader-follower relationship, a leader should work in close contact with followers. It is for this reason that a leader should continually create clearly defined outcomes, objectives, sub-tasks etc. More importantly, a leader should note that followers may not be on the level of readiness to work towards the attainment of the outcomes and objectives. Hersey *et al.* (1996:193) define readiness "as the extent to which a follower demonstrates the ability and willingness to accomplish a specific task."

As may be seen from the foregoing definition, the components of readiness are ability and willingness which are in turn respectively defined by Hersey *et al.* (1996:194-195) as follows: "*Ability* is the knowledge, experience, and skill that an individual or group brings to a particular task or activity. *Willingness* is the extent to which an individual or group has the confidence, commitment, and motivation to accomplish a specific task." In the traditional black schools, followers have proved beyond reasonable doubt that they are not on an appropriate level of readiness because most of them regularly commit misconduct which has a negative impact on the leadership of principals.

For example, an educator who continually arrives late and who also whiles away time in the staff-room is not willing to accomplish a specific task of imparting knowledge to learners (cf. paragraph 2.2.4). Another example is that of an educator who contravened section 17(h)(j) of the EEA (No. 76 of 1998) by smoking dagga and illegally selling it at one of the high schools in Umlazi, South of Durban. It is reported that an educator attached to the school smoked dagga with the learners belonging to the same school in the room they referred to as the smoking room, in which the educator also sold dagga to the thugs who entered the school premises freely (Thulo 2000:3). The action of that educator smacked of a high level of unwillingness, and it has an adverse impact on the leadership of the principal.

What has been said above indicates that the educator was not on an appropriate level of readiness. The principal of the school was neither task behaviour oriented nor was he relationship behaviour oriented because he himself was a dagga smoker (Thulo 2000:4). In spite of the fact that the matric results of the country have been poor for the last 5 years and more, educators are still unwilling to teach. Subsequent to the release of the worst matric results of 1998, SADTU contravened section 17(1)(b)(c)(d) of the EEA (No. 76 of 1998) by holding a meeting during school hours at the Durban City Hall to discuss the issues of rationalisation and redeployment (Shiba 1999:6). If they were ready to teach, they would not have held that meeting during school hours.

It is difficult for some of the principals of the township schools to adapt to the situation by applying the task behaviour which demands that a principal must give direction in order for the educators to achieve goals. The relationship behaviour style which demands that a principal must encourage and facilitate the educators' activities is also difficult to apply in a situation such as the

one depicted above. In another incident, educators attached to one of the schools in Daveyton, on Gauteng's East Rand contravened section 17(1)(b)(d) of the EEA (No. 76 of 1998) by fighting among themselves in the school premises, and subsequent to that they neglected learners for almost the whole of the 1998 academic year.

As has already been mentioned, refusal to submit to authority and control constitutes insubordination in terms of section 17(1)(c) of the EEA (No. 76 of 1998). However, it appears that some educators still refuse their SMT's access to their classes because they perceive class visitation as an anathema and interference with their work, and yet according to the principles of management, control and supervision cannot be sacrificed or neglected if the educational problems in some of the traditional black schools have to be solved (Mothapo 1997:10). The attitude of some of the educators who do not want to be controlled show that they are not yet ready to teach as defined by Hersey *et al.* (1996). Moreover, educators who do not want to be class-visited are not aware that in terms of Chapter A, paragraph 4.2 of the EEA Regs (No. 222 of 1999) the prerogative of the principal as the representative of the employer is to guide, supervise and offer professional advice on the work of educators, and that he/she can only do this, if he/she has access to the educators' classrooms and professional work.

It has also been discovered that the downsizing of the work force plays a role in the decline of leadership quality of principals (Dessler 1997:609-610). Subsequent to the ushering in of the democratic order in South Africa, a voluntary severance package was offered to everybody including the educators attached to the former white schools. However, at the traditional black schools, some educators were forced by the circumstances such as lax morals, laissez-faire types of attitudes and appalling conditions that led to educators neglecting learners to leave teaching (cf. paragraph 2.2.4). Because of this move, there was a loss of talent, valuable skills and knowledge, and this impacted negatively on the leadership of principals who were forced to start afresh building up what had been lost (Matseke 1997:12).

The foregoing circumstances that have been sketched, suggest that principals of the traditional black schools must be more diagnostic in the situation they find themselves more than any other principal, because of our past history that has negatively influenced the attitude of most of the educators attached to the schools controlled by the erstwhile DET. Principals who have good diagnostic ability are able to enquire or to sense what happens in the situation where they find

themselves. The skills to diagnose the situation helps principals to be flexible in managing schools, and this enables them to vary their methods of leading their followers.

4.3.2.3 Transactional leadership

The term transaction is used in the business world when a businessman exchanges a deal with a client or when a businessman negotiates a deal with a client. Here, a businessman gives, and so does a client. For instance, a businessman may give a client a certain commodity in exchange for money from the client, and this act is referred to as a transaction. In leadership, the word transactional is used to indicate the situation where a leader recognises a specific follower's desires, and in turn he or she provides goods to meet those desires (Daft 1999:427).

In transactional leadership, both the leader and the follower gain. For example, a follower receives reward for work done, while a leader receives benefit for the work completed. Here, it becomes clear that in transactional leadership there are economic and social transactions needed for the follower to accomplish a goal, and that the exchange involve goods. It is important to note that transactional leaders are good at following rules, planning, controlling, organising and goal setting. The rewards which are given to followers as incentives, encourage them to work harder while at the same time the followers are made to feel happy in the organisation, and this may improve the productivity and the morale of the followers. Transactional leadership does not effect change in spite of the fact that it promotes stability (George & Jones 1999:434-435).

Another example of transactional leadership is where a leader negotiates a reward with a follower for an effort that a follower shows. More importantly, a follower is given something by a leader for the performance and the work he or she completes (Swanepoel *et al.* 2000:388). In other words, what is said by Swanepoel *et al.* (2000) is supported by the following statement made by Daft (1999:427), when he pointed out that "a transaction or exchange [is a] process between leaders and followers." The foregoing assertion also assumes that transactional leadership recognises the effort a follower puts in, in an attempt to attain goals or a certain duty in the form of a reward.

Transactional leadership is needed in schools in order to encourage educators to work harder towards the attainment of goals and objectives, and also for the principals to design work flow as well as to delegate assignments to the educators (Swanepoel *et al.* 2000:388). As may be seen

throughout the discussion in this research project, the traditional black schools are festering with problems of educators who commit misconduct, and that this leads to educators being demotivated, uncommitted and dispirited. What has been said is supported by the fact that some of the educators report for duty, only to loaf at work instead of doing what they have been employed for. Another example is that of some of educators who persistently come late to school, and as such, the attainment of goals and objectives are affected (cf. paragraph 2.2.4).

In terms of section 22(b)(f) of the DETA (No. 90 of 1979), an educator was regarded to have committed misconduct, if he or she caused any act which was prejudicial to the administration and discipline of the DET, or if an educator publicly criticised derogatively the administration of the department. However, educators contravened the provisions of the above-mentioned section by denying the principals, as leaders, opportunities to identify educators who qualified for the merit award and promotion to a higher position, and as such impede the transactional leadership principle. It appears that the Vaal educators went on an illegal strike for a period of three weeks, after which they decided to return to class, but still handed a memorandum to the officials of the DET, in which it was clearly spelt out that the DET must stop giving educators merit awards (Mhlongo 1990:9).

The situation at the schools mentioned above could be arrested if the transactional leadership looks into the deviation from standards, and if it corrects those mistakes that might be there within the schools. Because it aims at looking at the followers who deviate from the rules and standards such as relentlessly committing misconduct, transactional leadership must be applied with the view to correcting the deviant behaviour of educators (Swanepoel *et al.* 2000:388). For instance, it is believed that the application of transactional leadership can help in dealing with educators who leave learners during school hours to attend to union's meetings (cf. paragraph 2.3.1).

4.3.2.4 Cross-cultural leadership

In South Africa there is a diversity of cultures. It is because of this reason that the work-force is composed of blacks, whites, coloureds, indians and others. The former president of this country, Mr Mandela, was aware of this diversity, and that is why he at one stage referred to the people of our country as the rainbow nation (Nyatumba 2000:14). The different South African people speak different languages, while practising different religions, and different ways of life. For

example, a black man or woman whose next of kin has passed away would like to be released from work for about a week or more to prepare for the funeral. In addition to this, it must be noted that there are customs among the blacks that must be observed such as rituals, ancestral cults etc. (Swanepoel *et al.* 2000:393).

South Africa is not only a rainbow nation, but it also has been internationalised. Because it is part of the global village, other nations are allowed to come here to seek employment. Technology has also advanced in so much as there are sophisticated networks such as the internet, the telephone and others which make communication easier between the countries of the world. It is for this reason that a leader must be conversant with the culture, the values and the philosophy that other countries cherish. Another phenomenon which needs to be mentioned is that in our country women are entering leadership positions (Swanepoel *et al.* 2000:393).

For South Africa to develop effectively, the cultural diversity must be understood by leaders of this country in general, and the educational leaders in particular. Cultural issues could impact negatively on the leadership of a principal if they are not effectively managed. In South African schools in the past, white male principals were managing most of the high schools, while competent blacks were marginalised and side stepped (Swanepoel *et al.* 2000:398). This practice was abhorred by black educators who protested against it. Because they were not allowed to register their concern, they resorted to inciting the learners to stone and chase away the white principals and white educators from the traditional black high schools and thereby contravened section 22(b)(f) of the DETA (No. 90 of 1979).

Subsequent to the introduction of the democratic dispensation in South Africa, some of the educators committed misconduct, while hiding behind the cloak of the democratic rights. Two educators of Vosloorus in Gauteng for example, contravened section 17(1)(c)(g) of EEA (No. 76 of 1998) by disobeying the carrying out a lawful order given to them by the principal of the school, and also by behaving in a disgraceful manner while on duty in that they quarrelled with the principal in full view of everybody. This came about as a result of the two educators involving learners in a strange religion in which Satan was the main emphasis, unlike the Christian belief where Jesus Christ is the emphasis. When instructed to stop their religious practices, they refused by saying that there was a freedom of religion in terms of the Constitution of South Africa (Mbonambi & Dladla 1998:2).

It is true that section 15(1) of the Constitution (No. 108 of 1996) confers on the individuals the right to freedom of conscience, religion, thought, belief and opinion. But, it does not allow individuals to do mischievous things and thereafter hide behind the cloak of religion. According to the report, the two female teachers in question were rude and discourteous when talking to the principal and the officials from the department of education. Moreover, they provoked the principal by holding "prayer meetings" at the spot where the principal was parking her car, and at the time when the principal was supposed to lock the gates and leave for home, making a remark that Satan was on the school premises (Mbonambi & Dladla 1998:2).

The intervention of the education officials in this matter did not come to fruition either. Instead, the two female teachers who involved learners in the strange belief swore and hurled abusive language at the principal in the presence of the education officials thereby committing gross insubordination (Mbonambi & Dladla 1998:2).

Another similar incident is that of an educator attached to a school in Kutlwanong near Odendaalsrus in the Free State. The educator smoked dagga with the learners, and he saw nothing wrong because, when confronted by the principal and told to stop the practice, he indicated that Rastafarianism was a religion, and that they were worshipping Haile Selassie as their God. He furthermore went on to say that there was nothing wrong with worshipping their god because the Constitution of this country allows freedom of religion (cf. paragraph 2.2.7).

In the Free State, black traditional secondary schools that were managed by whites, were targeted because, when appointments were made, blacks were bypassed or sidelined in favour of whites. One of the schools in Makeleketla near Winburg is cited as an example. At one stage, the white principal and white educators of the school found themselves in a very dangerous situation because they were confronted with lethal weapons ranging from knives to pangas, while abusive slogans were hurled at them. On the other hand, their cars were petrol bombed, and they had to call for the protection of the police (Dedekind & Hoeksma 1990:1).

The above incident was not the only one of its kind. There were many of these, and to avoid unnecessary repetition, they need not be recorded as they are similar in nature. Now that South Africa is in terms of section 1(b) of the Constitution (No. 108 of 1996) one, sovereign, democratic state, founded on non-racialism and non-sexism, the principals must consider the country's cultural diversity as stipulated in sections 30 and 31 of the Constitution (No. 108 of

1996) that everyone has the right to use the language and to participate in the cultural life of their choice; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.

Another issue in South African education that needs to be considered by the leaders is affirmative action. According to this programme, when promotions are to be made, the South African people across the spectrum must be considered (Swanepoel *et al.* 2000:398). In spite of this fact, many mistakes have been made regarding affirmative action in our young democracy, because when leaders are appointed, good people, with good track records are bypassed or sidelined in favour of officials' friends and siblings (Matseke 1998:15). This practice has caused the following among the employees in this country: distrust, tension and negative attitudes which affect the morale of employees, hence silent resistance and resentment that impact negatively on the leadership of leaders in general, and principals in particular (Matsebula 1997:15).

4.3.2.5 Educational leadership

Educational leadership needs to be reviewed and taken seriously more than ever before in our country, more so because some people have mistaken it to be denoting status that enables people to drive expensive German cars, and to earn a lot of money should they be promoted to the position of a leader (Mamaila 2000:6; Bereng 2000:9). Contrary to these ideas, educational leaders should be individuals who are dedicated, loyal, and above all, they should be like captains of a ship because without them schools cannot sail through the turbulent sea of ignorance. In addition to this, educational leaders must perceive themselves as leaders of an army in the battle for true intellectual liberation, and leaders who liberate the minds of learners from ignorance. It is because of these reasons that it is expected of principals as educational leaders to have characteristics of a good leader (Matseke 1998:11).

Unlike business leaders, an educational leader moulds learners who are also his or her followers and he or she unfolds reality to them. It is for this reason that an educational leader should be exemplary and he or she should command respect. The definitions of a leader by Swanepoel (2000:375) are relevant to an educational leadership. For instance, a principal must be capable of paradigm shifts i.e. his or her mind set must change with the changing world. In our country, corporal punishment has been abolished in terms of section 10(1)(2) of the SASA (No 84 of

1998). It is therefore expected of a principal to change and adhere to the provisions of this section and other prescripts.

A principal as a leader must take a risk in making decisions. In the case of educators who defy and intimidate him or her as discussed in paragraphs 2.5.3 and 2.5.4, a principal must take a firm decision to follow all the procedures that are laid down in respect of maintenance of discipline and management of misconduct. More importantly, a good principal is one who facilitates the activities of the educators and who also empowers them. The selling of reports as well as the allotment of marks to learners without marking their scripts as discussed in paragraphs 2.4.3 and 2.4.5, suggest that principals of schools where educators practise these are ineffective in facilitating and empowering educators.

Lastly, a principal should be a trustworthy person, with high moral values because he is imitated and emulated by educators and learners he or she leads. If a principal has a behavioural problem as is the case with some of the principals, schools are not led as they should. A principal of one of the schools in Umlazi near Durban is a case in point. It was reported that he smoked dagga with learners and one of the educators attached to the school. That principal not only flouted section 17(1)(h) of the EEA (No. 76 of 1998) by smoking dagga, but he also contravened section 17(1)(g)(k) of the EEA (No. 76 of 1998) in that he misappropriated the school fund and in that he behaved in a disgraceful manner when confronted by the governing body of the school (Thulo 2000:4).

In another incident that was reported by Lengane (1996:1), a principal of a school in Soweto near Johannesburg was severely assaulted by the residents because it was alleged that he repeatedly raped a nine-year old girl who was a learner at his school. If the allegations were true, the principal did not only contravene section 17(1)(g) of the EEA (No. 76 of 1998) by sexually harassing the little girl, but he also flouted criminal law in that he violated the dignity of the young girl, and in that he inflicted psychological and bodily harm on her (cf. paragraph 3.2.3). Similarly, a principal of a school in Bushbuckridge in the Northern Province shot dead an educator who was alleged to have had a love affair with his wife thereby flouting criminal law and section 17(1)(b) of the EEA (No. 76 of 1998).

The behaviour of the principals sketched above suggests that they fail in leading their schools, and that they lack direction as they engage themselves in doing things that are not accepted by the

society. Unfortunately, lack of direction resulted in them misleading schools. Hence one of them involving learners in smoking dagga. A good principal does not act impulsively as was the case with one of the above-mentioned principals. In fact, it was expected of him to seek out advice because wisdom is what is needed when someone is leading an organisation (Matseke 1998:11). Another thing that needs to be seriously considered is that South Africa is now a secular state. It is because of this reason that there is no clearly defined religion programme in schools to mould good character in everybody who has to do with the educational leadership (Letsoko 1999:12).

As may be seen from the above-mentioned paragraphs, schools need true educational leadership that builds confidence through respect which is the cornerstone of any organisation. True leadership continually acquires knowledge that helps in capacitating and developing educators who are demotivated, dispirited and who lack commitment and self-confidence (cf. paragraphs 4.2.1.4; 4.2.1.5 & 4.3.1.10). In addition to this, a principal as a leader must inspire trust in educators in order for them to do what needs to be done or what is expected of them to do. The organisation functions effectively if trust is established within it, and where there is trust, there is always accountability, reliability and unity (Swanepoel 2000:391).

A true educational leader is a visionary leader who has dreams. It is for this reason that principals must have a vision that must be shared with educators in order to arrest the deplorable situation and the deteriorating standards of education in our country (cf. Table 4-1 & Figure 5-1). It must be noted that it is a fallacy to think that a vision is attainable without meaningful communication. It is therefore necessary for a principal as a leader to communicate effectively with educators as followers in order to clarify the vision and to make it meaningful, because this helps to motivate educators to go the extra mile, while enhancing understanding between them and the principal (Swanepoel 200:391).

4.3.2.6 Charismatic leadership

A person who has inherent power to attract, inspire, influence and motivate others to follow him/her and to admire his/her ideas is said to have charisma. Charisma is a talent given by God to someone for him/her to be able to inspire or to influence those who follow him/her towards the attainment of goals or objectives. The objectives may be bad or good. King Moshoeshoe of the Basotho nation had charisma to inspire his followers for a good cause. A well known villain in

the history of our country is Mr Eugene Terreblanche who also possesses charisma. Contrarily, his charisma enabled him to inspire his followers towards the attainment of bad objectives.

