



**CO-OPERATIVE GOVERNANCE IN THE
NATIONAL AND PROVINCIAL DEPARTMENTS
OF EDUCATION IN SOUTH AFRICA**

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**Co-operative governance in the national and provincial departments of education
in South Africa**

by

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DECLARATION

I, John Shebabese Maluleke, declare that the thesis, which I hereby submit for the degree, PHILOSOPHIAE DOCTOR, Humanities Education, at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

John Shebabese Maluleke

Date



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I shared the onerous but intellectually inspiring journey that this dissertation involved with my family members. Without the support of those close to me, this thesis would not have been possible

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ABSTRACT

The study explores and analyses the level of understanding and shared meaning of co-operative governance between the different spheres of government and how this influences intergovernmental relations. It also critiques and analyses how the concept of co-operative governance finds expression at and between the various levels of the education system and how this impacts on the way in which activities are planned, organised and coordinated. In addition, the study also focuses on the co-operative governance relationships between the national and provincial departments of education and, in particular how these relationships impact on the level of education delivery across departments. It also explores how the complex pattern of interactions, cooperation and inter-dependence between the spheres of government and the combinations and permutations of their relationships influence the success of their education delivery (Lawson, 2011: 200). The study also investigates the various dynamics at play in the co-operative governance relationship such as decentralisation and the concurrent functions to determine how they impact on the realisation of the national goals.

This is a qualitative study which focuses specifically on exploring and analysing the understanding of, and attribution of meaning to, the concept co-operative governance by officials from three provincial education departments and also the Department of Basic Education. Semi-structured individual and focus group interviews were conducted with purposively selected senior officials from the sampled departments in order to collect the requisite data.

This research study was informed by the stewardship theory as proposed by Cornforth (2002) and Muth and Donaldson (1998) in order to shed light on the intention and practice of co-operative governance. According to this theory the basis for the relationship between the various governing institutions is neither compliance nor conformance but rather collaboration in improving organisational performance.



Throughout the study I found that co-operative governance exercised a significant influence on education delivered by the education system in South Africa. The practical expression of co-operative governance through the configuration and permutations of the relationships between the spheres of government had a discernible influence on the level of successful education delivery. The fact that education is managed and controlled by two different levels of government often creates subtle confusion and tension between these two levels of the department of education. In addition, the fact that the mandates of the spheres of government in education are managed, directed and resourced at different levels impacts on their collective fulfilment of their responsibilities.

I believe that this research study has led to a better and deeper understanding of the intricate co-operative governance relationship between the national and provincial education departments. However, although the findings of this study may inform and influence the current efforts towards improving the quality of education delivery both in both South Africa and in the world, additional research may be required to deepen the understanding of this concept even further.

KEY WORDS: Co-operative governance; concurrent function; decentralisation; federal system; quasi-federal system; unitary system; spheres of government



ABBREVIATIONS

ANC	African National Congress
DA	Democratic Alliance
DBE	Department of Basic Education
DG	Director-General
PED	Provincial Education Department
CEM	Council of Education Ministers
CODESA	Convention for Democratic South Africa
HOD	Head of Department
HEDCOM	Heads of Education Departments Committee
IFP	Inkatha Freedom Party
KZN	KwaZulu-Natal
MEC	Member of the Executive Council
MINMEC	Minister and Members of the Executive Council
NP	National Party
NCOP	National Council of Provinces
NEPA	National Education Policy Act
NGO	Non-governmental organisation
OSD	Occupation specific dispensation
PAC	Pan African Congress
RSA	Republic of South Africa
SGB	School governing body
SMTs	School management teams
UDM	United Democratic Movement



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CHAPTER 1: CO-OPERATIVE GOVERNANCE WITHIN THE SOUTH AFRICAN EDUCATION SYSTEM

1.1 INTRODUCTION

The provision and delivery of education in South Africa is a concurrent responsibility of both the national and the provincial departments of education. Thus, the successful provision and delivery of a progressively high quality of education for all learners in order to lay a strong foundation for the development of the talents and capabilities of all South Africans (RSA, 1996c) depend on the policy as well as the legislative guidance and directives of both the national and the provincial departments of education. This shared responsibility is underpinned by the Constitution of the Republic of South Africa (RSA, 1996a) which explicitly provides for co-operative governance between the different spheres of government. In addition, the Constitution of South Africa (RSA, 1996a) categorises education as a “schedule four” function. This means that education becomes a functional area of concurrent national and provincial legislative competence for guidance and direction (Rembe, 2005:156).

According to the co-operative governance system, the locus of education control is shared between the various spheres of government, albeit in different levels. The powers and authority of control and governance of the education system are devolved proportionally to the spheres of government to ensure effective and efficient service delivery to the citizens. Thus, an analysis of how the concept of co-operative governance is understood and how it finds expression in the education system is critical in defining how the respective spheres of governance understand and deliver on their educational mandate.

It worth noting that co-operative governance as a system of governance in South Africa influences and affects service delivery in general, and education forms an integral component of the broader exercise of service delivery. Therefore, where reference is made of service delivery it is supposed to include education as the focus of this study.



Sometimes the officials in the department of education use the concepts “service delivery” and “education delivery” interchangeably because education is delivered as a form of service to the nation.

It would appear that both practitioners and bureaucrats do not have a sound understanding of the concept of co-operative governance and its broader meaning as a system of governance in South Africa, particularly in education. As a result this concept of co-operative governance does not find proper and adequate practical expression in the relationships between and operations of the various spheres of government. This, in turn, has a noticeable impact on the way in which they are supposed to deliver their mandate in education. As mandated by the Constitution the spheres of government are supposed to be interrelated and interdependent with these forms of relationships being given effect through mutual support and assistance and by the spheres of government complementing each other in terms of their functions. However, it would seem that the spheres of government are involved in a “paradox of the defined relationships” and this, in turn, has a marked impact on their effectiveness and the efficiency with which they deliver education to the nation.

Hence, the aim of this study was to explore and analyse the level of understanding and shared meaning of cooperative governance between the different spheres of government and ways in which to improve effective intergovernmental relations. In addition, the study also examined how intergovernmental relations influence mutual assistance and support, the regular sharing of information and expertise and the encouragement of possible mutual prosperity between the provinces as peers and between the national and provincial education departments in order to realise the national expectations as regards education

Despite the clear legislative distinction between the various spheres of the education system, policy implementation and the provision of guidance and support by the national and provincial departments to the lower levels of the education system seem not to be as clear as they were envisaged to be. The apparent uncertainty that appears



to prevail is blurring the execution of the strategic intentions and the achievement of the intended goals. Thus, the shared-independent roles of these two tiers of education management should be clearly understood and a well-balanced execution approach implemented in order to prevent confusion especially at the lower levels of the system.

