



“Incidents and accidents”: Implementing the
safety regulations prescribed by the South
African Schools Act.

by

Eric Eberlein



“Incidents and accidents”: Implementing the safety regulations prescribed by the South African Schools Act.

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Supervisor: Professor Rika Joubert

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RESEARCHER'S DECLARATION

I, Eric Eberlein, declare that "Incidents and accidents: Implementing the safety regulations prescribed by the South African Schools Act" is my own work. It has never been submitted in any form for a degree or diploma before in any tertiary institution. Where the work of others has been used, sources have been identified and acknowledged by means of complete references.

Signature:

Date:



LANGUAGE EDITOR'S DECLARATION

I, Mrs. Ailsa Williams as the language editor declare that I edited "Incidents and accidents: Implementing the safety regulations prescribed by the South African Schools Act".

Signature:

Date:



Dedication

In loving memory of my mother

ANNETTE EBERLEIN

27 June 1946 – 15 April 2009

Slaap sag Mams, die stryd is gewonne.

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Any form of study demands a degree of sacrifice from the participants. The researcher is, as always, more aware of his own than that of those close to him. For their sacrifices and support therefore I wish to thank

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ABSTRACT

In the light of almost daily media reports of accidents and incidents of violence in South African schools, it can be assumed that most South African schools are unsafe. This study investigates the manner in which rural public schools implement the school safety regulations prescribed by the South African Schools Act to ensure learner safety.

This qualitative study investigates the implementation of the Schools Act's safety regulations at four public schools situated in the rural areas east of Pretoria in Gauteng. Data was gathered using interviews with the principals of these schools as well as by the observation and recording of the normal day-to-day activities at the school and by an analysis of each school's school safety policy.

The interviews with the principals focused on the manner in which each school implements the regulations for school safety in areas such as access to the school and the conducting of searches, the arranging of trips and excursion and the planning and managing water-based activities and the early release of learners.

Observation at each of the four schools focused on the physical condition of the school and the schools' procedures for playground duty, fire fighting and emergency drills.

The analysis of each school's safety policy aimed to determine the compliance of these policies with the Schools Act regulations and to determine the practicability and effectiveness of each policy.

The researcher's conclusions include the fact that none of four schools had an effective and practicable school safety policy in place and were not implementing their inadequate policies effectively. He suggests among other things a comprehensive compulsory school safety training programme including aspects such as information on the intent, content and aims of the school safety regulations, the concepts of liability and negligence and methods for drafting, adopting and implementing effective school safety policies.

ABBREVIATIONS

GDE	Gauteng Department of Education
DoE	Department of Education
MEC	Member of the Executive Council
PAM	Personnel Administrative Measures
PDP	Public Driver's Permit
SACE	South African Council of Educators
SAHRC	South African Human Rights Council
SANDF	South African National Defence Force
SAPS	South African Police Services
SASA	South African Schools Act, Act 84 of 1996
SBST	School Based Support Team
SMT	School Management Team
SGB	School Governing Body



KEY WORDS

School safety, Schools Act, safety regulations, Constitution, liability, negligence, case law, access control, searches, evacuation drills, fire measures, early release, school safety policies.

CHAPTER 1

INTRODUCTION AND ORIENTATION TO THE STUDY

1. Introduction

A 13-year-old learner at a prestigious public high school for boys in Pretoria suffers serious head injuries when he falls onto his head from a considerable height after a group of older boys flick him into the air with the aid of a cricket net (Magnus, Beeld, 23 May 2006).

A Grade 4 learner is trapped under- and crushed by the weight of a movable grand stand on the playground of a primary school in Krugersdorp (Roestoff, Beeld, 16 February 2007).

Two learners from a primary school in Walmer drown in a river whilst on a school trip to study interesting plant life on a farm near the town (Olivier, Beeld, 09 March 2009).

In another incident, three teenage boys on an adventure camp with fellow students from their East Rand high school drown when their inflatable boat capsizes in heavy seas near the mouth of the Great Brak River (Oosthuizen, Beeld, 27 September 2008).

A 17-year-old learner fights for his life after nearly drowning in the pool of a well-known independent school in Johannesburg (van Zyl, Beeld, 05 April 2007).

A masked 18-year-old male learner runs amok at a technical high school in Krugersdorp, hacking to death a 16 year old fellow learner and injuring another learner and two school employees as he rampaged around the school grounds armed with a sword (Roestoff, Beeld, 19 August 2008).

One day later another learner, this time a 13-year-old boy at a primary school in Heidelberg, stabs a peer twice in the back after an argument on the playground. Later that same day a 17-year-old boy at a high school in Eldorado Park south of Johannesburg fires a shot at a fellow learner from a 9mm pistol brought to school from home (Damons, Beeld, 20 August 2008).

6 boys between the ages of 16 and 18 enrolled at an Afrikaans high school in the northern suburbs of Pretoria are arrested on the school premises for the possession of illegal substances after a surprise police swoop (Fourie, Beeld, 25 March 2009).

A 15-year-old girl is stabbed nine times in the chest and back by an ex-pupil-cum-ditched boyfriend as she enters the premises of a high school in Empangeni (Liebenberg, Beeld, 29 April 2009).

These reports probably only account for a small number of similar incidents of violence and accidents that take place in South African schools on a daily

basis, most of which are minor and therefore are either not dramatic and newsworthy enough to attract the attention of the media or are not reported to the proper education authorities.

According to the Department of Education (hereafter referred to as the DoE) publication entitled “Education Statistics in South Africa for 2007” (Department of Education, 2009), a total of 12 048 821 (twelve million, forty eight thousand, eight hundred and twenty one) learners were enrolled at the 24 979 (twenty four thousand nine hundred and seventy nine) public schools in South Africa on the tenth school day of 2007 (2009:4). The same source indicates that these approximately twelve million learners were served by 372 342 (three hundred and seventy two thousand, three hundred and forty two) educators (2009:5). Unfortunately the figures for 2008 will only be available in the second half of 2010.

It is therefore true to say that every day millions of learners are placed in the care of hundreds of thousands of educators all across South Africa. Millions of parents place their implicit trust and faith in the tens of thousands of schools their children attend and in the multitude of educators employed by those schools, to keep their children safe and free of injury. Yet despite the best efforts of each educator, each principal, incidents of violence and accidents leading to injuries, the majority of which are slight, occur at schools in our country every day. Every now and then however, a serious act of violence or an accident involving serious injuries such as those detailed above occurs, and lives are changed forever. Questions are asked, questions such as “How and why did this happen?” and “What was and is being done to prevent this from happening?”

“Incidents and accidents, hints and allegations...” This line from a well-known Paul Simon song seems an appropriate title for the discussion of an issue that leads to the media reports above and to others in the same veins that shock and trouble parents and educators alike. The implication that the schools our children attend, the schools at which our educators are employed, are not always the safe and secure havens we like to think they are, is unsettling.

2. Stating the problem

South African schools are unsafe. The frequency with which the South African media reports on both accidents and the resultant injuries, as well as incidents of violence perpetrated by and upon learners enrolled at South African schools bares this out.

Nelson Mandela, at that time the first democratically elected president of the Republic of South Africa, expressed concern for the safety of South African children at the schools they attend when he told those present at the launch of the National Crime Prevention Campaign on 19 April 1999 that the campaign will “...add strength to our efforts to change the culture of violence that pervades our society, and in particular too many of the schools and homes where our young people learn the values that guide them.”

It is clear that all parties concerned, including education legislators, managers and educators at grass-roots or so-called “chalk-face” level in our country, face a mammoth task in trying to keep the learners in their care safe.

However, these accidents and incidents of violence do not take place in a legislative vacuum, so to speak. As will be demonstrated in chapter 2, legislation such as the South African Schools Act, Act 84 of 1996 (hereafter referred to as the Schools Act) contain detailed and specific measures aimed at securing the safety of learners at South African schools. So, if not for a want of legislative authority and guidelines, why are South African schools then still so demonstrably unsafe? Is it possible that South African schools and South African school managers are struggling to implement this and other Acts, thereby in effect if not perpetuating then at least failing to prevent the occurrence and re-occurrence of such accidents and incidents of violence?

3. The purpose of the study

It is the duty of every principal of a public school in South Africa to formulate, promulgate, implement and monitor a school safety policy at his or her school. This policy must be based on the safety measures and regulations prescribed by the Schools Act, and must aim to make practicable these measures and regulations in order to ensure the safety and security of the learners in their charge. The purpose of this study is to investigate the manner in which schools in Gauteng do this.

The incidents described in the introduction beg the question – how well-prepared are our schools in reality to meet the challenge of keeping their learners and staff physically and psychologically safe in a society evermore blighted by violence? How effectively are the safety measures promulgated by the State in the Schools Act being implemented in an effort to ensure that learners are safe not only from violence but from accidents on and around the school premises or on official excursions away from these premises? In this study I will attempt to answer these questions and hope to be able to suggest ways of improving the manner in which schools implement the existing school safety measures and regulations.

4. The rationale for the study

The researcher’s interest in the issue of school safety stems from two sources, one being the challenge set for him by the School Governing Body (SGB) of the public school at which he taught for 14 years, the other his experiences as a part-time lecturer at the University of Pretoria.

In the former, the greatest challenge as a member of the School Management Team (SMT) of a well-run and affluent public primary school in Pretoria, involved dealing with the large group of learners who remained on the playground and around the school premises every day after the end of official school hours. These learners, on occasion as many as 45 of

them, would remain on the school premises unsupervised for hours, some remaining on the premises as late as 19:30.

The fact that these learners were unsupervised was a matter of grave concern for the members of the SGB. Worried by the possibility of an injury to one of these learners while they were unsupervised and the legal repercussions such an event would have, the SGB requested that the SMT investigate and implement a solution to the problem.

Ultimately, the solution lay in employing a competent person to supervise these children from 13:30 until the last of them had left the school premises. Despite the obvious added financial burden, this solution not only reduced the risk of injuries significantly, but also fulfilled to a large extent the requirements for preventative actions taken by “a reasonable adult” to secure the safety and well-being of the learners at the school.

From contact with numerous students engaged in the University of Pretoria’s BEd Honours programme, most of whom are employed at rural schools that fall within quintile 1, 2 and 3 (so-called “poor” or “no fee” schools), it seems clear that things such as running water, flush toilets, fencing and other “givens” expected to be found in the average South African school can never be taken for granted. These educators appear to be involved in a day-to-day struggle to keep learners safe from harm from both their environment and their fellow learners while still trying to impart knowledge, skills and values.

Ultimately the researcher’s interest lies in the physical safety of the children in our South African schools and how this safety is managed at present and might be managed better in the future. The researcher therefore acknowledges the wisdom of Squelch’s definition of a safe school when she says that a safe school is “...a healthy school in that it is physically and psychologically safe” (2001:138) and further acknowledge the connection between these two kinds of safety, i.e. a child who feels physically threatened at school will also suffer the psychological impact of that fear. However, this study will focus primarily on the effectiveness with which a selected group of schools secures the physical safety of the children on their admission roll.

5. Research Questions

The primary question guiding this study will be the following:

How do schools in Gauteng implement the safety legislation prescribed in the South African Schools Act, Act 84 of 1996?

From this question the following secondary research questions are derived:

a. To what extent are principals and educators trained, resourced and supported for and in their efforts to implement the safety legislation prescribed in the South African Schools Act, Act 84 of 1996?

b. How do principals of schools in Gauteng understand the concept of the liability of their school in the event of an injury sustained by a learner?

6. Theoretical and conceptual framework

Cohen (1956:170) in his book entitled “A Preface to Logic” states that “the man who knows nothing about a subject may be free of bias, but he will not discover anything. The facts of human endeavour do not stream into empty minds”. This means that what any man or woman knows and what he or she has experienced will influence how he or she understands a phenomenon. It will influence the way in which he or she sees and interprets events, and will influence the way in which he or she reads and interprets the literature (or legislation for that matter) on any given topic.

Jansen (2006:10) in his brief description of functionalism, states that it is best described as an understanding that social institutions (such as schools), not unlike biological organisms, have systems and constituent elements that perform various specialist functions to ensure the survival and optimal functioning of that institution. Within this view of the school, function and efficiency rate in importance above relationships and the human element. All action must always be geared towards the efficient achievement of the goals of the institution (i.e. the school), with the satisfaction and comfort of the participants in these actions a secondary consideration.

The foregoing definition is closely linked to a positivist outlook on the law. To the positivist, the law as it is written is the law as it must be applied. The positivist approach to law leaves very little room for interpretations of the law or discussions on what the legislators meant when the language in which the law is presented was chosen. Verdicts that interpret the law literally and enforce it to the letter, without exception and without favour, will appeal equally to the positivist and the functionalist.

This study will use the interpretist research paradigm when examining how the safety legislation is interpreted and applied at schools in Gauteng. Nieuwenhuis (2007:99) states that qualitative data analysis in its essence seeks to “...establish how participants make meaning of a specific phenomenon by analysing their perceptions, attitudes, understanding, knowledge, values, feelings and experiences”. He explains further that interpretivism focuses on people’s subjective experiences and that this approach is able to offer a greater opportunity to understand people’s perceptions of their own situations and the circumstances and phenomena that surround them if they are studied in their own social contexts (2007:100). This study therefore aimed to do just that, i.e. to establish how the participants (the principals of the four schools) make meaning of a specific phenomenon (the safety legislation and the issue of learner safety at school) within their own social context (the schools themselves) using the data-gathering instruments and protocols described in chapter 3 to determine and then analyse and report on their perceptions, attitudes,

understanding, knowledge, values, feelings and experiences related to the phenomenon of learner safety at school.

7. Research design and methodology in brief

This qualitative study was conducted using four separate case studies in order to gather the data required to answer the research questions set above. Each case study focused on one of four public schools in Gauteng.

Nisbet and Watt in Cohen *et al* (2002:181) define a case study as “a specific instance that is frequently designed to illustrate a more general principle...”, while Alderman in the same book calls it “...the study of an instance in action” (2002:181). He then continues to say that the “single instance” is of “a bounded system, for example a child, a clique, a class, a school (or a) community”, which in this case means a school.

While Cohen *et al* identify several different types of case study (2002:181 – 184), the type most relevant to this study involving four separate case studies is Stake’s “collective case study” which he describes as “...groups of individual studies that are undertaken in order to gain a fuller picture” (Cohen *et al*, 183). The use of four separate case studies focused on four separate public schools in Gauteng should provide the rich data needed in order to paint Cohen’s “fuller picture” of the manner in which Gauteng schools implement the safety legislation prescribed by the Schools Act. The process of data collection for each of the four separate case studies is described briefly in the paragraphs below and in more detail in chapter 3.

7.1 The participants

As mentioned above, the study focuses on four public schools to the east of Pretoria in the Gauteng province of South Africa. Two of these schools are secondary or high schools while the other two are primary schools. All four schools fall within quintile 1 or 2 and can therefore be classified as so-called “no-fee” schools in terms of section 39 of the Schools Act.

These schools were selected for their geographic proximity both to one another and to the locale of the researcher. Their proximity to one another means that they all fall under the control of the same district of the provincial Department of Education, making it easier to communicate and interact with that Department in the matter of permission to conduct this study. Falling under the jurisdiction of one district also means that a greater degree of comparison and generalization is possible during the analysis of the finding.

7.2 The literature review

The literature review for this study, aimed at defining the foundations and scope of the topic of school safety, is of necessity divided into three separate yet equally important sub-sections.

The first of these sub-sections details and discusses the legislation appropriate to school safety in South Africa. This section starts by tracing the roots of the State's responsibility for learner safety at school from the Constitution of the Republic of South Africa, Act 108 of 1996 (hereafter referred to as the Constitution) and then proceeds to study and discuss the specific legislation governing school safety as it is mentioned in the primary and secondary research questions.

The second sub-section will review the educator's duty of care for the learners in his or her charge and will also delve into the issues of negligence and liability.

The third and final sub-section of this literature review will focus on current academic literature pertaining to the issue of school safety. All of this literature refers to the appropriate school safety legislation, closely linking this sub-section to the first and second sub-sections. This section will also include a review and discussion of the South African Human Rights Commission's (SAHRC) 2008 Report of the Public Hearings into School-based Violence and will also define and consider the twin issues of negligence and liability as they pertain to injuries and/or damages suffered or sustained at school.

7.3 Data gathering:

7.3.1 Interviews

Data was gathered by means of a semi-structured interview conducted with each of the four selected public schools' principals.

The semi-structured interview, as opposed to the standardized open-ended interview format, was employed as it "increases the comprehensiveness of the data..." (Cohen *et al*, 2002,271). The weakness of this format, as described by Cohen *et al* is the fact that the ability to generalize from the data can be limited if the interviewer neglects to ensure that each interviewee discusses the same topics and issues. In order to negate this problem, the researcher drew up a schedule of topics and issues as detailed in chapter 3 for use during the interview process. This schedule (see appendix B), in a suitable format, was provided to each participant in advance of the interview appointment to allow him or her time to prepare for his or her participation and to alleviate some of the fears regarding the interview and the research process in general that the participants might have been facing.

The interviews were specifically focused on gathering data on the manner in which each principal and each school implements the numerous regulations guiding and governing aspects of school safety set out in the Schools Act. It was felt that interviews with these four principals, who collectively have vast and diverse experiences of school management and specifically the management of the issue of school safety, would provide data both rich

enough and of sufficient quantity to effectively answer the research questions posed in chapter 1.

7.3.2 Non-participant observation

The attraction of doing observations, as Cohen *et al* (2002:305) point out, is “...the opportunity to gather ‘live’ data from ‘live’ situations” rather than “...at second hand” as is the case with most other methods of data gathering. In this situation I acted as Gold’s ‘*complete observer*’ (Cohen *et al*, 2002:305), being completely detached from the situation being observed, not offering any advice or suggestions or prompting any action within the situation under observation. The observation was unstructured to allow for “hypothesis-testing” rather than “hypothesis generation” (Cohen *et al*, 2002:305). In this sense the researcher was there to see what could be seen, rather than to see what was missing or could not be seen.

The observation was of necessity non-participative (the observer “...stands aloof from the group activities (he/she) is investigating” – Cohen *et al*, 2002:186) and took the form of a day-long visit to each school. The observation schedule included items such as access control and playground duty procedures and habits, etc. Time was also spent noting any physical features of each of the schools that might enhance or hamper the school in its quest to be a safe environment for learners and staff. The observation schedule for this part of the research is attached as appendix C.

7.3.3 Document analysis

Every public school in South Africa should as a matter of good management practice and according to section 9(5) of the Amended Regulations for Safety Measures at Public Schools of 2001 (hereafter referred to as the Amended Regulations), develop an “action plan” or School Safety Policy “...to counter threats of violence which have the potential to have a negative impact on school activities...”. This policy or plan “...must ensure the safety of all learners, staff members and parents during school activities”.

As part of the data gathering for this study the researcher studied and analysed, where available, the School Safety Policy of each of the four participating schools. This analysis was done with reference to the Schools Act in order to establish each policy’s relevance to each individual school’s unique situation, its compliance with the prescripts of the aforementioned legislation and its potential effectiveness as a means of ensuring learner, staff and parent safety at school.

8. Delimitations and limitations of the study

This study of the manner in which schools implement the safety regulations prescribed in the South African Schools Act is limited to the two rural primary and two rural secondary or high schools mentioned in 1.7.1 above. These schools all fall within the jurisdiction of Gauteng North District D1 of

the Gauteng Department of Education and all are located to the east of Pretoria in the municipal district of Bronkhorstspuit.

The researcher therefore acknowledges that the study of only four schools all in such close geographic proximity to one another and all within the “no-fee” quintiles, limits the degree to which the findings can be generalised.

Furthermore, this study into the manner in which the school safety regulations are implemented in these schools takes note of but makes no special allowances for their location, quintile, size, demographic profile, financial position or the socio-economic circumstances and conditions of the surrounding community.

9. Conclusion

Prinsloo and Beckman (1995:128) hold that, while members of the general public do not need to keep up with the legal and legislative provisions applicable to education, each educator is expected to be informed of the legal provisions applicable to his or her trade or occupation, namely education. This holds equally true for the managers of the education process and education facilities, i.e. the principals of schools. Whether or not this is the case and whether the legislation pertaining to education, specifically legislation aimed at ensuring the safety of learners at South African schools, is known and is being implemented in these schools, is the focus of this study.

This chapter briefly outlined the background to this study, focusing on both the reason for and the methods used to conduct the research reported on here. Chapter 2 will deal comprehensively with the literature review undertaken for this study.

CHAPTER 2

LITERATURE REVIEW

1 Introduction

While chapter 1 provided an overview of the study, detailing its purpose and methods, this chapter will trace the trail of general and specific legislation pertinent to the issue of school safety and will also discuss the contemporary view of the problem of school safety in academic literature.

Mouton (2006:86) refers to a literature review as a review of “the body of scholarship” pertaining to a specific topic or field of interest and defines this “body” as “the whole range of research products that have been produced by other scholars.” He sights a number of reasons why it is important and indeed desirable to review the produce of other studies and other scholars, among them the fact that such a review will prevent the duplication of existing studies and will provide both the most recent and authoritative theories on the subject and the most widely accepted definitions of key concepts and terms in the field to be studied (Mouton, 2006, 87).

De Vos (2000:65) is in accord and adds that the completion of a review of contemporary literature on any topic “...equips the investigator (researcher) with justification for the subsequent steps as well as a realization of the importance of the undertaking.”

As mentioned in chapter 1, the literature review for this study, aimed at defining the foundations and scope of the topic of school safety, is of necessity divided into three separate yet equally important sub-sections.

The first of these sub-sections will detail and discuss the legislation appropriate to school safety.

The second sub-section will review the educator’s duty of care for the learners in his or her charge and will also delve into the issues of negligence and liability. This section will conclude with an overview of South African case law related to school safety.

The third and final sub-section of this literature review will focus on current academic literature pertaining to the issue of school safety. All of this literature refers back to the appropriate school safety legislation, closely linking this sub-section to the first. This section will also include a review and discussion of the South African Human Rights Commission’s (SAHRC) 2008 Report of the Public Hearings into School-based Violence and will also define and consider the twin issues of negligence and liability as they pertain to injuries and/or damages suffered or sustained at school.

2. Section 1: School Safety - The Legislative Trail

2.1 The Constitution

2.1.1 The Constitution as supreme authority

Joubert and Prinsloo (2009:2) describe a constitution as a document that sets out the rules for running the country and explain that it also protects the democratic principles and the rights of citizens.

Joubert and Prinsloo further state that the Constitution of the Republic of South Africa (1996) is legislation, and as such, according to its own section 2, is the supreme law of the land. This means that no law or Act can be inconsistent or in contradiction of the Constitution (2009:14). To confirm this, Oosthuizen *et al* (1998:25) mentions that all forms of legislation are “subordinate’ in the sense that all legislation in South Africa is subject to the Constitution”.

Chapter 2 of the Constitution contains the Bill of Rights in which the State guarantees the protection of the fundamental and inalienable rights of every citizen of the country. Section 7.1 reads as follows:

“This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom”

while section 7(2) states that

“The state must respect, protect, promote and fulfill the rights in the Bill of Rights”

Section 8 deals with the application of the Bill of Rights and states that

“The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state”

From this it is clear that public schools, with the guidance and support of the Department of Education as an organ of the state, have the responsibility to respect, protect, promote and fulfill all the rights of every citizen of South Africa.

2.1.2 The Constitution as a source of education law

Joubert and Prinsloo (2009:15) state that the Constitution is, at the same time as being the supreme law of the country, also a source of education law. On this point authors such as Oosthuizen *et al* (1998:21) and Barry (2006:8) agree. Indeed, the latter indicates that the rights and freedoms set out in the Bill of Rights must be respected, protected, promoted and fulfilled not only in general but also specifically within the education system (Bray, 2006:9).

The section of the Constitution that contributes directly to the development and guidance of education law in South Africa is again the Bill of Rights found in chapter 2. In this chapter, certain specific rights have a direct bearing on education. These rights will each be discussed in detail in the paragraphs that follow.

2.2 Constitutional rights with a bearing on education and school safety

2.2.1 The right to education

The single most important right in the Bill of Rights with a direct bearing on education is the right to education. Section 29 of the Constitution (1996) states:

“29(1) Everyone has the right

- a. to a basic education, including basic adult education; and*
- b. to further education, which the state, through reasonable measures, must make progressively available and accessible.”*

This right determines unequivocally that the State is responsible for the provision of education to all its citizens, and is therefore responsible for every aspect of the provision of education, including the safety of learners at school.

2.2.2 The rights of the child

The second most important right with a bearing on education and even more so specifically on the issue of school safety is contained in section 28 of the Bill of Rights. This section deals with the rights of children, and the sub-sections of section 28 relevant to this discussion are relayed below.

“28(1) Every child has the right

- b. to family care or parental care, or to appropriate alternative care when removed from the family environment;*
- d. to be protected from maltreatment, neglect, abuse or degradation...”*

and

“28(2) A child’s best interests are of paramount importance in every matter concerning the child.”

Section 28(2) is of particular importance when discussing education legislation and its duty to provide for and promote the safety of learners at South African schools.

2.2.3 The right to equality

Joubert and Prinsloo (2009:44) identify the fundamental human rights contained in the Constitution (1996) as the right to freedom, the right to equality and the right to life. Section 9 of the Constitution (1996) reads as follows:

“9(1) Everyone is equal before the law and has the right to equal protection and benefit of the law”

9(2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons or categories of persons, disadvantaged by unfair discrimination, may be taken.

9(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, age, disability, religion, conscience, belief, culture, language and birth.

9(4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of sub-section (3). National legislation must be enacted to prevent or prohibit unfair discrimination.”