The two different leaders referred to in the preceding paragraphs are charismatic leaders. A charismatic leadership is characterised by charisma and traits which help in inspiring, motivating and influencing others towards the attainment of objectives. A charismatic leader is diplomatic, enticing, democratic, calm, intelligent and courageous (Swanepoel 2000:375). Another example of a charismatic leader is Mr Nelson Mandela who changed and transformed politics in our country. There is no doubt about it that Mr Mandela's political views and ideology are cherished by most citizens of these country.

Charismatic leadership is what is needed in our education in general, and in our schools in particular, more especially at this point in time when our schools are so difficult to be led and to be managed (cf. paragraphs 2.2; 2.3; 2.4 & 2.5). Principals need to be intelligent in order to deal with issues that are affecting their leadership and schools as an organisations. For example, an issue surrounding an educator who was alleged to have stolen money collected from parents to buy track suits was not supposed to have resulted in the headmistress quarrelling and fighting with the educator, who was alleged to have stolen the money, in front of the learners thereby contravening section 17(1)(b)(g) of the EEA (No. 76 of 1998), (Jordan 1998:7).

According to George and Jones (1999:432) a charismatic leader is assertive and self-confident. In the above-mentioned case, it is evident that the principal was not assertive and self-confident. For instance, she never called the educator to her office to discuss the matter with her and also to establish rapport. It was also expected of the principal to be cool and calm when discussing the matter with the educator even if the educator's emotions were running high, because it is expected of a charismatic leader to have a strong need to influence his/her followers to comply with the belief and the organisational culture of the school (Swanepoel *et al.* 2000:386). A case similar to this one is the incident where a principal locked herself up in her office out of fear of her educators who fought among themselves thereby flouting section 17(1)(b)(g) of the EEA (No. 76 of 1998) (Khupiso & Pretorius 1998:4). In solving this problem, the principal was supposed to have been assertive and self-confident, not to be scared away.

As a leader, a principal is expected to visualise goals which can only be achieved if he or she motivates, influences and inspires educators towards the achievement of goals. Commitment on

the part of a principal as well as effective communication can help a principal a great deal in this regard. Communication also plays a pivotal role in influencing educators to perform to expectation. In a school setting, educators must be made aware that excellent matric results need hard work, not a miracle. It is for this reason that a principal as a leader must always express confidence in educators, so as to encourage them to develop mutual trust because this enables them to accept a principal as their leader (Greenberg & Baron 1997:444-445).

In Chapter 2 of the research project, it was indicated how some of the educators attached to the traditional black schools rejected their principals. The following reasons that contributed to the rejection of principals were discussed: laxness and laissez-faire types of attitude, the belief that only educators affiliated to SADTU should be promoted, and the lack of charisma on the part of principals (Mkhwanazi 1996:2, Bereng 2000:9). It is, however, believed that a principal could overcome this if he or she is diplomatic, intelligent, self-confident and assertive. An example of a principal who seemed to be lacking the aforementioned characteristics is the one who locked herself daily in her office because she was rejected by her educators for failing to deal with day to day problems (Khupiso & Pretorius 1998:4).

4.3.2.7 Transformational leadership

Transformational leadership is a concept that was brought into education from the political world. Politicians who are transformational leaders normally appeal to the moral values of their followers. They for instance talk about sensitive issues that appeal to the emotions of their followers such as freedom, justice, equality, peace and humanitarianism. The moment a political leader promises his or her followers that he or she will change the state of affairs to freedom, righteousness etc., his followers may develop joy, greed, fear and so on. The above can also be applied by a principal as a leader. He or she can for example appeal to the educators to transform or to change the situation if he or she cleverly uses phrases like equal opportunity, freedom of speech in education, peace in the school premises and so on (Hellriegel, Slocum & Woodman 1998:345-347).

As it may be seen from the above, transformational leadership has to do with change, that is why Daft (1999:427) holds the view that the transformational leadership "is characterized by the ability to bring about significant change." It is also notable that transformational leadership differs from transactional leadership. The latter aims at giving the followers rewards. For instance, a

politician who is a transactional leader will promise voters job, subsidies, lucrative government should they vote him or her into power, when the former promises his or her voters the change of the oppressive laws, the change from humiliation to human dignity, the change from the restriction of movement of an individual to the freedom of movement and so on (Lussier 1996:216).

A transformational leader changes the heart, the attitude and the mind set of the followers in order for them to achieve the organisational goals, set standards and objectives. As has already been mentioned, the transactional leader does not pay much attention to incentives, instead he or she is worried about bringing about change that may help the followers to achieve goals (Daft 1999:427). More importantly, a transformational leader takes risks, and he or she is always courageous against all odds. It is for this reason that a transformational leader has always the ability to deal with a complex situation and ambiguous issues. For them to be able to transform the situation, the transformational leaders persistently acquire knowledge that will enable them to transform the organisations they lead (Swanepoel 2000:387).

Transformational leaders possess skills and techniques that can help in changing the mind set of educators attached to the schools controlled by the erstwhile DET (Swanepoel 2000:388). In chapter 2 of the research project, it was shown how educators belonging to SADTU discriminated against the non-SADTU members, and how they chased away from schools principals who do not belong to their union. It was also shown how they haughtily and arrogantly dealt with labour issues, for they perceived themselves as very important persons by virtue of their having formed an alliance with the ANC which is the ruling party. It is due to this perception that there is an imbalance in the higher echelon of the management of education because, when appointments are made, preference is given to them (Bereng 2000:9).

The behaviour and attitude that were displayed by educators during the time when the National Party government was defied, are still alive at most traditionally black schools. For example, at the height of the political struggle, educators used to defy the dissolved National Party government by coming to schools late, and by leaving schools for home before the end of the school day. This practice recurred in the new order, and that is why there is laxness and a laissez-faire attitude at the most traditional black schools (cf. paragraph 4.2.2.8). This type of attitude needs to be transformed, and this could only be done successfully if the principles of

transformational leadership are applied by principals as transformational leaders at the schools they are leading in view of changing the mind set of their educators.

It is notable that some of the educators make the mistake of thinking that freedom is a licence that allows them to commit misconduct thereby affecting the leadership of principals (Monama & Makunike 1999:2). By committing misconduct, educators do not only affect the leadership of principals, but misconduct has an adverse impact on the teaching and learning, hence the poor matric results that are produced by most of the traditional black schools. Misconduct such as educators absenting themselves for feigned sickness, educators engaging themselves in illegal marches, chalk-down and illegal strikes as well as the forging and selling of reports suggest that there is a total collapse of the culture of teaching and learning at schools where the above-mentioned is a practice (cf. paragraphs 2.2.4; 2.3.1 & 2.4.3).

The situation mapped out above could only be arrested if principals are prepared to change the attitude and the mind set of educators. The educators must for example be told the importance of respect for authority which is something that was eroded during the political struggle, and even in the new dispensation. The educators belonging to one of the Hoopstad schools are a case in point. According to the report the educators of that school held the school management developer hostage to force the Provincial Department of Education to meet their demands (cf. paragraph 2.3.3). Defiance and intimidation are another form of showing disrespect for authority. For example some educators defy learning facilitators, by refusing them access to their professional work thereby contravening section 17(1)(c) of the EEA (No. 76 of 1998) (cf. paragraphs 2.5.3 & 2.5.4).

4.4 Conclusion

In this Chapter the focus was on the principals as leaders in a school setting, and an attempt was made at looking into how the misconduct that was identified in Chapter 2 impacts on the leadership skills and techniques of principals, while paying attention to school vision, communication within the school, relationships among educators, styles that could be applied in leading schools, decision making, problem solving, power within schools as organisations and teams within schools. The impact of misconduct on the leadership of principals was also investigated. In order to avoid confusion and ambiguity, the difference between a leader and leadership were outlined, as was in the case with the difference between management and



leadership; a manager and a leader. The different types of leadership were discussed with a view to showing how they are affected by misconduct committed by educators.

Chapter 5

5.0 THE INVOLVEMENT OF THE RESPONDENTS

5.1 Introduction

Four schools which were formally controlled by the now defunct DET in the Odendaalsrus district were purposely selected for qualitative research on the basis of their scholastic achievement, the appearance of the school premises and the deviant behaviour of the educators attached to the four selected schools which had been reported to the District Office. The reason for choosing these four schools was for the researcher to conduct qualitative research effectively (Miles & Huberman 1994:27). Table 4-1 depicts the four schools which are designated in accordance with their worst scholastic achievement as School A, School B, School C and School D.

Throughout the discussion, the four schools are therefore referred to as A, B, C and D. The four principals of the four selected schools were requested in writing to participate in the interviews and discussions, and they voluntarily accepted the request. Similarly, the following teacher organisations' members participated voluntarily in the research project: The South African Democratic Teachers' Union (SADTU), The Orange Free State Teachers' Association (OFSATA) and the South African Teachers' Union (SATU) (cf. Annexure D). Lastly, the four School Management Developers (SMDs) concerned were also requested to supply information which contributed to the shaping of this study (cf. Annexure C).

The perceptions of the principals in paragraph 5.5.2, the members of the teacher organisations in paragraph 5.6.2 and the SMDs in paragraph 5.7.2 are not the ideas of the researcher. It must be remembered that in paragraph 1.2 it was stated that the findings will not be generalised or verified. It was furthermore indicated that as far as the qualitative research design is concerned, the findings can be proved wrong. In addition to this, it must be noted that perceptions are not necessarily true or valid. The researcher will make references to illustrate possible links between results and causes. However, the researcher is aware that the relations between causes and results are very complex and some links may be simplistic.

5.2 The qualitative research design

In this research project, the researcher was primarily concerned with the extent to which misconduct was committed, as well as the knowledge of how misconduct should be handled by the principals of the four selected schools and the impact the misconduct has on the management and the leadership of the principals of the four selected schools (Creswell 1994:145). The researcher did attempt to find out the motives surrounding the commitment of misconduct by some of the educators. The question why some educators commit misconduct did shed light on the issues regarding misconduct.

The data was primarily collected by the researcher and then interpreted and analysed by him. No questionnaires were sent to the participants. Instead, structured questions were used in the formal interviews and discussions (cf. Annexures A, B & C). It must also be noted that unstructured questions were also used in informal interviews and discussions. The data was collected by way of involving fieldwork i.e. the researcher went physically to the four selected schools to observe the behaviour of educators in their natural setting and to peruse official documents such as logbooks, instruction books, minutes and the reports of the School Management Teams (SMTs) as well as those of the School Management Developers (SMDs).

The researcher was interested in what the educators did over a period of time, that is in the meaning of what the educators did which is referred to by Maykut and Morehouse (1994:68-70) as the research process. For example, negligence that resulted in the four selected schools' dismal poor performance (cf. Table 4-1) and other factors were studied. The researcher also attached meaning to the graffiti that was on the walls of the four schools. The broken window panes and the vandalised classrooms in some instances were described in order to give meaning to the irreparable damage that the political struggle did and the events that followed. From the data collected, the researcher was able to inductively build concepts and to construct knowledge and new ideas in respect of misconduct (cf. Pictures 2-1 & 4-1).

5.3 The qualitative research procedures

The boundaries for the study were set in that only four schools were chosen. This was done in order to enable the researcher to collect information or data by personally going to the four selected schools to observe what was happening at the schools, to conduct interviews with the

relevant participants and to study official documents as well as the other visual materials and objects such as the surroundings, the buildings and physical assets. A system of recording data and important information was established.

For instance, a meeting with the participants was held after school in a classroom arranged by the principal for this purpose. The researcher explained the terminology used in the structured questions to the participants in order to avoid misconstruction (cf. Annexures A, B & C). The participants were requested to appoint a person who would facilitate the discussion and also one who would record the participants' salient points. This was done in order to ensure freedom of discussion. During the discussion, the researcher was available to answer any questions that the participants asked and to clarify any misunderstanding.

After the participants had discussed the questions among themselves, the facilitator of the group or the scribe was requested to report back in the presence of the group, and the researcher asked questions where there was misunderstanding, while at the same time notes were taken. The notes taken by the researcher and the information written by the participants' scribe helped the researcher in collecting data that was relevant to the study. During the discussion, the researcher was able to make deductions, to interpret and to analyse the information or data supplied by the participants. In the unstructured interviews and discussions the researcher jotted down important points immediately after the discussions, in the absence of the participants, and in this way knowledge with regard to misconduct was constructed.

It is very important at this stage to make mention of the fact that the observational notes were taken by the researcher as a participant and an observer, while conducting an observation at the four selected schools, and this was done over a year. The data or the information was also collected by way of analysing official documents such as reports written by the SMDs and the SMTs, minutes of meetings and newspaper reports. The biographies of the participants were noted, and their anonymity was guaranteed in that their names and schools where they are attached were not mentioned. Lastly, photographs were taken as one of the data recording procedures.

The data recording procedures were considered to be a very important step. It is for this reason that the researcher was careful as to what was to be recorded, and what was not i.e. the chaff was carefully separated from the wheat. This was also done by carefully considering how the data was

to be recorded. It is notable that data analysis procedures in respect of qualitative research differ from the quantitative research in that the data analysis is: "simultaneously [analysed] with data collection, data interpretation and narrative reporting writing" (Caswell 1994:153).

Because the interpretative approach which, according to Schwandt (1994:118), is referred to as the constructivist by some scholars was used in analysing data, the researcher considered the excessive amount of information that was collected through interviews and discussions, observation and official documents, and systematised it by classifying it under certain categories, so that it could be interpreted to construct knowledge.

For instance, question 4, in the Annexure B, namely "Explain in detail why some teachers do not take the classes they have to teach" which was to be responded to by the members of the teacher formations is aimed at finding out whether educators contravene section 17(1)(d) of the EEA (No. 76 of 1998) and section 29(1)(a) of the Constitution (No. 108 of 1996).

5.4 The interpretivist and constructivist approaches

The constructivist and interpretivist approaches in which phenomenological, dialectical and hermeneutical methods are used by the exponents of the qualitative research design are used in this research project. For instance, the dialectic method was used during the data collection phase. During this phase, all the responses of the participants, all the observed phenomena and all the reported incidents of misconduct were recorded in the note book meant for this purpose.

In this chapter, the data collected through the interviews and discussions, the observation and the reading of the official documents will be interpreted to construct authentic and trustworthy knowledge which will of course not be generalised. The interpretation of the data in this chapter is the final stage of the data interpretation which is referred to as the data interpretation phase (Schwandt 1994:129). It is in this phase where the responses of the principals, the members of the teachers' unions and the school management developers will be interpreted (cf. paragraphs 5.5.2, 5.6.2 & 5.7.2).

To support and to authenticate the interviews findings, the hermeneutic method will be used in this chapter (cf. Figure 5-1 & paragraph 5.5.2). The charge sheets of the cases of misconduct at the four project schools as well as the recorded cases of misconduct which were brought before

the disciplinary hearing will be explicated as objectively as possible. The interpretivist approach will be used to interpret the data collected from the contents of the logbooks, minutes books, time books, misconduct charge sheets etc., while the constructivist approach will be used to construct knowledge from the interpreted data.

The phenomena which manifested themselves in the four project schools, and which were observed during the data collection phase will be interpreted during the data interpretation phase. This means that in this chapter, the phenomena will be interpreted to construct knowledge (cf. paragraphs 5.5.2, 5.6.2 & 5.7.2). The method which will help to describe the phenomena during the interpretation phase is phenomenological method (van Rensburg and Landman 1988:442,446).

In the paragraphs that follow, the responses of the principals, the members of the teachers' unions and the school management developers of the four project schools as well as the observed phenomena and the explicated contents of the official documents are discussed using the qualitative research principles and procedures which are mentioned in paragraph 1.6. The constructivist and the interpretivist approaches as well as the hermeneutical and the phenomenological methods will help a great deal in the interpretation and the construction of knowledge in this chapter.

5.5 Interpretation and analysis of principals' responses

5.5.1 Brief biographical data of principals

The principal of School A is well qualified because he holds three university degrees namely Bachelor of Theology, Bachelor of Education and Master of Arts. He has also a Higher Education Diploma. This man started his professional career as an educator in the Free State Goldfields. In spite of the fact that he pursued theological studies, he was never ordained as a minister of religion, and as such he is not a preacher. He has ten years' experience as a principal. Counting back from the tenth year to the first year in which he first became a principal, it becomes clear that he started principalship at a very difficult time in the history of South African Education (cf. paragraph 1.2).

The principal of School B has only four years' experience as a principal. At the time when he started teaching, he had only a Primary Teachers' Certificate. As time went by he enrolled for the Further Diploma in Education which he passed. This man was not satisfied with his qualifications, so he enrolled at one of the higher institution of learning as a part time student, and he obtained a Bachelor of Arts degree. His first appointment was that of a teacher, and later on he was appointed as a principal at school B. At the time of his appointment there were problems at the school.

The principal of School C started his professional career as a teacher, and later on he was appointed as a lecturer at a College of Education. This man has the following qualifications: Bachelor of Arts, Bachelor of Education and Higher Education Diploma. Before he was appointed as a principal, he had never occupied a managerial position because he had not been a deputy principal nor a head of department. The man has only four years' experience as a principal. At the time of his appointment as a principal of School C, there were problems ranging from management to political problems. For instance, the white educators were humiliated because of political reasons (cf. paragraph 4.3.1.4).

The principal of School D acted for three years as a principal before he was eventually appointed permanently in 1996. Considering the date from which he acted as a principal and the date on which he was permanently appointed and up to date, it becomes clear that the man has seven years' experience as a principal. It is also notable that he started his management and leadership career at a difficult time. He was, for instance, chased away from the school at one stage for reasons which will be discussed in paragraph 5.2.2.8. The man has the following professional qualifications: Junior Secondary Teachers' Certificate and Primary Teachers' Diploma. He is presently pursuing a Bachelor of Technology degree through correspondence. If one has to compare this principal with the other principals of the four project schools, he has the most problems (cf. paragraph 5.2.2.8).