It is critical to explore how the concept of co-operative governance finds expression between the various levels of the education system and how this impacts on the way in which they continue to plan, organise and coordinate their activities. In addition, there are certain provinces that have become perennial underperformers while, on the other hand, there are also those that continue to do exceptionally well. With such varied performances one is inclined to ask *"What is the level of cooperation between the provincial education departments?" "What lessons do they share with or learn from each other?" "Is there some form of peer review mechanism in place to identify and assist in resolving the challenges being experienced by either one or some of them?"*

In addition, this study focuses on the co-operative governance relationships between the national and provincial departments of education and, in particular, how these relationships or lack thereof influence the level of education delivery by the provincial departments. It should be noted that education delivery in the context of this study is viewed from the context of the bureaucracy, that is, how their understanding of co-operative governance influences their planning, policy and strategic decisions, resource allocation, coordination and alignment of activities and programmes, the general management and control of the education system. The study also looks at both the various dynamics of the co-operative governance relationship, for example, the delegation of responsibilities, decentralisation and the concurrent functions to ascertain whether they improve cooperation and also the levels of competition (if any) between the provincial departments to determine how such competition impacts on the realisation of the national goals of improved learner performance. It is believed that it would be beneficial to the departments of education if they considered adopting the "peer review" strategy in order to assist those provincial education departments which are perceived as "serial underperformers".

The fact that section 104 of the Constitution (RSA, 1996a) confers on the provincial legislature the power to pass legislation for the province with regard to any matter within a functional area as listed in Schedule 4 complicates the expression of co-operative governance as this may be seen to encourage the selective implementation of directives from the national department with a biased preference as regards the provinces' own initiatives, thus raising questions on the effectiveness of co-operative governance.

Constitutionally the provincial government is vested with both “concurrent” and “exclusive” power in education. Hence, the way in which the “self-rule” and “shared-rule” dichotomy that characterises the national-provincial relationship in education (Davies, 1999:11) is understood and also finds expression between the departments of education is an interesting area for research.

In addition, the principles of co-operative governance obligate the spheres of government to provide effective, transparent, accountable, responsive and coherent government for the Republic of South Africa as a whole. However, weaknesses in the structures and practices of governmental relations have led to poor co-ordination within and between the different departments, thus adversely affecting the capacity to implement national programmes and resulting in a consequent failure as regards delivering basic services (Topscott, 2000:120).

An emphasis on a collectivist, pro-organisational and trustworthy disposition among the provincial education departments (PEDs) and between the Department of Basic Education (DBE) and PEDs is vital if the discernible pursuit of high quality education for all children is to be demonstrated. The primary aim of co-operative governance is not to ensure the compliance or conformance of the provincial education departments with the national department of education's directives, but to encourage and enhance cooperation in the interests of improving the national performance in education. Hence, this study aims to further explore the "horizontal co-operative governance" between the provinces as a means of both encouraging mutual prosperity between the provinces as peers and exploring the peer review mechanism as the basis for mutual assistance and



support between the provinces, especially between those provinces which are performing consistently well and those that are struggling in terms of academic learner performance.

The way in which the provinces relate to the national department is greatly influenced by the views of each province in relation to the national department. Some provinces may be more in favour of and support the national department because of their allegiance due to party political deployment whereas others may not be in favour of the national department's policies because they either choose to overemphasise their autonomy or they are led by the opposition party. Hence, these provinces would rather express and support their own policies than those of the national department and this may have profound implications for resource allocation and implementation.

This interplay of politics between the national department and the provinces is crucial in answering the research questions. Thus, the unit of analysis used in this study was chosen on the basis of the interplay of the politics between the national Department of Basic Education and three provincial departments of education, namely, Western Cape, Gauteng and KwaZulu-Natal. These three provinces were chosen on the basis of their political allegiance with the Western Cape being led by the Democratic Alliance (DA), which is the opposition party, whereas Gauteng and KwaZulu-Natal are led by the African National Congress (ANC) which is the ruling party in the country. It was interesting to ascertain the views on co-operative governance from the opposition led province and the ruling party led provinces. Thus, the three provinces that constituted the unit of analysis possessed particular features which had a significant impact on the understanding and interpretation of co-operative governance and the subsequent policy decisions and direction in the country,



1.2 PROBLEM STATEMENT

In explaining the concept of "co-operative governance," Simeon and Murray (2001: 71) assert that co-operative governance requires the three spheres of government to function as a single, unified system, collaborating rather than competing. It is essential that they "respect the constitutional status, institutions, powers, and functions of government in the other sphere;" act "in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere;" and "cooperate with each other in mutual trust and good faith" through "fostering friendly relations, ensuring communication and coordination, and avoiding taking their disputes to court" (RSA, 1996a). This explanation spells out some of the constitutional principles and the basis of co-operative governance that should guide the operations of the spheres of government in terms of service delivery expectations.

In terms of their concurrent responsibilities, the Department of Basic Education (DBE) and the provincial education departments (PEDs) are co-responsible and bear equal but distinct accountability for the delivery of education to the citizens of the country. The type and level of benefit derived by the citizens from education as delivered jointly and variously by the DBE and PEDs will define the level of literacy, numeracy and employability of the citizenry in general and not per sphere of government. Thus, the benefit of the federal or multi-level institutions depends greatly on the ability of the components of these institutions to carry out their assigned roles and responsibilities (Simeon & Murray, 2001: 66).

Consequently, the Department of Basic Education is assigned the vision of "provid(ing) education of progressively high quality to all the learners" (RSA, 1996c). However, this vision must be realised in a co-operative governance environment that provides for both the shared rule and the self-rule approach between the national and provincial departments of education as regards performing their requisite functions. Thus, the two spheres of government are co-responsible and bear equal but distinct accountability for the delivery of education to the citizens. Constitutionally, however, the national and provincial departments of education are vested with exclusive powers to determine the



policies and strategies required to deliver education within their jurisdictions. Although the bureaucratic levels of the two spheres of government are not directly involved in dispensing education at the District, circuit, school and classroom levels, the policies and strategies they determine influence and affect how this is done at these levels. This "double" creation of policies to guide the same education system, although varied in terms of levels, has the potential to create both confusion and tension between the two levels of the department of education.

Although the co-operative governance arrangement requires a high degree of consensus-building and co-operative behaviour in order to achieve the efficient co-ordination of activities and avoid any duplication of effort, the apparent challenge is the lack of a common understanding and interpretation of the concept and principles of co-operative governance and the related powers and authority to perform the allocated functions.

The Constitution of South Africa obliges the two departments to “*co-operate with one another in mutual trust and good faith by: coordinating their actions and legislation with one another; assisting and supporting one another; and informing one another of, and consulting one another on, matters of common interests*”(RSA, 1996a). In practice, however, this appears to result in several challenges arising. According to Topscott (2000:120), one such challenge is the weaknesses in the structures and practices of governmental relations and which, in turn, lead to poor co-ordination within and between the various departments, thus hindering the capacity to implement national programmes and resulting in a failure to deliver basic services.

Harber (2001: 12) cites regular criticisms of the inability of some provinces to deliver on the national education policies. This, in turn, reveals the inadequacy of the consultation process and structures as an imperative of co-operative governance to adequately reveal discuss and mitigate against the implementation challenges arising from resource provisioning and contextual issues. Furthermore, the lingering unitary-federal perception of the South African government system continues to permeate both policy discourse and the strategic operations of the spheres of government. Sutton and



Levinson (2001: 4) argue that “people make policy through practice” and that it is implementation that gives meaning to policy. Thus, it becomes apparent that the essential understanding and interpretation of co-operative governance on the part of the various departments of education as regards delivering the national mandate on education are not clearly pronounced. The apparent uncertainty that prevails is blurring the execution of the strategic intentions and the achievement of the intended goals. Hence, the question of how the meaning of co-operative governance is constructed in practice is a crucial dimension of this study.