The right to equality implies that in principle all people can claim equal treatment and equal opportunities before the law (Joubert & Prinsloo, 2009:45), including legislation designed and promulgated to organize and control education. Section 9(2) also provides for everyone’s “enjoyment of all rights”, including those that specify the right to life (section 11), safety (section 12) and privacy (section 14). These three rights will be shown later to be vital aspects of all education law related to the safety of learners and educators at South African schools.

2.2.4 The right to human dignity

Section 10 of the Constitution (1996) reads as follows:

“ Everyone has inherent dignity and the right to have their dignity respected”

This short yet powerful statement must be recognized as a cornerstone of the safeguards included in education legislation to prevent the loss of dignity that goes hand-in-hand with being either the victim or the perpetrator of violence anywhere, but specifically at school.

The dignity of those accused of violence or of negligence in the event of an accident at school is also protected by this right, and must therefore also be protected by education and other legislation.

2.2.5 The right to life

Even shorter than section 10 above, this right, set out in section 11 of the Constitution (1996), is direct, to the point and in its effect devastatingly simple and powerful. It reads:

“Everyone has the right to life”

The impact of this right on education legislation, especially that portion of such legislation concerned with the safety of learners and educators at school, is abundantly clear – the ultimate goal of all such legislation must be the preservation of the lives of all learners and all educators at all schools in South Africa.

2.2.6 The right to freedom and security of person

The Constitution (1996), in section 12(1), guarantees everyone the right

“(c) to be free from all forms of violence from either public or private source”

and

“(e) not to be treated or punished in a cruel, inhuman or degrading way”

Section 12(2) goes on to guarantee everyone’s right to “bodily and psychological integrity”.

This section too is adamant in its charge to legislators across the board and specifically in the field of education to develop, promulgate and implement legislation that attempts to prevent the occurrence of violence and opportunities for the cruel treatment and degradation of citizens of the country. As with the right to dignity (section 10), this section implies that both those accused of violence or of negligence in the event of an accident at school as well as the victims of such violence or negligence must be protected by education and other legislation.

2.2.7 The right to privacy

The right to privacy (Constitution, section 14) is most keenly discussed and debated in connection with the conducting of searches upon the person and of the belongings of both learners and visitors to South African schools. The relevant section of this right reads as follows:

“Everyone has the right to privacy, which includes the right not to have

- a. *their person or home searched;*
- b. *their property searched;*
- c. *their possessions seized”*

Part of the regime in any school that finds itself the victim of violence must be the searching of its learners, their belongings and of its visitors and their belongings for dangerous objects and/or weapons that might be used in the commission of a crime or of acts of violence on the school's premises. Education legislation aimed at ensuring the safety of learners and educators at South African schools must therefore take very careful cognizance of this right. It must in the first place empower school authorities to conduct such searches and in the second place instruct in detail those authorities on how to conduct such searches in a manner that produces the desired results (i.e. the removal of dangerous objects and/or weapons from the school premises and the discouragement of learners and visitors from carrying such objects and weapons to school in the future) without infringing upon the rights of either the learners or the visitors.

De Waal (2005), in the Centre for Education Law and Practice's (CELP) publication "Safe Schools", quotes Squelch when she says that a legal school search is identified by the following four characteristics:

- that the search is conducted upon receipt of reliable information that has led to reasonable suspicion
- that the place where and the manner in which the search is conducted does not infringe upon the learner's privacy or human dignity, i.e. the closer to the person of the learner the search is conducted, the higher the risk of both the invasion of that learner's privacy and the affecting of his or her human dignity
- that the person conducting the search has the authority to do so
- that boys and girls are searched separately by persons of the same gender in the presence of both a witness for the learner and a witness for the searcher (De Waal:2005).

The authority to conduct such legal searches stems from education legislation in the form of the Regulations for Safety Measures at Schools promulgated in 2001. A detailed discussion of these Regulations can be found in section 2.6.1.

2.2.8 The right to freedom of expression

The right to freedom of expression is often misunderstood in that few people care to or bother to mention the inherent limitation of this right that is contained in section 16(2). The right in full reads as follows:

“(1) Everyone has the right to freedom of expression, which includes

- a. freedom of the press and other media;*
- b. freedom to receive or impart information or ideas;*
- c. freedom of artistic creativity; and*
- d. academic freedom and freedom of scientific research.*

(2) The right in sub-section (1) does not extend to:

- a. propaganda of war;*
- b. incitement of imminent violence; or*
- c. advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.”*

It is primarily the lesser known and less frequently quoted second section of this right that is pertinent to education legislation and the issue of school safety. Safety measures developed for the prevention of violence at schools need to take into consideration this limitation on what in effect amounts to hate speech and must be take cognizance of and be prepared for and geared toward dealing with situations in schools where violence is verbally incited against for example girls, homosexuals and/or foreigners under the pretense that the instigator of the violence is exercising his or her right to freedom of expression.

2.2.9 The right to a safe environment

The most telling part of section 24 of the Constitution (1996) entitled “Environment” from the perspective of an education legislator lies in the first line which states that *“everyone has the right to an environment that is not harmful to their health or well-being.”* If one takes the environment of learners to be the school premises, then it is clear that all education legislation must promote and secure school environments that are safe for both learners and educators to occupy on a daily basis. This safety must extend but not be limited to the school buildings (including classrooms, media centres, workshops and laboratories, offices, computer centres, tuck shops, school halls and gymnasiums etc.), playgrounds (including playground equipment such as jungle gyms etc.), sports fields and even school buses and any other means of transport, whether owned by the school or the State or hired from private enterprise for specific trips or tours.

Section 20(1)(g) of the Schools Act demands that SGB’s administer and control the property, buildings and grounds occupied by the school. Squelch concludes that this section compels the SGB to *“keep school buildings in good repair, keep school grounds free of dangerous objects and maintaining equipment in good working order (e.g. playground equipment*

and fire hydrants)” (2001:142). Protecting this right and *inter alia* the safety of the learners at public schools in South Africa is therefore rightfully one of the main functions of education legislation in our country.

These three sections of the Bill of Rights pertain specifically and directly to education. A discussion on other rights enshrined in the Bill of Rights that pertain specifically to the issue of school safety can be found later on in this chapter.

2.3 An overview of specific education legislation

Several pieces of national legislation govern education in South Africa. Acts such as the National Education Policy Act (Act 27 of 1996), the South African Schools Act (Act 84 of 1996), the Educators’ Employment Act (Act 134 of 1994), the South African Council for Educators Act (Act 51 of 2000) and the Education Laws Amendment Act (Act 31 of 2007) along with numerous pieces of general legislation all to some degree direct and control the education process in our country.

That being said, it is pertinent to remember that for the purposes of this study, focus will be placed mainly on the Schools Act (Act 84 of 1996) and the Regulations for Safety Measures at Schools (2001 and amended in 2006 and 2007) as well as the Regulations to Prohibit Initiation Practices in Schools (2002) that must be read as schedules to this Act.

2.4 The South African Schools Act and the issue of school safety

This section of the literature review will focus on the legislation and regulations specific to school safety.

Oosthuizen *et al* defines regulations as rules which are issued by a senior functionary of the State to regulate administrative affairs within the ambit of his or her authority. They continue to say that the authority to develop, promulgate and implement such regulations is derived from specific legislation (1998:29). In the case of the Schools Act, this authority is assigned to the national Minister of Education by section 61.

In terms of section 61, the national Minister of Education “*may make regulations on any matter which must or may be prescribed by regulation under this Act (the Schools Act) and any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.*”

This in effect means that the national Minister of Education can develop, promulgate and implement any regulations he or she feels are required in amplification and support of the Schools Act.

Three such sets of regulations concerning safety at schools have been forthcoming from the office of the national Minister of Education since 2001. These pieces of legislation are:

- Regulations for Safety Measures at Schools promulgated in 2001
- Regulations to Prohibit Initiation Practices in Schools promulgated 2002
- The Amended Regulations for Safety Measures at Schools promulgated in 2006

It is the manner in which the four schools participating in this study implement these regulations that forms the focus of this study.

These regulations will be discussed in detail in the paragraphs that follow.

2.4.1 Regulations for Safety Measures at Schools – 2001

In accordance with section 61 of the Schools Act, the then Minister of Education Professor Kadar Asmal issued in Government Gazette number 22754 dated 12 October 2001 the Regulations for Safety Measures in Schools (hereafter referred to as the Regulations).

The Regulations promulgated in this schedule to the Schools Act define three key areas of school safety. These key areas are schools as violence and drug free zones, access to public school premises and general measures to be adopted at public schools in order to ensure improved safety for both learners enrolled and staff employed at these schools

In section 1 of these regulations, the Minister defines the words or expressions used in the schedule of regulations and it is the definitions of dangerous objects and of illegal drugs that are pertinent to this study. The Regulations state that the term “dangerous object” means

“(a) any explosive material or device

(b) any firearm or gas weapon

(c) any article, object or instrument which may be employed to cause bodily harm to a person, or to render a person temporarily paralysed or unconscious, or to cause damage to property or

(d) any object which the minister may by notice in the Gazette declare to be a dangerous object for the purposes of these regulations.”

Significantly though, the Regulations then go on to mention that objects that “are used for education purposes” are not classified as dangerous objects. This unfortunately leaves a loophole for the possession of a wide variety of “educational aids” such as scissors, pens, screw drivers and hammers (technical and/or trade schools) etc. that might otherwise have been declared dangerous objects. The quandary here is that these objects are

generally seen as harmless educational aids, even though they could be used to commit acts of violence or to cause serious injury.

The Regulations define “illegal drugs” as “any unlawful intoxicating or stupefying substance”. As will be seen later, this definition also includes alcohol as a “stupefying” substance.

It is also worth noting that the Regulations define “public school premises” as “...any building, structure, hall, room, office, convenience land, enclosure” which is under the public school’s control.

With regard to the first key area of school safety, that of the school as a violence and drug free zone, section 4 of the Regulations states no person may allow, carry or store dangerous objects on any school’s premises, neither may any person possess illegal drugs or be found to be intoxicated on those premises.

The issue of searches upon the person and the possessions of learners and visitors, highlighted in section 2.2.7 above as an area where education legislation must give clear and concise instruction, authority and guidance to avoid an infringement of human rights, is dealt with comprehensively in section 3 of the Regulations.

The Regulations also attempt with the removal of dangerous objects and illegal drugs to secure the “safe environment” which is everyone’s right according to section 24 of the Constitution (1996).

The authority to and methods of conducting legal searches at schools is alluded to in an earlier paragraph. In this regard, section 4(3) of the Regulations state that a police official may, upon the existence of reasonable doubt, search any person or school premises for illegal drugs and dangerous objects, and may confiscate such items if found.

The major consideration when conducting school searches must be the best interests of the learner, both the one about to be searched and the many others that make up the school’s population. However, the best interests and the rights to life, human dignity and a safe environment of the majority limit the right to privacy of the individual (Oosthuizen, 1998:24) if there is reasonable suspicion that the individual is carrying a dangerous object or illegal drugs onto or in the school premises. Reasonable suspicion here entails the receipt from a reliable source of first-hand information regarding the actions of the individual under suspicion.

Section 5 of the Regulations details the procedures for access to public schools. Sub-section (1)(a) of this section grants the principal the authority to “take such steps as he or she may consider necessary for the safeguarding of the public school premises, as well as for the protection of the people therein.” This section requires that persons seeking access to the premises of a public school furnish proof of their identity and address and also that they declare any illegal drugs or dangerous objects in their

possession. This section also requires all visitors to be aware of the fact that they might be subjected to a search upon entering a public school's premises.

Section 5(3) provides the principal with the authority to remove any person from the school's premises if that person entered the premises without permission or fails to furnish the information required of them or to subject themselves to a search.

To these regulations for access the Regulations make certain notable exceptions in section 6. Members of the police, the defense forces, the Minister of Education, Members of the Executive Council (MEC) responsible for education in a province and officials of the national or provincial education departments may, upon presentation of satisfactory proof of their identity, enter the premises of a public school.

Section 7 (Visit to public schools by public and political office bearers) and section 8 (Visits to public schools by parents) focus more on the arrangements to be made for such visits in order to prevent the interruption of educational activities than on actual safety measures and procedures, and therefore are not essential to this discussion of school safety.

Finally, section 9 of the Regulations promulgates certain general arrangements regarding the promotion and regulation of school safety. These sections stipulate that all public schools must, among other things display clear signs indicating the procedures for access to the school and the fact that all visitors may be searched upon entry, cooperate with police stations to ensure that visible policing is sent during all sporting and cultural events at the school and must encourage SGB members and other parents to become involved in policing forums and must engage in advocacy campaigns to communicate to the public the status of the school concerning the regulations and the right to protection against violence.

The Regulations for Safety Measures at Schools as published in 2001 and as discussed in the preceding paragraphs go a long way towards empowering the principal to ensure the safety of the learners in his or her care against the ingress of dangerous objects, illegal drugs and unwanted and/or unsavoury visitors on the school premises. However, the real acid test as always with any kind of legislation is the effectiveness with which these Regulations are implemented at grassroots level, or in this case, school level.

2.4.2 Regulations to Prohibit Initiation Practices in Schools – 2002

Again in accordance with section 61 of the Schools Act, the Minister of Education at that time, Professor Kadar Asmal, issued in Government Gazette number 24165 dated 13 December 2002 the Regulations to Prohibit Initiation Practices in Schools (hereafter referred to as the Regulations to Prohibit Initiation Practices).

In section 3 of the Regulations to Prohibit Initiation Practices, the Minister states the aim of the legislation is the protection, in accordance with the Schools Act and the Constitution (1996), of the rights of learners enrolled at public schools.

A detailed exposition and discussion of Constitutional rights appears elsewhere in this literature review. In that discussion it was shown that these rights form the cornerstone not only of general education legislation but also of legislation specifically aimed at ensuring and promoting safety at South African schools.

Such rights, according to the Regulations to Prohibit Initiation Practices, include but are not limited to:

- 3.1 Non-discrimination and equality
- 3.2 Privacy, respect and dignity
- 3.3 Non-violence and the freedom and security of person
- 3.4 Protection from maltreatment, neglect, abuse or degradation
- 3.5 Safe school environment and discipline

The Regulations to Prohibit Initiation Practices is divided into four main sections, each with a specific focus. In the first section, initiation practices *per se* and other terminology related to these practices are defined. In the second section these practices are expressly prohibited, while section three defines and explains the responsibilities of principals and governing bodies and section four the responsibilities of educators.

According to this legislation (section 1 (a) to (f)), initiation practices are “*any act which in the process of initiation, admission into, or affiliation with or as a condition for continued membership of a school, a group, intramural or extramural activities, interschool sports team or organisation endangers the mental or physical health or safety of a person, seeks to undermine the intrinsic worth of human beings by treating some as inferior to others, subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of rights, undermines the fundamental rights and values that underpin the Constitution, impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern or destroys public property*”.

In section 4 of the Regulations to Prohibit Initiation Practices, these practices as defined in the previous sections, are prohibited.

Sections 4.2 and 4.3 detail the ideal relationship between staff members and learners and among learners themselves, referring specifically to the Learner Representative Council (LRC). Section 4.3 makes it very clear that “*no learner has the right or authority to punish other learners*”.

The responsibility of the principal, according to section 5.1, is to “ensure that no initiation practices take place in his or her school, including hostels, or during any school activities away from the school premises”, while section 5.2 makes it his or her responsibility to ensure that no learner is “subjected to crimen injuria, assault, harassment, maltreatment, degradation, humiliation or intimidation from educators or learners.”

The governing body in section 5.4 is tasked with taking appropriate action in terms of both section 8 of the Schools Act and the school’s Code of Conduct to prevent further such cases and to protect the rights of learners.

Educators and other members of staff who are involved or allow such initiation practice to take place or fail to prevent it from taking place must be disciplined by the employer (the relevant Department of Education) in accordance with the applicable laws.

Finally, the Regulations to Prohibit Initiation Practices begins to detail the responsibilities of educators with regard to such practices by stating in section 6.1 that “educators must protect, promote and respect the rights of learners”). The rest of section 6 highlights the educators’ duty to assist the principal and the governing body with the maintenance of discipline at school and while away from the premises on trips and tours.

The practice of initiation or “ontgroening” (colloquial Afrikaans term for initiation) has for many years in the past been an acceptable and even expected and anticipated “right of passage” into a new institution, phase of learning, sports team, club, hostel or school house. In fact, at some South African schools the tradition of initiation is revered as almost sacred. This means that, as with the Regulations for Safety Measures at Schools, the real effectiveness of the Regulations Prohibiting Initiation Practices can only be measured and assessed by investigating the manner in and the success with which these regulations are implemented at school level.

2.4.3 The Amended Regulations for Safety Measures at Schools - 2006

On the 10th of November 2006, Minister of Education Naledi Pandor signed into law the Amendment: Regulations for Safety Measures in Schools (hereafter referred to as the Amended Regulations), published in Government Gazette no. 29376.

The Amended Regulations made certain comprehensive additions to the previously published and enacted Regulations for Safety Measures at Schools of 2001. The additions to the original Regulations were numerous and far-reaching in school safety terms and will be discussed in detail in the paragraphs that follow.

A “school activity” in the Amended Regulations is defined as “any educational, cultural, spoiling (sic) (read to mean ‘sporting’ - author) or social activity of the school within or outside the premises”.

The first notable addition to the original Regulations came in the form of a more detailed exposition of the use of alcohol, illegal drugs and dangerous objects originally dealt with in section 4. This section now expressly forbids the possession and use of alcohol, illegal drugs and other illegal substances and dangerous objects during any school activity. The main implication of this new regulation is that no educator, learner, parent or even bus driver or tour guide may consume or use alcohol or illegal drugs or use or possess dangerous objects while in any way occupied with a school activity, including sports fixtures, cultural events, trips or tours, whether on the school premises or away from such premises.

This regulation was, as mentioned before, a more detailed exposition of the existing regulation published in 2001. However, the major part of the content of the Amended Regulations consisted of entirely new additions to the original Regulations. These additions focus on:

- requesting permission from the relevant education department using the approved forms to conduct school activities involving the transporting of learners [section 8A(1)(a) to (c)],
- insurance and claims for such school activities [section 8A(2)(a) and 8A(3) to (6)]
- educator supervision and the educator-learner ratio for school activities [8A(2)(b) to (e)]
- the school's responsibilities with regard to learners requiring special medical attention while engaged in school activities [section 8A(7)(a) to (e)]
- procedures for contacting parents in an emergency while engaged in school activities [section 8A(8)(a) and (b)]
- providing parents with the relevant information concerning any school activity to be undertaken by the school (section 8B(1)(a) to (g)]
- the procedure for reporting accidents or incidents that occur while engaged in school activities [section 8B(2) to (4)]
- the obtaining of parents' permission or consent for the participation of their children in school activities [section 8C(1) and (2)]
- various requirements for the use of public and/or private transport for school activities [section 8D(1) to (3)]
- the regulation of potentially dangerous physical activities with a focus on water-based activities [section 8E(1) to (4)]

- specific measures to ensure the safety of learners at school with regard to the event of a fire or the discovery of suspected explosive devices [section 8F(1) to (4)]
- the procedure for the early release of learners from school [section 8G(1) to (4)]

For the purposes of this study, focus will be placed in this literature review on only those of the additions mentioned above that bear directly on the issue of learner safety.

Section 8A(2) deals with insurance and the educator-learner ratio and educator supervision for and during trips and tours and stipulates that all public schools should take measures to ensure against accidents, injuries, general medical expenses, hospitalization and theft, depending on the availability of funds to do so. This section also sets an educator-learner ratio on trips and excursions of 1:20 for primary and 1:30 for high schools

An interesting aspect of section 8A(2)(a) regarding insurance is the phrase “depending on the availability of funds”. There is little doubt that requiring schools by law to take out insurance for damages is an attempt to alleviate the potential financial burden carried by the State in this regard. However, the wording of this regulation in fact means that schools that fall in quintile 1 and 2 and even some schools in quintile 3, the so-called “no-fee” schools, might not be required to comply with this regulation due to a lack of funds, immediately passing the burden for financial liability for damage and/or injuries assigned to the State by section 60 of the Schools Act (Act 84 of 1996) back onto the State.

The next pertinent section deals with the school’s responsibilities with regard to learners requiring special medical attention while on trips and tours. Section 8A(7). This section stipulates that the parents of learners with special medical conditions should inform the school of this fact and should provide sufficient medication for the duration of the trip. It places the onus of informing the accompanying educators of this condition on the principal.

Prudence and good safety practice dictates the careful monitoring and control of all medication. This is best achieved by well-informed and conscientious educators and with all medication under lock and key. It is also prudent to keep a register of all medication dispensed, noting time, date and reason for dispensing such medication.

In organising a school activity, the Amended Regulations are very clear on the minimum information that needs, by law, to be communicated to parents in order to obtain their informed consent for their child’s participation. Section 8B(1)(a) to (g) stipulates that the parents should be informed of the purpose and nature of the activity to be undertaken, the itinerary with contact details for the hosts of the activities, the nature of transport, accommodation and catering arrangements, the need or not for traveling documents and where these can be obtained and any other relevant details.

Section 8B(2)(a) deals with the reporting of accidents or incidents while engaged in a school activity. These sections specify the content of a report to be submitted by the supervising educator via the principal to the relevant department of education when an accident or incident has occurred. This report must include the nature of the incident or accident, the nature of any injuries, the time, date, involved parties and location of the incident or accident, the procedures followed to deal with the incident or accident and the name of the supervising educator.

As far as consent for participation in a school activity is concerned, section 8C(1) and (2) of the Amended Regulations specify that the school must obtain written permission from parents, and that no school may request that a parent sign an indemnity form that indemnifies the school against any legal action that may arise as a result of the school activity.

The transporting of learners engaged in school activities is comprehensively addressed in section 8D of the Amended Regulations. Schools must ensure that vehicles transporting learners are roadworthy, insured and fitted with a fire extinguisher and that the drivers of such vehicles all have professional drivers permits. This section also empowers and directs the principal and the SGB to intervene if any doubt about the compliance of vehicles to these regulations exists.

The subject of physical activity as a source of possible danger to learners is not addressed in the initial Regulations for Safety Measures at Schools. This situation is however addressed in the Amended Regulations. According to section 8E, principals must ensure that no learner is forced to take part in any physical activity that might be detrimental to that learner's health. It is also his or her responsibility to ensure the proper preparation for and supervision of learners during water-based activities.

Although probably not as much of a problem for "no-fee" schools as for more affluent public schools, the dangers of water and water-based activities and sports pose a serious threat to the safety of learners. This fact is attested to by the references to media reports of school activity-related drowning highlighted in the introduction to chapter 1. It must also be noted that, as is evident from these reports, both poorer and wealthier schools have suffered the scourge of learner drowning in even the most recent past.

The thrust of section 8F of the Amended Regulations centres on the emergency and fire procedures required in public schools. This section states that all public schools must establish and clearly display emergency evacuation procedures and must install and regularly inspect sufficient fire extinguishers and a fire alarm system. Schools are also burdened with the responsibility to train staff and older learners in the use of fire extinguishers.

The final section of the Amended Regulations [section 8G(1) to (4)] deals with the early release of learners from school. In this section, schools are informed of both the need to control and the procedure for the early release of learners. This procedure dictates that the school must keep a register of

learners released early and that this register must include the name and grade of the learner, the name of the person collecting the learner and the date, time and purpose of the early collection or release.

If the person collecting the learner from school early is someone other than his/her parent or legal guardian, that person needs to produce proof of the fact that he/she has the permission of the parent or legal guardian to collect the learner. The school is also obliged to ensure that the person designated by the learners' parents to collect him/her is in fact known to the learner. If there is any doubt about the authenticity of the person's authority to collect the learner, the school must contact the learner's parents or legal guardian to confirm the arrangements.

2.4.4 The Education Laws Amendment Act – 2007

It is clear from her introduction to the General Assembly of the Education Laws Amendment Bill (Cape Town, 20 September 2007) that Minister Naledi Pandor had both the empowerment of principals to create safe schools and the rights of South African learners at heart when the sections dealing with school searches were developed and written. About the proposed section on searches she says "(this) section does not aim to abuse rights; it aims to protect our children". She continues to press the need for and importance of the new legislation when she says:

"The Bill is unambiguous about our resolve to fight the evil of drug abuse. Schools are supported to act, the rights of learners are protected, and our determination to put an end to drugs in schools is communicated".

The Bill she proposed to the General Assembly on the occasion of the speech quoted above was enacted as the Education Laws Amendment Act, Act 31 of 2007 by Government Gazette no 1256 dated 31 December 2007. These amendments to the Schools Act are included in this Act as section 8A and define more clearly and in greater detail concepts such as "dangerous object" and "illegal drug" mentioned in the legislation discussed above. The former is now defined in section (a) to (d) as *any explosive material or device, any firearm or gas weapon, any article, object or instrument that may be employed to cause bodily harm to a person or damage property, or to render a person temporarily paralysed or unconscious or any object the Minister may, by notice in the Government Gazette, declare to be a dangerous object for the purpose of this Act*" while the latter is defined as *"any unlawful substance that has a psychological or physiological effect or any substance having such effect that is possessed unlawfully."*

This Act also gives greater clarity on the issue of searches and seizures at public schools as well as of the concept of "reasonable suspicion". Section 8 of the Regulations for Safety Measures at Public Schools is amended by allowing, in section 8A(2), for random searches to be performed by the principal or his/her delegate on learners and their possessions in the

presence of reasonable suspicion. These searches must be conducted in private by the principal or his delegate, provided the searcher is of the same gender as the person being searched and an adult witness of the same gender is present. No body cavity searches may be conducted.