5.5.2 Principals' perceptions of misconduct

The purpose of the interviews and discussions with the principals was to find out whether educators were contravening the provisions of the Acts, and also to find out whether the four principals of the selected schools know how to manage misconduct. Secondly, the purpose was to find out how and why educators flout the law if ever that was the case. All the questions in

Annexure A which were meant to be responded to by the principals were based on the provisions of sections 17(1)(b)(c)(d)(g)(h)(i)(n) of the EEA (No. 76 of 1998); 203(3) of the LRA (No. 66 of 1995); Sch. 7 item 2(a)-(c) of the LRA (No. 66 of 1995) and Sch. 8 items 1(1)-(3), 2(1)-(4); 3(1) of the LRA (No. 66 of 1995). In discussing the principals' responses the relevant sections of the Acts will be referred to.

As has already been mentioned, observation as one of the data recording procedures was used over a year (cf. paragraph 5.3). The researcher was therefore informed by the observational notes taken while conducting the observation at the four selected schools viz. that insubordination was rife, and it was because of this reason that principals were asked Q1, Q2 and Q5* the purpose of which was to find out whether principals were aware that insubordination as contemplated in section 17(1)(c) of the EEA (No. 76 of 1998) was committed by some educators, and also to find out why some educators commit insubordination.

In responding to Q1, the principals agreed that some educators do defy regulations and orders thereby contravening section 17(1)(c) of the EEA (No. 76 of 1998). They went further to say that the reason for the educators doing so was because in the old dispensation, schools were ruled by anarchy and lawlessness that led to educators to defy the now defunct DET. Even in the new dispensation, some educators are still trapped in the politics of the past, and this makes them resist and defy everything including the management and the leadership of principals. According to the principals, some educators affiliated with SADTU can't differentiate between unionism and professionalism, hence their defiance of regulations and orders (cf. paragraphs 2.3.1, 2.3.2, 2.3.4, & 2.3.5).

The principals' responses to Q4 revealed that some educators contravene section 17(1)(c) of the EEA (No. 76 of 1998) by not implementing the decisions that have been taken in staff meetings. The principals indicated that some do this deliberately because they belong to a union that defies the Department of Education. When asked which union was that, the principals identified it as SADTU. They, however, made it abundantly clear that some educators do not implement the decisions because they abuse alcohol and drugs which impact negatively on their energy and their strength, and as such they always feel too tired and are too lazy to do their work.

* To avoid writing Question 1, Question 2, Question 3 etc., Q1, Q2, Q3 etc. is written.

The principals hold the perception that some educators who are friends and family members of some of the Directors of Education take advantage of the situation, and they therefore refuse to carry out legitimate and lawful instructions given to them by principals, thereby defying and contravening Chapter 2, regulation C.3.2 of the PSA Regs (No. R. 679 of 1999) which stipulates that each and every employee must execute all reasonable instructions by persons officially assigned to give them, provided these are not contrary to the provisions of the Constitution and/or any other law.

In addition to this, Chapter A, regulation A7.1 of the PSA Regs (No. R. 1091 of 1994) stipulates that subject to the provisions of sub-regulation 2, an officer or employee must obey unconditionally a lawful instruction given to him/her by a person who is competent to do so. Lastly, principals maintain that some educators do not implement decisions because it seems as if they derive pleasure from defying authority as was the case in the past. In other words, some educators are still trapped in the legacy of the past.

In responding to Q8, the principals pointed out that educators coming to school late has become a serious problem at schools. The reasons given by the principals for the educators coming to school late are that the defiance campaign that started in 1950s and reached its climax in 1990 (cf. paragraph 2.5.3) is still alive in schools. Secondly, principals attribute late coming to the fact that some educators know that they will be protected by unions if action against them were to be taken. Lastly, principals felt that some educators come to school late due to the lack of professional commitment, lack of self-discipline and hiding their laziness behind a claimed lack of transport (cf. paragraph 2.2.4).

Coming to school late means that learners are not taught in the first session of mornings, and this is tantamount to negligence or indolence in the carrying out of the duties attached to the posts of educators who engage themselves in this practice (section 17(1)(d) of the EEA, No. 76 of 1998). Alternatively, the educators who come to school late contravene section 17(1)(c) of the EEA in that they display insubordination by ignoring the principals' instructions that they must be on time everyday. Coming to school late also deprives the learners of the right to education as contemplated in section 29(1)(a) of the Constitution (No. 108 of 1996) in that they do not get what is due to them in the first session of the school day. Latecomers also flout Chapter 2, regulation C.2.5 of the PSA Regs (No. R. 679 of 1999) in that they are not committed through timely service to the development and upliftment of learners.

According to the principals, there are educators who intentionally avoid teaching learners. This was evident in their responses to Q3. They dodge teaching periods by spending time in the staff room, or they simply bask in the sun during the cold winter months. Avoiding to teach learners constitutes negligence or indolence in the carrying out of the duties attached to the educators' posts in terms of section 17(1)(d) of the EEA (No. 76 of 1998). Educators who do this also deprive learners of the right to education as contemplated in section 29(1)(a) of the Constitution (No. 108 of 1996), while they lack commitment to the development and upliftment of learners (cf. Chapter 2, regulation C.2.5 of the PSA Regs, No. R. 679 of 1999).

The principals believe that after the educators have been used by politicians to topple the former National Party regime, some of them are still trapped in what they were doing in the past, and this renders them not prepared to teach. They, for instance, lack confidence in the subject they teach, and this leads to them displaying immaturity in the workplace. They furthermore indicated that some educators intentionally avoid teaching learners because they do not prepare and plan their lessons for they know that SADTU will bar the School Management Teams (SMTs) from exercising control over their professional work, and others find pleasure when schools are dysfunctional, as this enables them to criticise the management of schools.

The views and the opinions of the principals with regard to some educators' avoidance of the teaching periods are supported by a report dated 24 August 2000, which was forwarded to the SMD in charge of School B. In this document, the Head of Department for Guidance reported among others to the SMD concerned that some of the factors which contribute to the high failure rate of the Grade 12 end of year examination results are that "some educators do not teach, instead they bask in the sun, or they sit in class doing nothing, or they discuss irrelevant topics" [while on the other hand] some educators visit other educators during the teaching periods, and this results in the visited educators' abandoning lessons."*

In the responses to Q3, the principals expressed the view that some educators do quarrel with them and that sometimes they quarrel with other educators, particularly heads of department,

* The document entitled Investigation into the high failure rate at school B prepared and compiled by the Guidance Department, dated 24 August 2000.

thereby behaving in a disgraceful, unbecoming manner and are discourteous to any person in the workplace (section 17(1)(g) of the EEA, No. 76 of 1998). According to the principals, most of the educators who do this are SADTU members who want to be listened to, but fail to listen to other people. They do this because they are not patient or tolerant of other educators' point of view. It has been noted that discourteous educators are among those who come to school under the influence of alcohol or stupefying drugs, or who indulge in drugs on the school premises.

The principals' responses to Q7 clearly confirm that there are some educators who contravene section 17(1)(g) of the EEA (No. 76 of 1998) by behaving in a disgraceful, improper, unbecoming manner and by being discourteous in that they use profane language or insulting language when talking to the principal or to learners. The assertion of the principals is supported by the charge of misconduct dated 2 February 1999, which was directed to one of the educators attached to School A, an extract from which reads: "... you used abusive language towards Mr X,** Head of Department for Science, when you said, *o tla nyela, jou vorken bastard of an HOD, vorkof pele o nyela, mosono wa mmao, HOD ya masepa.*" Loosely translated, this means "You will shit on yourself, you fucking bastard of an HOD. Fuck you before you shit on yourself, your mother's pudenda, a shit of an HOD."

The principals furthermore hold the view that some educators do not treat them with respect and courtesy because the authority of principals was eroded in the past when principals were chased away from schools by the unionised educators. This sentiment was expressed in their responses to Q9. It is not sure whether those who disrespect and who are discourteous, know that they are committing misconduct as set out in section 17(1)(g) of the EEA (No. 76 of 1998). According to the principals, it is difficult for some of the educators to refrain from displaying this behaviour because this was the norm during the time when the educators were used by the politicians to fight the now dissolved National Party government (cf. paragraph 1.2).

The response to Q10 revealed that educators do not hide important circulars. However, the researcher found that some educators and the entire staff in some instances do disrupt classes in

** Charge number 4, on the charge sheet dated 3 February 1999, directed to educator X who was charged with misconduct (X stands for an educator whose name is not disclosed for reasons of anonymity).

one way or another. This became evident in the principals' responses. They for example, mentioned that some educators embark on illegal marches. Disrupting classes is a contravention of section 17(1)(b)(c) of the EEA (No. 76 of 1998) in that the educators commit an act which is prejudicial to the administration, discipline or efficiency of the school, or alternatively in that they default in teaching learners as they have been instructed to do by principals. The disruption of classes also infringes on the constitutional right of the learners to education (cf. section 29(1)(a) of the Constitution, No. 108 of 1996). According to the principals, disruption of classes at the four selected schools is rife.

The educators do not hesitate to tell the learners, without the knowledge of principals, not to come to school on the day they want to celebrate an occasion they deem important. Occasions such as SADTU meetings and labour actions were mentioned by the principals. They pointed out that educators won't even hesitate to tell learners not to come back to school after break, on the last day of the month to allow educators to do their shopping in town. Principals went further to say that some educators disrupt classes by paying a visit during school hours to a bereaved family member of an educator who has passed away. This is also the case with the so-called memorial services.

In response to **Q13**, principals indicated that some educators do sometimes incite learners against the principals. The incitement constitutes misconduct in terms of section 17(1)(b) of the EEA (No. 76 of 1998), in that the act is prejudicial to the administration, discipline and efficiency of the school. The principals of Schools A and B pointed out that educators incited learners to demand a Grade 12 farewell function while they fabricated stories about the principals. On the other hand, the principal of School D indicated that at one stage, educators used learners to demand his resignation and they also lied to the learners in that he had misappropriated the school fund. The incitement forced him to temporarily leave the school.

In response to **Q14**, the principals said that some educators on their staff abuse alcohol. According to them alcohol abuse by some educators is a serious problem because the alcohol abusers do not come to school regularly, while their performance at school leaves much to be desired. The principals went further to say that the health of alcohol abusers has deteriorated to such an extent that it affects their image and personality as educators. The principal of School A maintains that at his school the situation is worse because there are some educators who smoke

dagga, and who promote strange cult activities such as Rastafarianism to justify dagga smoking, even among the learners.

It must be noted that educators who abuse alcohol and drugs are liable to a charge of misconduct in terms of section 17(1)(h) of the EEA (No. 76 of 1998), because what they do does not befit the teaching profession, and it also impacts negatively on them as professionals. For instance, the principal of School A said that most of the learners taught by the two educators who smoke dagga at his school are also dagga smokers. According to the principals those who abuse alcohol do not come to school on Mondays and on month ends, and they furthermore said that alcohol leads to educators being irresponsible as they avoid their teaching duties by loafing in the class room.

Q2, Q6 and Q12 are grouped together because the aim of these questions was to find out whether the code of good practice as contemplated in section 203(3) of the LRA (No. 66 of 1995), Sch. 7, item 2(a)-(c) of the LRA (No. 66 of 1995) and Sch. 8, items 1(1)-(3), 2(1)-(4), 3(1)-(3) & 4(1)-(4) of the LRA (No. 66 of 19965) are observed by the principals and educators. The responses of the principals to **Q2, Q12** and the latter part of **Q6** revealed that the principals of School A, School B and School D did not know how to deal with disciplinary matters or alternatively they did not know what a good code of practice is about.

The responses to **Q6** revealed that some educators contravene section 17(1)(g) of the EEA (No. 76 of 1998), in that they sexually harass learners. According to the principals, educators keep sexual relations highly secretive and the complaints are reported to schools when there is a misunderstanding between the educator and the learner whom he or she harasses. The principal of School B indicated that a sexual harassment case was reported to him, and that he charged the alleged educator with misconduct. The principal of School C said that at his school, an educator was even called to a meeting which was attended by the learner who was sexually harassed and her parents, and this is confirmed by the minutes of the school governing body.* For example, educator X did not submit a question paper on the deadline, namely 22 October 1998, instead he submitted it on 29 October 1998,* and this negatively affected organising, control and planning.

* The minutes of the School Governing Body of School C, of the meeting held on 14 April 2000, which went up to 11h00, and the minutes of the meeting held on 17 April 2000

* The report was made in the logbook of School A, and it was dated 29 October 1998. X stands for the educator whose name is not disclosed.

The principal of School A holds the views that the inability or reluctance to implement decisions taken during a staff meeting impedes management in the execution of duty. He supported this by saying that in their objective meetings, the SMT always emphasises the fact that learning and teaching should take place in the classrooms, but this does not occur. The other principals supported him by further stating that there is noise all day in the classrooms throughout the teaching periods because learners are not profitably kept busy, and this negatively affects the ethos, the organisational climate and the organisational culture of schools.

As far as the quarrelling of educators with one another is concerned, all the principals maintained that it occurs among their staff members, and they denounced and detested it more especially if a head of department is involved. The principal of school A experienced a situation whereby a head of department quarrelled with an educator for a reason which did not warrant such behaviour, and this led to the educator not taking instructions from the head of department. The assertion of the principal is supported by logbook entries made on 24 April 1999 and 14 April 2000.**

The principals believe that profane language or insulting language used by some educators when talking to the principal, to other educators or to the learners, is unacceptable and intolerable for the simple reason that it impairs human and labour relations, and this leads to the vision and mission of schools not being realised. The abusive language has a negative impact on the discipline of both learners and educators, and it also creates animosity among the educators. As regards to conflict caused by some educators, principals made it abundantly clear that conflict in schools negatively affects communication, the principals' influence and power, the working as a team and human relations.

Analysing the responses, it became clear that there is a high incidence of educators inciting learners against principals in the four selected schools, and if the learners are used by educators to harass the principal in one way or another, the image of the principal is tarnished, while the discipline of the school, the management and the leadership of the school are impaired, and the principal as a person is seriously traumatised. In the light of the responses to the questions in

** The reports were made in the logbook of School A on 24 April 1999 and 14 April 2000

Annexure A there was evidence that all the four principals have gone through this terrible experience. For example, the principal of school D was even chased away from school at one stage under the pretext that he was misusing the school funds when in actual fact one of the educators on the staff wanted to become principal.

In light of the principals' perception it becomes clear that educators at the four selected schools are not yet on an appropriate level of readiness (Hersey *et al.* 1996) after the dissolution of the former regime. Laxness and a laissez faire atmosphere which were prevalent during the political struggle still abound. Hence there is a high rate of misconduct at these schools. It also came to the fore that this type of behaviour influences management as well as leadership skills and techniques of the principals of these schools. As a result of the high rate of misconduct in the schools in question, performance of both the learners and educators is not up to standard (cf. Table 4-4 & Figure 5-1).

5.6 Interpretation and analysis of teacher organisations' responses

5.6.1 Brief biographical data of teacher organisations' participants

The ushering in of the new dispensation in South Africa brought about many changes in the education system of our country. One of the changes is that the educators of this country were, for the first time, given freedom of speech and they were also allowed to participate in decision making at all levels of the educational structure including decisions on labour matters. It is for this reason that teachers' unions and organisations such as the South African Democratic Teachers' Union (SADTU), the Orange Free State Teachers' Association (OFSATA) and the South African Teachers' Union (SATU) are active in mobilising their members.

The above-mentioned teachers' unions and association are recognised in terms of section 4(1)(2)(3) of the LRA (No. 66 of 1995). The reason for this is to allow the unions to participate in all the activities of the particular union or association as contemplated in section 4(2)(a) of the LRA (No. 66 of 1995). The teacher unions and associations have representation at school level. The SADTU representatives form a committee which is known as the site committee. In as far as the other unions and associations are concerned, their members are just referred to as representatives at school level as they do not have site committees. The SADTU site committee

members and the representatives of other teachers' unions and associations are leaders in their own right because they lead their members at school level.

It is because of the above reason that interviews and discussions were held with them. To be specific, the following site committees and representatives of teacher organisations of the selected schools were participants: SADTU, OFSATA and SATU. It must be mentioned from the outset that the site committee of School D refused to be interviewed and to take part in the discussions. This did not come as a surprise to the researcher because at this school there are two educators who have a negative attitude towards officials, and unfortunately both of them are members of the school management team. For instance, on 5 May 2000 and 23 August 2000* the SMDs were refused access to the professional work of the educators and their classes during visit which was pre-planned and made known to all concerned.

Mention must be made that SADTU site committee members are found in almost every school in South Africa because SADTU is a big organisation, hence the existence of the SADTU site committees at the four selected schools. With regard to the OFSATA representatives, it was found that they do not exist in other schools. It is for this reason that they were only found at School A, while the SATU representatives were only found at School C. This can be attributed to the fact that SATU is a union which has been established by white educators, and to which mainly white educators belong. Though School C is situated in an area which was formally known as a black area, it has both white and black educators. Interviews and discussions were held with the South African Democratic Teachers' Union (SADTU) site committee members of schools A, B and C.

The participants are relatively young and only have a few years' teaching experience e.g. the youngest educator has one year's teaching experience and the oldest has seven years' experience. The Orange Free State Teachers' Association (OFSATA) and the South African Teachers' Union (SATU) representatives have relatively more teaching experience, the minimum of which is four years and the maximum fourteen years.

* On 5 May 2000 and 23 August 2000, entries were made in the logbook of School D to the effect that SADTU members refused the SMDs access to the educators' professional work and to visit educators in their classes.

All the participants who were interviewed, are qualified as educators in terms of professional qualifications, except one educator who holds only a B. Com. degree without an Education Diploma. Among the participants, however, there seem to be three who were misplaced in terms of their qualifications which were for primary schools. The experience, the professional and the academic qualifications of the participants were viewed in a serious light because it is believed that the more one is experienced and qualified, the more one is knowledgeable about matters pertaining to education in general and in labour matters in particular (Wehrich & Koontz 1993:204).