The various spheres of government have a legal mandate to cooperate in terms of carrying out both their concurrent functions and their exclusive responsibilities. However, both the concept and the practice of co-operative governance between these spheres of government are characterised by various perceptions which result in the spheres of government struggling to function as a single, unified system, collaborating rather than competing. Furthermore, consensus-building for proper and adequate planning and resource allocation; and co-operative behaviour to achieve co-ordination and avoid the duplication of effort remain a challenge. Accordingly, this study seeks to shed light on how the meaning of co-operative governance should be constructed in practice in order to improve education delivery to the nation.

As a preferred form of government in South Africa co-operative governance has far reaching implications in terms of practical expression and understanding on the part of the various spheres of government. This, in turn, is compounded by the perceived dual nature of the system of government, which combines some federal features with some constitutionally decentralised unitary features of government. Thus, the way in which the various spheres of government view co-operative governance influences both the essence of their relationship as well as the delivery of services to the nation.

In South Africa, the autonomy of the provinces allows them to set up governance structures and procedures while, on the other hand, the National Education Policy Act 27 of 1996 confers on the national Minister of Education the powers to formulate the appropriate policies to guide and govern the education system. This "double" creation



of policies to guide the same education system, although varied in terms of levels, has the potential to create both confusion and tension between the two levels of the department of education. Thus, this study seeks to explore how the concept of cooperative governance is understood and operationalised within the education system.

1.3 RATIONALE FOR THE STUDY

Although research on intergovernmental relations is increasingly being undertaken in South Africa, there is still little focus on the co-operative governance relationship between the spheres of government, particularly in education. Recent studies include: (i) Plaatjies's (2008) study on decentralised co-operative governance of the public health system in South Africa; (ii) Ile's (2007) study on the public administration approach to managing the intergovernmental relations system in the governance of the state; (iii) Sokhela's (2006) study on intergovernmental relations in the local sphere of government in South Africa and (iv) Mathebula's (2004) study on intergovernmental relations reform in a newly emerging South African policy. However, the majority of these studies are in the field of Public Administration and none are in education. Although co-operative governance, as a constitutional imperative, has significant implications for education in South Africa due to its being a concurrent function, it would appear that the existing literature is quite on the influence on and implications of co-operative governance for education delivery, particularly in South Africa. This study will attempt to fill the gap in the available body of research by focusing on the understanding of and meaning attributed to co-operative governance and how it finds expression in practice within and its influence on the education system in South Africa. Co-operative governance shares similar features with the federal system of governance that is practised in various countries throughout the world. Thus, it is anticipated that the findings of this research study may assist the international community to develop a deeper meaning and understanding of the practice of federalism and its influence on education delivery.

This study will analyse the configuration of powers, values and principles which underpin co-operative governance and also define the nature of the relationship between



the various spheres of government. It will also examine the impact of politics on governance relationships. In addition, the study will also explore the complex pattern of interactions, cooperation and inter-dependence between the spheres of government and how the combinations and permutations of their relationships influence the success of their education delivery (Lawson, 2011: 200). It is, thus, hoped that this study will add to the existing body of knowledge on co-operative governance and, therefore, enhance the common understanding and shared meaning of this concept between the spheres of government. This, in turn, has the potential to improve intergovernmental relations and subsequently benefit the citizens through improved service delivery.

1.4 RESEARCH QUESTIONS

The following research question and sub-questions guided this study:

How does co-operative governance in the education system influence the delivery of education in South Africa?

Research sub-questions:

- 1 How is co-operative governance understood by officials in the different spheres of the education system?
- 2 What is the level of co-operation between the provincial departments of education?
- 3 What is the level of cooperation between the provincial and the national departments of education?
- 4 What is the role of politics in influencing the co-operative governance relationships?

1.5 SIGNIFICANCE OF THE STUDY

This study aims to explore the levels of understanding and shared meaning of co-operative governance between the different spheres of government and how it finds expression in policies and/or official documents and practice. The study also seeks to



consider how the levels of understanding and shared meaning of co-operative governance between the different spheres of government affect intergovernmental relations and the constitutional demand for mutual assistance and support, the regular sharing of information and expertise and the encouragement of possible mutual prosperity between the provinces as peers and between the national and provincial education departments in order to meet the national expectations in respect of education.

In addition, the study seeks to explore the "horizontal co-operative governance" between the provinces and the peer review mechanism as the basis for mutual assistance and support.

The realisation of these aims will contribute to the existing body of knowledge and also influence policy formulation and educational practice between the spheres of government.

1.6 THE SCOPE AND CONTEXT OF THE STUDY

South Africa's historic transition into a democratic state came about through a negotiated settlement that was based on compromises and sacrifices. Some of the key issues that were discussed during the Convention for Democratic South Africa (CODESA) included drawing up a constitution and deciding on the system of government that would be adopted in the new South Africa.

The decision on the system of government to be adopted in South Africa had a profound political and historical significance not only for the negotiating parties in particular, but also the future and wellbeing of the country in general. Thus, there was a fundamental need to desist from perpetuating the apartheid values and to create a more humane, fair and just system of government.

This need fundamentally delegitimised the notion of federalism, especially in the eyes of the majority negotiating party, the African National Congress (ANC). The ANC

believed that the new South Africa should be a unitary state for a non-racial society. There was a deep antipathy towards institutionalising ethnic or tribal differences in a federal constitution. The ANC and its allies believed that only a powerful, centralised state would have the strength and resources required to engage in the massive process of social and economic transformation that lay ahead (Simeon & Murray, 2001: 65).

Accordingly, the negotiations were characterised by intense differences of opinion, perception and ideology that required conscientious bargaining, sacrifice and compromise for the welfare of the country and its citizens. The National Party (NP) and the Inkatha Freedom Party (IFP) argued vehemently in support of the federal system of government as opposed to the ANC's scepticism and discrediting of such a system. Nevertheless, despite these profound differences, a multi-sphere regime eventually became part of the "pacted" constitutional settlement. The ANC was forced to accept a multi-sphere system as part of the bargain because some of its leaders had come to realise the advantages of effective regional government in terms of both the delivery of services and the empowerment of the citizens. Thus, after arguing vehemently against a federal type of government, it became evident to the ANC delegates that concurrent powers would be more unifying to the different spheres of government as compared to what they had initially thought the federal system would be. This, in turn, laid the foundation for the subsequent constitutional principle of co-operative governance (Simeon & Murray, 2001: 70).

The negotiating parties' preference for co-operative governance was influenced by the German model of shared or integrated federalism with its pattern of national leadership, the legislative framework fleshed out and implemented by the *Länder* and the tight integration between the central and *Land* governments through the *Bundesrat*. The German model of a multi-sphere system emphasises concurrency, the provincial delivery of national policies and provincial representation at the centre. Thus, South Africa may be considered a federal country, albeit one that is highly centralised (Simeon & Murray, 2001: 65).