All illegal drugs or dangerous objects found during such searches must be labeled with the name of the holder, the date and time of the search, the name of the searcher and the witness and any other relevant details. Such items must then be handed over to the police in exchange for a receipt.

The rest of the amendments to section 8 of the Regulations for Safety Measures at Public Schools deal with the issue of random drug and urine test procedures and practices and is therefore of secondary importance to the issue under the microscope in this study.

2.5 State's responsibility for school safety

Learner safety and security at school is a responsibility laid squarely at the feet of the State by the Constitution (1996) as the supreme law of the country. Again, sections 28 and 29 are relevant here in that these sections guarantee, as was laid out above, both the safety and the education of all South African children respectively.

The State's responsibility for education is formally recognized in the Schools Act and it is in section 60 of this piece of legislation that the most telling evidence of the State's responsibility for learner safety and security at school can be found. This section deals with the State's liability and reads as follows:

"60(1). The State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such a public school would have been liable but for the provisions of this section."

Therefore, if the State is liable for "...any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school...", and if education is the duty of the State and every child has the right to a basic education and the right to be protected from maltreatment, neglect, abuse or degradation, the safety and security of each child attending a public school in South Africa is the responsibility of the State.

The introduction of the Regulations for Safety Measures at Public Schools (2001) and the Amended Regulations for Safety Measures at Public Schools (2006) as schedules to the Schools Act, as well as the amendments to section 8A of this Act promulgated in 2007, clearly signifies the State's acceptance of its responsibility for the safety and security of learners at public schools.

It is the manner in which the participant schools implement these two schedules and the amendments to the Schools Act that is the focus of this study.

2.6 Conclusion:

In order for the regulations discussed above to be implemented effectively at schools, they must be “translated” so to speak, into effective school policies, including a learner code of conduct and a school safety policy. These policies, suitably adapted and individualized to suit a specific school’s needs and requirements, must then be rigorously implemented, managed and monitored for them to have a significant positive effect on the safety situation at that school.

The responsibility to do this “translation” into usable and effective school policies is laid squarely at the feet of each public school’s SGB by section 20(1)(d) and section 8(1) of the Schools Act. This study will focus on investigating the success with which the regulations are thus “translated” into policy and the success with which these policies are implemented at the four participating schools.

3. Section 2: The responsibility of schools and educators with regard to school and learner safety

3.1 The educator’s duty of care

Because parents are obliged by section 3 of the Schools Act to send their children to school, they, in accordance with common law, delegates his or her legal duty to care for their child to the educator (Joubert & Prinsloo,2001:97). This constitutes the common law principle of *in loco parentis*. Hiemstra and Gonin, quoted in CELP (2005:70) translate this term from the original Latin into the English phrase “in place of the parent”. They state that, just as this common law principle implies that the educator “...has the right to maintain discipline over the learners”, he or she also has “...an obligation of duty of care over learners”. (CELP:71). Joubert and Prinsloo reveal that this “duty of care” indicates that the educator must accept responsibility for the safety and well-being of the learners for as long as the learners are in his or her care (2001:97).

Brendan Barry, an attorney of the High Court of South Africa, says that “...schools owe a legal duty of care to ensure the safety of their learners”. He continues to say that essentially “... this duty requires schools to take reasonable steps to prevent reasonably foreseeable or predictable harm to learners in their care” (2006:111).

To sum up the issue of duty of care of educators; because educators are appointed to schools either by the State or by the schools themselves (in the case of educators at independent schools or educators at public schools appointed by the School Governing Body), and because parents are obliged by the State to enroll their children in schools, thus delegating their duty of

care to the educators *in loco parentis*, educators are obliged to accept the duty of care and the responsibility for the safety and well-being of the learners in their charge.

3.2 The issue of liability

Joubert and Prinsloo (2009:231) define liability as “the legal duty to bear the damage” in the case of proven negligence that has led to an injury or injuries. They state that the person who causes damage or injury to another, whether by act or by failure to act, is responsible for the payment of compensation to the party injured by his or her behaviour or actions.

Neethling, Potgieter and Visser (2005:3) define liability as the obligation of the wrongdoer to compensate the damage suffered by the aggrieved person and is the result of a delict, which is “the act of a person that in a wrongful and culpable way causes harm to another”. If even one of the elements in this definition of a delict (“act, wrongfulness, fault harm and causation” – 2005:4) are missing, there is no question of delict and therefore no question of liability.

Liability in the education environment generally falls on one of following two parties: the individual educator, or to the school or State/Government as the employer.

In the event that the individual educator is not held personally liable, the liability for damages reverts to the educator’s employer (Joubert & Prinsloo: 98). The liability of the employer for the negligent actions of its employees is known as vicarious liability (Harris *et al*:159). Neethling *et al* (2006:338) describe vicarious liability as “the strict liability of one person for the delict of another”. They explain that fault is not required on the part of the employer for him or her to be liable for the actions of the employee. Under the old legal theory of *respondeat superior* (the responsibility of the master for the acts of his servants) (Essex:374 Karns:31), the employer is responsible for the deeds and omissions of his or her employee under the following circumstances (Essex:375; Neethling *et al*: 341; Joubert & Prinsloo:99):

- there is a binding contract of employment between the employer and the employee
- the irregularities occurred while the employee was carrying out his or her normally assigned duties or was acting within the scope of his or her employment when the delict was committed
- the employee commits a delict

The concept of vicarious liability is a contentious one. Neethling *et al* (2006:338) state that “the rationale for or the basis of the employer’s liability is controversial”, and that the principle of vicarious liability “did not generally apply in our (South African) common law but was received from English law”. They proceed to give some reasons for the existence of vicarious

liability. They hold that, among other things, the “interest or profit” theory explains vicarious liability as the burden the employer must carry for the benefit of the services of the employee. They also mention that another possible explanation for vicarious liability is the “identification theory” according to which the employee is the “arm” of the employer, and that, if the employee acts, it is in fact the employer acting.

However, their conclusion is that Scott’s “risk or danger theory” furnishes the truest and most logical rationale for vicarious liability, namely that the work or tasks entrusted to the employee by the employer create certain risks of harm for which the latter should be held liable “...on the grounds of fairness and justice” (2006:339).

In conclusion, it is important for this discussion to note that Neethling *et al* state that the employee does not cease to be delictually liable because of his employer’s vicarious liability. Joubert and Prinsloo (2001:98) explain the “right to recourse” as the employer’s right to claim back from the negligent employee the amount of any damages for which they as the employer were held liable. As an example they declare that the State as the employer would pay the damages awarded by the court in a case of educator negligence, but would then make arrangements to deduct the cost of the damages from that particular educator’s salary.

The understanding and enactment of the issue of liability in various countries in the world differs to some extent from that enacted in South Africa. The following paragraphs will briefly investigate, for the sake of comparison the liability for negligence of schools in the United States of America and Great Britain.

a. Liability for educator negligence in the United States of America:

Beebe (1994:2) states that “no (American) state has what may be called a self-contained law of negligence” in educator negligence cases, while Essex (2005:170) states that, under certain circumstances, American educators might be individually or *personally liable* in the event of damages or injuries. These circumstances include injuries suffered by learners as a direct result of the infringement by the educator of a “clearly established law” or of the “reckless disregard (by the educator) for the rights of the plaintiff (i.e. the learner)”.

Karns (1990:28) mentions that an injured party may bring action against either the employer (vicarious liability) or the employee (individual liability) or against both simultaneously as being jointly and severally responsible, but that, under the doctrine of “*sovereign immunity*” which holds that a State may not be sued without its consent (“the king can do no wrong” – Essex:187), many plaintiffs are not even afforded the opportunity to bring a case before the court. He continues to say that, despite the fact that this doctrine had come under tremendous criticism and that many States have introduced statutes to permit law suits against the State, some States will

still dismiss lawsuits for damages filed against them out of hand. In such cases, plaintiffs are then left with no option but to direct their suit at the individual educator (1990:31).

It is clear from cases cited by Beebe that in some American states educators are held personally liable for damages suffered through suspected negligence, while in others the plaintiffs address their claims to the State or Federal body responsible for education. He states that educators are insulated from personal liability in some states in cases where learners knowingly and voluntarily expose themselves to a known danger (consent or the assumption of risk), and again in some states when the learner is proven to have failed to take prudent and reasonable care for his or her own safety (contributory negligence) (1994:3 – 4).

In the state of Missouri (Clark v Furch, 1978) and Minnesota (Toetschinger v Inhot, 1977), educators were held personally liable for damages due to alleged negligence. In the case of Clark v Furch (1978), the court ruled in favour of the educator, and stated that “(the educator’s) obligation was to exercise ordinary care to supervise the children” and that this care “does not require having each of 22 six-year olds constantly and continuously in sight”. In Toetschinger v Inhot (1977) the court ruled that the 5 year old child that was run over by a car was at least partly responsible (contributory negligence) for his injuries in that he had not exercised the degree of care one should reasonably be able to expect from a child that age.

In the states of New York (Barbato v Board of Education of the City of New York, 1959), Oklahoma (Wetzel v Independent School District 4, 1983) and Illinois (McCauley v Chicago Board of Education, 1978) the liability for educator negligence was addressed in court to the State as the employer of the educator suspected of negligence.

In the first case the court ruled, as it did in Clark v Furch, that the educator charged with negligence had not been required to guarantee “...moment by moment safety of every student”, in this case as they skipped and danced in preparation for a school concert. In Wetzel v Independent School District 4 (1983) the court found that cooking activities in a kindergarten (pre-school) classroom posed an unacceptable risk of injury to learners, while in McCauley v Chicago Board of Education (1978) the court came to the same conclusion with regards to boiling water in a kettle in a kindergarten classroom.

In conclusion, educators in some American states are at risk of being sued personally and individually under the doctrine of sovereign immunity, while other states are prepared to answer charges for the negligence of their employees under the provisions of *respondeat superior* or vicarious liability.

b. Liability for educator negligence in Great Britain

Harris *et al* (1992:159 – 160) place liability for educator negligence in Great Britain squarely at the door of the employer. This, as has been indicated earlier, is known as vicarious liability. They suggest however that this

vicarious liability falls away in cases where educators disobey the direct instructions of their employer and injuries result. If, for example, educators are expressly forbidden by their employer (the school or the State) from transporting learners in their private vehicles and a learner is injured during such a forbidden trip, the educator will be personally liable for damages, despite the fact that the journey might be seen as part of or within the scope of the educator's duties.

On the issue of the right to recourse, Harris *et al* (1992:160) state that, although the employer would be justified in claiming compensation from the negligent employee, in Great Britain this happens only very rarely.

Harris *et al* at the same time expound on the question of who the employer is in the British education system. They come to the conclusion that the State is the employer of the vast majority of educators in Great Britain, despite the increased powers of Governing Bodies under the Education (No. 2) Act of 1986. They cite the exceptions to this rule as those educators employed at "aided-, special agreement- and grant maintained schools", where the governors are the employers, and would thus be liable under the principles of vicarious liability (1992:160).

c. Liability for educator negligence in South Africa

In South Africa the Schools Act clearly defines liability for damages suffered at public schools. As mentioned before, section 60(1) of the Act states the following:

"The State is liable for any damages or loss caused as a result of any act or omission in connection with any educational activity conducted by a public school and for which such public school would have been liable but for the provisions of this section".

This firmly establishes exactly who will be liable for damages suffered at a South African public school. On the face of it, the Act merely confirms the principle of vicarious liability under which the employer is liable for the negligence of its employees, but two recent court cases raise interesting questions in this regard. These cases and others and with the implications for the issue of liability in the event of damages or injuries in South African public schools will be discussed in more detail in a later paragraph.

A final word on the issue of liability; the awareness of principals of their institutions' responsibilities and the concept of liability could prove cardinal in the planning and execution of every school's educational activities, as well as in the planning and execution of in-service training for educators and other employees. Schools where the principal and the SGB understand the concept of negligence and the consequences of such negligence would be more empowered to include reasonable foreseeability and reasonable preventability in the thought and planning processes for educational activities, thus contributing significantly to improved school and learner safety.

3.3 The issue of negligence

Because liability depends on proof of negligence, (Essex,2007:171, Joubert & Prinsloo, 2001:98) an exposition of the concepts of negligence as they pertain to the education environment is called for.

Oosthuizen *et al* (2003:92) state that negligence occurs when a person's conduct does not adhere to the standard of care legally required of him or her, while Joubert and Prinsloo (2001:100) define educator negligence as "the behaviour of a person who has not complied with the standard of care or attention required from a reasonable educator".

To this van der Merwe adds, as quoted in Oosthuizen and Bondesio (1988: 92), that negligence is the blame ("die verwyt") that must be carried by a responsible person ("toerekeningsvatbare persoon") when he does not act purposefully. Van der Merwe continues to say that purpose ("opset") and negligence ("nalatigheid") are mutually exclusive, and can never be present in the same deed.

Karns (199:13) declares that "the law mandates that an individual's conduct not create a risk to another person that is considered unreasonable".

Rossow and Stefkovich (2005:91) quote Black's Law Dictionary's definition of negligence as being "the failure to use such care as a reasonably prudent and careful person would use under similar circumstances". They continue to state that many tort (wrongs for which the court would award an action for damages or as Essex (2005:169) puts it; an actionable or civil wrong committed against one person by another") cases in public schools fall within the category of unintentional torts. Here they juxtapose, as does van der Merwe (Oosthuizen and Bondesio, 1988), unintentional torts with intentional torts, defining the latter as actions with a conscious desire to cause harm.

Joubert and Prinsloo (2001:100) say of purpose or intent that "when people do something intentionally or on purpose, they are aware of what they are doing". They then use this statement to indicate the difference between negligence and delict. When a person, i.e. an educator does something *intentionally* or *on purpose* that causes harm to another person i.e. a learner, and does this *knowing* that what they are doing is *wrong*, then they would be guilty of delict rather than negligence.

This does not mean however, that a person cannot be guilty of negligence if they acted intentionally. This is because not all intentional actions have the harm of another person as their aim. Adams (1984:112) states that "negligence may spring from a positive act or an omission (to not act positively)". He sites the example of a hockey coach who, when confronted with an oncoming flood, ordered the girls in her care to "strip and swim for it". He muses that this purposeful or positive act could easily have lead to a case for negligence if one of the girls who had been ordered to "swim for it" had drowned, and the risk they had faced from the flood was later

considered to have been smaller than the hockey coach had anticipated, or smaller than the risk posed by “swimming for it”.

In summary, negligence as it pertains to the education environment can be defined as the behaviour of an educator, either through some purposive action or failure to act, which fails to measure up to the way a reasonable, prudent or careful person, would conceivably have acted under the same or similar circumstances.

In cases of suspected educator negligence, the courts will analyse all such allegations in terms of the following four legal elements of proof (Beebe, 2; Adams:112):

- did the respondent (educator) have a legal duty to care for the plaintiff (learner) and to protect him or her from any unreasonable risk of harm?
- did the educator commit a breach of that duty either by act or omission?
- is there a causal connection between this breach and the injuries suffered by the learner?
- is the injury to the learner of a serious or substantial nature?

Oosthuizen *et al* (2003:92) contend that there are two elements that characterize negligence; “reasonable foreseeability” and “reasonable preventability”.

In order to determine reasonable foreseeability, the courts will try to determine the degree of probability of the damage or injuries occurring. If a high degree of probability exists, then, they contend, it is obvious that the reasonable person would have been able to foresee the damage occurring. If the person did not act on this reasonable foreseeability, then negligence might have contributed to the occurrence of the damage (Oosthuizen *et al*:92).

For the determination of reasonable preventability, the courts will consider the cost of reasonably preventing the damage, the extent and seriousness of the damage and the nature and risk created by the alleged wrong-doers actions or omissions (Oosthuizen *et al*:93). If the person involved can be seen to have taken every reasonable precaution to prevent or contain the risk, then negligence will be difficult to prove. If that person had not taken reasonable measures to prevent or contain the identified risk, then negligence might be found.

Several authors (Essex:184; Adams:115; Karns:25; Joubert & Prinsloo: 105; Rossow & Stefkovich: 94) refer to defenses against allegations of negligence. They are variously listed as:

a. Consent or Assumption of risk:

Consent or, as Essex (2006:185) and Rossow and Stefkovich (2005:94) call it, *assumed risk*, involves a plaintiff who agrees to run a reasonable risk. In the case of assumed risk or consent, an action for damages due to alleged negligence is bound to fail (Adams:114). A motor racing spectator consents to the reasonable risk that he or she might be injured in the course of the event and, provided all reasonable care is taken by the organizers to ensure the reasonability of the risk, has no claim should he or she then be injured as a result of the racing activities he or she is watching.

b. Inevitable accident:

When no precaution could possibly have prevented the accident, no cause for a negligence claim exists (Adams:117). In the case of for example a tandem paraglider flight, a sudden and unprecedented gust of wind that forces the pilot to make an emergency landing during which the passenger is injured, can be considered an inevitable and unpreventable accident. Besides the fact that, by agreeing to participate in the flight, thus giving consent or assuming risk, the passenger would more than likely not be able to allege negligence on the part of the pilot because of the unpreventability of the accident.

c. Act of God:

This is defined by Adams (1984:116) as “something beyond humanity to prevent”, and he cites freak storms and floods as acts of God for which no negligence claims can be made. A person staying in a beachside resort would not be justified in alleging negligence on the part of the resort owners should he or she be injured when a flood ravages the resort. The flood as such would be termed an act of God, and as such would be deemed by the court to have been beyond humanity to prevent.

d. Contributory negligence:

Essex (2005:184) sites this as the most common defense employed against charges of negligence, and explains that it covers situations where a person claiming damages “exhibited conduct that fell below the reasonable standard”. School boys who steal dangerous chemicals from the school’s science lab and are then later injured when they “experiment” with them will not have grounds for a claim of negligence against the school on account of their contributory negligent role in the cause of their own injuries.

In conclusion, although not the primary focus of this study, this review of the concept of negligence will aid the reader’s understanding of the findings and recommendations of this study.

3.4 The impact of South African case law on school safety

A number of court cases have added to and influenced the body of South African case law with regard to learner safety, the most recent of which is the so-called Ficksburg Case. Although this case deals specifically with liability, it also deals on a secondary level with the safety of learners during water-based activities. This case and various others dealing with, among other things, supervision on the school grounds and also specifically on the playground during breaks and on issues surrounding the safety of the school premises themselves will be analysed and discussed to indicate their influence on education law regarding school safety.

3.4.1 The Ficksburg case and the subsequent appeal

a. The facts of the case

In the case of *Louw and another v MEC (Member of the Executive Committee) for Education and Culture, Freestate and another 2006 (1) SA 192 (SCA)*, known as the Ficksburg case, the facts were as follows:

On 29 February 2000 Armand Louw, a ten-year old learner registered at the Ficksburg Laerskool, sustained serious brain damage as a result of circulatory and breathing arrest when he suffered a near-drowning while participating in compulsory swimming activities at the school.

The Louw claim was based on the conviction that the educator on duty at the time, a certain Mrs. Nel, acted negligently or omitted to act responsibly at the time of the incident.

The first plaintiffs were Mr. and Mrs. Louw, Armand's parents, and the second plaintiff Armand Louw himself, at the time of the court case a young lad of 14. The first respondent was the MEC for Education and Culture in the Free State, and the second respondent the school, Ficksburg Laerskool.

b. The issues

What makes this case interesting is the battle that broke out between the respondents with regard to who should be liable for the damages claimed by Armand and his parents. Both respondents claimed that the other should bare the liability, and both based their claim on sections of the Schools Act. Their respective claims are listed below.

c. Claim and counter-claim

The MEC for the Education and Culture in the Freestate claimed that, because the negligent educator was at the time of the incident an employee of the SGB in terms of Section 20 (4) and (5) of the Schools Act and was thus not an employee of the State, the school and its SGB should be held liable for the injuries suffered by Armand and the subsequent damages

claimed by his parents as the plaintiffs. The MEC based his claim on Sections 60 (4) and Section 20 (10) of the Schools Act that read:

Section 60 (4): “Despite the provisions of subsection (1), the State is not liable for any damages or loss caused as a result of any act or omission in connection with any enterprise or business operated under the authority of a public school for the purposes of supplementing the resources of the school as contemplated in section 36, including the offering of practical educational activities relating to that enterprise or business.”

Section 20 (10): “Despite s 60 (1), the State is not liable for any act or omission by the public school relating to its contractual responsibilities as an employer in respect of staff employed in terms of Sections (4) and (5)”.

Ficksburg Laerskool on the other hand counter-claimed that, under Section 60 (1) of the Schools Act as quoted above, the State, and in this case the MEC for Education and Culture in the Freestate, as the representative of the State, is liable for the damages claimed by the Louws.

d. Matters to be decided by the court

In the end, the questions the court had to answer were:

1. Does Section 20 (10) of the Schools Act absolve the State from the liability for damages suffered at a public school as imposed upon it by Section 60 (1) of the same act, if the negligence acts or omissions were the work of an educator or employee of the **school** under Section 20 (4) and (5) of the Act rather than of the State?
2. If this is NOT the case, is the State alone liable for the damages as indicated in Section 60 (1), or is the State jointly responsible with the second respondent, the school?

e. The judgement

In his judgment, Judge J. Cillie found that Section 20 (10) does not absolve the State from the liability for damages placed upon it by Section 60 (1) of the Schools Act, and that this section’s aim was merely to release the State from any liability for any contractual claims with regard to salaries and/or benefits etc. that educators employed by SGB’s might have against those SGB’s. He found that the State alone and not the school singly or jointly was responsible and liable, under Section 60 (1) of the Schools Act, for the damages claimed by the Louws in respect of the injuries suffered by their son Armand.

f. The appeal

In the appeal against this judgement, notated as MEC for Education and Culture, Freestate v Louw and another 2006 (1) SA 192 (SCA), the panel of

judges with Judge A.R. Streicher as their spokesperson, agreed with the judgement of the court *a quo*. They found that the Section 20 (10) referred not to the issue of the State's liability under Section 20 (1) for damages claimed due to negligence and injury, but only to the State's liability for claims arising from a public school's failure to honour its contractual obligations towards the educators in its employ.

Streicher explained that the differences between the English and Afrikaans wording of the relevant sections of the Schools Act upon which the appellant (the MEC, i.e. the State) based his appeal could be corrected by the appeal court to reflect what the court felt the Act clearly meant to convey. This decision the appeals court justified at the hand of the precedent created in the case of *Durban City Council v Gray* 1951 (3) SA 568 (A) at 580B. The Afrikaans version of the relevant section mentions "handeling of late 'by' (nie 'deur') 'n openbare skool...". This translates to 'at' rather than 'by' in the English version of the same section.

The appeal court upheld the judgment of the court *a quo*, and the State at the hands of the MEC for Education and Culture in the Free State remained liable for the damages claimed by the Louws on behalf of their son Armand.

g. The significance of these cases

This verdict is a significant one and has far-reaching consequences for both South African schools and for the State. The court not only confirmed the State's liability for the actions of its own employees precisely as it is set out in the Schools Act, but added to this the liability for the actions of employees of the schools' governing bodies – staff members over whose appointment the State has only the slightest influence and control.

Shortly after this verdict, the Amended Regulations for Safety Measures at Public Schools came into force, and in section 8A(2) of these regulations schools are commanded to "take measures to ensure the safety of the learners during any school activity, including – (a) insuring against accident, injuries, general medical expenses, hospitalization and theft that may occur, depending on the availability of funds". This may well be seen as a reaction by the State to this verdict, and an attempt to limit the financial implications of this newly defined liability.

As a further measure of the influence of case law on the South African education law regarding school and learners' safety, the Amended Regulations also now state in section 8(E)(2) that "*the principal must ensure that learners are informed about the dangers of, and safety measures regarding, water*", while section 8(E)(4) commands the principal to "*ensure that learners are supervised during all swimming activities, during visits to the sea, rivers, dams, and when they take part in water sports.*"

3.4.2 *Rusere v The Jesuit Fathers 1970 (4) SA 537 (RSC)*

The discussion of this case is included here because of its significance to the definition of what constitutes “reasonable care” on the part of the educator.

a. The facts of the case

The facts of this case as quoted in *Bray et al* (1989:31 – 33) are as follows: an eight year old boy enrolled at a Missionary school in the former Rhodesia lost the vision in his right eye as a result of an injury sustained in a game of “cowboys and crooks” in which the boy and some of his fellow hostel dwellers had been engaged in a secluded part of the hostel grounds. The injury came about when one of the boys shot at and hit the claimant’s son in the eye with a grass-stem arrow approximately 50cm in length.

b. The issues

The plaintiff *Rusere*’s case was based on the claim that the educators of the school and thus, under the rules of vicarious liability as discussed above, the board of governors (the respondents, The Jesuit Fathers) as their employer, failed to exercise proper supervision and that they therefore, by their own negligence, contributed to the occurrence of the unfortunate accident.

c. Matters to be decided by the court

The court had in fact to make a determination and then define what constitutes “reasonable care” as it pertains to educators in their position of “*in loco parentis*” towards the learners in their charge.

d. The judgement

In his verdict, Judge Beck found the defendants not guilty of negligence. He gave the following reasons for his decision:

- Suitable rules about dangerous games were in place at the school and the hostel, and it was proven that learners were often informed of these rules and warned about the consequences of playing such games
- The learners were not in the habit of playing this or indeed any other any dangerous games
- Both the hostel staff and the hostel prefects were available should they have been needed or called upon
- The hostel staff had, in his opinion, acted as any reasonable man would have in the same circumstances (*Bray et al*, 1989:32).

e. The significance of the case

The significance of this case lies in its determination and definition of “reasonable care” and the effects this would have on the duties of educators and the expectations of parents. Judge Beck in his summary puts the concept of reasonable care on the part of the educators in perspective when he says:

“To subject the children to the repressive and molly-coddling awareness of round-the-clock surveillance of all their waking activities would be to adopt too timorous an approach towards the ordinary incidence of risk inherent in the daily amusement in which children will indulge.”