As leaders of the educators they represent at school level, it was expected that the members of the SADTU site committees and the OFSATA as well as the SATU representatives to have conducted workshops with their members, or to have at least delivered papers at conferences, seminars or even at meetings. From the information the researcher gathered, it became clear that meetings with the educators at the school level are not held to help schools to realise their vision. Instead, meetings are held whenever there is a crisis at the schools or whenever they plan to oppose management.*

5.6.2 The members of teacher organisations' perception of misconduct

The open-ended questions which were to be responded to in the interviews held with the teacher organisations' participants are in Annexure B. The aim of Q1 was to find out whether the participants knew the contents of section 17(1)(a)-(n) of the EEA (No. 76 of 1998), the contents of the South African Council for Educators (SACE) Code of Conduct as contemplated in section 5(c)(i) of the South African Council for Educators Act (SACEA) (No. 31 of 2000) and the provisions of other legislation such as the Constitution and Regulations. Furthermore, questions were aimed at finding out whether they as leaders in their own right have knowledge of legislation or whether they are able to perceive misconduct as identified or depicted by Common Law.

The responses revealed that the participants have an idea but no clear knowledge of what misconduct is all about, or what constitutes misconduct. They, for instance, mentioned that the

* In the informal interviews and discussions, the principals of the four selected schools informed the researcher that the site committee of SADTU in particular will hold meetings when they plan to oppose management.

contravention of laws that govern education constitutes misconduct, and they went further to say that actions that defy the "educators' code of conduct" without actually making reference to the SACE Code of Conduct. They also mentioned many things that were irrelevant, and that need not be written here. However, their responses indicated that they know about the EEA, the LRA, the Equity Act and the BCEA, but they quoted these Acts out of context.

The display of this lack of legal knowledge is a worrying factor, more especially if one has to consider the fact that one of the functions of the SADTU site committee is "to receive and attend to complaints of members concerning their employment..."* The OFSATA representatives are expected "to provide legal assistance to members in matters pertaining to the Labour Relations Act and other deserving matters."** One wonders as to how the members of SADTU site committees and the representatives of OFSATA deal with legal matters when they seem to be lacking the legal knowledge.

The participants' responses to Q2 revealed mixed feelings in that some maintain that some educators defy regulations and orders, because of psychological reasons such as in-born rebelliousness which prompts them not to submit to authority, and as such they defy rules and regulations. On the other hand, some participants feel the frustration which came about as a result of inept management of principals and stress caused by redeployment, which forces educators to defy regulations and orders. They furthermore maintain that the reason why some educators defy regulations and orders, is because the SMTs of the schools discriminate against some educators, and as a result, those who are not favoured by the management of the school defy regulations and orders (cf. paragraphs 2.4.1, 2.4.2 & 2.4.6).

From the responses, it came to the fore that the members of the SMT do not lead by example i.e. they do not do as they say. The participants cited examples where members of the SMT themselves defy regulations and rules e.g. coming to school late. It also became clear from the responses that the members of the SMT do not sign the time book. According to the participants, all these contribute to the defiance of regulations and orders by some educators. The participants

* The SADTU Site Committee Functions on page 11 of the constitution of SADTU, amended July 1995.

** The constitution of OFSATA as set out in the 2000 calendar of the Free State Teachers' Association.

also hold the view that the unclear instructions and inadequate information from the members of the SMT are factors that contribute to the defiance of regulations and orders.

The participants are of the opinion that at times some educators ignore regulations and orders when mass action is to be embarked upon country wide in retaliation against appalling conditions of service, or when the members of the SMT lack firmness and responsible decision making. It must be noted that defiance which has been highlighted by the participants in the foregoing paragraphs is a contravention of section 17(1)(c) of the EEA (No. 76 of 1998), because more often than not the defier defaults in carrying out lawful orders given to him/her by a principal who has the authority to give it. Instead, they display insubordination by word or conduct.

The responses to Q4 confirm that some educators do neglect the teaching periods for a number of reasons, such as the educators not having enough knowledge of the subjects they teach. This is perhaps true if one has to consider the boycotting of classes and the unrest situation that were prevalent, more especially from 1984 up to 1994. During that time, most of the participants were at high schools and colleges of education where they were not properly taught because of the strikes, boycott of classes, marches, picketing and sit-ins that were organised by political activists (cf. paragraphs 2.3.1, 2.3.4 & 2.3.6). In addition to this, participants believe that some educators neglect classes because the SMTs allocate subjects to them in which they have not specialised. It is for this reason that the participants recommend that the SMTs must consult educators before the subject allocation is done.

The participants maintain that when subjects allocations are done, the workload of educators is not taken into account, and as a result some educators are overloaded with subjects, and this leads to them avoiding their teaching periods. According to the respondents, another factor which contributes to the educators avoiding classes is personal problems such as drug and alcohol abuse. It is for this reason that they hold the view that alcohol and drug abusers are always suffering from physical, psychological and mental illness to such an extent that they do not feel like working, and sometimes they feel rejected by the school community. Lastly, the respondents concede that some educators do not prepare and plan their lessons, and as a result they avoid teaching periods.

The avoidance of teaching periods is not in line with the provisions of section 29(1)(a) of the Constitution (No. 108 of 1996), which stipulates that everyone has the right to a basic education,

including adult basic education. Those who do not take the classes they have to teach, deny the learners the right to education, and they are also negligent or indolent in the carrying out of the duties attached to their posts in terms of section 17(1)(d) of the EEA (No. 76 of 1998). By avoiding the teaching periods, they do not enable learners, through formal education, to develop a set of values consistent with those upheld in the Bill of Rights as contained in the Constitution of South Africa (cf. paragraph 3.3 of the SACE Code of Conduct, Boshoff & Morkel 1999:4-10).

In light of the responses to Q6, it became clear that some educators do sometimes quarrel with principals. The quarrelling with the principals constitutes misconduct in terms of section 17(1)(g) of the EEA if such educators behave in a disgraceful, improper or unbecoming manner, or, while on duty, are discourteous to principals in that they quarrel with them. Secondly, in terms of paragraph 6.1 of the SACE Code of Conduct, educators who quarrel with principals undermine the principals' status and authority. Lastly, quarrelling with principals is unprofessional in terms of Chapter 2, regulation C.3.6 of the PSA Regs (No. R. 679 of 1999).

Furthermore, the respondents hold the views that some educators quarrel with the principals because of poor communication, and the principals' approaches. Those attached to School A went further to say that their principal hasn't got the decency of calling an educator to his office if he feels that the educator does not adhere to the stipulations. Instead, the principal will choose to shout and yell at the educator who in turn retaliates by engaging in an exchange of unpleasant words, sometimes in the presence of learners or other colleagues. According to the participants, personal differences also play a role in this regard. For instance, if an educator does not see eye to eye with the principal quarrelling is likely to occur. Quarrelling with principals impairs the dignity which is inherent in them and which must be respected and protected as is contemplated in section 10 of the Constitution (No. 108 of 1996).

In response to Q7, the respondents feel that the use of profane language to the learners should be condemned in the strongest possible terms, for there are some educators who use abusive language to learners. The respondents think that educators who use insulting words when talking to learners produce learners who will in future use abusive language even to elderly people. The profane language hurts the feelings of learners, and as such affects them psychologically in that anger is gradually instilled in them. By insulting learners, educators who do this are emotionally harassing them, and it is also unprofessional for the educators to insult the learners as they lose

credibility and respect (cf. paragraph 3.5 of the SACE Code of Conduct, Boshoff & Morkel 1999:4-10).

It is notable that using profane language to the learners is a contravention of section 28(1)(d) of the Constitution (No. 108 of 1996), which stipulates that every child has the right to be protected from maltreatment, neglect, abuse or degradation. Secondly, it must be noted that in terms of section 17(1)(g) of the EEA (No. 76 of 1998), an educator who uses profane language to learners is guilty of misconduct in that he or she behaves in a disgraceful, improper or unbecoming manner, or, while on duty, is discourteous to learners or commits abuse or degradation. Thirdly, such educators do not observe the SACE Code of Conduct, in particular paragraph 3.1 which stipulates that educators must use appropriate language and behaviour in their interaction with learners, and act in such a way as to elicit respect from the learners (Boshoff & Morkel 1999: 4-9).

In response to Q8, the participants concede that absenteeism is increasing alarmingly at their schools, and in respect of the law, an educator who is continuously and unlawfully absent from school is guilty of misconduct in terms of section 17(1)(d) of the EEA (No. 76 of 1998), in that he or she is negligent or indolent in the carrying out of the duties attached to the educator's post. It must also be noted that such educators transgress Chapter 2, regulation C.2.5 of the PSA Regs (No R. 679 of 1999), in that they are not committed through timely service to the development and upliftment of learners by absenting themselves from work, and they also infringe the constitutional rights of learners as articulated in section 29(1)(a) of the Constitution (No. 108 of 1996) by denying them the right to basic education

The participants are of the opinion that some educators are continuously and unlawfully absent from school because of personal problems such as domestic problems, financial problems (unable to pay transport), alcohol and drug abuse which lead to depression, stress and tension. They furthermore maintain that some educators do not come to school regularly because of poor working conditions and poor working relations at schools. In support of what they say, they cited the situation where principals discriminate against some educators on account of favouritism as an example. They also feel that some educators continuously absent themselves from schools because they do not plan and prepare their lessons, and as such they suffer from an inferiority complex.

The responses to Q11 revealed that some educators do not treat principals with respect and courtesy. The reasons given by the participants are that the principals' approaches or leadership styles prompts the educators not to show them respect. For example, they claim that principals are not knowledgeable in matters pertaining to administration, leadership and management, and as a result, they do not command respect. The participants also indicated that the principals are not firm when dealing with educators, while on the other hand they lack empathy as they always ignore the family background of the educators. The participants, however, agreed that some educators undermine principals for the reason of their own, as well as the lack of professionalism on their part.

In terms of section 10 of the Constitution, principals have inherent dignity and the right to have their dignity respected and protected, it is because of this reason that an educator who does not show respect to the principal, infringes on the dignity of such a principal, and he or she is also liable to a charge of misconduct in that they perform or cause, or permit to be performed, or connive at any act which is prejudicial to the administration, discipline or efficiency of schools (section 17(1)(b) of the EEA, No. 76 of 1998). Alternatively they are guilty of misconduct in terms of section 17(1)(g) of the EEA (No. 76 of 1998), in that they behave in a disgraceful, improper, or unbecoming manner, or, while on duty, are discourteous to principals.

In response to Q12, respondents concede that some educators abuse alcohol to such an extent that they become a liability to the school. The alcohol abusers are, for instance, unable to read the subject matter at home, to prepare and plan their lessons, to honour their teaching periods and they continuously and unlawfully absent themselves from school. Because of these reasons, their performance negatively affects the entire discipline and productivity of schools. Alcohol abusers are not respected by the learners and the community at large, apart from this, alcohol tarnishes their image and as such impacts negatively on their profession and their authority.

In terms of section 17(1)(h) of the EEA (No. 76 of 1998), educators who abuse alcohol are guilty of misconduct in that they are under the influence of intoxicating liquor while on duty or acting in an official capacity. Or alternatively, they contravene section 17(1)(d) of the EEA (No. 76 of 1998), in that they are negligent or indolent in the carrying out of the duties attached to their posts. Secondly, the educators who abuse liquor do not adhere to Chapter 2, regulations C. 4.4 and C.5.2 of the PSA Regs (No. R. 679 of 1999) which stipulate respectively that employees must execute their duties in a professional and competent manner and that they must act

responsibly as far as the use of alcoholic beverages or any other substance with an intoxicating effect is concerned.

It is also evident from the participants' responses to **Q13** that the four project schools did not have a policy on dress code. This means that there is no accepted dress code at the four selected schools. As a result of this, the participants' responses were irrelevant. For example, statements like the following are cited as examples: people want comfort and freedom, that is why they prefer to wear whatever they like. To agree on a dress code is oppressive because it prevents a person from wearing whatever he or she wants to wear. Educators are not paid well, and as a result, they cannot afford to buy a formal shirt.

What the participants said above is open to criticism and correction. It is not true that educators cannot afford to buy a formal shirt if one has to consider expensive shoes, skippers, T shirts and the like that educators buy at the expensive shops in town. It is ironical for a person who is supposed to be a role model for the learners and who plays a leadership role in his or her class to claim that an accepted dress code (school code of conduct) is oppressive. A school is an institution of learning, and it is where a learner has the opportunity to learn how to groom himself or herself, as well as how to be presentable and what to wear at school situation which is of course formal. It is still believed that there should be a difference between how a thug and an educator dress, because an educator must always elicit respect from the learners who imitate him/her (cf. paragraph 3.7 of the SACE Code of Conduct, Boshoff & Morkel 1999:4-10).

It is because of the above-mentioned reasons that educators must dress formally so that learners can imitate and emulate them. Sometimes they can be mistaken for ordinary labourers who have nothing to do with education. Some educators go to school dressed in T shirts with *Castle Lager* printed at the back or front. What impression does this have on learners? Those who dress shabbily are not even aware that they may be contravening Chapter 2, regulation C.5.1 of the PSA Regs (No. R. 679 of 1999), which stipulates that an employee must, dress and behave in a manner that enhances the reputation of the public service during official hours.

In response to **Q14**, the respondents made it abundantly clear that some educators are still administering corporal punishment in spite of the fact that it has been legally abolished, and are thus contravening section 10(1) of the SASA (No. 84 of 1996), which stipulates that no person may administer corporal punishment at a school to a learner. Corporal punishment infringes the

constitutional right of learners. For instance, an educator who administers corporal punishment flouts section 12(1)(d)(e) of the Constitution (No. 108 of 1996), which stipulates that everyone has the right not to be tortured in any way; and not to be treated or punished in a cruel, inhumane or degrading way.

Educators who mete out corporal punishment to learners also contravene section 28(1)(d) of the Constitution (No. 108 of 1996) which spells out the fact that every child has the right to be protected from maltreatment, neglect, abuse or degradation. More importantly, educators who administer corporal punish to learners do not observe paragraph 3.5 of the SACE Code of Conduct, which demands of an educator to avoid any form of humiliation, and refrain from any form of child abuse, physical or psychological, and also paragraph 3.8 of the SACE Code of Conduct, which demands of an educator to take reasonable steps in order to ensure the safety of the learners (Boshoff & Morkel 1999:4-10).

The participants maintain that some educators do administer corporal punishment to learners because they are still trapped in the past, and as a result, they labour under the impression that corporal punishment helps maintain discipline effectively. The participants went further by saying that some educators are still ignorant of the abolition, while some claim that they use it because there is no other alternative method one can use to maintain discipline. Be that as it may, the crux of the matter is that corporal punishment is not the only method that one can use in maintaining discipline at schools.

The respondents also feel that some educators use corporal punishment as a form of revenge because when they themselves were school-going children, they used to be hated and lashed by their teachers - now they feel that they must do it to the learners they teach. Because of the type of learners they teach i.e. the learners who have been negatively influenced by the violence situation, riots and the political unrest in the past in this country, they use sticks and canes to force the learners to observe their authority which has been eroded because of the reasons already mentioned (Mokone 1996:17). While on the other hand those who do not prepare their lessons hide behind the lashing of learners, in the hope that they will rid themselves of their frustration.

In the light of the participants' responses to Q15, it becomes clear that drug abuse, more especially dagga smoking, is fast becoming rife among the educators attached to the project schools, and it must be noted that those who abuse drugs contravene section 17(1)(h) of the EEA

(No. 76 of 1998), which stipulates that an educator is guilty of misconduct if he or she is under the influence of intoxicating liquor or stupefying drugs, while on duty or acting in an official capacity. The participants hold the view that drugs have a negative impact on the health and teaching practice of the drug abusers. According to the respondents, drug abusers become very moody, aggressive, arrogant and learners and parents do not respect and trust them.

The respondents went further to say that the drug abusers neglect their teaching tasks, and they are unable to impart knowledge to the learners even if they wish to do so because they are no longer energetic and enthusiastic. If given work to do, they abdicate their responsibility and authority. They also lack commitment e.g. they are unable to train learners in extra mural activities, they fail to convince learners that it is not permissible for them to come to school late because they themselves are latecomers. They continuously and unlawfully absent themselves from schools, and at times they just play truant by disappearing during school hours. Lastly, they refuse to prepare and plan their lessons, and this results in a loss of respect, while their dignity and image are tarnished.

It must be mentioned that the respondents did not know the difference between management and leadership. Their responses to Q15 bear testimony to this. The unstructured questions that were asked while interacting with them outside the meetings did not help in eliciting relevant responses either. The responses to Q15 have therefore not served the purpose that was intended. However, the respondents did vaguely allude to the management aspects in their responses such as misconduct impacting negatively on the morals and discipline of schools, without mentioning the components of management such as organising, control, planning, supervision etc.

It is notable that educators who commit misconduct contribute to schools not achieving their goals and objectives. The perpetual low pass rate in Grade 12 at the four selected schools (cf. Figure 5-1) is an example. The educators who are guilty of misconduct also influence the management and the leadership of principals negatively, and as a result, a laissez-faire type of situation which is susceptible to mischievous behaviour prevails. In such situations, principals are unable to exercise control over the learners and the educators, and tardiness becomes a chain reaction in that the late comers also influence other educators to come to school late.

Q3, Q5, Q9 and Q10 are grouped together because they were intended to test the knowledge of the teacher unions on the steps to be taken when disciplining an educator, for the simple reason

that unions play a leadership role at school level, and as such, they must be knowledgeable about matters pertaining to discipline. In outlining the steps that are taken when an educator defies regulations and orders, avoids teaching periods, abuses learners sexually and issues learners with false reports, the respondents maintain that an educator must be verbally warned, the matter must be referred to the steward, the matter must be referred to the site committee, the matter must be referred to the school governing body and the last step should be the counselling of the educator. Taking note of the participants' responses, it can be said that they are not far from the truth. It is however expected of them to know exactly the steps to be taken when disciplining an educator, so that they are able to challenge the principals' deviations.

With regard to sexual harassment in Q9, the participants anonymously agree that educators who have relations with school girls or boys commit a serious offence that warrants dismissal. The concern of the respondents is valid because in terms of section 17(1)(g) of the EEA (No. 76 of 1998), such educators are guilty of misconduct, in that they behave in a disgraceful, improper or unbecoming manner, or, while on duty, are discourteous to any person, or commit sexual or any other form of harassment.