The South African federal system of government, as informed by the German model, is designed to integrate and bring together central and regional politics at all levels and confers wide range of concurrent powers on both the central and the regional government. This arrangement, in turn, requires a high degree of consensus-building and co-operative behaviour to achieve co-ordination and avoid the duplication of effort (Eastwood, [sa]: 9). The design of the integrated federal system forms the bedrock for the principles of the co-operative governance which defines the working relations of the spheres of government. Thus, this "federal political system" provides for a combination of both "shared rule" and "regional self-rule" (Eastwood, [sa]: 9).

Although the Constitution provides for concurrent powers, the majoritarianism phenomenon continues to influence the strategic direction of the government. The exclusive powers still have to find expression within and/or are limited by the majoritarian influence. The majority must approve or endorse decisions regarding implementation and this, in turn, brings about a sense of forced compliance. Unfortunately, however, the forced compliance has the potential to breed distrust and resentment that will have a negative effect on the relationships between and operations of the spheres of government. It is, thus, imperative that the power and authority of each sphere of government is legally well defined to minimise tension and conflict.

The advent of the democratic dispensation ushered in legislative and policy realignment in South Africa in general and the department of education in particular. Based on these legislative and policy realignments, South Africa agreed on a co-operative governance system that would govern, regulate, and guide the functioning of the various spheres of government.

In addition, co-operative governance provides for both a shared rule and a self-rule type of relationship between the national and the provincial departments of education as each sphere is vested with exclusive powers to determine policy regulations in the area under its jurisdiction. Consequently, the level of understanding of, the meaning attributed to and the practical expression given to co-operative governance will have a bearing on the quality of education delivered by the two departments to the nation.

The politics and political dynamics that find expression in the operation of and relationships between the spheres of government have a marked influence on the practical expression of cooperative governance. On the other hand, the level of cooperation and the nature of the consultations that take place between the spheres of government are influenced by the view of each sphere of government of the concept “co-operative governance.”

Co-operative governance is designed to integrate and bring together central and regional politics at all levels and confers wide range of concurrent powers on both the central and the regional government. Thus, the study is about the bureaucracies’ level of understanding of, attribution of meaning to and the practical expression of co-operative governance within the education system and how these influence the delivery of education to the nation. The study is about the context within which education delivery takes place, not the one to one relationship between co-operative governance and education delivery;

Thus, the focus of this study is on the way in which co-operative governance influences and affects the relationships between and the operation of the national and provincial departments of education in South Africa during the delivery of education to the nation. As a result, because of their concurrent functions, which demand that they consult and cooperate with each other and align and coordinate their activities in the interests of the effective and efficient delivery of education to the nation the context of this study included officials from both the national and provincial departments of basic education.

1.7 LAYOUT OF THE STUDY

This thesis comprises seven chapters, which are briefly explained below:

Chapter 1: Overview

This chapter provides a general introduction to the study by describing the background to the study and providing an exposition of the research problem. The chapter also discusses the rationale of the study, identifies the research questions and suggests the

possible significance of the study for both policy and practice. In addition, the chapter explains the scope and context of the study as well as the delimitations of the study.

Chapter 2: Literature review

This chapter contains an overview of the literature available on co-operative governance and places the problem within a broader context. In other words, the chapter presents an overview of the co-operative governance relationships within the education system with a specific focus on the level of understanding and meaning attributed to the concept of co-operative governance and how this finds expression in practice. The critical review of the literature on co-operative governance also serves as a foundation for analysis of the empirical component of the study.

Chapter 3: Research design and methodology

This chapter contains a justification for the use of the qualitative approach and also describes the research design, research methods, research approach, data collection and data analysis procedures as well the strategies used to ensure the validity of the study findings.

Chapters 4, 5 and 6: Data analysis and discussion of the research findings

In these chapters the data collected is grouped into emerging themes and perceptions on the levels of understanding and meaning of co-operative governance, the relationships between the spheres of government and how co-operative governance is given practical expression within the education system. These chapters also discuss the research findings based on a detailed presentation of the research data in relation to the research problem and compared to the literature review and the theoretical framework.

Chapter 7: Conclusions and recommendations

This chapter presents a synthesis of the previous chapters, reflects on the research design and methodology; draws conclusions based on the study findings and discusses the implications of the way in which co-operative governance is understood,



interpreted, and practised within the departments of education. The chapter also makes appropriate recommendations to inform policy decisions, practice, and future research.

The following chapter critically reviews the existing literature on co-operative governance in order to explore how co-operative governance influences the relationships between, as well as the operations and policy decisions of the spheres of government, and the effect of these on education delivery.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

The literature review on co-operative governance may be divided into four themes, namely, federalism, unitary state, quasi-federalism and decentralisation. Federalism is a *method of dividing powers* to enable the general and regional authorities of a state, each within a specific sphere, to *act in a coordinated way and yet independently of one another*; (Kriek, Kotzé, Labuschagne, Mtimkulu & O'Malley, 1992: 13). A federal state is viewed as one in which there is at least a two-tier system of authority ruling the same country with each level of authority having at least one functional area of capacity in which it is autonomous and a guarantee that each sphere may act autonomously within its own jurisdiction (Kriek et al., 1992: 15).

The stark similarities between the federal and co-operative governance systems render them indistinguishable to the majority of people. Some people even unwittingly use the two concepts interchangeably. In addition, most of the fundamental features and principles of federalism are manifested in co-operative governance system. In the South African context this, in turn, has a marked influence on both policy design and implementation, and the general functioning of the spheres of government in the country. As an obvious feature of the co-operative governance system, the ideology of federalism continues to characterise the strategic operation of the spheres of government. This not only influences their relationships but it also has an impact on the way in which they interpret the concept of co-operative governance and the subsequent delivery of services to the citizens.

A unitary state is defined as a state or country that is governed constitutionally as one single unit and with one created constitutional legislature. The political power of government in such states may well be transferred to lower levels, for example, to regionally or locally elected assemblies, governors and mayors, but the central government retains the principal right to recall such delegated power (Utomo, 2009: 5).

Marquard (1971: 14), argues that, in a unitary form of government, all legislative power resides in a central parliament which usually delegates the authority to make ordinances to regional authorities.

Although a perception is sometimes created that South Africa is a unitary state, not one of the features of a unitary system are applicable to South Africa. There may, however, be glimpses of unitary practices that manifest in the operational relationships between the spheres of government. The fact that a perception of South Africa as a unitary state exists suggests that, to a certain extent, this will feature during policy and administrative discourse and, thus, this perception will have a bearing on the way in which co-operative governance is interpreted and how services are delivered to the nation.

According to Bonafont and Roque (2011: 1093), the quasi-federal system is an open and flexible system of political decentralisation that is created during a democratic transition in order to prevent unnecessary political conflicts. On the other hand, Sokhela, (2006: 61) argues that a pure form of federal or unitary government seldom exists as many variations of each form are found and practised – hence, the frequently heard reference to quasi-federal in order to describe a particular system of government. This, in turn, suggests that the government systems stretch along a continuum between a federal state and a unitary state. In the South African context, the apparent gravitation of government, in terms of its policy and legislative directives, along the federal-unitary continuum influences the understanding and practice of co-operative governance by the various levels of the department of education.