(Bray et al:32)

He quotes Lord Goddard who in *Camkin v Bishop* 1941 (2) All 713 (E.,R.) said:

“If every master (educator) is to take the precaution to see that there is never ragging or horse-play among his pupils, his school would indeed be too awful a place to contemplate.” (Bray et al:32)

His final word in *Bray et al* on the matter would lead to the legal principle that stems from this case. He concludes that, although educators, like parents, have the responsibility to “observe the standard of care that a reasonably prudent man would observe in the particular circumstances”, the need to keep children of the age of the claimant’s son (8 years old) under constant and unwavering supervision “depends essentially on the particular surroundings”. He further contends that a man taking charge of a group of children at the seaside would be guilty of gross negligence if he did not keep his charges under constant supervision, but to expect that “children of this age should never be more than momentarily out of sight of a responsible person even when they are in normal and familiar surroundings which are devoid of features that could sensibly be regarded as hazardous is to exact too high a duty of care for the bonus paterfamilias.” (Bray et al:32)

The legal principle derived from this case then is the following:

“In the absence of any particular circumstances giving rise to a measure of risk beyond that which is normal in the daily routine of life, it is not the law that a schoolmaster must keep his pupils under supervision for every moment of their school lives.” (Bray et al:33)

This means that an educator would not be required to stay up and watch over the safety of learners as they sleep in a hotel room while on a tour, but would be expected to request assistance from other educators or responsible adults to arrange watches through-out the night should the learners be required to sleep out in the open in a game reserve.

An interesting aspect of this principle comes to light with regard to the supervision of learners in class; would it be reasonable for an educator to go to the bathroom during class time, leaving his or her learners unsupervised? The question here is whether the average South African classroom constitutes a situation where "...a measure of risk..." occurs that is "...beyond that which is normal in the daily routine of life...". Stories of rapes, mugging and violent attacks in classrooms in South Africa would suggest that there is, in some classrooms, a measure of risk, and it would therefore be prudent for the educator to supervise every minute of every period in schools where such situations occur.

3.4.3 Knouwds v Administrator, Cape 1981 (1) SA 544 (K)

Closely linked to the issue of reasonable care is the school's duty to provide supervision on the playground. The legal principle derived from this case may at first appear to be a contradiction with that derived from the previous case, but this is not so, as will be shown in the discussion that follows.

a. The facts of the case

Bray *et al* (1989:34–35) give the following facts regarding this case:

Eight year old Ester Louw, while running a race against a friend on the playground before school, was bumped and fell against a running lawn mower, injuring her hand to the extent that a finger had to be amputated. The lawn mower was being operated at that time by a gardener, Mr. Links, under the supervision of Mr. Smit. It was also nominally the duty of this supervisor to keep the learners on the playground away from the area in which the mower was being operated. At the time of the accident, the supervisor was approximately 30m away on his way to the school's administrative office.

b. The issue

The plaintiff, Ester Louw's mother Mrs. Knouwds, instituted a claim of negligence against the lawn mower operator, Mr. Links, his supervisor Mr. Smit and the principal, Mr. van Huysteen. She contended that all three of these respondents acted negligently in allowing the lawn to be mown in the presence of learners.

c. Matters to be decided by the court

The court had to determine whether the measures taken by the school to prevent injuries to learners in the given circumstances were consistent with those that would be put in place by a reasonable man under the same conditions.

d. The judgement

Judge Friedman in his verdict for the plaintiff contended that it is a well-known fact that children are impulsive, unpredictable and irresponsible and

that they often get so caught up in what they are doing that they are aware of little else. He went on to say that these characteristics of children should be familiar to the principal of a primary school. He adds that both the principal and his co-respondent, the supervisor Mr. Smit, should have foreseen the possibility of an injury to a learner resulting from the use of a lawn mower in the circumstances described to the court, as indeed any reasonable person would have been expected to do. He stated that the lawn mower as it was used in this particular set of circumstances, by admission from the principal for convenience rather than for any valid operational reason, represented an unnecessary risk to the safety of the learners in the school's charge and that the use of Mr. Smit to keep the children out of the area being mown was not a sufficient preventative measure.

e. The significance of the case

The judgment in this case is significant in that it advocates that it is all schools' specific duty to ensure the safety of learners on the playground, both before school and during each school's regular breaks. It forces schools to acknowledge in their playground duty rosters and responsibilities that, as Judge Freidman said, children are impulsive, unpredictable and irresponsible and that they often get so caught up in what they are doing that they are aware of little else. It also makes clear that each school has the responsibility to ensure that no activity for whatever purpose or of whatever nature that could with reasonable foresight be seen to cause injury or harm to learners should take place during or in and around the learners' play area.

The key to the differences in verdict and legal principles between this case and the Rusere case above lies in the application of the concept of reasonable care. Whereas the judge in the Rusere case found that the school's staff had acted reasonably and had taken reasonable measures to ensure that the learners were safe, the Knouwds judge found that the principal and his co-respondents had not done so by virtue of the introduction to the playground of an unreasonable risk to the learners' safety in the form of the lawn mower. It is therefore true to say that, while it is not possible or even necessary by law for educators to have every learner under constant supervision at all times (Rusere), it is reasonable to expect that educators and other school staff make every effort to remove unnecessary risks to learner safety from the school playground and to be vigilant for the occurrence and presence of such risks (Knouwds). It would also therefore be reasonable to expect educators supervising a playground which presents few or no unreasonable risks to look after a greater number of learners than would an educator supervising a playground containing potentially hazardous playground equipment such as jungle gyms, balance beams etc. It would also be prudent for schools to place more educators on duty on a playground for younger children, taking into account their increased propensity for impulsive, unpredictable and irresponsible behaviour.

3.4.4 Wynkwart NO v Minister of Education and another 202 (6) SA 564 (C) and the subsequent appeal

This case, as with the Knouwds case above, deals with the issue of reasonable care and the provision of supervision for learners on a school's premises.

a. The facts of the case

In April 1990, a nine-year old male Gr. 3 learner enrolled at Highlands Primary School in Mitchells Plain in the Western Cape sustained serious head injuries in a fall from atop a 1,8m high locked gate. These injuries left him paralyzed and permanently brain-damaged.

According to his own evidence in court some 11 years later, the boy (referred to as "R") had climbed the locked gate in order to take a shortcut to his home. Once on top of the gate his trousers had hooked on the gate, causing him to slip from the gate and fall on his head. He also claimed that he and several other children had regularly climbed over the gate to take the shortest route home.

b. The issue

The plaintiff, R's father Mr. Wynkwart, instituted an action against both the school and the Minister of Education in the Western Cape, claiming that the school had acted negligently in not providing sufficient supervision of the learners in their charge at the time of the accident and that they were therefore liable for his son's injuries.

The defendant (the school) on the other hand claimed that they had taken ample precautions to prevent such an accident from happening. They stated that all learners from Gr. 1 to 3 were escorted to the school's main exit by their teachers everyday and that the dangers of climbing the school's fence and/or locked gates had been pointed out to the learners during orientation and at numerous school assemblies.

c. Matters to be decided by the court

The court had to decide whether the school had satisfactorily carried out its duty of care towards the boy "R" or whether it had in fact acted negligently, contributing to the occurrence of the accident and was therefore liable for the injuries.

d. The judgement

In his judgement Judge Ngwenya found for the plaintiff on the grounds that the Wynkwart boy' teacher had not taken sufficient care to ensure that he left the school premises through the correct gate on the day of the accident. He based this judgement on the fact that he preferred the testimony of "R" to the effect that he had not joined the line of his peers on their way to the correct exit gate, but had in fact gone straight from class to the locked gate.

This was in contrast to the statement of his teacher who maintained that she had carefully escorted *all* her learners to the correct gate as per usual, and that “R” had at some later stage left the line to climb the locked gate. He also stated that he did not believe the mere warning or informing (in assemblies or at orientation days) of young children of the dangers present in their immediate environment was a sufficient degree of care.

e. The appeal

In the subsequent appeal entitled *Minister of Education v Wynkwart NO 2004 (3) SA 577 (C)* the appeal court overturned the judgement of the court *a quo* stating the following reasons:

- the fact that the court *a quo* had preferred the testimony of “R” over that of the teacher had not been based on sound reasoning; the events had happened 11 years previously and the testimony of “R” was the memory of an 8-year old against that of a senior teacher of good standing
- quoting *Rusere v The Jesuit Father* (see 3.2.4 above), the appeal court found it unreasonable to expect the appellants to have steps in place to prevent children from leaving the supervised lines at the gate and that the school’s regular warnings in assemblies and at orientation days added to the considered system of escorting children to the correct gate did in fact constitute reasonable care.

f. The significance of these cases

This case is significant in that, although, as Judge Freidman in *Knouwds v Administrator, Cape (1981 (1) SA 544 (K)* said, children are impulsive, unpredictable and irresponsible and that they often get so caught up in what they are doing that they are aware of little else, schools that put reasonable and considered systems and procedures in place to ensure the safety of their learners will not only maintain a better safety record than schools that do not, but will also be limiting their (and therefore the State’s) liability for damages in the event of an injury.

4. Section 2: School Safety in Contemporary Literature

4.1 What is a safe school?

Professor Kadar Asmal, former Minister of Education, painted the following rosy picture of a safe school in his speech at the launch of the *Signposts for Safe School Workbook* in June 2001:

“In a safe school, the playgrounds are filled with the healthy noise of happy children. They scuff their knees and scrape their elbows, but they are not afraid of each other or of intruders. The classrooms are clean. The teachers are on time, stand upright and are firm but friendly. There

is glass in the window panes and there are books on the desks. Parents, educators and learners smile. There is an air of work being done and of achievement. These are the schools conducive to effective learning and teaching.” (as quoted in Joubert, 2007:1)

In its most basic form, a safe school is “a place where students can learn and teachers can teach in a warm and welcoming environment, free of intimidation and fear of violence” (Stevens *et al.*,2001:313). Squelch (2001:137) states that order is a *sine qua non* or indispensable condition in any environment where both teaching and learning are expected to take place effectively. This is corroborated by Kennedy when he says that “if students and staff don’t feel safe, education often takes a back seat” (2004:61).

Squelch therefore defines a safe school as one that is

“...free of danger and where there is an absence of possible harm; a place in which non-educators, educators and learners may work, teach and learn without fear of ridicule, intimidation, harassment, humiliation or violence”.

She then goes on to mention that “...a safe school is a healthy school in that it is physically and psychologically safe.” She gives the following indicators of a safe school:

“...the presence of certain physical aspects such as a secure wall, fencing and gates, buildings that are in good repair; and well-maintained school grounds...good discipline, a culture of learning and teaching, professional teacher conduct, good governance and management practices and an absence, or low level, of crime and violence”. (2001:138)

4.2 The situation at “Ground Zero” – recent studies

What follows is a look at the findings of some recent studies aimed at depicting the current safety situation at South African schools, the “Ground Zero” for this study.

A report published by the South African Human Rights Council (SAHRC) after extensive public hearings on the issue of violence in South African schools, contains shocking revelations regarding the levels of violence in South African schools. Although this report deals exclusively with school-based violence and does therefore not delve into the occurrence or extent of learner safety issues related to accidents at school, it still serves as a reliable indicator of the situation at “Ground Zero”. The findings of this report are of importance to this study in that they contribute to the overall picture of the situation faced by many schools in our country.

The report stems from the receipt by the SAHRC of numerous complaints regarding the infringement of the Constitutional rights of South African

learners by the perpetuation of school-based violence, and aimed, through public hearings on the matter, to determine “the nature, extent and impact of school-based violence on the right to education of which the realization is key to the enjoyment of other rights” (2007:v). The findings of this report will be discussed under the headings of the report itself.

a. Violence by learners on learners:

Evidence presented to the SAHRC at the public hearings indicated the prevalence of the following instances of violence by learners on other learners:

- bullying (repeated physical, verbal or psychological aggression)
- sexual violence and sexual assault, including harassment, molestation and rape
- accidental violence such as playing with guns that go off.
- violence that stems from discrimination based on gender, race, language, sexual orientation, religious beliefs etc. (2007:7 – 9)

b. Violence by learners against educators:

Similarly, the SAHRC heard evidence of the regular occurrence of the following and other acts of violence perpetrated by learners against educators:

- physical attacks and assaults
- psychological violence in the form of disrespect, swearing, taunting and bullying
- incidents of discriminatory racism and sexism (2007:10 – 11)

c. Violence by educators on learners:

Most alarmingly, the public hearings revealed horrifying stories of educators acting violently towards learners. Examples of such violence include:

- sexual violence and sexual attacks, including harassment, molestation, rape and the proliferation of a practice referred to colloquially as “SMT’s” or “sexually transmitted marks”; this refers to instances where girls voluntarily engage in sexual activities with educators as a guarantee of good marks
- physical assault including corporal punishment, pushing and shoving, slapping, beatings with sticks and other objects, throwing objects at learners

d. Violence by external persons against learners and educators

Finally, the SAHRC heard evidence of numerous instances of violence perpetrated against both learners and educators by persons outside the school milieu. These include:

- assault, hijackings and robbery.
- vandalism, including graffiti and the destruction of school and personal property.

One of the most influential recent studies into school safety, that done by Joan Squelch in 2001, has already been referred to in this chapter. Her definition of a safe school as a place "...free of danger and where there is an absence of possible harm; a place in which non-educators, educators and learners may work, teach and learn without fear of ridicule, intimidation, harassment, humiliation or violence" (2001:138) has become the mainstay of many conversations regarding school safety, while the elements she identifies as characteristic of a safe school form the foundation of the data collection instruments used in this study.

Squelch contends that, in terms of the indicators for safe schools she proposes (see paragraph 4.1 above), many South African schools are unsafe. She indicates that the majority of South African schools, especially rural school such as those that form the focus of this study, are in such a poor condition, often with dilapidated buildings and a lack of basic facilities, that they cannot be considered safe. She also laments the lack of good governance and professional management and names these as factors contributing to the general lack of safety in these schools (2001:139).

Squelch blames this situation on the failure by the SGBs of many schools to draw up and implement effective school policies, including school safety policies, and ascribes this failure to the fact that the SGBs in many South African schools are not sufficiently equipped to perform this important function (2110:138).

Finally, Squelch contends that many South African school's buildings and facilities are inadequately maintained by the SGBs as required of them by the Schools Act, thus contributing to the creation of an unsafe environment. She puts this down to the inadequacy of funding for school maintenance and the unavailability of additional funds from within the poor communities that many of these schools serve.

In the conclusion to her article Squelch remarks that South African schools are not safe, and that both the SGBs and the State need to do more to ensure safe schools and to avoid delictual liability.

Prinsloo (2005) discusses very specific issues surrounding learner safety at South African schools at the hand of the sections of the Constitution (1996) mentioned earlier in this chapter. So for example he discusses the right to

privacy (section 14) in terms of the rights and procedures for conducting searches at schools (2005:8). In his conclusions Prinsloo quotes Squelch in saying that “school safety is *sine qua non* for effective teaching and learning” (Squelch, 2001:137, Prinsloo, 2005:10) and he too declares that South African schools are unsafe. He recommends the re-commitment of each educator in South Africa to professional and ethical conduct and the empowerment by the Department of Education of SGBs with regard to the drafting and adoption of a Code of Conduct for learners and the maintenance of school building and grounds.

Netshitahame and van Vollenhoven call the problem of violence in South African schools “... one of the most pressing educational issues in schools” and add that “violence is no longer a stranger in rural public schools” (2002:313). Their 2002 study in the Northern Province found that, in most cases, schools in that area had inadequate and or badly maintained facilities and that most of the principals they interviewed had very scant understanding of and use for safety policies at their schools (2002:314). They found among other shocking facts that in only 10% of the schools they targeted did safety policies exist and were these policies applied, and recommended that schools should “...expressly pay attention to safety issues and compile comprehensive safety plans and strategies...” (2002:317).

Harber (2001) reports on a pilot project involving three Durban schools and the use of training and clustering (schools grouping together for mutual co-operation and benefit) to improve the safety situations at these schools. The project involved workshopping the staff at these three schools on issues surrounding school safety and also encouraging these schools to share their experiences and safety programmes with one another. It also involved bringing this cluster of schools into contact with the South African Police Services and establishing contact and service delivery protocols between these parties. Finally, Harber concludes the report on a positive note when he says that “... there are no grounds for fatalism and an attitude of ‘there’s nothing we can do’ in South African schools. Schools are not helpless in the face of the onslaught of crime and violence” (2001:70).

As a final word on the issue of learner safety in South Africa as found in contemporary literature, Xaba’s investigation into the safety and security status of schools’ physical environments in the Vaal-Triangle (2006) found, as Netshitahame and van Vollenhoven had, that most of his target schools had in fact adopted safety policies, but that these were not being implemented at all. He also found that most schools and principals believed that the issue of learner safety is a Departmental responsibility and therefore did not pursue the involvement of the community or other safety stakeholders such as the police and neighbouring schools as suggested by Harber. His final conclusion submits that “... the physical environments of schools need more attention in terms of ensuring that the basic features of safety and security are put in place” (2006:578).

4.3 How can schools be made safer?

Under the auspices of the Community Alliance for Safe schools (CASS), established in 1997, the Independent Projects Trust (IPT), compiled a practical guide on the improvement of school safety. This guide, aimed at SGBs, suggest among others the following actions to assist in creating a safer environment in South African schools:

- working together with the police
- creating functioning and well-informed school safety committees
- developing a written school security plan
- improving relationships with the communities surrounding the school (CELP, 2005:5)

The Centre for Education Law and Policy's (CELP) suggestions for improving school safety, formulated after careful consideration of the work of various authors in the field, echo those of the IPT, but go a step further with the suggestion of some additional measures it feels will improve school safety. These actions include:

- Promoting values by including the teaching of values such as honesty, integrity, mutual respect and human dignity to learners in a bid to improve their behaviour and so decrease the prevalence of violence at schools
- Teaching learners effective, non-violent methods of managing conflict
- Getting the communities surrounding schools involved in securing the safety of learners by patrolling the premises, planting vegetable gardens, making bricks for additional classrooms and assisting with the maintenance of the school buildings and grounds. Parents can also be educated in matters such as controlling and monitoring the media content their children are exposed to in order to eliminate their contact with violent and/or other unsuitable content in magazines, television programmes, computer games and on the internet
- Creating a sense of belonging among learners by getting learners to connect both with their peers and with educators
- Empowering educators by providing enhanced safety and education law training (CELP,2005:6-12)

These suggestions for the improvement of learner safety at South African schools will be addressed again in the recommendations at the end of this study.

4.4 Conclusion:

What is clear from this review of contemporary literature is that the issue of learners- and general school safety has enjoyed a great deal of attention in recent years. The following points can be deduced from an analysis of this literature:

- Many South African schools are unsafe
- Many schools, although often in possession of safety policies, fail to implement them
- Such policies as there are are inadequate in “translating” safety regulations into workable and effective school safety policies.
- Rural schools without adequate funds to properly maintain and repair their buildings, facilities and equipment, are at a disadvantage in their fight to make their environments safe
- Schools seem to rely heavily on their provincial education departments for help and assistance that seldom appears
- Most authors agree that a greater level of involvement from both the South African Police Service and the communities which surround schools would be beneficial to the safety of learners at school

This study hopes, using the methodology and instruments discussed in chapter 3, to expand the findings of the studies by Xaba (2006), Harber (2001) and Netshitahame and van Vollenhoven (2002). This will be done by investigating how poor schools in Gauteng actually implement the safety measures prescribed in the Schools Act, and by casting light on the adequacy of Departmental training and assistance to poor schools in the maintenance of learner safety. It will also detail the understanding of the issue of liability shown by the participants, and the link between this understanding and the implementation of safety legislation at the four schools.

This chapter has reviewed the legislative trail to school safety and has looked at the impact and implications of certain court cases on that legislation and on practice at South African schools. Recent literature concerning schools safety has also come under the spotlight. In chapter three the researcher will explore and explain the research methodology and data-gathering instruments used for this study and will consider issues such as the potential ethical pitfalls of the study and the methods used for data analysis.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

1. Introduction

As mentioned in chapter 1, this is a qualitative study that was conducted using four separate case studies gathered into what Stake in Cohen *et al* (2002:183) refers to as a collective case study in order to gather the data required to answer the research questions.

This chapter details the manner in which the participants for this study were selected and the research methods and data-gathering instruments employed, as well as the ethical considerations to be considered when designing and completing this study.

2. The selection of participants

Because the total number of poorer or quintile 1 and 2 schools in the Gauteng Province is vast, the researcher employed the principle of convenient sampling and specifically the process of snowball sampling or, as Nieuwenhuis calls it “chain referral sampling” (Maree,207:80) in order to select the four target schools. Cohen *et al* say the following regarding this type of sampling:

“Convenient sampling – or as it is sometimes called, accidental or opportunity sampling – involves choosing the nearest individuals to serve as respondents and continuing that process until the required sample size has been obtained” (2002: 102).

Nieuwenhuis defines snowball sampling as “a method whereby participants with whom contact has already been made are used to penetrate their social network to refer the researcher to other participants who could potentially take part in or contribute to a study” (Maree, 2007:80). In respect of snowball sampling, Goodman says that

“... a random sample of individuals is drawn from a given finite population. Each individual in the sample is asked to name ‘x’ different individuals in the population, where ‘x’ is a specific integer; for example, each individual may be asked to name his ‘x’ best friends, or the ‘x’ individuals with whom he most associates” (1961:148).

Goodman (1961:148) then explains that the individuals identified in this manner are then in turn asked to identify their own “x” of individuals (excluding the individual that identified them).

For the purposes of this study, Goodman’s “given finite population” consisted of the group of principals employed at rural public quintile 1 and 2 schools in the rural area east of Pretoria. This geographic location was

chosen for its proliferation of rural schools and for its ease of accessibility to the researcher. The “random “sample” from this “finite population” consisted of a single principal of a rural quintile 1 public school known to the researcher through an outreach programme he had been involved in at the school where he is employed. The researcher scheduled a meeting with the principal of this school in order to explain to him the aims and methods of the proposed study and to request information about one other school principal working at a primary school in the same geographic area that falls within the same financial quintile who might be interested in participating in the study. Once this second principal had agreed to participate in the study, the researcher requested that he identify another school principal, this time employed at a quintile 1 or 2 high school in the same geographic location. This third principal, upon agreeing to participate in the study, was then asked to identify another principal employed at a school matching the criteria set out above.

At meetings scheduled with the principals identified in this manner, the researcher again explained the aims and methods of the proposed study to these three new principals and obtained their written informed consent to participate in the study.

With this permission in hand, the researcher then approached the relevant district of the GDE for permission to conduct the study in the four schools. The standard GDE research application together with a copy of the research proposal for the study was delivered to the district head office where, after perusal, permission was granted for the study to continue. The researcher was issued with a letter of permission while a letter informing the four schools of the district’s approval of the study and arranging access to the individual schools was delivered to each of the four participants.

3. The case study as research method

3.1 What is a case study?

Nisbet and Watt in Cohen *et al* define a case study as “a specific instance that is frequently designed to illustrate a more general principle...”, while Alderman in the same text calls it “...the study of an instance in action” (2002:181). He then continues to say that the “single instance” is of “a bounded system, for example a child, a clique, a class, a school (or a) community”, which in this case means a school. A case study also provides a glimpse of real people or real institutions such as a school in real situations, and strives to indicate “what it is like” to be in a certain situation or part of a certain institution. (Cohen *et al*, 2002:181-182).

3.2 The advantages and strengths of a case study

Alderman *et al* (as quoted in Cohen *et al* 2002:184) outline the following advantages of a case study.

- Case studies are strong in reality and, because they are “down-to-earth” and attention-holding, allow the reader to harmonize the information he reads with his own experiences, providing a natural basis for generalization.
- Case studies allow generalizations about either an instance or, as in the case of a collective case study such as this one, from an instance (one particular school) to a class (all four schools and then schools of the same type in general). However, the extent to which findings are generalized must be clearly defined (see 3.3 below)
- Case studies recognize the existence and divergence of social “truths” within an instance or situation, and can represent and often illuminate the discrepancies or conflicts between such truths” or viewpoints.
- Case studies may form an archive of descriptive material or data rich enough to allow for subsequent re-interpretation. The obvious value of this characteristic lies in the fact that case studies can serve as a data source for other researchers whose purposes might differ from that of the original researcher.
- Case studies can often act as a “step to action” and their insights may be interpreted and put to use for individual and/or institutional development or for policymaking.
- Finally, case studies present research data in a more publicly accessible format than the reports generated by many other research methods and are capable of serving multiple audiences by reducing the dependence of the reader on unstated implicit assumptions. At best they allow a reader to judge the implications of a study for him or herself.

It is hoped that the findings of these four case studies will be used as a “step to action” as it were, to assist with the development of school safety policies that are based on the legislation contained in the Schools Act and will therefore be well-informed, user-friendly and effective in improving the safety situations at the schools in question and that these findings will be applicable to other similar schools in the country.