However, the participants feel that before educators who have sexually harassed learners are dismissed, they must be suspended while an investigation is being conducted, but they do not indicate that common law principles such as natural justice must be applied before an educator can be suspended. They furthermore maintain that if an educator is found guilty on the basis of concrete evidence, the culprits must be dismissed and the learner's parents whose child was sexually harassed by an educator must be encouraged to report the case to the police. The views of the respondents are in line with Sch. 8, item 3(4) of the LRA (No. 66 of 1995), which stipulates that it is generally not appropriate to dismiss an employee for a first offence, except if the misconduct is serious and of such gravity that it makes a continued employment relationship impossible.

The sexual harassment mentioned in Q9 is a serious offence, if one has to compare it with the misconduct in Q3, Q5 and Q10. The responses of the participants to Q10 indicate that there are some educators who issue learners with false reports. The educators who do this are guilty of misconduct in terms of section 17(1)(b) of the EEA (No. 76 of 1998), in that they perform or cause, or permit to be performed, or connive at any act which is prejudicial to the administration, discipline or efficiency of schools. The issuing of learners with false reports is also a violation of

Chapter 2, rule C.4.5 of the PSA Regs (No. R. 679 of 1999), which stipulates that an employee must not engage in any transaction or action that is in conflict with or infringes on the execution of her or his official duties.

In the light of the responses to Q17 it appears that principals invoke procedures every time educators break a rule or a standard, and this is in conflict with Sch. 8, item 3(3) of the LRA (No. 66 of 1995), which stipulates that informal advice and correction is the best and most effective way for [a principal] to deal with minor violations of work discipline. Repeated misconduct will warrant warnings, which themselves may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning or other action short of dismissal. Dismissal should be reserved for cases of serious misconduct or repeated offences.

The SADTU site committees feel that principals do not want to develop educators when dealing with misconduct cases. Instead they destroy them, more especially those who are affiliated with SADTU, because they always talk ill about some educators who are not in their good books. When dealing with the cases of misconduct which have been committed by the SADTU affiliates, principals exercise prejudice and subjectivity. The participants maintain that it is wrong for the principals not to involve the unions when dealing with the cases of misconduct as is contemplated in section 86(1)(a) of the LRA (No. 66 of 1995), which stipulates that unless the matters for joint decision-making are regulated by a collective agreement with the representative trade union [a principal] must consult and reach consensus with a workplace forum before implementing any proposal concerning disciplinary codes and procedures.

As may be seen from the participants' responses to Q1 up to Q17 misconduct appears to be prevalent at the project schools. It is this misconduct that has a negative impact on quality and productivity of the schools, hence the abysmal Grade 12 examination results from 1996 - 2000 (cf. Figure 5-1). It also becomes clear that there are serious management and leadership problems which need immediate attention at the aforementioned schools. From the responses of both the principals and the unions, it appears as if principals and unions work as isolated entities, hence the principals' unilateral stances on misconduct. It is for this reason that principals must take cognisance of unions because they have been legally constituted in terms of section 4(1)(a)(b)(2)(a)-(c) of the LRA (No. 66 of 1995).

5.7 Interpretation and analysis of School Management Developers' responses

5.7.1 Brief biographical data of School Management Developers (SMDs)

The School Management Developers are the backbone of the Provincial Department of Education in general, and of the District of Education in particular. Without the SMDs, the management, the leadership and the administration of schools can suffer. In other provinces, the SMDs are referred to as the Circuit Managers, while others prefer to call them Education Development Officers. Be that as it may, they all do the same in terms of their job description.

In the Odendaalsrus district, there are eight SMDs who are in charge of eight sub-districts. For the purpose of this study, only four SMDs who are in charge of the four project schools have been requested to participate. The SMD in charge of School A has a Diploma in Education, and he holds a B.A (Hons) degree and is currently pursuing an MBA degree. This gentleman is in charge of the Odendaalsrus 1 sub-district with thirteen schools. Lastly and more importantly, it must be mentioned that the man has eight years' experience as a manager of schools. Before he was appointed as a principal and an SMD he was a high school teacher and a university lecturer.

The SMD for School B is in charge of the Bultfontein sub-district which has forty-five schools, of which some are farm schools. It must be noted that the number of schools does not matter, but what matters is the number of learners and educators in the schools concerned. For example, the SMD for Odendaalsrus 1 is in charge of thirteen schools which are in a metropolitan area, and which have more educators and learners if one has to compare it with Bultfontein sub-district. The SMD for School B has two education diplomas namely a Diploma in Secondary Education (DSE) and a Further Diploma in Education (FDE). He holds a B.A (Hons) degree in Human Resources, and he is presently studying towards an MBA degree. This gentleman has twelve years' experience as a manager, and he started his teaching career as a high school teacher.

On the other hand we find that the SMD for School C has eight years' experience as an education manager. This man is a qualified teacher who taught at high school and college of education level. He holds B.A and B.Ed degrees. As of now, he is a registered student at a higher institution of learning where he is pursuing an MPA degree. Mention must be made that he once went to Canada where he attended a workshop on school management development. This man is in charge of the thirty one Winburg sub-district schools which comprise mainly the farm schools.

Lastly, the SMD for School D has a Higher Education Diploma and holds B.A and B.Ed degrees. He is presently studying towards the M.Ed degree at an institution of higher learning. This gentleman has twenty two years' experience as an education manager. He was a high school teacher who taught History. At the time when he was a principal, he used to produce 100% pass rates in matric. This man is in charge of the Wesselsbron sub-district which has forty-two schools, most of which are farm schools.

The SMDs are public figures who interact with parents, learners, educators and mainly with the principals, deputy principals and heads of department. The SMDs deliver speeches to statutory meetings of parents. They also meet from time to time with the Grade 12 learners and the educators to deliver motivational speeches. As part of their job description, they hold management meetings with principals or the entire SMTs. They also organise workshops on education management where they present the different aspects of leadership, management and administration to the principals in particular and to the entire SMTs in general.

The SMDs conduct training for the School Governing Bodies (SGBs) and the SMTs. With regard to the misconduct cases, they act as investigating officers (cf. section 18(1)(2) of EEA, No. 76 of 1998). Secondly, it is expected of the SMDs in some other instances to preside as chairpersons or prosecutors of the Disciplinary Tribunal (cf. section 22(1)(a)-(c) of the EEA, No. 76 of 1998). It is also notable that the SMD in charge of School B is the chairperson of the Institute of Public Servants (IPS) now the South African State and Allied Workers Union (SASAWU) for the Goldfields region, and he is currently serving on the executive committee of the SASAWU at national level. He has delivered papers at conferences, both in South Africa and abroad.

5.7.2 SMDs' perception of the management and leadership of principals

As has already been mentioned in paragraph 5.6.1, the SMDs manage and lead schools that are within their jurisdiction, and as a result, they know almost everything that happens at the schools they control. For instance, the SMDs handle appointment forms of educators, leave forms of educators, termination of duty forms of educators, cases of misconduct of educators, examination records of schools, educators' grievances and other labour issues, documents containing financial matters of schools, matters related to the SGBs and many more. It is because of the foregoing

reasons that it was believed that they would be furnishing the researcher with relevant information regarding principals' management and leadership when responding to questions which are in Annexure C.

5.7.2.1 Management as a practical activity of principals

5.7.2.1.1 Administration

The principals of the four project schools are not free to execute their duties because of a plethora of factors or variables that have already been mentioned in Chapter 2. The political struggle that has contributed to laxness and a laissez-faire attitude in schools is cited as an example. As a result of this type of situation principals are scared and traumatised by the events that took place in schools. In spite of the fact that some were not principals at the time when schools were gripped by the political upheaval and terror that prevailed at that time, they witnessed the harassment, mental torture, unfair labour practices and oppressive situation principals were subjected to. As a result of the aforementioned reasons it is believed that principals are psychologically affected (cf. paragraphs 2.2.6, 2.3.3, 2.3.4 & 2.4.6).

It is in the light of the above, that principals are not self-confident and self-reliant; hence the administrative work that seems obvious and simple is haphazardly done. The SMDs think that the laxness and laissez-faire type of attitude is conducive to misconduct and leads to the administrative work of the principals being neglected. The SMDs supported this view by pointing to the fact that the filing system of the four selected schools is in a chaotic state. For instance, circulars from the Head/District office are stored in one big file and the result is that retrieval is not easy. Because principals find themselves in a laissez-faire situation, their administrative work is done in a laissez-faire manner, and that is why the official documents from their schools are always full of mistakes.

In support of the sentiment expressed above, the SMD in charge of School A indicated that it was expected of the principal to order text books for his school in May 2000, and the instructions were clearly given for the completion of the requisition form. When the form was returned, it was incorrect. The same is the case with the end of year mark schedules. The principal certified the mark sheets and schedules to be correct, and when controlled by the SMD, they were found to be incorrect, for example, incorrect entries and incorrect additions. The principal who is said to be

doing this holds a master's degree, and it cannot be claimed that he did not understand the instructions on the requisition form (cf. paragraph 5.4.1).

The SMDs hold the views that the principals do not have duty sheets according to which the SMTs are expected to execute their administrative duties. They went further on to say that duties are done on an *ad hoc* basis. In addition to this they said that the schools do not have a functional plan with which to ensure smooth administration. It is because of this reason that the due dates are not met, and as such, the schools are continuously reminded to submit information that has been requested from the schools. Lastly, the SMDs maintain that the principals are the cause of a lot of noise made by the public when schools are not supplied with stationery or textbooks because of laxness and a laissez-faire type of attitude prevalent at the four selected schools.

5.7.2.1.2 Control

In terms of Chapter A, paragraph 4.4 (e) (ii) of the EEA Regs (No. 222 of 1999) the heads of department must exercise control over the work of educators and learners in their departments and this is also the case with the SMDs and the Learning Facilitators (LFs), so that they are able to identify the training needs and the problems which will make it possible for the SMTs, LFs and SMDs to assist in empowering and developing educators. It is however not possible for the management of the schools and the district support teams to execute control as a management task because unionised educators bar them from doing so.

What is said above, is supported by the fact that at School D, the SADTU site committee refused the SMDs access to the professional work of the educators and their classes on 5 May 2000 and 23 August 2000 (cf. paragraph 5.5.1). It is this resistance that contributes to educators committing misconduct as set out in section 17(1)(b)(c) of the EEA (No. 76 of 1998). Furthermore the SMDs feel that because of this resistance principals are scared away and, as a result, they do not have a programme according to which they conduct class visits, and the control of the educators' professional work. This leads to lessons preparations structures reflecting individual educator efforts and no uniformity. As a result, troublesome educators are not closely monitored, and dodging and absenteeism become rife due to alcohol abuse which has become a serious problem at the project schools.

The SMDs are of the opinion that principals are not assertive because they are dictated to by SADTU members, and this leads to their not being able to debate issues in order to influence educators positively. For instance, it is the norm for educators and learners to come to school late because control is regarded as taboo, and this has resulted in disorderly and chaotic situation at schools. Learners move in and out of the school premises all day long. According to the SMDs, continuous evaluation is not controlled, and as such, arbitrary allocation of marks cannot be monitored.

What aggravates the resistance to submit to control is the fact that some of the members of the SMTs are SADTU affiliates who are very non-supportive of control. They fully align themselves with the SADTU Provincial Committee's stance that educators belonging to SADTU must not allow members of the SMT access to their classes. As a result, schools do not have their own policy on class visitation and they have not even discussed the importance or non-importance of class visits. The SMDs further pointed out that when principals try to exercise control at their schools, they are rendered ineffective by some of the members of the SMT who belong to SADTU.

5.7.2.1.3 System and structure

The SMDs maintain that one of the systems and structures that is very important in a school setting is the system of school management teams. According to the SMDs, these are more symbolic than functional though they are employed. The members of the SMTs are not operating as a team, but are individual entities who are not accountable to the principals. Sometimes matters are brought to the attention of principals out of convenience only i.e. when an SMT member passes the buck. Meetings are not held to address pertinent issues impacting on learners' education in the classroom situation.

In addition to the above, the SMDs believe that the SMTs do not have their focus on the actual business of the school as an organisation, namely meaningful learning and educative teaching. The members of the SMT would rather club together or agree with educators (their subordinates) not to carry out their daily tasks. There is, therefore, no structure agreed upon according to which work within the school as an organisation should flow. As has already been mentioned, the SMTs do not have direct control over the work of educators within the classrooms (the factory floor). As a result, there is no control to determine the quality of both teaching and learning.

The SMDs furthermore express the fact that there is little proof that a systematic operation exists in the project schools. According to them, various academic departments do not seem to work according to well-planned system and structures. For example, there is no procedure for communicating information contained in circulars, Employment of Educators Act (EEA) (no. 76 of 1998), Labour Relations Act (LRA) (No. 66 1995), South African Schools Act (SASA) (No. 84 of 1996) and other important official documents. This results in school finances not being administered according to any set of rules. For example, financial expenditure is not supported by documents such as receipts and invoices.

5.7.2.1.4 Improving educators' skills

The SMDs believe that the situation at four project schools is not yet ripe for the four principals to improve their educators' skills. At these schools SADTU confuses the management and leadership role of principals with unionism or the role the unions play. Some educators belonging to SADTU fail to distinguish between labour matters or union matters and the management tasks of principals. Whenever principals want to perform their functions, the members of SADTU want to be involved or alternatively they want the principals to ask permission from them as to whether they can continue with the function.

Because of the above, principals are rendered ineffective in empowering the educators with skills, and this results in their being unresourceful and members of the staff being divided into camps. For example, there are those who support the SADTU strategies and to a lesser extent there are those who support principals. As a result the management of staff development programmes are not actualised at the four project schools. The SMDs cited the following as an example: there are no internal workshops to improve educators' skills. More often educators call for SMDs support services, which is a clear indication of lack of school-based initiatives.

Internal staff encounters occur in the form of meetings, and the latter do not improve skills, attitudes and knowledge of educators. When invited to attend refresher courses and workshops at the district office, SADTU influences their members not to attend because of a number of reasons, money for transport being one of them. The information of the workshops held by the SMDs to develop the SMTs skills is not carried down by principals to the educators, and this is confirmed by the fact that no reports have been given to the SMDs about the progress made.

5.7.2.1.5 The setting of standards

The SMDs feel that the setting of standards where principals are gripped with fear, and where members of SADTU want to play a management and leadership role at schools and where members of SADTU do not want to submit to authority and control is impossible. For example, schools have no instruments such as class visit forms, developmental forms etc. to measure standards. One is also informed about the situation where learners and educators display a carefree attitude by spending time outside the classrooms suggesting that there are no standards set at the four project schools.

According to the SMDs, at the four selected schools, the conduct of learners leaves much to be desired. The educators' conduct and dress code are not in line with the SACE Code of Conduct. So is the case with educators' standards and professional values. The SMDs cited an educator who comes to school attired in Rastafarian garb, and those who come to school wearing a T shirt on which *Castle Lager* is printed as examples. The SMDs continued to say that there are no standards set at schools, and that is why some educators smoke in full view of the learners, and as a result they are imitated by the learners. In addition to this the SMDs said that there was a moral decline among the educators at the four project schools, hence the dismissal of three educators within a year at school A.

5.7.2.2 Leadership as a practical activity of principals

5.7.2.2.1 Innovation

The SMDs believe that the principals of the four selected schools lean too much on SADTU decisions as if they have been employed by this particular union. In many instances, principals want SADTU to take the initiative and to think on their behalf. For instance, the SADTU members interpret Chapter A, paragraph 4.4 (e) (ii) of the EEA Regs (No. 222 of 1999) incorrectly to their advantage, and the principals do not challenge their perception and their interpretation. Their role is seemingly to say yes to everything that SADTU dictates to them.

The SMDs argue that principals seem to be turning a blind eye to the fact that most of the communities are poor because of the unemployment which is so rife in our country. Instead of

principals being creative or innovative, they still rely on school fees. No innovative ideas are developed to augment the seemingly insufficient funds, and the dependency syndrome of the SMTs dampen any hopes of collaborative processes to actualise innovations. The SADTU mentality is a mind set that must be transformed by principals as leaders, but, it seems as if they have no ability and capability to do so.

The SMDs feel that the principals do not strive towards turning the situation at their schools around. They for instance, do not act on their own initiative. The induction programmes for newly-appointed educators are not in place, and they do not even initiate the training programmes for their SMTs. The attitude and moral problems of the educators are also not changed or given attention by principals. It has been proved beyond doubt that principals fail dismally when it comes to improving the poor matric results (cf. Figure 5-1).

5.7.2.2.2 Originality

The SMDs believe that the principals of the four selected schools operate like wheelbarrows which need to be always pushed whenever they have to do the work. For the principals to be doing something, the SMDs have to initiate ideas before the schools can move in one direction or another. On three occasions the SMDs visited the schools to render assistance, but, on the latter two occasions the entire staff of the school D and the vast majority of the SMT of the school were negative and unresponsive. Surprisingly, the principal of the school did nothing about the situation, except to half-heartedly act on the instructions of the SMD in charge of the school.

The SMDs think that the principals of the four schools are not visionary leaders, and as a result they do not have vision about where they want to take the schools. Their management, administration and leadership styles have remained the same for years. It is notable that they do not initiate plans even if they fail in an aspect of management, administration or leadership. If one has to observe their daily routine, their offices and their operations, one will realise that they remain where they were five years ago. The principals still have problems such as tardiness, defiance on the part of educators etc., and it has been discovered that they are unable to design a plan which will turn things around at their schools.

The reactionary approach by the principals suggests that they are not original in managing and leading their schools. Criticism of ideas and originality, especially by the SMDs, is a principals'

trademark. They do not take cognisance of the fact that managers always get negative and positive feedback from their supervisors. The unfortunate part of it is that the four principals at the four selected schools only criticise and they never provide alternative suggestions.