Decentralisation may be defined as the transfer of planning, functions, resources, decision-making, or administrative authority from the central government to the local units, semi-autonomous and parastatal organisations, local governments or non-government organisations, (Narsee, 2006: 30, Utomo, 2009: 2). Plaatjies (2008: iii) argues that the design of the decentralised co-operative governance system is of critical importance for policy design and implementation. The decentralisation of roles and responsibilities between the spheres of government within the context of co-operative governance imposes an obligation on these various spheres of government to cooperate



with each other. Accordingly, the spheres are enjoined to ensure that they complement each other, particularly as regards the concurrent functions. This, in turn, constitutes the bedrock of the delivery of quality education by all spheres of government to all the learners across the country.

Thus, the intention and practice of decentralised co-operative governance impose a common national purpose on the various spheres of government. It may be expected that this common purpose will ensure that central government's plans and priorities are influenced by and characterise the interest and operations of the sub-national governments (Plaatjies, 2008: 58). Accordingly, the national government should be mindful of the capacity and level of resourcing of the sub-national governments when deciding on its plans and priorities while the sub-national governments should be mindful of the way in which their policy decisions will impact on and affect the priorities of the national government. Collectively, the sub-national governments and the national government have a national mandate to deliver education of a progressively high quality to all the learners in the country.

The concept of decentralisation expresses how both functions and administrative authority are shared between the spheres of government and, thus, it is important in the explanation of the relationships between and the operation of the spheres of government within the context of co-operative governance. In addition, the concept also assists in answering some of the research questions.

In addition, the literature review in the study evaluates the paradigms of co-operative governance through various perspectives with a view to obtaining a holistic and multifaceted picture of the understanding and interpretation of co-operative governance relationships within the education system and how the understanding and interpretation of co-operative governance relationships influences the realisation of the national mandate in education.

Hence, the literature survey focuses on the 'pacted' choice of the government system for a democratic South Africa and how this choice of government system influences



policy decisions, policy implementation, and the subsequent delivery of services to the people. The literature survey also explores the way in which co-operative governance is understood and interpreted by the various spheres of government and how it affects their performance of their functions. The literature survey also examines the policy trajectory that guides the management and delivery of education in South Africa.

A co-operative governance system determines how power is distributed between the various spheres of government, their subsequent carrying out of their various roles and responsibilities and the impact this has on the lives of the citizens. Accordingly, the Constitution of South Africa emphasises and promotes co-operation between the various spheres of government, especially in view of South Africa's divided society before 1994. This also forms the backdrop to the concurrent and exclusive activities in which all spheres of government have to engage as they seek to deliver basic and essential services to the people of South Africa (Ile, 2007: 18). The principles of co-operative governance are intended to underpin and guide all the activities of and relationships between the spheres of government to promote and sustain service delivery in general and quality education in particular. Thus, a common understanding and shared meaning of co-operative governance is imperative to ensure that the concurrent and exclusive activities are all carried out successfully, particularly as regards education.

Co-operative governance may be defined as a partnership between the spheres of government that requires each sphere to fulfil specific roles (Malan, 2005: 229). The principles of co-operative governance guide and influence the relationship between and operations of the spheres of government. Ile (2007: 79) emphasises that the Constitution of the Republic of South Africa requires the three spheres of government to function within a framework of co-operative governance, while also setting the scene for a non-competitive governmental structure. It is, thus, vital that the spheres of government have a common understanding and shared meaning of co-operative governance in order to improve their efficiency and effectiveness.



Sokhela (2006: 84) argues that co-operative governance attempts to address the difficulties experienced by most of the large bureaucracies in coordinating their government functions and streamlining their administrative activities. It is, thus, a tool with which to resolve issues relating to intergovernmental relations. Accordingly, the way in which the various spheres of government understand and interpret their exclusive and concurrent powers determines how they will relate to each other and also the subsequent fulfilment of their functions.

It is expected that the spheres of government will work towards a broader national goal that is principally to promote education delivery at the various levels by ensuring that there is clarity of purpose for each sphere of government and that their operations are as smooth as possible without necessarily overstepping their respective bounds (Ile, 2007: 79). However, this is possible only if the spheres of government have a common understanding and shared meaning of co-operative governance. Although the spheres of government, particularly the sub-national governments, work separately, their cumulative effect as regards realising the national objective of delivering quality education to all the learners is of paramount importance.

2.2 CO-OPERATIVE GOVERNANCE AS A SYSTEM OF GOVERNMENT

According to Malan (2005: 229), co-operative governance is a partnership between the three spheres of government and requires each sphere to fulfil a specific role. Co-operative governance does not ignore differences of approach and viewpoints between the various spheres of government but, instead, it encourages healthy debate during consultations in order to address the needs of the people each sphere represents. Co-operative governance provides for the self-rule of the various spheres of government to enable them to serve their people accordingly and in response to their contextual conditions. It is in terms of this self-rule provision that the various departments of education are vested with exclusive powers to decide on the different approaches and viewpoints as regards education delivery within their jurisdictions. However, the various departments of education also have to engage in healthy debate on concurrent



functions and align and coordinate their activities so that, collectively, they may be able to find better ways of addressing the needs of the people.

In the South African context, co-operative governance provides for concurrent powers for the central and regional governments. These concurrent powers determine the nature of the relationships between the spheres of government in the country. The regional government is regarded as playing an important role in enhancing the efficiency of the government in respect of delivery of services in different parts of the country and meeting the various needs of particular communities (Smith, 1995: 264). This then became the guiding principle underlying how the Department of Basic Education, in particular, was supposed to “provide an education of progressively high quality for all learners and, in so doing, lay a strong foundation for the development of all the people’s talents and capabilities” (RSA, 1996c). Achieving this vision would require both strong collaboration and the flawless co-ordination of activities between the national and provincial departments of education. Hence, co-operative governance was seen as a possible approach to addressing the challenges that had been created by the separatist regime.

Malan (2005: 230) argues that no sphere of government is able to function effectively without co-operating with the others because of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources, poor economic conditions and popular accountability as well as grassroots pressure. The interdependency and spill-over in services obliges the spheres of government to cooperate and align their activities to ensure the optimum utilisation of resources and improved service delivery to the nation. Thus, the nature, interpretation, and understanding of the relationships between them are vital in determining the required level of co-operation between the departments of education and the subsequent quality of the education that is delivered to the nation. Thus, co-operative governance, as a fundamental philosophy of government, determines all aspects and activities of education delivery in the country. As such, co-operative governance is about partnerships as well as the values associated with it. These values may include proper co-operation and coordination, effective communication and the avoidance of conflict.



According to Layman (2003: 9), the provinces enjoy relative autonomy but are accountable to their constituencies as regards reflecting their policy preferences. However, this autonomy should not preclude them from cooperating with the other provinces, reporting, and accounting on their activities, for example, regarding education delivery. In other words, they must exercise their power for the common good of the country as a whole by co-operating with the other spheres of government to provide education of a level that meets the national expectations.

Co-operative governance provides for the shared rule and self-rule character of the system of government in South Africa. According to De Villiers (1995: 7; 2012: 396), shared rule is based on both a partnership and an integrated approach to the solving of problems and the development of policy, while self-rule refers to the autonomy of the national and state governments to make and implement decisions within the limits set by the constitutions; the right of states to enact their own constitutions and design their own institutions which are directly elected; and the right of states to participate in intergovernmental relations.