3.3 The disadvantages and weaknesses of a case study

Nesbit and Watts (as quoted in Cohen *et al*, 2002:184) cite the following as some of the weaknesses of a case study:

- Case studies are not easily open to cross checking and might therefore be selective, biased, personal and subjective
- Case studies are prone to observer bias

Other disadvantages of the case study method are:

- Case studies are often time-consuming and can provide immense amounts of data for analysis
- The case study's most vulnerable point is the credibility of generalizations made from the findings. Researchers need to be very specific in demonstrating the extent to which the findings of a particular case study can be generalized.
- Negotiating access to case study settings can be difficult, frustrating and time-consuming and research can flounder if permission is denied or granted and then later withdrawn.
- The boundaries of a case study can be difficult to establish, leading to difficulty in selecting data sources and data collection instruments.
- It might be difficult for the researcher to investigate situations as they occur naturally because their mere presence, sometimes for a protracted period of time, in the situation or case to be studied might lead to the observer effect, where situations are altered or changed to better suit the stated aims of the research or to impress the researcher (Denscombe, 1998:40).

The fact that four case studies will be done in four different but similar schools in a relatively small geographic area (one district of the GDE) should alleviate the problem of limited generalization.

By basing the data gathering instruments (the schedule for the semi-structure interviews and the observation schedule) on the twin sources of the safety legislation contained in the Schools Act, the researcher hopes to avoid the pitfalls of bias and the difficulty in setting the boundaries of the case studies. By focusing these instruments on the manner in which the actual safety legislation is implemented at each school, the boundaries for each case study were clearly set.

Dealing with the difficulty of gaining access to the situations or institutions to be studied is discussed in detail in section 2 of this chapter.

The actual one-day observation visits to each of the four schools showed no evidence of "special preparation" or "window dressing" on the part of the schools and, as most of the observation was conducted while both educators and learners were engaged for the most part in the normal day-to-day functions of any educational institution, the observer's presence elicited very little interest or comment.

3.4 Type of case study employed for this particular study

While Cohen *et al* identify several different types of case study (2002;181 – 184), the type most relevant to this study involving four separate case studies is Stake's "collective case study" which he describes as "...groups of individual studies that are undertaken in order to gain a fuller picture" (Cohen *et al*:183). The aim of conducting four separate case studies was to provide rich data that gives a "fuller picture" of the manner in which Gauteng schools implement the safety legislation prescribed by the Schools Act. The process of data collection for each of the four separate case studies is described in the paragraphs below.

4. Data collection

The actual data collection process took place in the five steps detailed below.

4.1 Step 1 – Introductory meeting

As alluded to in the section on the selection of participants, the first step in the data collection process was to meet with each of the principals of the schools. This was done in order to introduce the topic of the study and to judge their willingness to participate in this study. It was also at this introductory meeting that the researcher explained the scope, purpose and aims of the study and gave a detailed account of the methods of data collection that the study would employ. At the end of this meeting, each of the four principals signified their willingness to participate in the study by signing an informed consent form.

4.2. Step 2 - Interviews

The first data collection for each of the four separate case studies took place using a semi-structured interview with each of the four principals.

Cicourel (as quoted in Cohen *et al*:267) lists what he believes are four unavoidably problematic features of an interview:

- There are factors that differ from one interview to another, for example the issue of mutual trust, social distance and the control exerted by the interviewer
- The tendency for respondents to feel uneasy and to adopt avoidance tactics if the questions are too "deep"
- In some instances, meanings of words or concepts, while clear to one party, will be opaque to another party
- It is impossible, just as it is in every-day life, to bring every aspect of the interview within rational control

The researcher attempted, through thorough preparation of each participant before the interview, to allay any fear of the types of questions to be asked and the expectations they (the participants) might have with regards to the “correctness” of their answers. Each participant was given a copy of the interview schedule well in advance of the actual interview date and each participant was reminded on the day that he or she may at any time ask for clarification of a question or a word or concept that they did not understand or were not familiar with.

For this study, the researcher employed semi-structured interviews to collect the required data. The semi-structured interview, as opposed to the standardized open-ended interview format, “increases the comprehensiveness of the data...” (Cohen *et al.*: 271). The weakness of this format, as described by Cohen *et al.*, is the fact that the ability to generalize from the data can be limited if the interviewer neglects to ensure that each interviewee discusses the same topics and issues. In order to negate this problem, the researcher used an interview schedule outlining specific topics, issues and questions relating to the implementation of safety legislation. A copy of this interview schedule is appended to this research report as appendix B. This schedule was provided to each interviewee in advance of the interview appointment to allow each of them time to prepare and to alleviate some of the fears regarding the research process that some participants might have been facing.

The prescripts of the safety regulations in the Schools Act (see chapter 2) were used to guide the design of both the schedule of topics, issues and questions for the semi-structured interviews and the observation schedule to be used for the recording of observations in and around the participating schools’ premises. The interviews focused on the translation- and implementation of the various safety regulations into practical safety measures, standard operating procedures and ultimately a suitable school safety policy at each of the schools.

Each interview took place by appointment and on the same day scheduled for the observation visit. The interviews all took place in the office of the respective principals and were recorded with the permission of the participants. A random section of each interview was played back to each of the participants at the end of the interview to establish the integrity and accuracy of the recording.

Each interview was then transcribed by the researcher to provide an accurate record of the interview as well as to facilitate easy analysis and coding.

4.3 Step 3 – Observation visit

The attraction of doing observations, as Cohen *et al.* (2002, 305) point out, is “...the opportunity to gather ‘live’ data from ‘live’ situations” rather than “...at second hand” as would be the case with all the other methods of data gathering detailed above. In this situation the researcher presented himself

as Gold's *complete observer* (Cohen *et al*, 2002:305) by being completely detached from the situation being observed, by not offering any advice or suggestions or prompting any action within the situation under observation at each of the four schools. Adler and Adler (as quoted in Cohen *et al*:306) agree with Gold in this when they state that observations should be non-interventionist, meaning that the researcher does not seek to manipulate the situation or the subjects being observed by posing questions or creating "new provocations". This is surely more achievable with a non-participant observer, one who merely observes as an outsider rather than as a participant in the situation or as a member of the group being observed. In the event, the observed situations encountered in this study were uncontrived and showed very few signs of the Hawthorne effect ("the presence of the researcher alters the situation as participants may wish to avoid, impress, direct, deny or influence the researcher" - Cohen *et al*, 2002:156).

The observation was of necessity non-participative (the observer "...stands aloof from the group activities (he/she) is investigating – Cohen *et al*:186) and structured (the researcher knows in advance what he or she wants to observe – Cohen *et al*:305) and took the form of a day-long visit to each school. Again using the prescripts of the safety regulations in the Schools Act, the observation schedule also focused on the physical aspects of school safety, namely the presence of a secure wall, fencing and gates, buildings that are in good repair, well-maintained school grounds, good discipline, a culture of learning and teaching and professional teacher conduct.

Generally, a structured observation schedule already has its hypothesis decided and uses the observational data to either confirm or refute this hypothesis (Cohen *et al*:305). The observation schedule for this study, appended as annexure B to this research report, includes specific items such as access control, playground duty procedures and habits, etc. and hypothesized that all these elements would be present at each of the four schools visited.

Each observation visit took place by appointment. Each of the four principals took the time to introduce the researcher to his or her staff and to briefly outline the purpose of his visit to the school. In each case the researcher arrived at a particular school at least 45 minutes before the stated starting time of that school to observe the arrangements for access to the school premises before the commencement of the school day. The researcher was thereafter free to move about the school premises to complete the observation schedule as it appears in appendix C.

4.4 Step 4 - Document analysis

Every public school in South Africa should as a matter of good management practice and according to sections 9(4) and (5) of the Amended Regulations (2006), develop an "action plan" or School Safety Policy "...to counter threats of violence which have the potential to have a negative impact on

school activities...”. This policy or plan “...must ensure the safety of all learners, staff members and parents during school activities”.

These policies were obtained from each school by agreement after the completion of the interview and the observation visit. In step four of the data gathering process, the researcher studied and analysed the School Safety Policy of each of the four target schools. This analysis was done with reference to the Schools Act and the regulations discussed in detail in chapter 2, and was done in order to establish each policy’s relevance to each individual school’s unique situation, its compliance with the prescripts of the aforementioned legislation and its potential effectiveness as a means of ensuring learner, staff and parent safety at school – in essence, this analysis attempts to determine how well the school has managed to translate the legislative regulations into a practicable and effective policy that covers all of the school safety aspects address in the Regulations. These policies were also used to determine the validity of some of the data gathered during the interviews and observation visits – see section 6 below.

5. Data interpretation and analysis

The findings of each of the four case studies are reported separately with caution being taken to avoid a comparison between schools or case studies. All the data gathered for each of the four case studies using the different data gathering methods described above was transcribed (in the case of interviews), coded, inductively analysed and related in the identified themes to the primary research question.

Mouton (2006;108-9) describes the process of data coding as “...the ‘breaking up’ of the data into manageable themes, patterns, trends and relationships...” in order to “...understand the various constitutive elements of one’s data through an inspection of the relationship between concepts and constructs... and to see whether there are any patterns or trends that can be identified or isolated, or to establish any themes in the data”.

Nieuwenhuis contends that the main purpose of the inductive analysis of qualitative data is to “...allow research findings to emerge from the frequent, dominant or significant themes inherent in the raw data” (Maree,2007;99). Therefore the coding of the raw data (observation sheets, transcribed interviews and copies of documents gathered at the four schools) entailed their close scrutiny and the identification of important themes or “meaningful units” (Maree,2007:105) to which codes in the form of unique identifying names were assigned. Once this coding was complete and the relevant data had been grouped together according to assigned codes, it was analysed to, as Mouton puts it; “...account for observed patterns and trends in the data...”, in other words to relate the findings to existing theoretical frameworks or models...” to see whether these hold true or are falsified (2006:109). In the case of this study, the patterns and trends identified in the data from the four separate case studies was related to safety regulations contained in the Schools Act and to the findings of other contemporary authors on the subject of school safety.

This analysis brought to light some new and previously unmentioned patterns and trends concerning the implementation of safety legislation in schools. The main themes identified by this study were the following:

- Access control and preparedness for searches
- Learner supervision and learner discipline
- Levels of preparedness for emergencies
- SAPS and community relations
- School safety policy suitability and implementation
- The presence of hazards on the schools' premises
- Understanding of the concept of liability
- Departmental support and staff training

These themes will be discussed in chapter 5 in relation to the primary and secondary research questions posed in chapter 1.

6. Assuring the validity and trustworthiness of the study

Invalid research is worthless; therefore it is true to say that research is only as valid as the data gathered during the research process. Cohen *et al* (2002:105) argue that validity in a qualitative study could be addressed through the honesty, depth, richness and scope of the data gathered, the nature of the participants approached, the extent of triangulation and the objectivity of the researcher.

Although Agar (as quoted in Cohen *et al*:107) claims that, in qualitative data collection, the intensive personal involvement and in-depth responses of individuals to data collection instruments and methods such as interviews and observation secures a sufficient level of validity, the researcher relies more heavily on Maxwell and Mishler's notion that "understanding" is a more suitable term than validity in qualitative research. This "understanding" they explain as follows; because the researcher is him or herself part of the world that is being researched, he or she cannot be completely objective about that world, hence other people's perspectives are equally as valid as his or her own. It is therefore the task of the researcher to uncover these valid perspectives in his or her research (Cohen *et al*:106). Ultimately, this study aims, by using the data-gathering instruments described above, to discover the perceptions held by the four participants of the implementation of school safety legislation at their respective schools.

Among the many different types of validity identified by Cohen *et al* (2001:106 – 112), the concept of "content validity" is most appropriate to

this study. Content validity dictates that the data-gathering instruments used must fairly and comprehensively cover the domain or topic that the study purports to cover. In order to ensure such content validity in this study, both the interview and observation schedules were designed to accurately and completely cover the domain or focus area of the study, namely the implementation of safety legislation in schools. This was done in the following manner:

- the questions contained in the interview schedule deal directly and comprehensively with the implementation of specific aspects of the safety regulations prescribed in the Schools Act
- the focus areas of the observation schedule were decided with specific aspects of the safety

In order to further enhance the validity of the data gathered during this study, the three data-gathering methods (interviews, observations and document analyses) were selected for their propensity to triangulation. Cohen *et al* define triangulation as the use of two or more methods of data collection in a single study with the aim of verifying the accuracy and validity of the data gathered using one method by cross-checking it with the data gathered using another method (2001:112). To this end, many of the questions regarding the implementation of safety legislation at the respective schools that are included in the interview schedule will be cross-checked and verified by sections of the observation schedule. Similarly, answers to certain of the interview questions will be cross-checked during the analysis of each school's safety policy.

In conclusion, Nieuwenhuis (Maree, 2007:80) states that "it is generally accepted that engaging multiple methods of data gathering, such as observation, interviews and document analyses will lead to trustworthiness". By using exactly these methods of data-gathering, the researcher has attempted, together with the means detailed in the preceding paragraphs, to ensure the trustworthiness of this study.

7. Ethical Considerations

The ethical issues surrounding this proposed study are detailed by Cohen *et al* (2002:49 – 71) when they talk about "access and acceptance". As the participant schools all fall under the jurisdiction of the Gauteng Department of Education and because all the principals who took part in the research are employees of that Department, the researcher applied to this Department for permission to have access to their schools and their employees. This permission was sought after having provided the following information:

- the purpose of the proposed study
- the nature of the data that will be requested from each participant

- the data collection methods
- an assurance of the confidentiality of the data gathered
- an offer to make the results of the completed study available to the GDE upon completion.

Because this study proposed to investigate a matter of some concern and importance to the participants, the researcher experienced no difficulty in engaging the co-operation of either the principals or the GDE.

In order to further enhance the acceptance of the study, the researcher informed each participant of the following:

- that all participants will remain anonymous
- that all data gathered will be treated in the strictest confidence
- that participants who grant interviews in step 2 of the data gathering process will be afforded the opportunity to verify the transcript of their interview
- that all participants will receive a copy of the final report
- that all participants will be approached for permission should the report or any part of the report be published for public consumption (abstracted from Cohen *et al*, 2002: 56).

The principals' possible fears of the divulgence of data that may cause them "...embarrassment, anxiety or suffering..." (Cohen *et al*, 2002: 62), although not as likely with the selected research methods and instruments as with for example action research, was allayed with confirmation of the confidentiality of the data and assurances that all participants would remain anonymous during every step of the study from data gathering to the presentation of the final report (non-traceability) .

It is also important to point out that at no time during the study did the researcher focus on an observation of the learners at any of the four schools. This fact was indicated clearly to both the GDE in the research application and to each of the four participants during the introductory meeting and again on the day of observation.

8. Conclusion

This chapter detailed and explained the researcher's choice of sampling method, research methodology and data gathering instruments utilized in this study and investigated the ethical considerations connected to the research. Chapter 4 will see the detailed presentation of the research findings.

CHAPTER 4

PRESENTATION OF THE RESEARCH FINDINGS

1. Introduction

As outlined in chapter 3, this study relies on four separate case studies in order to gather the data required to answer the main and sub-research questions. Each of the four case studies focuses on one specific public school, two of which are primary schools and two of which are high schools. This chapter presents the research findings for these four case studies.

In keeping with Stake's concept of a collective case study (a groups of individual studies that is undertaken in order to gain a fuller picture, see Cohen *et al*, 2001:183) the data for each of the four case studies will be presented separately. It is important to note here that this is not a comparative study and that the schools under the microscope were studied as separate entities and not with an eye to comparing them in any way during the presentation of the research findings.

In the interests of confidentiality and in order to prevent the possible identification of any particular school, the four schools will be referred to simply as School A, School B, School C and School D. Schools were named in the order in which the field work visits were conducted. References to the principals of these schools will therefore be made under the same pseudonym as will the presentation of data.

The presentation of research findings for each of the four case studies will take place under the following headings:

a. General biographical information

In this section the following data for each school will be reported:

- type of school
- the school's financial quintile
- the school's geographical location (rural, urban, township)
- the number of learners enrolled at the school
- the school's annual GDE annual subsidy
- the school's annual budget for security and safety matters
- the number of staff members employed at the school
- the principals' experience in education

- the principals' experience as a principal

This data was gathered during the opening few minutes of the interview with each of the four principals. In a further attempt to prevent the identification of individual schools, reference to this data for each school will be tabulated in number ranges rather than using the actual numbers.

It is hoped that this section, apart from the inferences to be drawn later on from the data presented here, will assist the reader to "picture the scene", so to speak, to get an idea of the size and feel of each of the four schools.

b. Observation results

The carefully recorded results of the observation visit to each of the four schools will be the focus of this section. The complete observation schedule is included in this report as appendix C. The discussion of the observation visit to each school will be conducted under the headings contained in this observation schedule.

c. Interview responses

This section will present each principal's responses to the interview questions focused on the implementation of safety regulations at schools. The data gathered during these interviews will be reported under the following broader headings which have been derived from the interview schedule itself:

- the principal's definition of a safe school
- the legislation that guides and directs school safety
- each school's own school safety policy
- the practical implementation of school safety regulations and the school's relationship with the SAPS (South African Police Service)
- factors that enhance and detract from school safety at each particular school as well as each school's greatest need in this regard
- the school's policy with regard to playground duty, the administering of medication and the regulation of traffic
- recent accidents or injuries that might have occurred at the school
- staff training and preparedness with regard to school safety and the provincial department of education's contribution to school safety at the school

- the principal's understanding of the concept of liability

The complete interview schedule is included in this report as appendix B.

d. Results of school safety policy analysis

Each school's individual school safety policy will be analysed and the findings discussed under this heading.

The information presented in this chapter will be discussed in chapter 5 in relation to the primary and secondary research questions posed in chapter 1.

The findings of the four separate case studies are discussed below.

2. Case Study 1 - School A:

2.1 General biographical information

Descriptor	School A
Type of school	Primary School
Quintile	1
Geographical location	Rural
Number of learners enrolled at the school	900 – 1 000
School's annual GDE annual subsidy (Rand)	800 000 – 900 000
Amount budgeted for security per year (Rand)	No sec. budget
Number of educators employed at the school	25
Principal's experience in education (years)	30 – 40
Principal's experience as a principal (years)	20 – 30

Table 4.1: General biographical information – School A

2.2 Observation results

a. Gates, fencing and other visual safety equipment and deterrents

The school's premises are protected by three layers of rolled razor wire running all around the perimeter. Access to these premises is gained via two gates, one a large double motor gate at the front entrance to the school, the other a smaller single pedestrian gate sited at the rear of the school. This gate gives access to the school's sports fields and opens up onto a main road with a 100km/h speed limit.

b. Condition of doors, windows and the buildings in general

The researcher found many broken windows in both classrooms and the office block. Broken glass lay scattered on the playground near these windows. Many classroom doors were broken or were missing their locks

and/or hinges. Older classrooms and the office block were protected by heavy burglar bars. These were noticeably absent from both the newer brick and temporary classrooms.

c. Condition of common areas of the school grounds including playground, sports fields, corridors, learner bathrooms, the school kitchen etc.

The older school buildings were generally in a fairly advanced state of disrepair with huge amounts of litter a big problem. Two 1,8m fluorescent light bulbs (intact) were found lying in the shrub bed between two rows of classrooms. These were later placed in a wheelie bin by a staff member, only to be removed by two senior learners who then used them as ramrods in an attempt to unblock two drains to allow dirty water and litter gathered in an open gutter to flow into the main drain.

A block of new Grade R classrooms and new learner bathrooms was under construction at the time of the observation. This construction site was strewn with building debris including broken window panes, half-bricks and plastic piping. The construction area was not cordoned off in any manner to prevent learner access.

The playground area was almost totally devoid of grass and was strewn with litter, broken glass, rocks and bricks.

The doors to both sets of learner bathrooms were broken and the bathrooms were not clean. The cistern room between the bathrooms also had a broken and non-functioning door. This room was littered with hardened cement, empty cleaning material containers, bricks and broken garden tools. Ironically, a sticker on the door to this room declared "I am a safe school".

The school's three lawnmowers were stored in the open on the corridor outside the Head of Department's offices. The school kitchen is obviously a recent addition and appeared to be largely unused.

d. Presence of dangers such as open manhole covers, sharp objects, broken sports and/or playground equipment etc.

A dangerously neglected barbed wire fence encloses the school's vegetable garden. This same dangerous and neglected fence design has also been erected in front of certain classrooms and along certain corridors, presumably to deter short-cutting.

On the day of the observation visit, a major electrical distribution board mounted to the wall next to a Grade 2 classroom was unlocked and had a broken door latch.

Two sets of broken, unstable, rusty and obviously ill-maintained playground equipment including slides, swings and jungle gyms were found near the new Grade R block. The surfaces of the slides were rusted to sharp jagged edges and the swings were decidedly rickety.

Broken classroom equipment such as desks and chairs littered an open, unsecured area near the accommodation for grounds staff. This compound was not separated from the main classroom area or the playground and contained a broken trampoline, various broken filing cabinets, two large gas bottles and a variety of broken garden tools and equipment. The area immediately adjacent to but outside the school's fence was strewn with whole and broken beer and other beverage bottles and containers.

An unprotected 9m high water tower stands on the playground near the back of the office block. This tower is unprotected in the sense that no effort has been made to prevent learners or indeed any one else from climbing the tower.

e. General observations related to school safety

The researcher arrived at the school at 07:15 to find approx. 35 learners in various places all over the school premises with no staff members present. The school's main gates were open and unattended. Most of the classrooms too were open, with learners moving in and out of these freely – again unsupervised. A man on a bicycle (not connected to the school in any way) trespassed by cycling in through the small gate on one side of the school premises and out again through the larger gate at the front of the school. The first staff member arrived at 07:55 and then proceeded to wait in her car until others had arrived. Several buses carrying a large number of learners started arriving at 08:00. The school bell rang at 08:10. By 08:40 the learners of two junior primary classes were milling about in and around their classrooms unsupervised – these learners were only then assigned by the principal to other educators for supervision.

Learner discipline appeared weak. Some learners, mainly boys, seemed to be much too old for the traditional primary school and were wearing their school uniform carelessly. Many of these older boys were wearing earrings and had chains around their necks. Most learners were chewing gum and very few were carrying school bags. Many learners had brought large bags of maize snacks and/or “mini-vetkoek” to school and were selling these to their peers before school and would continue to do so during break.

f. Break duty regularity as indicated by break duty roster

The school has one 15 minute break and one 45 minute break. No playground duty roster was available at the time of the observation.

g. Numerical adequacy of staff members on duty

Two staff members positioned themselves outside the office block during break. This number seemed inadequate for a school of almost a 1 000 learners.

h. Position of staff members on the playground

Both staff members positioned themselves outside the rear of the office block. This position was nowhere near the main area of the playground where the largest concentration of learners was to be found at break.

i. Division of the playground for learner use at break

No division of the playground into areas for specific age groups was observed. All learners from Grade R to Grade 7 appeared to have access to all parts of the school grounds, including the classrooms and the employees' compound, during break.

j. Attentiveness and control of staff members on duty

The two staff members on duty made no effort to control or address learner behaviour during break. They also made no effort to stem or address the steady stream of learners of all ages who left the school premises during break via the large double gate to buy food from the bus drivers assembled in the unpaved parking area outside the school.

No attempt was made to supervise or admonish the learners, some as young as Grade 1, who were playing on the unsafe playground equipment.

k. General behaviour and demeanour of learners on the playground

Learners were rowdy and often physical in their games and their interaction with one another, constantly pushing, shoving and hitting one another on the playground. The main activity for the first few minutes of break appeared to be the buying and selling of food by and from other learners.

I. Emergency equipment – availability, suitability, condition

No fire extinguishers or fire hose reels were visible anywhere on the outside of the school's buildings. The researcher found one 4,5kg fire extinguisher in a Grade 4 classroom and another in the principal's office – both had last been serviced in July 2007.

m. Access control procedures

The researcher observed no access control procedures at all – learners and visitors passed through either of the two gates at random and freely. The school employs no security guards and appears to be wholly unprepared for searches.

n. First aid equipment – availability, suitability, condition

Six new, unused first aid boxes were found in the principal's office. One empty metal first aid cabinet was found bolted to the wall in the outer office of the administration block.

o. Office procedures for visitors to the school

No routine procedures were observed during the observation visit. Visitors seem infrequent and then enter and leave the school premises as they please, with no visitors' register or the like in evidence. Also, no signs indicating the procedures for visitors were found.

The following description of events serves to indicate the lack of formal visitors' procedure; two female visitors entered the school premises via the unguarded and unlocked main gate just after break. They approached a staff member, presumably a general assistant, who pointed them in the direction of the Grade 4 classroom. The researcher later observed these two visitors leaving the school premises on foot in the company of one of the school's learners without having passed through the school office.

p. Office procedures for dealing with illness and injury occurrence and emergencies during the school day

No evidence was found of any procedure for dealing with the occurrence of an injury or the illness of a learner. The principal later stated during the interview that the school called an ambulance in the event of an injury to a learner.

q. Regulation of pedestrian and road traffic in and around the school

The researcher saw very little motor vehicle traffic at the entrance to the school, the only traffic being that of the arriving educators and of the seven buses that arrived between 07:15 and 08:00. Both the educators and buses departed at 14:00, with no regulation of pedestrian or road traffic having been observed.

2.3 Interview responses

a. The principal's definition of a safe school

The principal of School A's definition of what a safe school is gave more of an indication of what an unsafe school is than of what a safe school is. The following quote supports this: "...the Department must do something for us, because even the teachers are not safe, the learners are not safe...people can come at school any time, they can highjack our cars...we are in danger zone...really, we are in danger zone".

b. The legislation that guides and directs school safety and the advocating of the school as a safe school

The principal identified the Schools Act as the piece of legislation directing school safety, but could not, when prompted, recall the titles of the specific regulations governing school safety. He stated that the school did indeed have a copy of this Act and, even though it is kept in his own office, everyone including the staff and parents has access to it on request.