5.7.2.2.3 Motivation

The SMDs concede that motivation at the four project schools is not in place on a daily basis because the principals are still not sure whether they are in control of the schools or whether SADTU is in control. The SMDs went further to say that the learners are no longer motivated by principals at the morning assembly and devotions because the morning assemblies these days are only used for directives and announcements. According to the SMDs, the educators' morale is at its lowest ebb, and as a result they are demotivated, dispirited and uninspired.

The assertion of the principals is supported by Matseke (1997:12) who feels "that the situation [at the traditional black schools] is so bad that some good teachers have decided to take packages to run away from the shameful scene." The opting for severance packages is indicative of demotivated educators. On the other hand, some educators at the four selected schools do not display signs of being motivated by the schools' leadership. Some are, for instance, not attending to their teaching periods, while others are regularly coming to school late, and some do not even bother to prepare and plan their lessons. Because they are also demotivated, principals neglect to motivate educators who display the above-mentioned unprofessional behaviour.

Furthermore, the SMDs feel that principals are unable to confront educators because the unionised educators encroach on the leadership of principals, and this type of behaviour demotivates the principals and renders them useless with regard to motivating educators. The head office, at the provincial level also contributes to the demotivation of principals because of misconduct cases which are submitted to the labour relations sub-directorate at provincial level and which drag on for months before they are given attention.

Because of the lack of motivation on the part of educators and principals, parents are left out of the process of the education of their children. Instead of instilling a work ethic in the learners, demotivated principals and educators allege that learners do not want to do their work and are failures. The SMDs refuted the belief that all the Grade 12 learners do not want to do their work.

They went further by wanting to know why the educators do not make learners feel like learning, if it is true that they do not want to learn, by motivating them.

5.7.2.2.4 Inspiring trust

The perception of the SMDs of the inspiring of trust among the educators by principals is that open communication and joint decision making is lacking at the four selected schools. Principals do not consider the democratic values and principles which are enshrined in our country's Constitution. That is why they make unilateral decisions and as such fail to command the support and trust of their staff. In most cases matters are left until the last moment and the staff is then expected to hurriedly carry out the principals' decisions. This approach breeds mistrust and uncertainty, and it furthermore encourages dissatisfaction and resistance among the educators.

The principals cause fear and animosity among the staff in that they discriminate against their educators by giving their friends preferential treatment thereby contravening section 9(1)-(5) of the Constitution (No. 108 of 1996). Those who are close friends of principals get information before the entire staff. If a friend of a principal commits the same misconduct committed by a non-friend, he/she is not charged. The principal of School A for instance is surrounded by his friends in the school management team, because he recommended his friends to be elevated to the position of heads of department thereby contravening Chapter 2, regulation C.3.3 of PSA Regs (No. R. 679 of 1999) which stipulates that an employee must refrain from favouring relatives and friends in work-related activities and never abuse her or his authority or influence another employee, nor be influenced to abuse her or his authority.

The SMDs believe that the principals of the project schools seem completely lost, especially with regard to support and encouragement of educators. When asked why the principals do not support and encourage the educators, the SMDs indicated that it is because of the fact that the principals started their teaching career in the turbulent period in the history of education in this country and as such they are affected psychologically to a certain extent, hence they neglect important issues such as the ones mentioned above.

Support and encouragement are the cornerstones for inspiring trust among the educators. The SMDs reported that principals do not visit educators who are on sick leave to boost their spirits. Such a cold attitude is not inspiring. A consequence of this is that there is no mutual trust among

the educators. Because SADTU does not allow principals to pay class visits, it is difficult for principals to encourage and to support educators. The SMDs added that at the four selected schools the customer service is poor, and as a result, educators and the parents express dissatisfaction about them, more especially the principal of School B.*

5.7.2.2.5 Long term perspective

In the developmental visits to the four schools, the SMDs stressed the importance of a school vision and mission. The principals were also helped or shown how to formulate the same. But, up to now, principals find it difficult to share their vision with the unionised educators who have formed a front that opposes them. The vision and mission of schools are just written to impress those officials who may want to see them, but in essence the vision is not realised or attained by schools. Principals never give themselves benchmarks, hence the deterioration of Grade 12 results and the standards in general at the four selected schools (cf. Table 4-1 & Figure 5-1).

The SMDs concede that there is a weakness in the leadership at the four selected schools and that they lack a long term perspective. According to them, what happens at the four schools suggests that principals do not know how to make learners work hard in order to succeed at the end of the year. They do not know how to make educators work towards a dream and it appears as if they are unable to solve the attitude problems of the educators and to change their mind set so that schools can become proper institutions of learning. Lastly, the way principals handle management and leadership issues, suggests that there is something which prevents them from wanting to visualise performing schools.

The SMDs furthermore postulate that serious-minded and authentic educators are not proud to be the followers of the principals of the four schools. This is because it appears as if these principals do not possess the innate talent to lead, and they also appear not to have the ability to inspire long term perspective among the educators (cf. paragraphs 2.2.3 & 2.3.4). In fact, the leadership of the principals of the four selected schools seems to be causing chaotic situations and destruction at schools (cf. Table 4-1 & Figure 5-1). The postulation of the SMDs is supported by Mulholland

* The correspondence dated 15 and 19 May 2000 from School B addressed to the SMD in charge of the school outlines the dissatisfaction of the school community.

(2000:1) who writes "leadership is an intangible quality. It is difficult to define and can lead as easily to destruction as to salvation." Mulholland was referring to political leadership which may be not different from educational leadership.

Mulholland goes on to say that James David Barber has identified four categories under which leaders can be classified namely *passive positive*, *active positive*, *passive negative* and *active negative*. According to the SMDs, the principals of the four schools are not active positive because they do not enjoy their work as a result of unionised educators who more often than not dictate terms to them (cf. paragraph 2.3.1, 2.3.2 and 2.3.6), nor do they deal with their awesome responsibilities because they are intimidated by the unionised educators and as such they do not relish the challenges. The SMDs went further to say that the principals do not delegate their power to able educators so as to entrust them with the responsibility of running the affairs of the schools. Instead the principals are active negative i.e. they are, in most cases, doing nothing because they are frustrated by the destruction and chaotic situation caused by the unionised educators at their schools (cf. Matseke 1998:11).

Considering the leadership of principals of the four selected schools as portrayed by the SMDs, one can say that they are negative passive leaders, i.e. they are leaders who do very little for their schools. The laissez-faire situation prevalent at their schools supports this view. However, mention must be made that unionised educators contribute to the principals being negative passive leaders. Instead of assisting principals by working hard towards the attainment of vision, they oppose the leadership of principals. As a result, the principals do not strive for the attainment of the school vision. The end examination results and productivity at the four schools evidently suggest that principals do not give themselves the time and opportunity to ponder about where they want to take their schools (cf. Figure 5-1).

5.7.2.2.6 The influence of leader

The SMDs maintain that principals occupy a leadership role, and that influencing educators towards the achievement of goals is one of their tasks as leaders of the schools to which they are attached. According to the SMDs, the principals of the four selected schools minimally influence educators towards the setting of goals. This means that principals have abdicated their responsibility in respect of goal setting, which needs to be a system that is followed throughout the existence of their schools as organisations. However, the SMDs concede that it is difficult for

the four principals of the four selected schools to influence the unionised educators who have a hidden agenda, and who resolve their grievances at the expense of the learners. The belief of the SMDs is supported by Makgalemele (2000:3) who points out that the government will deal accordingly with educators who toyi-toyi, down chalk and go slow at the expense of the learners in future.

It must be noted that the principals are vested with the power to influence the educators towards the attainment of goals. One of the most important powers vested in principals is legitimate power which none can dispute and which comes about as a result of the formal, legal and official appointment of principals (cf. paragraph 4.3.1.7). But, according to the SMDs, principals do not use their legitimate power to influence learners and educators towards the realisation of the set standards. For example, the learners come to schools shabbily dressed, they are continuously noisy in the classrooms during school hours, and they leave the school premises at any time.

It has also been noted that the educators at the four selected schools also come to school late, and they dress contrary to the provisions of Chapter 2, regulation C.5.1 of the PSA Regs (No. R. 679 of 1999). The matric results of the four schools for the past five years are a proof of a minimal influence on discipline which is supposed to sustain the culture of meaningful learning and educative teaching (cf. Figure 5-1). The SMDs believe that the principals are unable to influence deputy principals and heads of department, and as a result they under-perform, and they are also unable to conduct themselves as leaders who are expected to set standards for their subordinates. As is the case with the principals, the deputy principals and the heads of department do not use legitimate power in influencing their subordinates.

The SMDs maintain that the principals do not have an expressive plan of action to actualise a future perspective with regard to principals' guidance, monitoring, leadership and coaching of educators. According to the SMDs, all the foregoing are essential aspects of influence that need to be given serious attention by principals. Another problem that makes it difficult for the principals to have an influence on the staff after formal working hours is the migrant labour pattern of the staff. Most of the educators do not reside in the townships where the four schools are situated.

The SMDs pointed out that in spite of the fact that the prioritised goals at the four schools are to achieve a pass rate above 50% by the Grade 12 learners, there is no evidence that the schools will

succeed in doing this, because there is no physical programme of action that the principals are able to produce on demand. The SMDs feel that the lack of a synchronised strategy to influence achievement of goals at the four schools, surely, undermines long term perspectives as discussed in paragraph 5.6.2.2.5. In the light of what the SMDs aver, it becomes clear that principals do not use their legitimate, coercive, expert, reward and referent powers to influence their educators towards the achievement of goals and the set standards (cf. paragraph 4.3.1.7).

5.7.2.2.7 Risk taking

The SMDs describe the principals of the four schools as having an aversion to risk taking. They subscribe this aversion attitude to unionised educators who always oppose every move that the principals make. The classrooms are dirty, while the toilets of the four schools resemble pigsties (cf. Picture 4-1). The principals do not take care of the school buildings. In some instances, the windows are broken and doors have been removed from the classrooms. Among others, principals inform the SMDs that the unionised educators tell the learners not to clean the surroundings of schools because they are not slaves. This makes principals aversive to telling learners to clean their mess in the toilets and the classrooms.

The SMDs believe that the principals of the four schools want to operate from a comfort zone. The reason why they say this, is because they believe that the principals want to be seen as good boys in the eyes of SADTU, but complain to the SMDs in the absence of SADTU. This serves as an indication that they are scared of making a decision dealing with SADTU. In spite of the fact that the principals have coercive and legitimate power to take risks, they are seen to be risk averse (cf. paragraph 4.3.1.7). According to the SMDs, principals are hesitant to take charge of their schools, hence laxness and laissez-faire attitudes prevail at these schools.

The SMDs concede that the principals of the four schools would rather refer the matter to the SMDs instead of taking a decision, so that they can pass the buck and say to their staff "the SMDs say . . ." instead of "I say . . ." More often than not, the staff of the four schools will insist, that they want to see the SMDs because it is they who say . . . not the principals. This indicates, that the principals are not firm, and rarely, if ever, take a stance on issues of importance. For example, the principals understand the importance of lesson preparation and class visits, and allege that they want to see that it is implemented in their schools, but this is not done because

they cannot firmly propagate its implementation. What makes matters worse is the fact that principals are not supported by their deputy principals and heads of department.

5.7.2.2.8 Leadership and followership

The principals of the four selected schools seem not to be accepted as leaders at the schools to which they are attached, or alternatively, they seem to be despised by their educators, as followers. The SMD for School D holds the view that the staff of this school do not take the principal seriously because they think that the principal is disposable and can be substituted in the wink of an eye. The learners are easily influenced by the educators to go against him because he does not command their respect. This is due to how he portrays himself in front of them, how he communicates with them and also how the staff negatively portrays him in front of the learners.

For example, in 1997 the educators incited the learners to chase him away because of the following reasons: that he did not discipline male educators who sexually exploited school girls; that he failed to take action against educators who went on a trip with athletes to an athletic meeting and instead of feeding the athletes properly, used some of the money for liquor; that the disciplinary code of the school is generally poor because educators use abusive language when speaking to learners and also fail to honour their teaching periods without any action being taken against them; that some educators come to school drunk and or leave school premises without permission and no action is taken against them; that the representative council of learners was incorrectly used by the principal; that school funds were embezzled by the principal and that most educators employed at the school were not *bona fide* residents of the township where the school is situated.

There is nothing wrong with the above-mentioned reasons which were given by the learners. The only reason which seems to be wrong is the last one because it sounds as if influx control which has been scrapped subsequent to the ushering in of the new dispensation on 27 April 1994 must be maintained. It must also be noted that the educators who wanted the principal to be demoted actually instigated the learners to come up with these reasons which were of course genuine.

The non-support of the principal by the educators during this ordeal is an indication of the fact that some influential individuals among the staff influenced learners negatively. Later on, during this impasse, the educators refused to attend classes, and the reason they gave was that the

learners were misbehaving and threatening their lives. Had it not been because of the latter, it could easily have been business as usual. Some of the implicated educators did not even choose the side of the principal even though they were guilty of the accusations levelled at the principal.

During the negotiation process to have the situation normalised, some parents and learners pointed out that some educators were behind the impasse and were using the learners (a few influential learners) to achieve their misguided goals. When the South African Police Service (SAPS) were requested to investigate the matter because people with important information were not prepared to come forward and declare it, the perpetrators capitulated, apologised to the principal and the impasse died a natural death. Since this ordeal the principal has lost self-reliance and self-confidence.

The SMD for School A maintains that the principal of this school is not accepted as a leader because most of his followers don't look upon him as a good leader or a competent one. According to the SMD the principal has himself to blame because he allowed lawlessness at his school when the new government was voted in. He never showed any resistance to those who were destabilising schools because principals were victimised and oppressed psychologically by SADTU members. Unfortunately, subsequent to the political storm, the principal still has the group of educators who were his right-hand men and he continues to favour them over the others.

This favouritism caused a rift between the principal and the other staff members and as such jeopardised his leadership. The principal continued to worsen the situation by mismanaging the funds and making loans to his friends. The worst part of it was the appointment of his friends in management posts, and this angered most of his educators. Because of this corruption and nepotism, he is not considered a leader and the school is out of control. As a result of this, many accusations are hurled at him. For example, educators complain about favouritism, mismanagement of funds and incompetence. Because of this complaint, three educators were dismissed from the school for acting timidly in order to restore order, but still most of the educators do not regard him as their leader.

The SMD for School C feels that it is difficult to say whether the principal of this school is perceived as a leader by his followers because the principal has only been at the school which looked or appeared directionless since the predecessor departed four years ago. The SMD went further to say that the school community has been leaderless for a period exceeding a year, a

period when no appointment of the principal had been effected. With the passage of time, the school community seems to be appreciating the leadership. Lack of conflict, except during times close to the farewell function of Grade 12 learners at the end of 2000, is proof enough that the principal is viewed as a leader by his followers.

The SMD's assertion is dubious. How can a man who has not given attention to vandalised school buildings for four years be perceived as a leader? How can a man whose school has produced dismal Grade 12 results be regarded as a leader (cf. Figure 5-1)? How can a man whose school's learners come to school late and leave the school for home at any time be regarded as a leader? How can a man who is afraid to confront one of the educators who is an office bearer of SADTU, and who is absent from school now and then, and who has affairs with a learner be perceived as a leader by his followers?*

The SMD for School B pointed out that the principal of this school is definitely not accepted by his followers. The reasons given by the SMD to support his argument are as follows: In one of the meetings which was held by the SMDs with the entire staff during their developmental visit, the staff accused the principal of not following procedures when dealing with cases of misconduct. They, for instance, made it abundantly clear that the principal does not warn an educator who is alleged to have committed misconduct, nor does he discuss the alleged case of misconduct with said educator, and the staff continued to say that he was biased in dealing with the cases of misconduct. For example, his friends are not charged with misconduct.

The SMD also indicated that an accusation by the entire school community was levelled against the principal because he uses the school funds to subsidise his petrol costs. Another issue is that of a lawn mower and a video machine which disappeared under very strange circumstances. According to the SMD, the said equipment is stored in the strong room by the principal who is the only person who has access to the strong room and who keeps the keys for the strong room. The arrangement at this school is that the principal is the only person who may take teaching aids out of the strong room to hand them over to the educator, or the educator may take them out of

* The minutes of the School Governing Body dated 14 April 2000 and 17 April 2000 bear testimony to these allegations.

the strong room in the presence of the principal, and the same procedure is followed when the equipment is brought back. But the principal could not account for the missing items mentioned above.

Lastly, the principal does not command respect, more especially among his staff members. The SMD in charge of the school informed the researcher that in one of the staff meetings he created a nasty situation which resulted in an exchange of unpleasant words. Apparently, in that meeting the principal said to one of the educators: You cannot speak to me like that because you are not my wife. In response to this unprofessional remark, the lady said: Yes, indeed, I am not your wife. My husband is not a fool like you are. As if it was not enough, the principal provocatively said to the lady: Look here, my wife is more beautiful than you are. This type of unprofessional behaviour made the entire staff unceremoniously leave the meeting on that day.

5.7.2.3 Leadership traits and skills of principals

5.7.2.3.1 Independence

The principals of the four selected schools are not independent in the carrying out of their duty because SADTU acts as a watchdog and affects their independence. This interference has resulted in a deplorable situation in the four schools. The SMDs feel that this type of situation forces the principals of the four schools to avoid accountability as they bank heavily on the members of the SMTs, and in some other instances they want the SMDs to lead their schools on their behalf. For instance, the principals know that the unions' office bearers not the entire staff are entitled to time off, but they won't reason independently if the staff want time off for memorial services and sporting activities during school hours. Instead they will want the SMDs to make these decisions on their behalf.

According to the SMDs principals of the four schools are not confident and assertive when addressing educators and learners, and they are not firm when reprimanding the learners, hence the deviant behaviour that manifests itself among the learners at the four schools. The principals are definitely not acting independently when dealing with SADTU members. The reason why they behave like this could be the seemingly superior understanding of policy issues and legal provisions by some SADTU members. Every time the principals want the SMDs to confront labour issues, rather than dealing with these issues themselves.

The principals seem to be scared of leading schools. As a result of this the management and leadership of principals are fraught with mistakes, and they have to be advised by the SMDs time and again. The lack of independence weakens the leadership and management of principals, and results in their losing confidence in themselves. They are, therefore, unable to initiate programmes independently. They rely mostly on the directions from the District Office. When their staff do not align themselves with directions or innovations from the District Office, the principals cannot have them implemented in their schools.