Thus, the spheres of government are enjoined through the dictates of the shared-rule principle to collectively solve problems pertaining to education delivery through consultations, cooperation and the alignment of their activities. In addition, they should also develop policies which will enhance the achievement of common goals. On the other hand, the self-rule principle allows for administrative flexibility in terms of which the various spheres of government are able to experiment with various initiatives and to also come up with creative ways of dealing with their contextual circumstances.

Thus, the departments of education are obliged to assume an integrated approach in their planning to ensure that they effectively complement each other in delivering quality education to learners throughout the country. In addition, education is required to be delivered in accordance with nationally determined norms and standards and, thus, everything that is planned and carried out regarding education delivery should be geared towards the realisation and achievement of these standards.



However, in terms of the self-rule feature of the co-operative governance system the provincial education departments have the right to make autonomous decisions on education delivery. Nevertheless, it is important that these autonomous decisions support and fit into the broader national standards as regards the realisation of the national expectations of education. The way in which the various spheres of government understand and interpret their powers and authority, and the complementarity of their functions, are critical in the successful delivery of education to learners throughout the country. Thus, it is incumbent on the provincial education departments to realise that, although they are free to make and implement their own decisions, these should happen within the limits of the Constitution to which they are a “pact”. The Constitution is a contract that binds them and they may not opt out when it suits them. Together they are not only working towards the unity of the country, but also towards the wellbeing of the entire country through the education delivered to the country’s children.

This study will shed light on how co-operative governance as expressed through the shared- and self-rule principles and functions will influence the delivery of education in South Africa. In a way the study will answer the main research question, namely, “How does co-operative governance influence the delivery of education in South Africa.” In addition, the way in which the shared- and self-rule principles are understood and implemented will influence and impact on how the spheres of government fulfil their concurrent functions.

Keating (2012: 214) asserts that intergovernmental relations in federal and devolved systems serve several roles. Firstly, they serve to resolve conflicts over competences, especially where such competences are not clearly delineated. Thus, it is essential that each sphere of government should interpret its powers correctly and has a sound understanding of its roles and responsibilities within the co-operative governance relationship. A second, broader role of the intergovernmental relations in federal and devolved systems addresses the issues of overlapping competences. These overlapping competences are externalities or spill-overs from the action of one level of government to the other levels. These externalities or spill-overs may impose costs, provoke

migration, create environmental problems or consume common resources and these may all, in turn, have an adverse effect on the quality of the education delivered to the nation. Therefore, it requires proper co-ordination of activities and programmes to avoid duplications and to minimise confusion, particularly at the level of policy implementation. The issues of “imposed costs” and “provoked migration” become apparent when the standard of education delivery differs between the provinces. This, in turn, will often trigger the migration of learners (with related costs) from poor performing to high performing provinces. A third, much more ambitious conception of intergovernmental relations is the role of policy harmonisation and in terms of which a case is made on educational grounds for the same policies to be applied or the same services provided throughout the state/country concerned. The vision of the South African education system is to “deliver education of progressively high quality for all learners and, in so doing, lay a strong foundation for the development of all the people’s talents and capabilities” (RSA, 1996a). Policy harmonisation is crucial to achieve this purpose and to create a favourable environment for the education departments to collaborate and complement each other. A fourth conception arises from the need to respond to the new challenges that cut across the existing divisions of competences with innovative policies. The departments of education are, thus, obliged to devise joint creative policies to deal with challenges as regards the quality of the education offered to the nation, the poor performance of learners in terms of numeracy and literacy and the rampant unemployment among young people.

According to Malan (2005: 229), co-operative governance requires all spheres of government to abide by the following six main objectives of intergovernmental relations:

- Achieve key national policy goals, with clear objectives being informed by provincial and local circumstances;
- Cost-effective and sustainable service provision, responsive to the needs of communities and accessible to all;
- Clearly demarcated areas of responsibility and accountability for all state institutions;

- Deliberate management of devolution to provincial and local governments while exploring asymmetrical options for devolution when capacity is poor;
- The encouragement of creativity in the interests of collaboration and partnerships while strengthening both the performance and the accountability of the various institutions; and
- Elimination of wasteful and unnecessary duplication – avoiding “turf battles.

It is, therefore, important for the departments of education to understand that the concurrent functions, as suggested in the above objectives of intergovernmental relations, imply that they must complement each other in order to effectively deliver their education mandate to the nation.

Layman (2003: 8) asserts that the bulk of the social services comprise shared competencies between the national and provincial governments, including school education. As regards these areas the national government is responsible for policy formulation, determining regulatory frameworks including setting norms and standards, and overseeing the implementation of these functions. In the main, the functions of the provinces include the implementation of policies, norms, and standards within the national framework. However, it must be noted that the provincial education departments operate within specific contexts and that these specific contexts must be accommodated in the delivery of education if the provincial education departments are to succeed in realising the national mandate. Hence, they cannot be seen as implementing the national policies only as they remain free to use their creativity and experimentation in order to effectively and successfully deliver education within their jurisdictions and contexts to the benefit of the nation.

De Villiers (1995: 8) emphasises that the right of provinces to constitutionally guaranteed self-rule or autonomy is the keystone of federal-type dispensations. Self-rule relates to the following:

- The right to take and administer decisions without undue interference by the national parliament on matters allocated to the provinces by the Constitution.



- The right to have their institutional integrity respected, including their constitutional and political structures and government departments; and
- The right to have their territorial integrity respected.

There should be consultation with the provincial education departments on whatever policy or programme that comes from the national department of education. The provision of schools and the employment of teachers are under the jurisdiction of the provincial education departments. The success of any policy and/or programme that comes from the national department of education depends on resourcing from the provincial education departments. On the other hand, the provincial policy promulgations and acts should be in line with the national department's policy framework. Thus, the policy decisions of these spheres of government influence and affect each other.

The Constitution does not provide for a vertical or hierarchical relationship between the national and provincial education departments but, instead, they are viewed as equal partners in the delivery of education. Accordingly, the level of interpretation and understanding of this provision will influence the amount of energy and resources invested in delivering the educational mandate by the various spheres of government. Any apparent incongruence between the national legislative intention and the subsequent provincial implementation may be attributed to, among others, the level of understanding and interpretation of the provisions for concurrent functions and co-operative government.

In addition to the alignment of activities and the harmonisation of policies, the education departments ought to collaboratively strengthen their collective functions while, at the same time, reinforcing the distinctive or self-rule activities through peer review processes and support. Consequently, De Villiers (1995: 28) argues that the realisation of the South African democratic dream will, largely, depend on the ability of the various levels of government to serve the public, each in its particular manner, and to harmonise their activities. Although the spheres of government and, by implication, the departments of education, are distinct from each other, it is not possible



for them to serve the nation while operating in silos. They are legally enjoined to co-operate, assist, support and consult with each other in order to promote effective and successful education delivery. Furthermore, although the provinces are “distinct”, they exercise their powers and perform their functions within the regulatory framework set by the national government, which is also responsible for monitoring compliance and, if need be, intervening when constitutional or statutory obligations are not fulfilled.