When questioned about advocating the school's status as a drug and dangerous weapon free zone, he explained that the school had involved councilors from the local municipality and also the SAPS to convey this message to parents at various parent meetings.

c. The school's own school safety policy

School A has its own school safety policy which, like the copy of the Schools Act, is kept in the principal's office. This policy is written in both English and Sotho and, as is the case with the Schools Act, is available to all stakeholders upon request. The school had drafted its own policy at the hand of guidelines provided by the GDE and the drafting process had involved the staff and the SGB. The principal stated that portions of the policy were regularly read out to parents at parent meeting.

d. The practical implementation of school safety regulations and the school's relationship with the SAPS

According to the principal, school A's procedure for access to the school premises has been seriously undermined by the lack of funds to appoint a security or gate guard. His solution to this problem has been to use the drivers of the seven contracted buses to keep an eye on the school's main gate. These drivers, it seems, deliver their passengers to the school between 07:30 and 08:00 in the morning and then wait in the bus parking area outside the main gate for the end of the school day at 14:00 to carry the learners back to their homes again.

Although the principal stated that these drivers searched all the visitors to the school for dangerous objects, drugs and alcohol, the researcher found no evidence of this happening on the day of the observation visit. The finding of any of the above-mentioned would then prompt a call to the local police station to collect these confiscated items.

After initially understanding the question related to initiation practices to mean the traditional African practice of sending young boys off to initiation schools, the principal declared that School A had not ever had to deal with the initiation practices ("ontgroening") referred to in the Schools Act.

At School A the School Based Support Team or SBST is tasked with taking care of learners with specific medical needs and conditions, but upon further questioning it became clear that this team is inadequately informed and prepared to deal with learners who suffer from for example from diabetes or epilepsy. For more usual medical complaints such as headaches and nausea, the school's administrative assistant is called upon to administer medication from one of several first aid boxes kept in the principal's office. No register is kept of the administering of this medication.

In the event of an injury to a learner, whether through accident or incident of violence, the school contacts the municipal ambulance service in the nearest town (approximately 20km away), after which the parents are contacted. If the parents are unable to respond (many have no means of transport other than public transport), the principal fetches them in his own car.

On the issue of the early release of learners, the principal stated that parents, when collecting learners early, are supposed to "fill in the time book".

The procedure for obtaining permission from parents for learners to participate in school activities away from the school premises involves the signing of what the principal calls an "indemnity". When asked whether this was completed by parents once-off at the beginning of the year, he stated that a separate "indemnity" is completed for every trip. A quick look at this "indemnity" confirmed that it has space for the basic information for each trip and asks parents to give written permission for their children to

accompany the school on the trip. On the question of the ratio of educators to learners on such a trip, the principal stated that the school always sent one educator for every fifteen to twenty learners. Asked about the checking of the buses for roadworthiness before a trip, the principal answered vaguely that they (unspecified) do check.

Referring to a recent trip to Durban, the principal said that the children had been placed in the care of guides during their excursion to the beach, but that there had been no specific information session on the dangers of water.

Asked about a fire and evacuation plan, the principal pointed to a fire extinguisher mounted to the wall in his office but could not, upon further questioning, confirm the existence of an evacuation plan for the school.

As far as the school's relationship with the SAPS was concerned, the principal stated that there existed a very good relationship with the local police station and that, when they called, the police always came.

e. The factors that enhance and detract from school safety as well as that school's greatest need in this regard

The principal felt that the greatest threat to the school was the proliferation of theft from the school premises by outsiders. He could mention no factors that he felt enhanced the safety of the learners at the school and stated as the school's greatest need the appointment of a security guard to do duty at the school's main gate and a palisade fence around the perimeter.

f. Playground duty, the administering of medication and the regulation of traffic

On the issue of playground duty and the use of a playground duty roster for educators, the principal's answer was vague and unsatisfactory. He was, however, able to state emphatically that the school had no need for the deployment of scholar patrol to regulate pedestrian traffic around the school.

g. Recent accidents or injuries that might have occurred at the school

The principal described stabbings, fighting and stoning as a frequent cause of injuries on the playground and added that he had had to contact the ambulance service "several times" over the previous two years. The school's standard response to such incidents of violence and injury was to discuss them in staff meetings in an attempt to try and come up with ways in which to prevent them in the future. When asked what solutions the staff had come up with, he said that the staff felt playground duty would be a great help, saying that "they (the learners) must not be free".

h. Staff training and preparedness with regard to school safety and the provincial Department of Education's contribution to school safety at the school

From the principal's responses to the questions on training it is clear that some staff members have attended workshops on issues surrounding school safety offered by the GDE and that at least four educators have a first aid qualification.

i. The principal's understanding of the concepts of liability

After a long pause, the principal indicated that he in fact did not know what liability was. He also appeared not to have an understanding of the State's liability for damages in the event of an injury sustained as the result of an accident or an act of violence. His answer in fact was that the school would have to pay because "...the Department will say you are there, you must protect...". The school carries no insurance for liability because of financial constraints.

2.4 Analysis of School A's safety policy

School A's school safety policy appears at a glance to be comprehensive and well organised. It is neatly typed and has an attractive cover. The policy is divided into two sections; the first section dealing with the physical aspects of securing the school premises and the second section focusing on issues such as the prevention of the spread of HIV, identifying and dealing with the victims of sexual abuse and bullying and dealing with truant learners.

The policy itself opens with a preamble explaining the need for the policy. This is followed by the aims of the policy, uppermost of which is to ensure the safety of both the learners and the educators while providing visitors with a safe and inviting environment. Secondary aims stated by the policy centre around the creation of a nurturing environment, the protection of the rights of learners and the development of a programme which will allow the school to deal effectively with crime and violence. The policy then goes on to dictate the composition of the school safety committee and indicates the legal framework within which the policy is to operate.

The substance of the policy follows the preamble and the aims set out above, and starts, after the heading "Regulations for safety and security measures" with a table indicating all the areas where supervision of learners has to be ensured. These areas include buildings, the school terrain and the sports fields. This table also indicates that items such as machines, electrical equipment and glass and windows need to be made safe for learners.

The next paragraph of the policy declares the school to be a drug and dangerous object free zone and declares that no person may bring to or

store at the school any hazardous objects, possess illegal drugs, come onto the school premises under the influence of drugs and/or alcohol or cause any form of violence or disturbance on the school premises.

The policy then goes on to stipulate the access procedure to be followed at the school. This procedure dictates that both the school's gates be locked at all times and that any person wishing to gain access to the school must complete an access register and must be willing to submit him or herself to a search for dangerous objects and illegal drugs. In this regard the policy calls for the clear signs to be erected at the entrance of the school to indicate that all persons wishing to enter may be subjected to a search. Parents wishing to visit the school are encouraged to make an appointment to do so through the school office.

This section also details the reasons for which the principal may remove or have removed any visitor to the school, these being when such a person enters the premises without permission or when the principal considers their removal to be in the interest of the safeguarding of the school.

Under the heading "Emergency Plans" the policy declares that every classroom will be fitted with a fire extinguisher and that, should a fire break out, this extinguisher should be put to use while learners evacuate the area immediately.

The final section this policy directly related to school safety refers to the safety measures to be taken during trips and excursions. The policy dictates that, among other things, every possible precaution should be taken to ensure the safety of learners, learners should not be allowed contact with strangers when on a trip or an excursion and learners should be counted upon departure from any venue.

This section also very briefly deals with the procedure to obtain permission for learners to accompany the school on the trip.

3. Case Study 2 - School B:

3.1 General biographical information

Descriptor	School B
Type of school	High school
Quintile	2
Geographical location	Rural
Number of learners enrolled at the school	400 – 500
School's annual GDE annual subsidy (Rand)	300 000 – 400 000
Amount budgeted for security per year (Rand)	10 000
Number of educators employed at the school	15 – 25
Principal's experience in education (years)	15 – 25
Principal's experience as a principal (years)	10 – 15

Table 4.2: General biographical information – School B

3.2 Observation results

a. Gates, fencing and other visual safety equipment and deterrents

The school is fenced around its entire perimeter with concrete palisade fencing. Two double width sliding gates next to one another provide access to the school premises. The sign for an alarm company is visible at intervals on the gates and the fence at the front of the school.

b. Condition of doors, windows and the buildings in general

The school buildings were generally in a good condition with no broken windows or doors. Some of the temporary asbestos classrooms and the school hall constructed from the same material were in need of a coat of paint.

c. Condition of common areas of the school grounds including playground, sports fields, corridors, learner bathrooms, the school kitchen etc.

The school was virtually litter free and the corridors and sports fields were clean and well-maintained. A new block of learner bathrooms was under construction at the time of the observation visit. This meant that learners had to use a row of ten “porta-loos” placed next to the fence separating the sports field from the general classroom area. Service at the tuck shop took place through a steel serving hatch that opened up onto the corridor of the main classroom block. This facility too, appeared neat and well-cared for.

The area behind the main (and older) classroom block is separated from the main school grounds by a traditional 2m wire fence and two gates. This fence separates the staff accommodation and the school’s general storage area for unused and/or broken classroom and gardening equipment from the main classroom area. This fenced-off area also serves as the staff parking area. The gate to this area was open in the early morning but was locked at the commencement of the formal school day.

The sports fields are similarly separated from the main school grounds. The gate to this area is kept locked but is unlocked by a general assistant for the duration of both breaks and then locked again afterwards.

d. Presence of dangers such as open manhole covers, sharp objects, broken sports and/or playground equipment etc.

There is an unprotected 6m water tower situated in front of the tuck shop. As mentioned in a previous section, the tower is unprotected in the sense that no effort has been made to prevent learners or indeed any one else from climbing the tower.

The area where construction is currently under way is cordoned off with red-and-white chevron tape and is littered with building debris. This measure appears to be largely ignored by learners as they seek short-cuts between the school gate, classrooms and other areas of the school.

The second of the double gates in front of the school was at the time of the observation open to provide access for the builders. However, the builders seemed to be fairly conscientious in the locking and unlocking of the gate when access to the building materials stored outside the school premises was required.

Learners appeared to have free and unsupervised access to all the classrooms including the school laboratory before school commenced and during breaks.

e. General observations related to school safety

The researcher arrived at the school at 07:15 to find the main gate manned by two staff members, one a female educator and the other a male general assistant. These two persons assisted learners in gaining access to the school and opened the second of the two sliding gates to allow access to staff cars. This gate was locked at 08:00, after which the principal then welcomed and addressed every late-comer personally.

f. Break duty regularity as indicated by break duty roster

The roster found in the staff room dictates three persons on duty during every break. A member of the SMT is tasked with duty at the main gate in the mornings before the start of the official school day.

g. Numerical adequacy of staff members on duty

The three educators on duty at break appeared to be sufficient, considering the size of the area to which the approximately 500 learners have access at break.

h. Position of staff members on the playground

Only two of the educators indicated on the duty roster were observed on the playground at break. One educator positioned herself on the corridor of the main classroom block near the tuck shop while another appeared to be roaming the school premises. No educators were to be seen on the sports fields.

i. Division of the playground for learner use at break

No division of the playground into age or grade groups was observed; all learners enjoyed access to the whole school premises, including the sports fields but excluding the general storage and staff parking area.

j. Attentiveness and control of staff members on duty

The two educators on duty appeared alert and well-aware of what was going on around the playground.

k. General behaviour and demeanour of learners on the playground

Learner behaviour on the day of the observation was excellent, with learners generally calm and friendly in their interaction with one another. Learners in the lengthy queue at the tuck shop were also restrained and well-mannered.

l. Emergency equipment – availability, suitability, condition

Although signs pointing out the location of fire extinguishers could be seen on the walls of the main classroom block, no devices were attached to the hooks found under these signs. Two fire extinguishers were visible through the window of the new computer centre, but this was locked. No extinguisher could be seen in the school's laboratory.

m. Access control procedures

Definite access procedures were in place on the day of the observation. Visitors to the school ring the bell mounted next to the locked main gate. This bell repeats in the administration office, from where the gate is opened electronically if the visitor is known. All visitors are directed to report to the school office to complete the visitors' register. If the visitor is not known, the

general assistant who performs the access control in the mornings is tasked to go and check the identity of the visitor and to escort him or her to the school office.

Despite the fact that the school employs no formal security guard, the access control procedure as observed took place continuously throughout the day. The school's access procedures are afforded good visibility at the gate, where a clear sign indicates to visitors what needs to be done in order to gain access to the school. This sign also declares the school to be a drug, alcohol and dangerous weapon free zone and urges visitors to make appointments to gain access and reminds them that the right of access is reserved.

Even with this formal access control procedure in place, the school appeared to be unprepared for searches. It transpired later in the interview with the principal that such searches are always left to the SAPS.

n. First aid equipment – availability, suitability, condition

First aid boxes are available for emergencies, but, as explained by the principal during the interview, no medication is dispensed by either the educators or the administrative staff at the school. In an emergency, a qualified staff member will attempt to stabilise the injured and then await the arrival of the paramedics.

o. Office procedures for visitors to the school

All visitors check in at this office and complete the visitors' register after having followed the access procedure detailed above. Depending on their business with the school, visitors are then met at the office by the appropriate member of staff.

p. Office procedures for dealing with illness and injury occurrence and emergencies during the school day

As explained above, no medication is dispensed by the staff at School B. The services of the paramedics are called upon in the event of an emergency.

q. Regulation of pedestrian and road traffic in and around the school

The school does not front onto a main or tar road and therefore has no need to regulate traffic around the school. The main road is reached by a 200m long dust road. The crossing of this road with its 100km/h speed limit by learners is a cause for concern among staff.

3.3 Interview responses

a. The principal's definition of a safe school

The principal of School B describes a safe school in one word; "haven". He added that a safe school is a structured and beautified environment, an "academically functioning environment" where he, as the principal, is visible, on the premises, every day.

b. The legislation that guides and directs school safety and the advocating of the school as a safe school

When questioned about the legislation that guides and regulates school safety, the principal of School B mentioned the Constitution and the "PAM" (Personnel Administration Measures), but failed to mention the Schools Act. He stated that all these documents were available upon request to all stakeholders and were kept in the school office. On the issue of advocacy of the school as a drug, dangerous object and alcohol free zone, the principal mentioned the sign at the gate stating this fact. This sign, it seems, was commissioned and paid for by the school's SGB.

c. The school's own school safety policy

School B has its own school safety policy that is kept in the office and in a file belonging to the educator in charge of the school's Safety Committee. This policy was drawn up by staff and the SGB using various sources including departmental guidelines and circulars, memoranda and an internet "Google" search. The drafters of the policy also relied heavily on the SGB training offered by the GDE.

d. The practical implementation of school safety regulations and the school's relationship with the SAPS

School B enjoys a strained relationship with the local branch of the SAPS. The principal ascribes this state of affairs to the fact that the school is far from the police station and thus out of the way for them to attend to on a regular basis. He also pointed out that on some occasions, when contacted for a situation-specific response, the SAPS had taken a very long time to arrive at the school. A visit to the station commander by himself and the chairman of the SGB improved matters for a short while only.

Access procedures at the school as stipulated in the school's safety policy were explained as follows; visitors ring the bell at the gate which, if the visitor is known, is then opened electronically from the school office. If the visitor is unknown, he or she is met at the gate by the general assistant tasked with control of the gate. The principal stated that the school preferred people wanting to visit the school to in fact make an appointment so as to be expected at a specific time.

Dangerous objects are generally dealt with by the SGB. The procedure is for this body to arrange a sweep of the school by the SAPS, who then perform any random searches they deem necessary. If the staff were to do their own searches in the absence of the police, the policy of males searching males etc. is adhered to. Any objects found are photographed, labeled, packaged and then handed over to the SAPS.

The school arranges orientation days in order to eliminate any need learners might feel to initiate learners new to the school. On these orientation days the new learners are informed of the school's culture and are shown around the facilities and introduced to the staff and other learners.

At School B the matter of learners with special medical needs is referred to the SBST for monitoring and for the development of specific practices to cater for those needs. So, for example, a learner with diabetes is allowed to drink and eat in class in order to manage his or her own condition. The SBST advises other staff members of these measures. This being said, the staff of the school administers no medication to learners.

In the event of an injury as a result of violence or an accident, the injured learner is assessed by a staff member who is also a qualified nurse. She will then stabilize the injury and advise either a call to the parents to take the learner home or to a medical facility, or that the school contact the provincial ambulance service to come and treat and transport that learner to a medical facility. Parents are contacted in this case and given the details of the injury and the treatment advised by the nurse.

Generally School B prefers learners not to be released early. However, should a learner's parents request that he or she leave before the end of the school day, the school insists that they come and collect their child themselves.

For trips outside of the school premises parents' permission is requested in writing. Often a letter or notice regarding the trip received from the GDE will be sent home to provide further information on the trip. On such trips, the school maintains an educator-learner ratio of one to twenty.

The public and private transport used to transport learners on trips falls under the jurisdiction of a specific SGB member. It is the responsibility of this person to arrange all transport and to check the condition and roadworthiness of the buses used.

For trips to dams and the ocean the school utilizes both the Geography and the Life Orientation educator to assist in educating the learners about the dangers of water. The principal estimates that up to 60% of the learners at his school have never seen a dam or the ocean and are unable to swim. He also stated that, because learners are afraid of water, it is easier to educate and manage them on trips that involve water-based activities.

Although the school has discussed in theory the evacuation of the school in the event of a fire, no actual evacuation drill or practice as such has as yet taken place. When asked about the absence of fire extinguishers on the hooks mounted for the purpose, the headmaster alluded to the fact that these extinguishers had been removed to prevent vandalism.

e. The factors that enhance and detract from school safety as well as that school's greatest need in this regard

The principal stated that the greatest factor enhancing the safety of learners at School B is the visibility of the staff on the school's premises. He believes that making sure learners are always where they should be and showing a strong educator presence makes all the difference to the discipline at the school and has a noticeable knock-on effect on school safety. As a factor that detracts from the safety of the school, he mentioned the "bushveld" (dense thorn trees and other vegetation that grows right up the school's perimeter fence) all around the school and the proximity of an informal shop or "spaza" that sells alcohol and could also possibly be a venue for drug dealers.

The principal felt that, to combat a recent spate of burglaries, the school needs the services of a day and night security guard.

f. Playground duty, the administering of medication and the regulation of traffic

In this regard, the principal emphasized that he monitors the playground duty roster very carefully to ensure that there are always three educators on duty. The administering of medication to learners, as mentioned before, is not allowed at the school. Similarly, no need to regulate traffic around the school exists because of the fact that the school can only be reached from the main road via a 200m or so stretch of dirt road.

g. Recent accidents or injuries that might have occurred at the school

The principal was very proud to announce that there had not been any injuries to learners at the school over the previous two years. When questioned more closely, he stated that the procedure, should an injury occur, would be to immediately contact the parents to inform them of what had happened and of what action the school had taken. Depending on the nature of the injury, this action might involve treatment by the school's

qualified nurse or contacting the provincial ambulance service to transport the injured learner to the nearest hospital.

h. Staff training and preparedness with regard to school safety and the provincial Department of Education's contribution to school safety at the school

The Department's involvement in school safety appears to have been limited to a workshop aimed at training the SGB in matters of school governance and school safety. Asked whether this training had been worthwhile, the principal said that in his opinion it had not been. The school currently has on its roll (apart from the staff member who is a qualified nurse), two staff members with a first aid qualification.

i. The principal's understanding of the concepts of liability

The principal compared liability to responsibility and accountability, stating that liability is to be "... accountable for things that happen". As to who is liable for damages in the event of an injury at a South African school, he said that "...the principal in co-relationship with the SGB" would be liable, but that, in the end, "...everything boils down to the principal".

3.4 Analysis of School B's safety policy

The school safety policy for School B is a neatly typed five page document reflecting its own purpose in its opening paragraph as ensuring the safety of all learners, educators, office and grounds staff and visitors at the school in terms of the Schools Act.

The policy firstly dictates the structure, functions and meeting frequency of the school's Safety Committee and then indicates this committee's areas of responsibility as the school's buildings, terrain and sports fields, all machines used (including vehicles) and electrical equipment (including distribution boards and appliances) found on that terrain, all areas where activities take place, all excursions and trips, all glassed areas and windows and all objects and articles brought to school by learners.

The second section of the policy deals with the access procedures in place at School B. This section fails to indicate specific procedures for gaining access to the school, but stipulates in detail all the information any visitor will be expected to furnish before access is granted and warns that any person seeking access to the school might be subjected to a search for illegal drugs, dangerous objects and alcohol. It also details the reasons for which a person may be ejected from the school premises, these being entering the premises without proper permission, refusing to furnish the information required by the school for access and being deemed by the principal to pose a threat to the safety of the staff and learners of the school. The final paragraph in this section on access details those persons exempted from these regulations (SAPS and South African National

Defense Force (SANDF) members, the Minister of Education, members of the Executive Council and officials from the GDE) and regulates the procedures for visits to the school by members of political parties. Lastly, parents are encouraged to make appointments to visit the school rather than to arrive unannounced.

The policy then goes on to explain the precautions to be taken when learners accompany the school on trips and excursions as follows:

- parents must give permission in writing for their children to accompany the school
- educators must take care not to allow learners contact with strangers while on trips and excursions
- educators must ensure that no learner is left behind when returning to school after a trip or an excursion

Finally, the policy prescribes the emergency plan for School B. These emergencies are defined as acts of terrorism, high-jacking or gang related activity and fire. The plan does not detail any specific action in these events, but rather dictates that the principal and/or the head of department educational guidance will control the school’s reaction and will “issue orders to all”.

4. Case Study 3 - School C

4.1 General biographical information

Descriptor	School C
Type of school	High school
Quintile	1
Geographical location	rural
Number of learners enrolled at the school	400 – 500
School’s annual GDE annual subsidy (Rand)	300 000 – 400 000
Amount budgeted for security per year (Rand)	50 000
Number of educators employed at the school	14
Principal’s experience in education (years)	30 – 40
Principal’s experience as a principal (years)	10 – 20

Table 4.3: General biographical information – School C

4.2 Observation results

a. Gates, fencing and other visual safety equipment and deterrents

School C’s perimeter is fenced with 6ft diamond wire mesh fencing topped by three strands of barbed wire. This fence is broken in many places along the perimeter and is generally dilapidated. It also shows evidence of

numerous places where persons have cut and/or trampled the fence to gain access to the school premises. Legal access is gained via three gates; one double motor gate sited at the side of the school facing the access road and two other single pedestrian gates. Upon his arrival at 07:15, the researcher found the double motor gate and one of the pedestrian gates locked. The remaining pedestrian gate he was later informed by a general assistant, is unlocked at 07:00 daily to allow learners access to the premises, and is then locked again at 08:00.

The school's main office block carries the sign of a security company with its call centre in Silverton, approximately 40km away.

b. Condition of doors, windows and the buildings in general

School C consists of two separate enclosures; one houses the high school while another houses a crèche/Gr. R facility. The high school consists of a mixture of brick and "park-home" type classrooms and has a brick office block, ablution facilities and computer centre. The "park-home" type classrooms are in bad repair with sagging floors and broken doors.

The researcher observed very few broken or missing windows, however many of the doors to the classrooms were found to be generally in a state of disrepair with missing locks and/or door handles.

The fenced crèche/Gr. R enclosure contains three older brick classrooms, the administrative office for both schools and a "wendy" hut used as a sick room.

All windows in both sections of the school are heavily barred and the office block doors have all been fitted with heavy security gates.

The high school's classrooms were generally in need of cleaning on the day of the observation visit. Most classrooms also required some repairs to black boards, floor tiles etc.

c. Condition of common areas of the school grounds including playground, sports fields, corridors, learner bathrooms, the school kitchen etc.

The high school's grounds were generally neat and litter-free on the day of the observation but are bare of grass, shade or any other form of learner-comfort. School C has no sports facilities, but has a large vegetable garden next to the office block.

At this school the school kitchen, situated in the administrative office block, doubles up as a tuck shop. Service to learners takes place through a heavily barred window. A separate, unlocked steel shed near the office block holds chip fryers.

The office block was found to be in need of cleaning and repair, while the school's staff room was found to be cold and unpleasant, filled with broken chairs, tables and other unused or unserviceable equipment.

An older separate ablution block behind the office block and directly adjacent to the "chip fryer" shed and the crèche/Gr. R enclosure is ineffectually closed off with wire wrapped around the handles of the doors. This ablution block is in a terrible state with broken toilets, doors and pipe work and is crammed with broken equipment and furniture. The researcher suspects broken drains and found the whole area to be most unhygienic in appearance and deemed this facility to be a danger to both the high school and crèche/Gr. R learners housed on the premises. The only remaining ablution facilities are situated in the main classroom block, where four toilets serve approximately 200 girls and another four serve approximately the same number of boys.

The school's "laboratory" consists of a converted classroom. This facility, like the other classrooms, also requires a good clean and was found to contain no emergency equipment and no safe storage for potentially hazardous materials.

d. Presence of dangers such as open manhole covers, sharp objects, broken sports and/or playground equipment etc.

On the day of the observation visit, every electrical socket in every classroom was vastly overloaded with learners' cell phone chargers. Apart from this hazard and the others described in the paragraphs above, no other obvious hazards were observed on the high school grounds.

The Gr. R grounds, like that of the high school, are bare and without comforts such as grass and trees. A dilapidated set of playground equipment including a slide showing large patches of rust and rusty jagged edges was found in this enclosure.