5.7.2.3.2 Organising

The SMDs believe that organising as a task of a leader at the four schools is very poorly attended to. The SMD in charge of School D pointed out that during the year 2000 the Development Team from the District Office visited the school thrice. On the first two visits the principal had not met with his SMT to prepare for the visit. This evidently indicates that if the principal fails to hold organisational meetings with the SMT for almost five months, then there is poor organisation at the school. However, this can also be attributed to the fact that the principal is scared to meet with his SMT some of whose members occasionally oppose him (cf. paragraph 5.2.2.8).

According to the SMDs, further visible proof that the principals are poor organisers are their offices and their schools which lack proper organisation. For example, learners come to schools and leave for home as they please. The learning facilitators who visited the schools to moderate the Grade 12 marks at the end of 2000 were shocked on their arrival to find that some of the educators were not present though they knew that the learning facilitators would be coming to their schools on that specific day. In some instances the learning facilitators were shocked when they found that some educators' work was incomplete. The SMD for School A went further to say that the principal of this school does not feel ashamed to submit end of year mark schedules which contain errors and are untidy.

The SMDs maintain that the principals lack the organisational skills to allocate responsibilities. However, the principals are to a certain extent able to organise resources to meet institutional goals. However, the same cannot be said when it comes to delegation. For example, delegated duties allocated to the members of the SMT are not well organised. This is as a result of their reluctance to support the principals. The SMDs feel that intervention and reorganising by

principals, where necessary, is imperative. In addition to this, they hold the view that principals are not organising educators properly in accordance with ability and capability. For example, poorly performing educators, never elicit the principals' intervention and reorganising of subject allocation.

The principals of the four schools seem unable to organise the staff and the members of the SMT towards the attainment of goals. During their developmental visit, the SMDs always give feedback on the findings as well as hints to the principals. The principals in turn are expected to pass the information on to the members of the staff and the SMT members, but most unfortunately the principals will sit on the information. The developmental tools (forms) used when assessing the work of educators, clerks, and members of the SMT are not even discussed by principals with the persons concerned.

5.7.2.3.3 Self-confidence

Self-confidence is probably the most important leadership trait that is mostly needed for the leader to be able to lead effectively. The information supplied by the SMDs indicates that self-confidence among the principals is lacking. The SMDs think that this has come about as a result of working in the situation where the members of SADTU want to dominate decision making and discussions as well as the destructive criticism hurled at principals by SADTU members. As a result of the lack of self-confidence, principals of the four schools invariably refer labour issues such as discipline to the SMDs.

The principals of the four schools have been rendered ineffective by the members of SADTU who interfere with the smooth running of the schools. According to the SMDs, these principals seem to have run out of ideas on how to make things happen at their schools. They are not confident enough to come up with a quality plan that can turn the schools around. Table 4-4 and Figure 5-1 bear testimony to this. Instead the principals always say their teachers are difficult to handle. They do not confidently handle issues such as reprimanding, monitoring, inspiring, motivating and influencing learners and educators towards the achievement of goals.

The SMD in charge of School D made it abundantly clear that the principal of this school was psychologically affected at the time when some educators instructed learners to chase him away from school. As a result of this, his self-confidence was eroded and it is difficult to be regained.

What made it worse is the fact that during the ordeal, educators and parents generally did not support him. The fact that he shies away from holding management meetings, definitely indicates his lack of confidence.

5.7.2.3.4 Courageous

The SMDs believe that a good leader is one who continues to try against all odds. If such a leader feels that he or she is left in the lurch, he or she does not hesitate to go it alone or with a few who are prepared to follow him or her. Such a leader does not easily despair and shy away from any situation, and he or she is not a critic who will always fold her or his arms and rest on his or her laurels while criticising a move initiated by others or while waiting for the others to come and do things for him or her. The SMD for School B maintains that the principal of this school is not courageous in setting records straight. For example, he knows that preparation of lessons is a must, if things have to be done in accordance with educational principles, but he lacks the courage to convince or reprimand those who do not want to prepare and plan their lessons.

The SMD for School C also feels that the principal of this school is not courageous. According to the SMD, when this man is confronted with difficult situations such as confronting a prominent SADTU member who is always absent from school and who has sexual relations with a school girl, the principal, either consciously or unconsciously, revealed that he was willing and ready to take up a business career. This principal is not courageous in confronting problems such as vandalism, late coming, poor matric results and low standards which need to be confronted.

Contrary to the above, the SMD for School A thinks that the principal of this school has grown to show courage, though at times he is reluctant to confront a problematic situation. The skill is developing after being assured that the SMD is prepared to be supportive of him if he does things according to rules and regulations. This made him confront those educators who flouted the regulations by coming to school reeking of liquor and violated other regulations laid down in section 17(1)(a)-(n) of the EEA (No. 76 of 1998). So far, twenty-four educators have been charged with misconduct because of undermining his authority and failing to carry out legitimate and lawful instructions given to them by the principal.

On the other hand, the SMD for School D perceives the principal as someone who does not have enough courage to implement policies and strategies that are in the best interest of his school. At

this school, it is difficult to say whether SADTU is leading the school or whether he as a principal is doing it. For instance, some members of SADTU refuse to take legitimate and lawful instructions from him using correspondence from their provincial committee as an excuse. The principal lacks the courage to use official documents at his disposal, to fight for the plight of learners in ensuring that there is educative teaching and meaningful learning taking place at the school he is leading.

5.7.2.3.5 Knowledgeable

Considering the years of experience of the principals, it becomes clear that all the principals of the four project schools were appointed as principals during the darkest period in the history of South African education. It is also notable that all of them have not pursued studies in education management and leadership. This prompted the SMDs to say that, by elevating the principals to the position of leaders, it was tantamount to throwing them into the lions' den or in at the deep end because they lack leadership skills, and this is compounded by the fact that there are no assessment centres in South Africa where leadership skills of principals are honed. The assessment centre at the Free State University is used to identify management and leadership potentials that may be there in an individual, but it does not provide training *per se*.

The SMD went further to say that in spite of the SADTU opposition an endeavour was made to develop schools during the year 2000 and that a programme which is aimed at developing leadership skills of principals in the year 2001 has been drawn up. Perhaps this will come to the rescue of principals who lack leadership knowledge. The SMD in charge of School B describes the principal as someone who lacks knowledge in dealing with labour issues. For example, minor cases of misconduct are reported to the District Office, meaning that he does not know the contents of Sch. 8. item 3(3)(4) of the LRA (No. 66 of 1995). He does not know how to manage staff, learners and buildings. This is supported by the fact that he has done nothing to the school building which has been vandalised for six years.

The SMD for School A believes that the principal of this school is not knowledgeable regarding administration, management and leadership. He lacks knowledge of filing documents, guidance of administrative staff, distribution of duty among the heads of department and the deputy principal. He lacks knowledge of monitoring the work of educators and that of the learners, hence the poor matric results. The principal lost direction in so many areas, that he finds himself having no idea

of a number of issues that are to be put into practice by him. This man lacks knowledge of governance and financial management.

The SMD in charge of School D perceives the principal of this school as someone who lacks leadership and managerial skills. According to him this man is totally lost and frustrated by the SADTU members who oppose everything he does. In spite of the fact that the man has seven years' experience as a principal, he has not acquired managerial and leadership skills because of the variables mentioned earlier on (cf. paragraph 2.4.8.5). Mention must be made that principals are in possession of documents on legal, management, administration and leadership aspects, and now of late they are exposed to the developmental visits, but, they still do not perform because of the unionised educators who encroach on their management and leadership (cf. paragraphs 2.3.1 & 2.3.4).

5.8 Leadership styles of principals

The SMD for School D pointed out that there are many things that happen within and outside the school which have a direct impact on the school and which are not attended to at all by the principal. For example, he ignored the action of the SADTU members who refused the SMDs access to the educators' professional work and their classrooms in order to develop the school, and since he fails to organise his SMT and staff, this suggests that they do what they think is correct or they do not do anything at all.

In the light of the above, the conclusion is drawn that the principal's leadership style is *laissez-faire*. This is also supported by the fact that he fails dismally to push programmes or to initiate something. In addition to this, it has been noted that his instructions or programmes, if any, are not carried out. The principal of School D does not know the progress that the learners are making or not making, and this suggests that his leadership style is *laissez-faire* because he fails to manage the core business of the school, namely learning and teaching.

Learners' absenteeism at School D is very high and there is no procedure to check them. In addition to this, there is no support programme for learners to ensure that they spend their time profitably, wisely, effectively and in learning and educative activities, and to crown it all, there is no functional extra-mural programme for learners. The staff of the school operate more reactively than according to an available programme. The buildings and physical assets at the school are not

managed, and every afternoon chairs are scattered all over the school premises and doors are left open. The classrooms are filthy and litter is always scattered about.

The SMD for School A maintains that the principal has chosen a democratic style which he cannot properly put into practice. According to the SMD, this principal takes every single thing to the staff because he claims to be transparent and he will leave everything to the educators. This sounds like abdication of responsibility and it also constitutes a laissez-faire management style. The perception of the SMD is not accepted. This notion is supported by the fact that the researcher observed that learners and educators of this school come to school late, and some learners leave the school at any time during school hours.

The SMD believes that a consultative approach disempowers the principal because he ends up not making decisions without consulting with the educators, and as such instructions are not coming from the principal's office but from anybody and everybody. The consultative approach is carried out to the detriment of the leadership and the management of the school. In fact, the consultative approach in South Africa has done serious harm to the education of this country because SADTU which has many members, is dominating decision making and as such they always choose that which is favourable and advantageous to them. At school level one will find that decisions which deprive learners of the right to learn, like memorial services during school hours, are made.

The SMD for School C feels that the most dominant style of leadership which characterises the principal of this school is that of authoritative tendencies. According to the SMD, the principal usually prefers being listened to and obeyed. The principal still feels aggrieved by the abolition of corporal punishment in schools (cf. section 10(1)(2) of the SASA, No. 84 of 1996). The authoritative tendency was when he expelled a pregnant girl despite the policy position of the Department of Education regarding expulsion of learners from school.

The frequent reference to the "I" concept is sufficient evidence of unilateral tendencies. The principal strongly believes in practices that erode democratic values and principles as well as the democratic rights of role-players. Any mention that he should have consulted, interacted with other stakeholders as prescribed by policy, is met with reasons for non-participation. The assertion of the SMD holds water, but if one analyses the situation at this school, one is forced to believe that the principal opts for the authoritative style because unionised educators oppose everything that he does. In opting for this style, he therefore hopes to force them to toe the line.

The SMD in charge of School C went on to say that the authoritarian style for which the principal is opting seems to be unconsciously sidelined when those preferred by him are interacted with. This is evident when the principal talks to educators, learners and parents closer to him. The opposite is true for those not necessarily close to the principal. These are educators with dissenting views and particularly belonging to SADTU. The dissenting group is usually spoken to in an undemocratic and arrogant manner. What the SMD says here supports indirectly the view that the principal is fed up with the unionised educators always being prescriptive when handling educational issues.

The SMD in charge of School B thinks that the principal of this school opts for a laissez-faire leadership style. The reason why he says this is that the principal abdicates his responsibilities. For example, educators who do not teach classes when they know very well that they are supposed to be teaching are reported to the SMD by the heads of department instead of by him because he is accountable to the SMD, not the heads of department. According to the SMD, some learners at this school are seen basking in the sun during the winter months, while in summer they mill around on the school premises.

The school is characterised by a laissez-faire type of attitude in that educators and learners come to school late while learners leave at any time during school hours. Another common problem is that educators at this school hold so-called memorial services during school hours when an educator has passed away. At this school, there is noise or buzz in the classrooms all day long, which suggests that there is no effective teaching and learning taking place. Lastly, the toilets are so filthy that the stench coming from them is unbearable. They are health hazards in that they are susceptible to germs.

5.9 The matching of practice with theory and model

5.9.1 Introduction

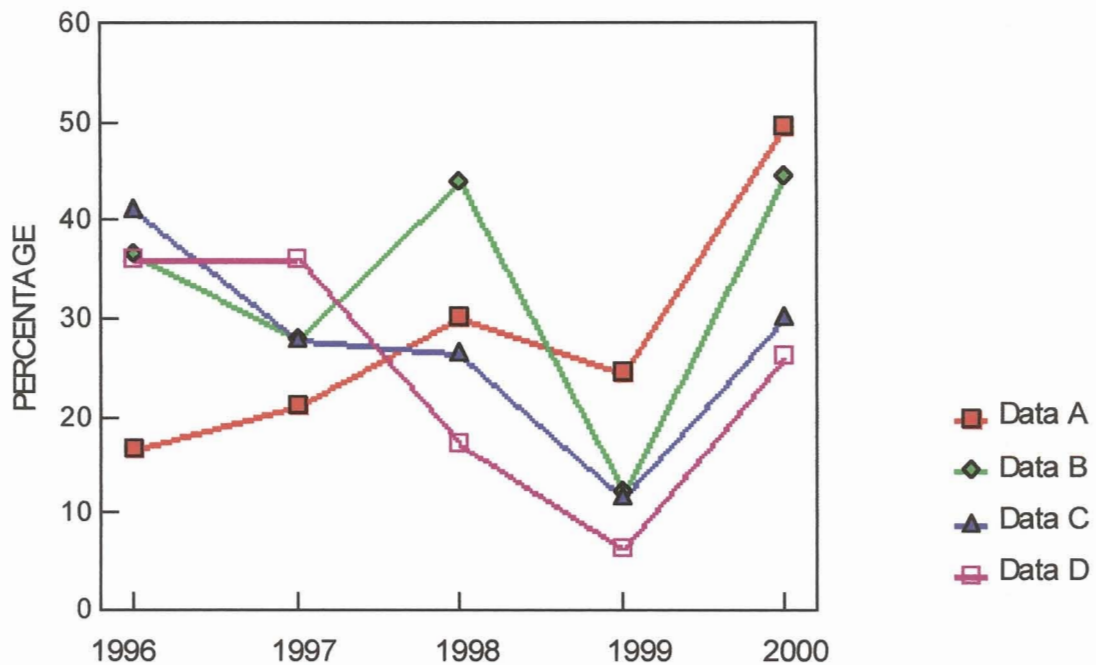
The four project schools have been producing dismal Grade 12 results for years. This is indicative of the fact that there is plethora of factors that contribute to the poor matric results. Management and leadership of schools is one of them. It is for this reason that the management style of the leadership of the four project schools must change i.e. theory must be changed into practice.

After matching practice with theory Hersey *et al.* (1996:113) and Greenberg & Baron (1997:150-153) found that managers are able to change their management style, their training methods and their training programmes. These changes were also found to have positively affected productivity.

The matching of practice with theory by changing the management system to suite the activities of the organisation helps the management to arrest the situation and to turn things around. For example, productivity could increase after the initiation of change in a management system. In addition to this, the following are likely to improve considerably: the morale of employees, the organisational image and human as well as labour relations. Change as suggested below will also bring about freedom of interaction of the supervisor with the subordinates within the organisation and the friendly spirit which will make it possible for the supervisor to know the problems of the workers will prevail. More importantly, the organisation will begin to show a clear healthy productivity after struggling for a long time (Hersey *et al.* 1996:113, Dessler 1997:292, Sherman & Bohlander 1992:56-58).

It is believed that the situation at the four project schools can be arrested and be turned around if Fiedler's Contingency model and House's path-goal theory can be put into practice i.e. if change can be brought about. Fiedler's Contingency model and House's path-goal theory, which are used as a framework for the researcher in this research project to understand the situation and the leadership effectiveness of principals at the four project schools, will be examined.

Figure 5-1 below indicates that the four selected schools performed inconsistently in the Grade 12 examinations for five consecutive years as follows: In 1996 School A's pass rate was 16,88%; School B's pass rate was 36,69%; School C's pass rate was 41,15% and School D's pass rate was 36,11%. In 1997 School A's pass rate was 21,26%; School B's pass rate was 28,14%; School C's pass rate was 28,09% and School D's pass rate was 36,13%. In 1998 School A's pass rate was 30,34%; School B's pass rate was 43,98%; School C's pass rate was 26,67% and School D's pass rate was 17,33%. In 1999 School A's pass rate was 24,79%; School B's pass rate was 12,36%; School C's pass rate was 11,68% and School D's pass rate was 6,33%. In 2000 School A's pass rate was 49,52%; School B's pass rate was 44,57%; School C's pass rate was 30,14% and School D's pass rate was 26,29%.

Figure 5-1: The 1996-2000 Grade 12 Pass Rates of the the Project Schools

If one has to consider the above graph, one realises that the Grade 12 examination results in some instances fluctuate. School A's pass rate slightly improved from 1996, and in 1999 it declined, whereas it went up in 2000. The school B's Grade 12 examination results declined in 1997 and went up in 1998. But, in 1999 there was a sharp decline, whereas in 2000 the results went up. From 1996, the Grade 12 examination results of school C have been declining, and in 2000 there was a slight improvement. The last school's Grade 12 examination results namely school D were constant from 1996 up to 1997, and they started showing a decline. In 2000 they showed a slight improvement.

It must also be noted that all the four schools' Grade 12 examination results improved in 2000. It can be said that this was possible because of the standard of the question papers in that year because the situation at the four project schools in terms of management and leadership has been the same since 1996. Also, the matric results of the entire country improved drastically in 2000. Another point to be taken note of is that the Grade 12 examination results of schools C and D have been on the decline because of the impact of unionised educators who do not want to submit to authority and control at these schools (cf. paragraph 5.2.2.8).

5.9.2 Fiedler's contingency model

As has already been mentioned in paragraph 5.9.1, theory which is put into practice can help schools as organisations to improve productivity. In the light of the matric results of the four project schools for the five consecutive years as depicted in Figure 5-1, it becomes clear that theory at the four schools was not considered or alternatively the matching of practice with theory and model was never given attention by the leadership of the four project schools. In the subsequent discussion, an attempt will be made to investigate whether Fiedler's Contingency model could be used by the principals at the four project schools.