Happaerts, Schunz and Bruynickx (2012: 442) warn that, in multilevel states, where competences are shared between national and sub-national governments, education delivery often poses several co-ordination and co-operation challenges as a result of the varied interpretation and understanding of the principles of co-operative governance. In the context of education, this may be compounded by the fact that both the national and provincial departments of education have exclusive powers on policy decisions to guide the education delivery under their jurisdiction. This double creation of policy to direct the same department may cause confusion unless there is proper co-ordination and a sound understanding of the meaning of co-operative governance.

It is, therefore, to be expected that all three spheres of government should continually strive to co-operate with each other in mutual trust and good faith because, without the effective operation of intergovernmental relations in South Africa, projects and programmes will not succeed (Malan, 2005: 226). It is not surprising that there are numerous reports on the challenges that are plaguing our education system. However, some of these challenges are avoidable. These challenges are, to a certain extent, the result of a lack of or inadequate co-ordination and collaboration between the departments of education. Hence, the correct balance between co-ordination, performance, and accountability is the key to better intergovernmental relations and improved capacity on the part of the government to deliver on key priorities (Malan, 2005: 238).

Plaatjies (2008: 14) decries the South African practice of co-operative governance as an imposed co-ordination and stating that the provinces are de facto administration outposts of central government policies, programmes, and service delivery



responsibilities. Therefore, according to Platjies (2008: 14), in reality, there is no autonomy and independence of the provinces from the central government as envisaged in the Constitution of the Republic of South Africa. In fact, the provinces only exist, in terms of their constitutional competencies; in as far as the central government allows them to exist given its plenipotentiary powers over both the micro and macro matters affecting institutions, fiscus and social policies. This is compounded by the fact that even the appointment of the heads of the provincial legislature who are the premiers, particularly in the provinces under the ruling party, is determined at a central level instead of being decided upon by the provinces themselves. Thus, the premiers have to be seen advocating and promoting the policies that originate with the central government. This, in turn, limits their criticism of such policies even if such policies have not been soundly assessed in terms of affordability as well as resource and capacity requirements. This is the main reason why, at times, the provinces are burdened with numerous policies from the central government and which they are not able to implement.

Rapoo and Moloji (2008: 24) report that, although the provinces do have the necessary constitutional competency to formulate legislation in their areas of jurisdiction, they have been unable to utilise these powers. Rapoo and Moloji (2008: 24) also quote Willem Doman of the Democratic Alliance who expressed disappointment at the fact that the provinces ‘don’t legislate enough’, and decried them for not passing their own education bills and for operating ‘on the national one’. He further invoked a party political explanation that “because the provinces are ANC oriented, they feel they should take the key from national” government. This is in line with the research questions that seek to explore how *co-operative governance is understood by officials within the various spheres of the education system, and the role of politics in influencing co-operative governance relationships*. The answers to these questions will shed light on the way in which co-operative governance finds practical expression within the various spheres of government and its influence on the quality of the services delivered to the citizens of this country.



The South African government system evolved with time, assuming a particular and distinct significance in line with the governing party of the time. This, in turn, influenced the legislative and policy trajectory that determined and defined the functions of the various government departments. Thus, the locus of power and authority was of critical importance as it influenced both the effectiveness and the levels of education delivery across the population divides.

Plaatjies (2008: 16) asserts that co-operative governance encourages partnerships, uniformity, standardisation and harmonisation within and between the provincial and central governments with a view to ensuring that the various spheres of government complement each other appropriately and adequately as regards fulfilling their obligations both separately and collectively. However, it is essential that the spheres of government acknowledge that they have both competing and complementary interests which require the building of trust within and between them. This, in turn, will promote the shared fulfilment of the state's role and programmes. In an intergovernmental context the shared fulfilment of the state's roles involves how the central and provincial governments interpret their constitutional, legislative and policy responsibility and authority. In the context of education it is also about how the central and provincial governments accommodate each other in carrying out their public education functions within the co-operative governance system.

2.3 THE FEDERAL SYSTEM OF GOVERNMENT

The definitions of federalism reveal various intriguing key aspects that distinguish this form of government from other forms of government. These aspects include “a *union of group selves, united by one or more common objectives* but retaining their *distinctive group being* for other purposes; a *method of dividing powers* so that the general and regional authorities of a state, each within a specific sphere, can *act in a coordinated way and yet independently of one another*; the *pursuit of understanding and bonds* through *agreement in law* between independent states to satisfy the need for autonomy and freedom on the one hand, and for order and security on the other; a union which *sustains the statehood* of the component units while *at the same time limiting it* and the

capacity to *permit national unification without losing the separate identities of the sub-national units or groups* which form the larger entity” (Kriek et al., 1992: 13–14).

The key aspects contained in the definition of federalism not only define its essence and nature but also spell out the expected functioning and relationships which should exist between the various levels of government. These key aspects contained in the definition of federalism also provide for the means of regulating the relationships and interactions between the various levels of government so as to promote harmony and complementarity. Accordingly, these aspects are important in guiding the understanding of the broader meaning and implementation of federalism as a form of government. Marquard (1971: 136) asserts that to act and relate federally demands that the partners should proceed in the spirit of compromise and accommodation. These two values, namely, compromise and accommodation, are critical in this type of relationship as the various levels of government are supposed to (1) retain their distinct group being; (2) act in a coordinated way and yet independently of one another; and (3) permit national unification without losing their separate identities.

Riker (in Kriek et al., 1992: 15) views a federal state as one in which:

- There is at least a two-tier system of authority ruling the same country;
- Each level of authority has at least one functional area of capacity where it is autonomous;
- A guarantee exists that each authority can act autonomously within its own sphere of activity.

Although the unity of the federal state is vital and it is essential that every state should work towards preserving this unity, the distinct nature of the sub-national units is protected and guaranteed. Hence, the sub-nationals are able to assume exclusive executive powers to make key policy decisions and to legislate on issues that belong in their sphere of governance. However, the fact that there is a two-tier system of authority ruling the same country may also create certain challenges in terms of claiming responsibility and authority, divided loyalty on the part of the citizens and duplications of efforts. Hence, it is essential that the federal states ensure proper co-ordination of



their activities and that they also bolster co-operation between them. This bears some resemblance to the South African government system where the national and provincial spheres are both responsible for the delivery of education. Although South Africa has adopted a co-operative governance system, it is evident that it has borrowed much from the federal principles in terms of its systemic operation. This is highlighted by the fact that, like a federal state, South Africa has:

- two-tier system of authority – national and provincial – managing the same department of education;
- each level of authority has functional areas of capacity where it is autonomous;
- each authority is entitled to act autonomously within its own sphere of authority;
- each authority is able to act in a co-ordinated way and yet independently of one another; and
- each authority is entitled to maintain national unification without losing its separate identity.

Thus, the federal system has had a significant influence on the administrative and policy design of the South African system of government and this, in turn, impacts on the delivery of education to the nation.

The division of powers is accompanied by the sharing of responsibilities and/or functions between the various levels of government. Consequently, this system of government requires conscious and purposeful co-operation and consultation between the levels of government, not only to harmonise their activities and strategies, but also to offer support where necessary. The processes of consultations provide for the discussion and resolution of differences and conflicts through bargaining and compromise, thus helping to prevent potential disputes and deadlocks. In addition, the division of powers requires that the various levels should have a sound understanding of each other's powers and how they relate in practice to ensure mutual and complementary relationships.