The only electrical distribution box on the school premises was securely locked at the time of the observation visit.

e. General observations related to school safety

The researcher encountered three educators on the premises on his arrival at the school at 07:30. It appeared as if all learners had access to all the school's classrooms before the commencement of the school day. Learners arrived by contracted bus during the course of the early morning, entering the premises via the open pedestrian gate. When the bell to indicate the start of the high school's academic day rang at 08:00, the learners moved from the playground into their classrooms. At this time the educators gathered in the staff room for what proved to be a scheduled staff meeting. This meeting lasted until 09:50. Learners were therefore left completely unsupervised between 08:00 and 09:50. Although Grade 10 to 12 learners seemed accustomed to being left alone, the Grade 8 and 9 learners were rowdy and unruly in the absence of educators and proper supervision.

f. Break duty regularity as indicated by break duty roster

No roster for high school break duty could be found in either the staffroom or the school's office. During the interview, the principal informed the researcher that two educators were on duty at break every day.

g. Numerical adequacy of staff members on duty

The researcher indeed observed two educators on duty in the school grounds during break. One educator was also observed supervising the crèche/Grade R group in their separate playground enclosure.

h. Position of staff members on the playground

One educator remained near his classroom in the main classroom block where many learners were sitting around in the sun. The other educator positioned herself near the tuck shop. In this same vicinity a local church group was observed serving a hot meal to numerous learners as part of a once-weekly feeding scheme.

i. Division of the playground for learner use at break

School C's playground is not divided into separate areas for different age groups.

j. Attentiveness and control of staff members on duty

Although nominally on duty, neither of the educators made any effort to interact with, direct or admonish any of the learners in their vicinity.

k. General behaviour and demeanour of learners on the playground

The learner behaviour on the playground was found to be generally good, with most of them simply enjoying the sunshine or listening to their cell phone radios. Learners queuing in the church's food line and also the tuck shop line were well-behaved and patient.

l. Emergency equipment – availability, suitability, condition

The researcher found no emergency equipment visible in any outside area of the school. However, two fire extinguishers were found in the school's media centre, one of which was empty. Neither extinguisher showed any evidence of regular inspections or service.

m. Access control procedures

The school's access procedure can at best be described as informal. Visitors must somehow attract the attention of a learner and ask him or her to call the general assistant who holds the key to the double motor gate. This general assistant then unlocks the gate and requests that the visitor complete the school's visitors' register. Once this has been accomplished, visitors are then directed to the administrative office in the crèche/Grade R enclosure or to the high school's administrative office.

The school employed no formal security guard at the time of the observation visit and no visible signs of any additional security measures were found at that time. As was later established during the interview with the principal, the school makes use of the SAPS to conduct searches at the school.

n. First aid equipment – availability, suitability, condition

The researcher found two first aid boxes in a locked storeroom in the high school administrative office. These looked unused and would not come easily to hand due to the fact that they are locked up in the store room.

o. Office procedures for visitors to the school

Once visitors have gained access using the informal procedure described above, they are directed to the appropriate office. From there they are directed to their destination by whoever is available in the office at that time.

p. Office procedures for dealing with illness and injury occurrence and emergencies during the school day

School C is situated near a provincial clinic. All sick or injured learners are referred there by the principal using a letter standardised for this purpose.

q. Regulation of pedestrian and road traffic in and around the school

School C is located approximately 500m from the main tarred road. Very little traffic was observed on the dust road leading up to the school, therefore the school employs no scholar patrol or the like.

4.3 Interview responses

a. The principal's definition of a safe school

The principal of School C defines a safe school as one where both the learners and the educators feel safe, where they are free from harassment and where the conditions are conducive to learning.

b. The legislation that guides and directs school safety and the advocating of the school as a safe school

School C's principal identified the Schools Act as the legislation that governs and directs school safety. He also stated that the school kept copies of this legislation in the administrative office and that all stakeholders, including educators, staff and the police, had access to it upon request.

With regard to advocating the school's status as a drug, dangerous object and alcohol free zone, he explained that the school had hosted a meeting for all the members of the communities that surround the school. At this meeting the SGB had explained the school's duty regarding drugs to those present and appealed to them to help in combating the problem.

c. The school's own school safety policy

The school's own safety policy, kept in the administrative office, is also available to all stakeholders, with learners each getting their own copy at the beginning of the year. This policy was drawn up by the SMT and the SGB using the Schools Act and the South African Council of Educators (SACE) code of conduct as source documents.

d. The practical implementation of school safety regulations and the school's relationship with the SAPS

School C enjoys a very good relationship with the police station in their vicinity. This station provides police reservists for visits to the school on a regular basis and also assists the school to perform searches when required. The school has also adopted a cop under the SAPS's "Adopt-a-Cop" initiative.

The implementation of the school's access procedure rests with a general assistant. He is tasked with unlocking the school's main gate to allow access to the school. Visitors fill in the visitors' book and are then directed to the office.

The school's protocol for searches entails the use of the SAPS reservists who by agreement come to the school randomly but at least once a week to conduct searches for dangerous objects and drugs. The principal stated that every child and his or her school bag is searched at least once a week. At this point the principal took from a cupboard in his office several objects confiscated from learners during the last round of searches. These objects included a pocket knife, the plastic casing of a ballpoint pen sharpened to a point and a giant safety pin that had been "unfolded" to create a long sharp spike. These objects were in the process of being returned to the parents of the learners from whom they had been confiscated. Items that were confiscated for a second time were forwarded to the police for safe-keeping or destruction.

The principal, when questioned about initiation practices, emphatically denounced such practices and said that no such practices were tolerated at his school. What the school does do to accommodate new learners is to invite them to an orientation day. The aim of this day he said, is to help new learners adjust to the school and its expectations.

Learners with special medical needs such as diabetes or epilepsy, once identified by the school, are referred to the clinic situated right next to the school. This clinic then works out a treatment and/or stabilization programme for these learners and ensures that they return on a regular basis for a check-up and to collect their medication. Learners with minor medical complaints such as a headache or nausea are treated in the office by an educator with a first aid qualification. If the ailment or illness appears to be of a more serious nature, the learner is referred to the clinic for treatment.

Injuries sustained in accidents and as a result of incidents of violence are also referred to the clinic while the school attempts to contact the parents of the learner. If a parent needs to come to the school but has no transport available, the principal will use the school's vehicle to collect that parent and to bring him or her to where the injured child is.

No child is ever released into his or her own care before the end of the official school day. The lack of transport outside of school hours would force a learner to walk long distances and this, in the opinion of the principal, is an utterly dangerous thing to do. Should a child be required to attend to an appointment or to attend, for example, a funeral, that child has to be collected by someone who can prove their identity with a South African identity book.

Permission for learners to go on trips and excursions away from the school is obtained from the parents in writing before the commencement of the trip or excursion. School C favours an educator-learner ratio of one educator for every fifteen learners.

Public and private transport used to transport learners is regularly checked. The principal mentioned an “instrument” provided by the GDE for this purpose. He also mentioned that the drivers of the buses have to present their buses to a roadworthy centre every three months in order to receive a clean bill of health. Once this has been done, the certificate issued by the roadworthy centre is handed in to the principal who then forwards it to the GDE for their information.

With regard to water-based activities, the principal mentioned that the school arranged an annual trip for the Grade 11 and 12 learners to a municipal swimming pool. The school’s preparation for this trip entails finding out from the learners who can and who cannot swim. If no educator on the staff knows how to swim (there are very few, he says), the school requests that the company arranging the outing provide qualified persons to supervise the learners while they swim.

In answer to the question on fire and evacuation drills the principal said that the school is visited regularly by the local municipality’s fire department, especially in the months of winter when veld fires are a very real danger. The fire fighters then demonstrate fire-fighting techniques such as using a fire extinguisher, a garden hose and a simple bucket-passing system to extinguish fires. He admits that the school has as yet not developed or practised an evacuation plan.

e. The factors that enhance and detract from school safety as well as that school’s greatest need in this regard

The factors related to school safety that the principal most values are the community surrounding the school and the fact that learners are transported to school by contract buses. He feels the school is a much safer place because of the eye kept on the premises by the community living in close proximity to the school. He also feels that the use of the buses to transport learners keeps them out of harms way and safe from, as he calls it, “...engaging with other objects and other groups of learners...”.

The main factor detracting from the safety of the learners at the school he identified as a lack of funds. With enough money the school would be able

to replace or at least repair the dilapidated fence and also employ security guards to exercise access control and to look after the premises at night, when most vandalism and theft occurs.

The school's greatest immediate need he felt was an updated alarm system connected to a control room that is nearer to the school than the one based in Silverton (40km away) that is currently contracted to respond to the school's emergencies.

f. Playground duty, the administering of medication and the regulation of traffic

The school's policy with regard to the whereabouts of learners during break allows for no learner to leave the school premises for any reason. The principal reiterated that two educators did duty in the school's "quad" (the fenced-in area between two rows of classrooms) to ensure that learners did not leave the premises and were therefore safe at break.

No medication is administered at the school because of the convenience of having the clinic located right next to the school. Learners who report to the office feeling ill are referred by letter.

The principal explained that no regulation of the traffic, either vehicular or pedestrian, was required because of the fact that the school is situated far from the main road.

g. Recent accidents or injuries that might have occurred at the school

When asked about accidents or incidents of violence, the principal reported that none had taken place over the previous two years.

h. Staff training and preparedness with regard to school safety and the provincial Department of Education's contribution to school safety at the school

According to the principal, several educators had undergone training by the Department of Health about how to deal with pregnancies and problems related to pregnancies at school. He also again mentioned the regular fire-fighting training and regular visits by the training division of the Metro Police. These visits were aimed at teaching the learners of the school basic road safety. Other than being involved in the arrangements for these courses and training programmes, the GDE in the form of the local district office has not been directly involved in any other form of safety training for the staff at the school.

i. The principal understands of the concepts of liability

The principal in his reply to this question likened liability to responsibility, saying "...it moves similarly to responsibility, that you are liable for this and that and so on...sometimes it shows your responsibility".

With regard to the issue of liability for damages in the event of an injury, he responded that "...the Department have (has) to pay, but now the school must have safety rules on that... the safety rules which will guard and saviour (sic) the school...". He added that, although the school carried short-term insurance on some items of the school's property, it carried no liability insurance because of the costs involved.

4.4 Analysis of School C's safety policy

The school safety policy supplied to the researcher by the principal of School C is virtually a copy, albeit hand-written, of the policy supplied by School B with the addition of sections on signage, the roadworthiness of vehicles used for the transportation of learners and on negligence. In addition, the order of the main sections in the policy supplied by School C differs slightly from the order of the main section in the policy supplied by School B.

The additional section on signage specifies that, after a thorough inspection of the school premises by the Safety Committee to identify areas of possible danger (staircases etc.), signs should be erected warning the public of these dangers.

The additional section on the roadworthiness of vehicles used to transport learners indicates that learners may only be transported in roadworthy vehicles driven by a driver with a PDP or professional driver's permit. This section places the responsibility for ensuring that such vehicles are roadworthy on the shoulders of the educators accompanying the learners on a particular trip or excursion and entitles these educators also to request that a vehicle transporting learners stop if it becomes evident that said vehicle has become unroadworthy during the trip.

The final section that distinguishes the safety policy of School C from that of School B is the one dealing with negligence. This section demands of educators that they take every possible precaution to ensure the safety of the learners in their charge. It also states that no educator should ever leave the learners in his or her charge unsupervised and should remain conscious at all times that the safety of the learners is their responsibility.

5. Case Study 4 - School D

5.1 General biographical information

Descriptor	School D
Type of school	Primary
Quintile	1
Geographical location	Rural
Number of learners enrolled at the school	100 – 200
School's annual GDE annual subsidy (Rand)	90 000 – 100 000
Amount budgeted for security per year (Rand)	10 000
Number of educators employed at the school	5
Principal's experience in education (years)	20 – 30
Principal's experience as a principal (years)	0 – 5

Table 4.4: General biographical information – School D

5.2 Observation results

a. Gates, fencing and other visual safety equipment and deterrents

School D's perimeter is fenced with a double layer of rolled and flattened razor wire. One double diamond mesh motor gate gives the only access to the school premises. This gate was open at the researcher's arrival at 07:30 and was closed but not locked at 08:00.

b. Condition of doors, windows and the buildings in general

The main school buildings, despite their obvious age, are generally in good repair with only one broken window visible. In addition to the more conventional brick buildings, the school also uses three corrugated iron sheds; one as a storeroom and two others as classrooms. These have no cladding on the inside walls and the roofs are very low. All the school's windows are heavily barred and the doors all have security gates.

c. Condition of common areas of the school grounds including playground, sports fields, corridors, learner bathrooms, the school kitchen etc.

Some litter was found in and around the school buildings; however, a much larger litter problem was evident on the school's perimeter near to and on the other side of the perimeter fence.

The researcher found lots of building rubble including broken pre-cast wall slabs, clay roof tiles and bricks and some broken furniture (chairs, tables

etc.) on the playground. The playground itself is very uneven, and the researcher saw a boy fall heavily while running during a game of “catchers”.

The ablution facilities consist of a block of pit toilets without running water, toilet paper or toilet seats. A grid of iron bars has been fitted to the opening of each pit toilet, presumably to prevent small children and large objects from falling or being thrown into the pits.

The razor wire fencing poses a danger to the learners playing near it. The researcher saw one boy fall against the fence and injure himself during a game of rugby being played before the start of the school day.

The school’s kitchen, attached directly to the side of a classroom, contains a large gas bottle and two plate gas range.

d. Presence of dangers such as open manhole covers, sharp objects, broken sports and/or playground equipment etc.

A large electrical distribution box, albeit mounted high up on the wall of the main building, was nevertheless unlocked on the day of the observation visit.

An unattended garbage fire burned behind the ablution block throughout the day of the observation visit, attracting some of the smaller learners who then milled about both before the start of the school day and at break to see what was being burned.

A set of playground equipment consisting of slides, swings and a jungle gym was found near what proved later to be the Gr. R classroom. This equipment was mostly in bad repair, with sharp edges and rusted beams, chains and swings. This set of playground equipment was also sited on uneven ground and was therefore very unstable.

A sagging wire washing line was found suspended at a child’s chest height between two trees on the playground. This proved to be almost invisible from a meter or two away and poses a threat to all the learners playing and running in its vicinity.

The final danger observed stems from the sharp edges of the roofs of the low-roofed corrugated iron sheds-cum-classrooms. Because these roofs are so low, these sharp edges pose a threat to the taller learners playing and running in the vicinity of these classrooms.

e. General observations related to school safety

The first educator to arrive at school on the day of the observation visit did so at 07:45, even though learners had been on the premises since 07:30 with only the general assistant present. The school day started at 08:00 with assembly and hymn singing led by the single educator present at that time. Most of School D's learners travel to school in one of three contracted buses, one of which appeared to be in an unroadworthy condition with among other things, a missing window in the passenger compartment. The last of these buses only arrived at 08:30, half an hour after the official start of the school day. One bus drove out onto the school playground to perform a U-turn, scattering learners at play. By 09:00 three classes of learners were still unattended and unsupervised, with the last educator to arrive doing so at 09:10.

f. Break duty regularity as indicated by break duty roster

No roster for break duty was available.

g. Numerical adequacy of staff members on duty

As mentioned before, no educators were found to be on duty before the start of the school day. The researcher observed one educator supervising the entire school playground at break.

h. Position of staff members on the playground

The duty educator positioned herself on the corridor between the main building and the playground.

i. Division of the playground for learner use at break

The playground is in no way divided up into areas for different age groups; all learners from Grade R to Grade 7 appear to have access to all areas of the playground both before school and during break.

j. Attentiveness and control of staff members on duty

The staff member on duty attempted no interaction with the happenings on the playground.

k. General behaviour and demeanour of learners on the playground

The learners of School D were generally calm and friendly and appeared well-behaved. Games such as rugby for the boys and hand tennis for the girls seemed to be the order of the day.

l. Emergency equipment – availability, suitability, condition

The researcher found no emergency equipment visible in any outside area of the school grounds. However, one large fire extinguisher was found in the school kitchen. This extinguisher showed no evidence of regular inspections or service.

m. Access control procedures

Visitors to the school enter the school premises via the closed but unlocked main gate and then find their own way to the school office.

The school employed no formal security guard at the time of the observation visit and there appeared to be no formal or even informal access procedure in place at the school. The school trusting, as it later turned out, in the innocence of the learners enrolled there, is entirely unprepared to conduct searches and has no signs indicating security procedures.

n. First aid equipment – availability, suitability, condition

No first aid equipment could be found. The principal later reported that the school dispenses no medication, but relies entirely on the parents of the learners and on the provincial emergency service and the SAPS in the event of illness or an injury.

o. Office procedures for visitors to the school

As mentioned before, the school's main gate remains unlocked and visitors find their own way to the office or to wherever they need to go.

p. Office procedures for dealing with illness and injury occurrence and emergencies during the school day

No formal procedure for dealing with illness or injury exists other than contacting the parent of the learner or learners concerned and the provincial emergency services.

q. Regulation of pedestrian and road traffic in and around the school

School D is situated a long way from the nearest tar road and approximately 50m from the secondary dirt road in a very quiet rural farming area, therefore no need to regulate traffic or adopt a scholar patrol system exists.

5.3 Interview responses

a. The principal's definition of a safe school

The principal of School D defined a safe school as a "...place where the learners are protected, feel safe..." and then added that the gate must be locked.

b. The legislation that guides and directs school safety and the advocating of the school as a safe school

Off-hand the principal could not name the pieces of legislation that govern and guide school safety, but, when asked whether the school had copies of the Regulations for safety measures at public schools, she replied that it did. These, she said, were kept in the school office and were available upon request to the staff, the SGB and all other parents.

With regard to advocating the school's status as a drug, dangerous object and alcohol free zone, she mentioned that the school had held parent meetings to discuss this issue and had also sent home written communications to inform parents of this fact.

c. The school's own school safety policy

School D has its own school safety policy. This policy, she stated, had been drawn up by the SGB and the SMT. Copies of it were kept in the school office and this, as in the case of the Regulations, was available to all stakeholders upon request.

d. The practical implementation of school safety regulations and the school's relationship with the SAPS

The school appears to have only a passing relationship with the local police station. This seems to be due to the very rural nature of the school and the fact that it is a very small school and a primary school at that.

The principal stated that the access procedures dictated by the school's safety policy hold that the only access to the school, the main gate, must be locked at all times. Visitors are supposed to ring the bell in order to alert the general assistant to come and unlock this gate (the researcher found no evidence of a bell at the gate). The school has no signs indicating the access procedure or any other safety information.

The school's policy it seems is vague about the means and procedures for prohibiting the carrying of drugs, dangerous objects and alcohol onto the school premises. The principal stated confidently that, because the school is so small and so remote, no problems with these items had so far surfaced. The school has never had to conduct searches and appears therefore to be unprepared to do so if the need should ever arise. She surmised that, should they ever encounter or seize drugs, dangerous objects or alcohol, her first report would be to the SGB, after which, if the problem is a big one, she would call in the help of the SAPS.

Once again the question on initiation practice caused some confusion, but once this had been clarified, the principle stated confidently that no such practices took place at School D.

In answer to the question regarding the treatment and procedures for the care of learners with special medical needs, the principal stated that the school receives regular visits from nurses of the Department of Health because the school serves as a clinic on a monthly basis. These nurses have been tasked with the care of these learners, who receive check-ups and the necessary medication during these clinics. Staff members, although in the past able to do so, are now forbidden from administering medication to learners who report sick at school.

In the event of an injury, the school's first call goes out to the parents of the learner involved. If the parents are too far away or are unable to come to the school to collect the learner within a reasonable period of time, or if the injury is deemed to be of a serious nature, the school contacts the local municipal ambulance service to attend to the problem.

Requests for the early release of learners appear to be something that School D seldom receives. The principal mentioned that, because the parents are generally very disadvantaged, very few have the transport or the need to collect their children from school early. Indeed, the majority of learners travel to and from school on contracted buses. However, should a parent wish to collect his or her child before the end of the school day, the

school requires that the parent prove their identity before the learner is released.

Permission for learners to accompany the school on trips to events such as cross country races etc. is requested in writing with a letter going home for parents to sign. For different types of trips (sports event, cultural events etc.), the educators assigned to the school committee for that specific activity (usually two of them, one male and one female) accompany the learners – this gives an educator to learner ratio of between one to ten and one to thirty.

The roadworthiness of the vehicles used for such trips and for those used to transport the learners to school and back every day is checked monthly by the principal using a document or instrument supplied by the GDE. The principal assured the researcher that the owners or operators of these vehicles are also compelled to present their vehicles for a roadworthiness test every three months and to supply her with the certificate issued by the testing authority.

The principal could not answer the questions surrounding water-based activities because, she said, the school did not engage in such activities.

According to her, the school also has no fire and evacuation drill in place, although some training of the staff in the use of fire extinguishers has taken place. The presence of suspicious objects would as a matter of course be handed over to the SAPS for investigation.

e. The factors that enhance and detract from school safety as well as that school's greatest need in this regard

The factor, in her opinion, that plays the greatest role in enhancing the safety of learners at School D is the fact that the learners in this rural area escape to a large extent the "city" influences, i.e. drug and alcohol abuse, violence etc. She also mentioned that the school enjoys a very solid and beneficial relationship with the management of the farm on which the school is situated.

What she does consider a problem though, is the prevalence of petty theft from the school – the theft of books, stationery etc. These items, she mentioned, often get stolen when unauthorized persons gain access to the school's premises after hours and over weekends. Therefore she believes the school's greatest need to be the appointment of a security guard and the installation of an alarm system to protect both the learners and the school's property.

f. Playground duty, the administering of medication and the regulation of traffic

The school's playground duty roster calls for the presence of one educator on the playground during both of the school's breaks, while, because the

school is so far from the main tarred road (approx. 7km), the regulation of pedestrian and vehicular traffic around the school is deemed unnecessary.

g. Recent accidents or injuries that might have occurred at the school

The principal reported that no injuries had occurred due to accidents or as a result of an incident of violence in the previous two years.

h. Staff training and preparedness with regard to school safety and the provincial Department of Education's contribution to school safety at the school

The principal of School D stated that she believes that the GDE does enough to support and train the school, but also that she would like this Department to provide regular refresher training on school security. This school currently employs two educators trained in first aid, but it is the principal's desire to see more of her staff thus trained.

i. The principal's understanding of the concepts of liability

The principal of School D likened liability to reliability, saying "...you can hear people when talking...saying ...you are reliable for everything". In answer to the question of who would have to pay for damages should a learner be injured at school, she replied that the school would have to. The school carries no insurance against liability because, within the parameters of the budget suggested for the school by the GDE, no allocation is made for such an expense.

5.4 Analysis of School D's safety policy

The researcher found the two page (all in capital letters) school safety policy supplied by School D largely irrelevant and completely ineffectual. Fraught with spelling and grammatical errors, it appears to the researcher as if the policy writer or writers simply rewrote what must have been the guidelines on safety policy writing supplied by the GDE.

The policy gives as its preamble Stevens's 2001 definition of a safe school, namely "...a place where the students can learn and the teachers can teach in a warm and welcoming environment, free of intimidation and fear of violence". In its mission section, the policy states that it will "...embark and engage all relevant guidelines as provided from time to time by by (sic) legislation/policies/circulars that will be supplied by GDE", a statement which in itself holds very little meaning for safety at the school, especially as it is not applied at all in the policy.

Another statement indicating the irrelevance of this policy can be found in the section entitled "Performance", to wit "our school will have adequate physical resources to ensure a basic level of security".

Finally, the policy is completely devoid of any specific regulation on any of the matters raised in the legislation (access control procedures, procedures for searches, safety measures on trips and excursions, fire and emergency plans, the early release of learners, the administering of medication to learners etc).

6. Conclusion

This concludes the presentation of data gathered at the four schools. The next chapter details the conclusions drawn from this data and the researcher's recommendations based on those conclusions. Chapter 5 will detail the researcher's conclusions and recommendations based on the findings reported here.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

1. Introduction

Chapter 4 of this research report details the findings of the research done into the implementation of school safety regulations as prescribed by the Schools Act. In section 1 of this chapter these findings will be used to draw conclusions about the effectiveness with which the four schools under the microscope of this study implement these regulations. From these conclusions the researcher, in section 2 of this chapter, will formulate certain recommendations aimed at improving the manner in which these and possibly other rural schools implement the school safety regulations in order to enhance and ensure the safety of learners at such schools.

As stated in chapter 1, the aim of this study is to investigate the manner in which schools in Gauteng implement the safety legislation contained in the Schools Act, in other words, to determine how effectively the safety measures promulgated by the State in the Schools Act are being implemented in an effort to ensure that learners are safe not only from violence but from accidents on and around the school premises or on official excursions away from these premises.

The primary research question formulated for this study therefore relates to the implementation of safety legislation, to wit:

How do schools in Gauteng implement the safety legislation prescribed in the South African Schools Act, Act 84 of 1996?

The secondary research questions to be answered were noted as the following:

To what extent are principals and educators trained, resourced and supported for and in their efforts to implement the safety legislation prescribed in the South African Schools Act?

and

How do principals of schools in Gauteng understand the concept of the liability of their school in the event of an injury sustained by a learner?

The conclusions drawn from the data gathered will be discussed in relation to each of these research questions.

2. Section 1 – Conclusions

2.1 How do schools in Gauteng implement the safety legislation prescribed in the South African Schools Act, Act 84 of 1996?

From the data gathered using the interviews with principals, observations made at the four participating schools and an analysis of each school's school safety policy, six primary themes related to each school's implementation of the safety legislation prescribed by the Schools Act have been identified. The conclusions deduced from the data will be discussed using these themes as sub-headings. They are:

- Access control and preparedness for searches
- Learner supervision and learner discipline
- Levels of preparedness for emergencies
- SAPS and community relations
- School safety policy - suitability and implementation
- The presence of hazards on the schools' premises

2.1.1 Access control and preparedness for searches

The safety regulations contained in the Schools Act give very clear guidelines for the control of access to South African public schools and the conducting of searches to ensure that such schools remain free of illegal drugs, alcohol and dangerous objects. However, at only one of the four schools, School B, did the researcher observe any form of access control and although each principal indicated during his or her interview that the school gate is locked shortly after the commencement of the school day, the researcher's observations proved that this was true of only two schools.