Before further discussion could be embarked upon, it is necessary to make mention of the fact that a model and a theory have been purposely chosen because they are not the same. Hersey *et al.* (1996:190) distinguish the two concepts as follows: "A theory attempts to explain why things happen as they do. As such, it is not designed to recreate events. A model, on the other hand, is a pattern of already existing events that can be learned and therefore repeated." For example, if one wants to determine whether the process is a model, one has to record procedures and sequences (Hersey *et al.* 1996:190).

According to Sergiovanni and Starratt ((1983:90), Fred Fiedler developed the Contingency model to determine whether the situation in which a leader finds himself or herself affects his or her leadership effectiveness, and he discovered that the following procedures or sequences which he refers to as situational variables affect the leadership effectiveness in a given situation: *task structure*, *leader followers relations* and *position power*. In other words, Fiedler's Contingency model consists of the three already mentioned variables (Hersey *et al.* 1996:124).

The task structure refers to clear standards, objectives, vision, decision making, problem solving etc. On the other hand the position power refers to the power and authority the principal has as a leader in order to help him or her to influence the educators towards the attainment of objectives or goals. Lastly, the leader-followers relations refers to the extent to which a leader relates to his or her followers. For example, in a school setting, educators may like or dislike the principal for reasons of their own (Hersey *et al.* 1996:124-125, Mondy & Premeaux 1995:357, Hoy & Miskel 1987:287).

Mondy and Premeaux (1995:356) express the sentiment that in the situation where a leader finds himself or herself there may be a friendly or unfriendly, a relevant or tense, and threatening or supportive atmosphere which impacts on the effectiveness of a leader. The assertion of Mondy and Premeaux (1995) is valid if one has to consider the discussion in Chapter 5 of the research project. The leadership technique that the principals of the four project schools could apply at their schools is mostly interfered with by the unionised educators, who more often than not oppose the move that the principals may want to take, thereby creating a tense and unfriendly atmosphere (cf. paragraphs 5.6.2; 5.6.2.2 & 5.6.2.3).

There is evidence that in some instances some educators at the four project schools do not like their principals and that this leads to their being hostile and as such they cause a threatening situation for the principals. An example of such situation is the events that took place at School D. It is recalled that at this school the learners were incited against the principal by the educators, and that this resulted in the principal being chased away from school. In School A, the situation forced the principal to favour some of the educators and this created a hostile situation at the school. On the other hand the principal of School C was forced by the circumstances prevalent at his school to opt for the authoritarian leadership style and to be harsh with the SADTU members (cf. paragraph 5.2.2.8).

As has already been mentioned, the four principals of the four project schools are barred by the members of the above mentioned teacher union from exercising control over their professional work. This suggests that the situation at the four schools renders the principals ineffective and this is confirmed by the chaotic situation prevalent at the four project schools e.g. late coming, noise in the classrooms and avoidance of the teaching periods (cf. paragraph 5.4 & 5.5). Some members of SADTU do not want to submit to authority, and this results in the principals not being able to influence them towards the achievement of goals. In other words the educators belonging to the above-mentioned union render the principals powerless as they cannot use their power effectively to influence them (cf. paragraph 5.6.2.2.6).

The task structure events at the four project schools occur minimally, if they ever occur. According to the SMDs in charge of the four schools there are no visible standards set by the principals and graffiti and abusive language in the toilets and other mischievous things happen in these schools. It is also not clear whether objectives are set at the four project schools. The Grade 12 pass rate depicted in Figure 5-1 bears testimony to this. The long term perspective

among the principals is missing and as a result, the four principals are not visionary leaders, hence problems remain unsolved for years e.g. unprofessional behaviour among some educators (cf. paragraph 5.6.2.1.6).

In the light of the foregoing discussion, it becomes clear that the task-oriented style and the relationships-oriented style which are propagated by Fiedler are not opted for by the principals of the four selected schools, or alternatively, it is difficult for them to opt for these styles. Should they have forged ahead opting for the task-oriented style it could have been easy for them to achieve their goals (Sergiovanni & Starratt 1983:91). This is endorsed by Fiedler who argues that leaders who opt for the task-oriented style perform better even if the situation is unfavourable or very favourable (Hersey *et al.* 1996:124-125 & Hoy and Miskel 1987:290). Fiedler goes on to say that a relationship-oriented style can only help the principals if the situation is favourable. Following the postulation of Fiedler, it is believed that the relationship-oriented style is unlikely to work at the four project schools should the principals opt for it.

5.9.3 House's path-goal theory

Hersey *et al.* (1996:190) believe that if a person tries to imagine why a person is motivated to achieve something, and tries to answer the question why things happen the way they do, that person will come up with a theory. The main concern will then be to look into why the leader does what he or she does in the situation in which he or she finds him/herself. For instance, the question why a leader defines what followers must do to attain a work outcome will be the main concern. But before that could be done, it is necessary to mention that House's path-goal theory that the researcher has opted to match with practice "[is] the proposition that managers can facilitate job performance by showing employees how their performance directly affects their receiving desired rewards" (Mondy & Premeaux 1995:687).

Similarly, Hoy and Miskel (1987:292) maintain that "the theory is called path-goal because it explains how leaders influence their subordinates' perceptions of work goals, personal goals, and paths to goal attainment." If the foregoing is to be analysed, it becomes clear that there are four elements of House's path-goal theory namely *leaders' influence*, *subordinates' perceptions*, *organisational goals* and *paths to goal achievement*. Mondy and Premeaux (1995:292) and Hersey *et al.* (1996:126) add *reward* as another dimension to House's path-goal theory. Lastly and more importantly, this theory looks into how leaders and followers succeed in attaining goals,

or how they follow the path that leads to the attainment of goals (Sherman & Bohlander 1992:482).

According to Hoy and Miskel (1987:292) there are four basic leader behaviours which help a leader and followers to move in the path that leads towards the attainment of goals such as *directive behaviour*, *achievement-oriented behaviour*, *supportive behaviour* and *participative behaviour*. In so far as the directive behaviour of a leader is concerned, expectations are clarified while a leader gives direction to the followers who are asked to follow rules and procedures. As regards the situation at the four project schools, the deduction which is made on the basis of the information supplied by the principals, the teacher unions and the SMDs is that the principals are not in a position to give direction because of their ignorance of statutes, rules and regulations as well as the unwillingness of the unionised educators to perform to standard (cf. paragraphs 5.4; 5.5 & 5.6).

Earlier on, it was also indicated by the SMDs in charge of the four project schools that meetings at these schools are seldom held and that the manner in which they are held suggests that they are not developmental, informative and directive. The workshops where specific direction is given to the educators are not given attention by the principals. As has already been mentioned, leader behaviour can also be goal-oriented. This behaviour sets challenges such as *goal achievements*, *performance improvements*, *striving to attain higher standards* and *the emphasis of excellence* among the followers (Hoy & Miskel 1987:293, Hersey *et al.* 1996:128, Swanepoel *et al.* 2000:384).

In so far as the principals of the four project schools are concerned, there is no evidence that their behaviour is goal-oriented. In spite of the improvement shown in 2000, the Grade 12 pass rate of the four schools suggests that there is something that prevents them from following a path that leads to the attainment of goals. In terms of the information given by the SMDs, one is inclined to say that the principals of the four schools do not have a clear vision and as a result they do not set goals and standards nor do their educators continue to seek for improvement in their performance (cf. paragraphs 5.6.2.1.4; 5.6.2.1.5 & 5.6.2.2.5). From the information supplied by the SMDs, it emerged that participative behaviour is missing at the four project schools. Those principals who may try to make a move towards allowing their educators to partake in the decision making and the activities of their schools are embarrassed by some unionised educators (cf. paragraph 5.6.2).

Lastly, supportive behaviour among the educators of the four project schools is not evident. According to the SMDs and the teacher unions, one of the reasons why they do not support the principals is because some principals do not treat the educators the same way. This discrimination has also resulted in some educators forming camps and cliques. From the SMDs discussions it emerged that emotional behaviour causes animosity among the educators. There is also evidence that the principals do not morally support the educators who are alcoholics as well as those who are ill, in bed. More importantly, they do not develop pleasant interpersonal relationships among educators (cf. paragraphs 5.6.2.2 & 5.6.2.3).

Hoy and Miskel (1987:293) stress the fact that apart from the leader behaviour there are situational factors that may prevent leader behaviour and followers from strictly following a path that leads to the attainment of goals. According to them, such situational factors are *personal characteristics of followers* and *environmental pressures and demands*. At the four project schools, some educators are characterised by the following: late coming, avoiding teaching periods, intimidating principals and defiance of regulations and orders. The pressure exerted on the principals by some members of SADTU and political transformation are the order of the day at the four project schools (cf. paragraphs 5.4.2; 5.6.2.1 & 5.6.2.2). However, it must be noted that the four leadership behaviours discussed above can be displayed at different times and in different situations. In other words, a different situation calls for a different behaviour (Swanepoel *et al.* 2000:384)

Lastly, Hoy and Miskel (1987:294) point out that leader effectiveness helps a leader and followers to follow a path that leads to the attainment of goals. According to them leader effectiveness is not defined in terms of task accomplishment but in terms of the psychological states of followers. In the school setting, a principal's behaviour is effective if it influences the educators to improve job satisfaction, the acceptance of principals more especially at the four project schools and if it promotes educators' motivation (Hoy & Miskel 1987:294, Hersey *et al.* 1996:126). The leader behaviour which makes the path to the attainment of goals clear and easy to travel is not displayed by the principals at the four project schools, hence most educators are reluctant to teach and to attain high standards (cf. paragraphs 5.6.2.1; 5.6.2.2; 5.6.2.3 & 5.6.2.4).

5.10 Conclusion

The qualitative research design and procedures helped the researcher to conduct research at the four selected schools. Mention must be made that it was not difficult to collect data needed for the research from the four schools seeing that they were accessible to the researcher. The participants co-operated except the SADTU site committee at School D. From the responses of the four principals of the four project schools, it came to the fore that some educators are guilty of misconduct, and that the principals do not have a sound knowledge of how to manage misconduct. The teacher organisations also indicated in their responses that they were uncertain as to what constitutes misconduct. The SMDs responses are vital because the training needs of the principals and other members of the school management teams in leadership and management were highlighted from their responses.

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.

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Annexure A Questions used while interviewing principals

- 1 Are there teachers who defy regulations and orders? If there are, please explain why they do this.
- 2 What steps do you take as a principal against a teacher who defies regulations and orders?
- 3 Explain in detail why you think some teachers do not teach classes when they know very well that they are supposed to be teaching.
- 4 Explain why you believe some teachers do not implement the decisions that have been taken in staff meetings.
- 5 Do teachers quarrel with you or another teacher on the school premises or around the school premises? If yes, why do they do this?
- 6 Are there teachers who have sexual relations with school girls/boys? If yes, how do you discipline a teacher who does this?
- 7 How does a teacher who uses profane language or insulting language when talking to you or to learners affect the management of the school?
- 8 Give reasons why some teachers are regularly coming to school late.
- 9 Are there some teachers who do not treat you with respect and courtesy? If so, what could be the reasons for doing this?
- 10 Do teachers hide important circulars? If so, why is this being done?
- 11 Are some teachers disrupting classes in one way or another? Please explain in detail why this is done.
- 12 Are there some teachers who cause conflict among staff members? If yes, please explain how they cause conflict.
- 13 Do some teachers occasionally incite learners against principals? If yes, how do they do this?
- 14 Drug and alcohol abuse is becoming prevalent among teachers. If you also experience this at your school, please explain to what extent it occurs.
- 15 In your opinion, what effect do the above phenomena have on your management and leadership?

Annexure B Questions used while interviewing teacher organisations (unions)

- 1 What constitutes educator misconduct?
- 2 Could you explain why some teachers defy regulations and orders?
- 3 In your opinion, what should be done with a teacher who defies regulations and orders?
- 4 Explain in detail why some teachers do not take the classes they have to teach.
- 5 In your opinion, what should be done to curb the practice mentioned in 1.4 above?
- 6 Why do some teachers sometimes quarrel with the principal?
- 7 Are there teachers who use profane language to learners as a measure of discipline? If yes, what is your opinion of such behaviour?
- 8 What causes some teachers to be continuously and unlawfully absent from school?
- 9 Are there teachers who have sexual relations with school girls/boys? If yes, what should be done with such teachers?
- 10 Are there teachers who issue learners with false reports? If so, what method or mechanism can be used in order to curb this practice?
- 11 What could be the reasons why some teachers do not treat principals with respect and courtesy?
- 12 Do some teachers abuse alcohol? If so, in what way is this affecting their profession?
- 13 Why do some teachers not dress in accordance with the agreed code of dress?
- 14 Why are some teachers still administering corporal punishment in spite of the fact that it has been legally abolished?
- 15 What effect has drug abuse on the teaching practice of some teachers?
- 16 In your opinion, how does drug abuse by educators impact on the management and leadership of principals? Please give practical examples.
- 17 As a teacher organisation, what are the problems that you experience with regard to the handling of misconduct cases by principals?

Annexure C Questions used while interviewing School Management Developers

1. Management as a practical activity of a principal

How competent or incompetent is the principal in carrying out the following? (Please give practical examples i.e. what actually happened, quoting the incidents and the dates where necessary; not forgetting to mention **the situational variables** that impact on the management of principals because they are school-based):

- 1.1 Administration
- 1.2 Control (class-visit, lesson preparation)
- 1.3 Systems and structure
- 1.4 Improving educators skills
- 1.1.5 The setting of standards

2. Leadership as a practical activity of a principal

How does the principal deal with the following in his capacity as a leader? (Please think about his skills, techniques and the **situational variables** that hinder him in carrying out the leadership activities):

- 2.1 Innovation
- 2.2 Originality
- 2.3 Motivation
- 2.4 Inspiring trust
- 2.5 Long term perspective
- 2.6 Influential (towards the achievement of goals)
- 2.7 Risk taking (think about decision making)

3. Is the principal perceived as a leader by his followers (educators and non teaching staff)?
Please support your response with reasons and by giving a practical example if you say yes or

no. For instance, if he at one stage was chased away or accused by educators through learners (think about the incidents that occurred from 1990 to date); please indicate and give reasons that led to him being accused or chased away.

4. Indicate as to how the principal conduct himself in respect of the following (Please do not forget to mention incidents that support your response, while taking into account the **situational variables**):

- 4.1 Independence
- 4.2 Organising
- 4.3 Self-confidence
- 4.4 Courageous
- 4.5 Knowledgeable

5. Choose **only one** leadership style that the principal uses, and indicate as to why does he resort to it. Please do not forget to mention the **situational variables** that contribute to him opting for the leadership style you have chosen.

- 5.1 Authoritarian
- 5.2 Democratic
- 5.3 Laissez-faire

Annexure D Letter to Principals of sample schools

P.O. Box 2983

WELKOM

9460

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.....
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Dear Sir/Madam

I am conducting research in Education Management, specialising in Education Law. The study I am pursuing is such that the site committees/the principals/the school management developers must be taken on board because the study deals with teacher misconduct which is a topical issue at the present moment. As your school has been chosen as part of the sample, I am requesting you to participate in this study. I am intending to hold discussions with you immediately after school on at if it suits you. I am also requesting you to allow me to bring my tape recorder along to record data. If you are against the idea of the tape recorder, please do not hesitate to say so.

Your co-operation in this regard is highly appreciated.

Yours sincerely
Chopo J. Teleki

Annexure E Letter to Chief Education Specialist, Education Planning

Tel.: (057) 397 1719

Cell.: 082 2511 299

P.O. Box 2983

WELKOM

9460

3 November 2000

For attention: Chief Education Specialist-Education Planning

The Head of Education

Private Bag X20565

Bloemfontein

9300

Dear Sir

Request to Conduct Research at Four Schools in the Odendaalsrus District

I am a registered PhD student at the university of Pretoria. My promoter is Prof. Beckmann, J.L. At the moment I have reached the stage where I must embark on an empirical survey. I therefore request the Department to grant me permission to conduct research at four secondary schools which have been purposely selected in the Odendaalsrus District. The title of my thesis is *Juridical aspects of teacher misconduct: a management perspective*.

On completion, it is believed that the study will contribute significantly to management of schools by educational managers in our country, in general, and for the Free State Province in particular. Attached to this letter are the following:

- (a) a letter from my promoter whereby he requests that I be allowed to carry on with empirical study at aforementioned schools,
- (b) a research proposal which explains the aim of the research project,

- (c) a draft letter to the principals/the union site committees and
- (d) questions which will be used for interviewing principals and teacher unions.

Your co-operation in this regard is highly appreciated.

Yours sincerely

Chopo Teleki

11505 Harry Oppenheimer Street

Sir Ernest Oppenheimer Park

Motsethabong

9463



FREE STATE PROVINCE



Enquiries : Mr W.B. van Rooyen/LB
Reference no. : 16/4/1/59-2000

Tel: 051-404 8077
Fax:051-404 8074

2000-11-08

Mr C J Teleki
P O Box 2983
WELKOM
9460

Dear Mr Teleki

REQUEST TO CONDUCT RESEARCH IN THE FREE STATE DEPARTMENT OF EDUCATION

1. Your request dated 1 November 2000 refers.
2. Research title applied for: **Juridical aspects of teacher misconduct: a management perspective.**
3. Permission is granted for your request to conduct research in the Free State Department of Education under the following conditions:
 - 3.1 Principals/educators participate voluntarily in the project.
 - 3.2 The names of the schools and principals/educators involved remain confidential in all respects.
 - 3.3 Interviews with principals and educators must be conducted outside normal tuition time of the school.
 - 3.4 Recording of interviews on tape recorder may only take place with direct permission of the official being interviewed.
 - 3.4 This letter must be shown to all participating persons.
 - 3.5 A report on this study must be donated to the Free State Department of Education after completion of the project where it will be accessed in the Education Library, Bloemfontein.
4. You are requested to address a letter to the Head: Education, for attention
W.B. van Rooyen
Room 1213
C.R. Swart Building
Private Bag X20565
BLOEMFONTEIN
9301
accepting the above conditions.
5. We wish you every success with your research.

Yours sincerely

HEAD: EDUCATION