None of the four participating schools can be said to be prepared for the conducting of searches, with all four principals stating during their interviews that the business of searches was left to the SAPS. It is also clear from the data gathered during these interviews that the principals have only a basic knowledge of the prescripts for legal searches and the issue of reasonable suspicion as promulgated in the Schools Act. The principal of School C indicated that all learners and their possessions were searched by the SAPS on a regular basis without any indication of the application of reasonable suspicion to such searches.

As far as the signage indicating the school's access procedures as required by the safety regulations is concerned, again only School B was found to be in compliance. No such signs were found at any of the other three schools.

2.1.2 Learner supervision and learner discipline

Secondary only to the lack of effective and proper access procedures found at three of the four participating schools is the apparent and startling lack of proper supervision of learners both during class time and on the

playgrounds during break, despite the requirement in section 8A(2)(b) of the Schools Act that learners should be supervised at all times.

The worst case observed by the researcher was that of school C, where learners were left unsupervised during class time for an hour and 50 minutes while educators gathered for a scheduled meeting in the staffroom. Learners, in this case two junior primary classes, were also left unsupervised for 30 minutes at School A while arrangements were made for substitution when it came to light that their particular educators were absent. Similarly, the class of an educator at School D who arrived at school late was left unsupervised from 08:00 to 09:10.

At three of the four schools learners as young as Gr. R (5 and 6-year olds) roamed the school premises unsupervised from the time of their arrival at school, some as early as 07:15, until just before the commencement of the school day. At only one school, School B, did the researcher find any evidence of the supervision of learners before school commenced.

Although evidence was found of some form of playground or break duty being performed at all four schools, the regularity of this duty as indicated by a duty roster could not be established at any of the four schools. Generally, those educators observed while performing break duty were adequately placed on the playground, with the exception of those at School A, where the number of educators on duty also seemed inadequate for the number of learners being supervised. At only one school, again School B, did the researcher observe any purposeful interaction between the learners and the educators on duty. In some other instances the educators failed to address obviously incorrect and or dangerous behaviour (such as leaving the school premises or playing on dangerous playground equipment) displayed by their charges.

Conversely, all four schools appear to adhere to the regulations for educator-learner ratios when arranging and participating in school trips and tours.

Finally, it is interesting to note that the school where the researcher encountered the worst learner discipline was also the one where he felt school safety to be the least adequate, while the school where learner discipline appeared to be best was the one where he felt safety to be most adequate. In the researcher's opinion there appears to be a direct correlation between the management of learner discipline and the general management of the school, including school safety. Better supervision and therefore better learner discipline ensues with the implementation of specific management strategies such as playground duty rosters and substitution timetables in the event of educator absence. Better learner discipline also decreases the likelihood of violence on the school premises, thus greatly enhancing learner safety at schools. The researcher believes that the effective management of both learner discipline and school safety is an accurate indicator of good management on a much more comprehensive and school-wide level. If this is the case, then the empowerment of school

managers in all aspects of school management should have a knock-on effect on the management of school safety.

Although all four schools profess to having certain measures in place for the early release of learners (section 8G(1) – (4)), these measures appeared to the researcher to be haphazard and discontinuous.

2.1.3 Levels of preparedness for emergencies

Despite the Schools Act regulation 8F(1) – (4) of 2007 detailing fire and other emergency procedures, all four participating schools were found to be entirely unprepared for the eventuality of a fire. At no school were more than two fire extinguishers found, while none of the extinguishers found showed any evidence of having been serviced in the previous two years. None of the schools are equipped with dedicated inspected hose reels.

Although all four schools were in possession of first aid boxes, at two of the school these were locked away and not easily accessible. Only at School A did the principal indicate that procedures were in place for the administering of medication to learners, although no record of such administrations was kept. The remaining three schools profess to not administering any medication to learners, with School C being fortunate enough to be able to refer sick learners to the adjacent clinic. All four schools employ at least one but in most cases more than one educator qualified to administer first aid. School B employs in an unrelated post a staff member who is also a qualified nurse. From the interviews with the principals it is clear that all four schools have adequate procedures in place to contact the relevant emergency medical response services in the event of a medical emergency. In all cases but that of School C (adjacent to a clinic) the researcher remains sceptical of the schools' procedures for and ability to cope with learners who suffer from specific medical conditions such as epilepsy and diabetes.

Together with the four schools' lack of fire fighting equipment, the greatest threat to their ability to deal with emergency situations stems from a universal lack of a practicable fire and evacuation plan. Although some principals profess to having discussed the issue of evacuation with the learners at their schools, none of the schools could confirm the regular or even once-off practicing of an evacuation of all staff and learners from their schools' buildings and grounds.

Although three of the four schools reported no accidents or incidents of violence over the previous two years (School A reported stabbings and fights), it is clear that none of these schools are well-enough prepared for the eventuality of a serious emergency such as a serious injury to a learner or the outbreak of a fire.

2.1.4 SAPS and community relations

Schools A, C and D report good relationships with the local SAPS stations, while the principal at School B felt that his school's relationship, even after a visit to the station commander by himself and the SGB chairman, is strained. The schools that claim a good relationship with the SAPS report that the local stations always respond to requests for assistance immediately and that the SAPS is also always willing to conduct searches when required.

All four schools also reported positive relationships with both the parent community and the community not directly connected to the school but living in its vicinity. When asked for the factors he felt enhanced the safety situation at his school, the principal of School C specifically mentioned the community around the school as such a factor. All four schools appear to have launched some form of campaign to advocate their status as drug, alcohol and dangerous object free zones and this is reported to have had a positive effect on the schools' relationship with the communities surrounding the schools.

2.1.5 School safety policy - suitability and implementation

Although the policy presented by School A addresses issues such as access to the school and drugs, dangerous objects and alcohol, they are addressed in no more than a cursory manner, with not enough detail in each instance to make the policy effective as a tool to regulate and ensure the safety of learners, staff and visitors at the school. As an example, the issue of searches, although briefly mentioned, is not described or regulated in nearly enough detail in this policy to allow for effective legal searches of either visitors or learners. The same goes for the definition and description of dangerous objects and illegal drugs, while issues such as the early release of learners and the administering of medication to learners at school are not mentioned in this policy at all.

On the whole, this policy succeeds only partially in translating the legislative regulations into a practicable and effective school safety policy.

School B's policy also lacks detail of specific procedures for granting access to the school as well as for the conducting of searches to prevent the ingress of illegal drugs, alcohol and dangerous objects. Similarly, the safety precautions cited for trips and excursion are vague and impractical, as are the instructions for dealing with emergency situations such as fires on the school premises.

This policy does not in any way address, among other things, the early release of learners, the administration of medication to learners and the safety precautions to be taken when learners of the school are engaged in water-based activities, and can therefore be judged only partially successful in translating the school safety legislation into practicable and effective school safety measures.

As detailed in chapter 4, the school safety policy of School C is a virtual copy of the policy presented by School B with certain sections added. While the additional sections and especially the one dealing with the roadworthiness of vehicles transporting learners, improve the degree to which this policy is practicable and effective, it still only partially transposes the legislative regulations into an effective means of guiding and securing the safety of the learners enrolled at School C. Missing still are sections on the early release of learners, comprehensive access control and search procedures, directions for the arrangement and management of safety during water-based activities and a procedure for the administering of medication to learners. This latter omission might seem trivial in the light of the fact that this school is conveniently located next to a clinic, but the procedure for referral to the clinic should still, in the opinion of the researcher, be included in the school's safety policy.

Because of its lack of appropriate format and, even more importantly, appropriate and applicable content, the policy presented by School D, in the opinion of the researcher, fails utterly to address even the most basic of necessities required in a practicable and effective school safety policy and is no more than window dressing – a “policy” to show when an official of the GDE asks for proof that one exists.

Although the policies presented by three of the four schools could be adjudged to be at least partially successful in translating the safety regulations contained in the Schools Act into practicable and effective measures to ensure learner safety, all fail to address some important issues. None address the procedures for water-based activities, the administering of medication to learners or the early release of learners from school, while although referred to in vague terms, none properly set out the procedures for access control and the conducting of searches. Indeed, it appears as though the format or basis for these policies originated shortly after the promulgation of the initial Regulations for Safety Measures at Public Schools in 2001 and has not been amended or updated since then to incorporate subsequent new school safety regulations.

With regard to implementation of these policies, all four schools fall short to a certain degree in the effective implementation of even the inadequate policies that exist. If one takes the issue of access control and searches as a gauge, School A, although in possession of a policy that addresses access to the school to some extent, practises no access control at all, while the matter of searches is, by the principal's own admission, left to the drivers of the contracted buses to do. School B, in contrast to the trend in the other three schools, practices a far better access control procedure than is prescribed by its school safety policy, but is unprepared for the implementation of even the vague procedures for searches contained in its policy. School C's actual access control procedure does not match up to the procedure prescribed in its policy, while the policy for School D contains no prescriptions for access control at all.

All policies by their very nature require regular revision and improvement to keep up with the legislation they represent and with the changing situations they are designed to regulate. It is clear from this brief study of the schools' safety policies that this has not been done – most of the contents of these policies can be traced back to the original regulations enacted in 2001.

In conclusion, it would be true to say that the school safety policies adopted by these schools are inadequate in their content and also in the manner of their implementation.

2.1.6 The presence of hazards on the schools' premises

The premises of all four schools were found to contain, to a greater or lesser degree, hazards to the safety of the learners enrolled there. The presence of broken glass, building rubble, unguarded water towers, a garbage fire, broken and/or unstable and rusted playground equipment, poorly erected barbed wire fences, carelessly strung washing lines, litter (including glass bottles and fluorescent light tubes) etc. all present a real danger to the safety of learners.

It is clear that most of these dangers can be linked to poorly planned and managed or carelessly executed maintenance. Although not directly related to the safety regulations contained in the Schools Act, the presence of these hazards threatens each learner's right to an environment that is safe and free of harm.

2.2 To what extent are principals and educators trained, resourced and supported for and in their efforts to implement the safety legislation prescribed in the South African Schools Act?

All but one of the principals felt that Departmental support in the matter of school safety was adequate and that the courses on school safety arranged by the GDE and offered to SGB and SMT members had been good value. One principal felt that the Department's involvement was minimal and that the courses offered were not worthwhile attending. The researcher suspects from the lack of specific feedback and the mention of specific training courses by the principals that they underestimate the support required and thus overestimate the support supplied by the GDE. Although courses such as first aid and fire fighting were mentioned, the researcher believes that the support offered by the Department lacked the foundation of an extensive and detailed basic school safety course aimed at among other things empowering SGB's and SMT's to draw up and implement a practicable and effective school safety policy which includes all aspects of the safety regulations prescribed by the Schools Act.

In the opinion of the researcher, not enough is done by the Department in terms of training and support to bolster these schools' efforts to ensure the safety and security of the learners and staff enrolled and employed at these institutions.

2.3 How do principals of schools in Gauteng understand the concept of the liability of their school in the event of an injury sustained by a learner?

From the evidence provided during the interviews, it is true to say that none of the four principals showed a clear understanding of the concept of liability and that none of them could correctly identify the State's liability in terms of section 60(1) of the Schools Act for damages in the event of injuries as a result of an accident or an incident of violence.

The researcher believes that an adequate understanding by school managers of the liability "process" so to speak is essential for the proper management of the safety situation at all South African schools. Once a school manager understands that the State is liable for damages in the event of an injury sustained as a result of negligence (as was the case in both the Knouws and the Ficksburg cases), and that the State has, under common law, the right to recourse, he or she will better understand the need for liability insurance and also the value of the proper and effective implementation of an effective and practicable school safety policy as a means of decreasing the probability of negligent acts or failures to act and therefore reducing the likelihood of claims against the State and the school while greatly enhancing the safety of learners.

None of the four schools carry liability insurance because of the cost involved.

3. Conclusion

In conclusion, although all four of the schools that participated in this study appear so far to largely have avoided the scourge of violence and the occurrence of serious injuries due to accidents and other emergencies on the school premises, the following facts have been established beyond refute:

- None of the four schools have managed to "translate" the school safety regulations contained in the Schools Act into practicable, comprehensive and effective school safety policies
- None of the four schools' current school safety policies are effective as a tool to manage and avoid the risk and the threat of accidents and incidents of violence
- The policies such as are currently in place at these schools are not implemented effectively
- Three of the four schools have no access control procedure in place

- At three of the four schools, the provisions for and understanding of the requirements of learner supervision are inadequate, both in the classroom and on the playground
- All four schools are inadequately prepared, both in terms of equipment and in terms of preparation and planning, for emergencies such as the outbreak of a fire or the occurrence of a serious medical emergency
- All four schools were found to have physical hazards such as building rubble, broken glass, broken or poorly maintained playground equipment etc. present on their premises that endanger the safety of learners
- None of the four principals have a clear understanding of the concept of liability or could accurately say where the liability in South Africa lies in the event of damages suffered at a public school as a result of negligence. In the opinion of the researcher, this lack of understanding robs the principals of part of the foundations for an understanding of the need for the implementation of proper measures and procedures to ensure learner safety
- None of the four schools carry any form of liability insurance
- Although apparent, the departmental support offered to schools in the matter of school safety appears to be inadequate and unfocused.

The next section details the researcher's recommendations based on the conclusions discussed above.

4. Section 2 – Recommendations

4.1 Comprehensive school safety training

In view of the fact that all four schools have adopted inadequate school safety policies and have failed to implement these inadequate policies effectively, the researcher recommends the design and implementation of a comprehensive and focused compulsory school safety training course for principals and SGB members. This course should include comprehensive training on the following aspects:

- the content, intent and aims of all the school safety regulations prescribed by the Schools Act including aspects such as access control, the procedures for searches, the control and monitoring of public transport contractors and their vehicles, the planning and formalizing of the school's responses to emergencies such as injuries to learners and the outbreak of fire etc.

- the concept of liability as it relates to public schools in South Africa (section 60 of this Act), including aspects such as vicarious liability, the right to recourse and the need to carry liability insurance, the concept of negligence (specifically as it pertains to schools and educators) and the responsibility of the principal and the SGB towards both the State and the learners to ensure the safety of the latter.
- the method for drafting and adopting a comprehensive, practicable and effective school-specific school safety policy
- the need and methods for the managing by both the principal and the SGB of the practical implementation of such a policy once it has been adopted
- the need to formalize and manage the maintenance of the school premises to minimize the number of potential hazards that could threaten the safety of learners
- the need and legal requirement to provide adequate supervision of learners and strategies to ensure such supervision under various circumstances such as educators arriving late or being absent, learners on the playground and learners away from the school on trips and tours
- practical and practicable strategies for the effective management of learner discipline as an important aspect of school safety

4.2 Departmental support

Apart from implementing this compulsory school safety training programme, the researcher believes that each provincial Department of Education through the offices of its various districts should actively monitor the effective implementation of school safety policies at the schools within their jurisdiction. This should ideally involve regular contact with and hands-on monitoring (including the assessment in terms of school safety of schools' premises and maintenance regimes) of the safety situation at each school from district or departmental level. This monitoring should also include the creation of an effective and readily available school safety advisory service with the authority and practical knowledge and ability to intervene in the event of a school safety breakdown at any of the schools under its care.

Although currently available but not widely used, first aid and fire-fighting as well as other emergency training should be compulsory for all staff members (not just educators) employed at public schools.

Provincial education departments would also be well-advised to take control of the provision and maintenance of the fire and emergency equipment required at schools in quintile 1 and 2. The researcher believes that the limited spending power of these schools should be allowed to focus on

actual educational requirements while expenses incurred to ensure a safe and harm-free environment for learners should be borne by the relevant education department.

This holds true also for the appointment of appropriately trained and qualified security personnel – more and more functions that fall outside the scope of the experience and training of educators are being assigned to them, the conducting of searches and the implementation of effective access control being just two examples of this phenomenon. In an education system where more and more concern is expressed at the increase in educators' duties that detract from actual "chalk face" teaching time, the provision of the time consuming basics of school safety such as access control, and searches should be handed over to trained professionals.

It should also be the responsibility of each provincial Department of Education to investigate and secure the provision of liability insurance for every school within its jurisdiction.

The researcher believes that, with the implementation of these recommendations, especially those surrounding comprehensive school safety training, the effectiveness with which these schools and others of the same ilk implement the school safety regulations prescribed by the Schools Act would improve dramatically.

5. Conclusion

This study into the implementation of the school safety legislation promulgated by the South African Schools Act at four rural public schools east of Pretoria has shown that, although in some instances valiant efforts are being made to ensure learner safety, most of these schools have, for a variety of reasons, been unable to effectively and adequately implement this legislation, leading to a situation where learner safety is compromised. It has also brought to light the fact that the principals at these schools have but a scant understanding of the State's liability for damages in the event of an injury as a result of an accident or an incident of violence and the effect of this liability on them and their schools. Finally, although nominally present, this study has shown that the level of support for these schools in the matter of school safety from the relevant Department of Education is inadequate to ensure their proper and effective implementation of safety legislation.



Appendix A

LETTER OF CONSENT – PARTICIPANT SCHOOLS



Faculty of Education/Fakulteit Opvoedkunde
School of Educational Studies
Skool van Opvoedkundige Studies
Department of Education Management and Policy Studies
Departement Onderwysbestuur en Beleidstudies

Mr. _____
The Principal
_____ School

Dear Sir/Madam,

PARTICIPATION IN STUDY ON THE IMPLEMENTATION OF SCHOOL SAFETY REGULATIONS:

I am currently enrolled for a Master's degree in Education Leadership at the University of Pretoria. Part of the requirements for the awarding of this degree is the successful completion of a significant research project in the field of education.

The title of my approved research study is ***“Incidents and accidents: Implementing the safety regulations prescribed by the South African Schools Act”***. As the name implies, this study will be concerned with the implementation of safety regulations at two primary- and two high schools situated in within the jurisdiction of the Gauteng Department of Education, more specifically in the eastern suburbs and/or far eastern outskirts of Pretoria. It is therefore my great honour and privilege to be able to invite you and your school to become a voluntary participant in this research project.

Please allow me the opportunity to explain the scope and responsibility of your participation, should you choose to do so. It is my intention to gather the information I require for this research project as follows:

- a. by interviewing the principals of the four schools on issues surrounding school safety
- b. by studying the safety policies and procedures in place at the four schools, and

c. by observing and recording the events and practices surrounding school safety as they present themselves during one average school day at each of the four participating schools.

I have included here for your information a schedule of both the interview questions and observations planned as part of the information gathering process.

Please understand that the choice for you and your school to participate is entirely voluntary and that, once you have indicated your willingness to participate, permission for your participation will also be secured from the Gauteng Department of Education.

Please also be assured that the information obtained during the research study will be treated confidentiality, with not even the Department of Education having access to the raw data obtained from the interviews and observations. At no time will either you as an individual or your school be mentioned by name or indeed be allowed to be identified by any manner or means whatsoever in the research report. To ensure that you are comfortable with the information you give, you will be provided with a confidential written transcript of your own interview and will have final approval of both its content and its accuracy.

At the end of the research study you will be provided with a copy of the research report containing both the findings of the study and recommendations on the implementation of safety regulations based on these findings. I will also be happy, at your request, to plan and present a workshop at your school on the recommendations on the improvement of school safety made in the research report.

I give you my assurance that at no time will I be involved in directly observing, questioning or purposefully interacting with the learners at your school for either research or personal reasons.

This research study presents a unique opportunity for you and your school to get involved in the process of research aimed at exploring ways and means to improve the situation in South African schools.

If you decide to participate in this research study, kindly indicate this by completing the consent form at the end of this letter.

Yours in service of education,

Eric Eberlein
Student researcher

Prof. R. Joubert
Supervisor

CONSENT FORM

VOLUNTARY PARTICIPATION IN THE RESEARCH PROJECT ENTITLED *“Incidents and accidents: Implementing the safety regulations prescribed by the South African Schools Act”.*

I, _____, the principal of _____
_____ situated at _____ hereby
voluntarily and willingly agree to participate as an individual and to the
participation of my school in the above-mentioned study introduced and
explained to me by Mr. Eric Eberlein, currently a student enrolled for the MEd
degree at the University of Pretoria. I understand that my and my school’s
participation is dependant on the granting of permission for our participation by
the Gauteng Department of Education.

I further declare that I understand, as they were explained to me by the
researcher, the aim, scope, purpose, possible consequences and benefits and
methods of collecting information proposed by the researcher, as well as the
means by which the researcher will attempt to ensure the confidentiality and
integrity of the information he collects.

Principal

Date

SCHOOL STAMP

Appendix B

“Incidents and accidents”: Implementing the safety regulations prescribed by the South African Schools Act.

Interview schedule:

- Please remember that your answers to all of these questions will be treated in the strictest confidence and that at no time will I allow you or your school to be identified either by name or by implication by any reader of the findings of this research.
- Please confirm the following basic biographical information about your school:
 - the quintile within which each school falls:
 - the school’s geographic location (urban, rural etc):
 - the number of learners enrolled:
 - the number of staff members employed at each school:
 - the school’s annual income -
 - from the Department of Education:
 - from parents and other sources:
 - the school’s annual budgetary allocation for security and safety matters:
- Please confirm the following basic biographical information about yourself:
 - Years of experience in education:
 - Years of experience as a principal:
- What do you understand a “safe school” to be?
- Which pieces of South African legislation direct and govern school safety?
- Does your school have copies of the Regulations for Safety Measures at Public Schools, the Amended Regulations, the Regulations Prohibiting Initiation Practices and the Education Laws Amendment Act?
- Where are these copies kept or stored?
- Who has access to these copies of the legislation?
- What has your school done to advocate the school’s status as a drug and violence free zone?
- Does your school have a school safety policy?

- Where is it kept?
- How did you go about drawing up this policy? (Source documents, procedure for policy writing, parent/staff involvement, promulgation etc.)
- Who has access to this policy?
- How and by who is this policy implemented at your school in terms of:
 - The procedure for gaining access to the school by
 - parents?
 - other visitors?
 - departmental, public or political officials?
 - Dangerous objects?
 - Illegal drugs?
 - Alcohol?
 - The procedures for conducting searches for- and the seizure of dangerous objects or illegal drugs?
 - What happens to the objects or drugs after they have been seized?
 - Initiation practices?
 - Signage in and around the school premises?
 - The treatment of learners who require special medical attention?
 - The administering of medication by staff at the school?
 - Reporting accidents and incidents of violence?
 - The procedure for the early release of learners?
 - Requesting permission from parents before learners participate in school activities such as trips and tours?
 - The educator-learner ratio on trips and tours?
 - Checking and using public or private transport for trips and tours?
 - The safety of learners during water-based activities?
 - Fire and evacuation drills?
 - The identification- and handling of suspicious objects (for example possible explosive devices)?
- Which factors, physical and otherwise, present at your school do you believe ENHANCES the safety of learners and staff?
- Which factors, physical and otherwise, present at your school do you believe DETRACTS from the safety of learners and staff?
- What is your school's policy with regard to:
 - playground duty?
 - fire and evaluation drills and practices?
 - the administering of medication and/or first aid at school?
 - the regulation of traffic in and around the school premises?

- Have there been any accidents or incidents of violence at your school over the past 2 years? If so, please describe in detail what occurred.
- What were the school and the staff's response to this incident? What was done to deal with it?
- Was anything done AFTER the incident or accident to prevent such an incident or accident from happening again?
- What sort of training or preparation with regard to school safety has you and your staff received, and who provided this training?
- How many of your staff members have a first aid qualification?
- What kind of relationship does your school enjoy with the local SAPS, and how has the school developed that relationship?
- What do you feel is the greatest NEED your school has with regard to the creation of a safe school environment?
- What support do you receive from the provincial department of education with regard to learner safety?
- What do you understand the concept of liability to mean?
- What does the South Africa Schools Act say about liability?
- Who is responsible for the payment of damages in the event of an injury at school or during a school activity?
- Does your school carry insurance for liability in the event of damages or injuries that occur at school or during a school activity?
- If so, who pays for this insurance?
- Are there any comments, suggestions or general statements regarding school safety in general that you would like to make?



Appendix C

“Incidents and accidents”: Implementing the safety regulations prescribed by the South African Schools Act.

Observation Schedule

Name of school: _____

Date of visit: _____

1. Physical features of the school :	
a. Gates, fencing and other visual safety equipment and deterrents	
b. Condition of doors, windows and the buildings in general	
c. Condition of common areas of the school grounds including playground, sports fields, corridors, learner bathrooms, the school kitchen etc.	



d. Presence of dangers such as open manhole covers, sharp objects, broken sports and/or playground equipment etc.	
e. General comments regarding safety	
2. Break duty procedures:	
a. Regularity as indicated by roster	
b. Numerical adequacy of staff members on duty	
c. Position of staff members on the playground	
d. Division of the playground for learner use at break	
e. Attentiveness and control of staff members on duty	
f. General behaviour and demeanour of learners on the	



playground	
3. Emergency equipment – availability, suitability, condition	
4. Access control:	
a. Access control procedures	
b. Presence and appearance of a security guard	
c. Continuity of access procedures	
d. Visibility of security arrangements	
e. Preparedness for searches	
5. First aid equipment – availability, suitability, condition	



6. Office procedures for visitors to the school	
8. Office procedures for dealing with illness and injury occurrence and emergencies during the school day	
9. Regulation of pedestrian- and road traffic in and around the school	



Appendix D

Permission to conduct research - GDE

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