Kriek et al. (1992: 16) argue that there are two considerations which must be borne in mind when states decide to unite on a federal basis. Firstly, there must be a strong need and desire to shoulder the common interests jointly and, secondly, there must be an equally strong need and desire to shoulder domestic interests separately. This, in turn, gives rise to the shared-rule and self-rule dichotomy which demand a sound understanding of and mutual respect for each other's powers and responsibilities in order to promote harmonious relationships.

Marquard (1971: 15) identifies the three main characteristics of federalism as (1) the division of powers, (2) the special function of the Supreme Court, and (3) the machinery for constitutional amendment. These provide for the proper functioning of the federal system because the allocation of powers is spelled out and the Supreme Court may resolve any disputes over the execution of authority while the machinery for constitutional amendment prevents the possible unscrupulous withdrawal of the powers of the sub-national units by the central government.

Elazar (1987: 531) identifies the following three basic characteristics and operational principles that are common to all truly federal systems, namely, (1) a written constitution, (2) non-centralisation, and (3) a real division of power. These basic characteristics and operational principles which are common to all truly federal systems represents a vital underpinning of the political settlement reached by negotiating parties and which also determines the functioning of the new government departments. A written constitution determines the form of government to be adopted, defines the relationship between the various levels of government and also determines the functions and powers of each level of government whereas the division of powers, as determined by the constitution, delineates the authority and legislative mandates of the various levels of government in order to promote complementarity and harmonious functioning. On the other hand, non-centralisation would allow administrative flexibility to accommodate the contextual conditions of the local units or regions during the process of policy implementation.



Thus, according to Burgess and Gagnon, (1993: 26) a central feature of federalism is its capability to establish varying balances between the centripetal and centrifugal forces so that each level of government continues to exercise its powers with minimum, if any, hindrance. However, the policy roles and responsibilities of the spheres of government are not separate and distinct, but, instead, they are integrated and concurrent. The fact that policy roles and responsibilities are integrated calls for proper guidelines to deal with any grey areas to avoid contestations.

According to Kriek *et al.* (1992: 15), the division of functions and powers may be regarded as an express characteristic of the federal system in that the authorities on the two levels enjoy equal status, and are in no way subjected to each other. This is also applicable in South Africa where the national and provincial departments of education enjoy equal status, particularly as regards their concurrent functions. Nevertheless, the functions of the two government levels may never be completely isolated from one another and, of necessity; they share certain administrative and political points of contact. Although the government levels are in no way subordinate to each other, the fact that they share certain administrative and political points of contact requires them to co-operate and consult with each other to improve their effectiveness in a complementary way. Each level should be mindful of how its policy decisions will affect the administrative functions of the other level. Thus, although the government levels are in no way subjected to each other, they remain interdependent and it is, therefore, vital that they maintain a good intergovernmental relationship.

Asmal (1990: 83) argues that, in a federation, sovereignty is divided between two levels of government with the federal government retaining sovereignty in some matters and the provincial or “state” governments retaining sovereignty in others. Within its own sphere, each exercises its powers without control from the other while neither is subordinate to the other. Furthermore, the allocation of powers between the federal and provincial governments is set out in a written constitution while the basic terms of the constitution are “entrenched” in that they cannot be amended at the sole discretion of the federation or of any province or combination of provinces. Changes may only be made only through a variety of procedures laid down in the constitution. It is evident



that the way in which powers are allocated and the subsequent scope for exercising these powers are crucial elements in this form of government and that they should be well understood to bolster intergovernmental relations.

Happaerts *et al.* (2012: 442–443) indicate that federal states are traditionally categorised into dual or co-operative systems. In dual federalism, the powers are neatly divided between the two levels of government while both levels can operate autonomously from one another. On the other hand, in co-operative federalism, the powers are not so much divided as shared between the levels (e.g. one level holds the legislative powers in certain matters while the other level implements the decisions). This, in turn, implies that strong intergovernmental co-operation is built into the system. Co-operative federalism mirrors the system in South Africa because of the shared-rule and self-rule dichotomy arrangement that exists between the spheres of government. This may, in turn, suggest that the concept of co-operative governance is derived from the concept of co-operative federalism as the division of powers and functions between the spheres of government in South Africa follows the system of co-operative federalism.

De Villiers (1995: 28) warns that, despite the fact that in a federal form of government the different levels are responsible for separate functions based on their guaranteed and original powers as defined in the constitution, they also have the obligation to co-operate and consult with each other in matters of common concern. Thus, both the central and provincial governments are obliged to consider each other's interests when exercising their constitutional powers. This, in turn, promotes both the efficient and effective functioning of the levels of government, thus enhancing service delivery to the citizens as well as the alignment of activities between the central and provincial government, thus helping to avoid duplication of efforts or activities. This is in line with the principles of co-operative governance and intergovernmental relations as reflected in the Constitution of South Africa. To a large extent the co-operative governance system reflects the features of federalism. This aspect must, in turn, be well understood by the spheres of government so that they are mindful of the fact that the features of federalism as reflected in the co-operative governance system may manifest



themselves in their operations and relationships and also that these features of federalism may influence their policies as well as the subsequent policy implementation processes.

2.4 THE UNITARY SYSTEM OF GOVERNMENT

According to Ile (2007: 15), a unitary government is a type of government that seeks to concentrate power at the centre for various reasons. A unitary government may, however, deconcentrate power to other subunits of government to ensure that its objectives are achieved. This means that these governmental subunits are mere extensions of the central government or agencies of the central government and they will continue to exist as long as they perform their delegated functions to the satisfaction of, and in compliance with, the wishes of the central government in terms of how the central government wants the functions to be performed or its mandate to be fulfilled. Any deviation may result in the delegated functions being withdrawn. Utomo (2009: 5) defines a unitary state as a state or country that is governed constitutionally as one single unit and with one created constitutional legislature. The political power of government in such states may well be transferred to lower levels (regionally or locally elected assemblies, governors and mayors) but the central government retains the principal right to recall such delegated power. In this case there is limited room, if any, for autonomous decisions or self-rule option. The lower levels of government are, in fact, the administrative units of the central government. All the powers and functions are vested in the central government and, thus, it has the prerogative to share them with the subordinate units or lower level government.

Even the decision to deconcentrate power is a strategy to assist the central government to remain in total control because the subunits enjoy the delegated powers as long as they serve the interests of the central government or ruling party. Manikkalingam (2003: 6) affirms that under a unitary system of governance the political powers that are granted to a subordinate unit may be retracted at the discretion of the central state. These subordinate units have limited freedom to experiment with legislative initiatives

as they serve as the implementing agents of the central government while the majority of the legislative and policy decisions rest with the central government.

Marquard (1971: 14) asserts that, in a unitary form of government, all legislative power resides in a central parliament which may delegates the authority to make ordinances to regional authorities although this in no way impairs the sovereign power of the central authority. The fact that authority is delegated to the lower level of government implies that it may be revoked to serve the expediency of the central government. The regional governments have limited freedom to experiment and make key decisions on matters of service delivery. In this form of government the subunits are expected to comply with the demands and instructions of the central government and this, in turn, weakens their position. Utomo (2009: 5) extends this argument, noting that, in a unitary state, the sub-national government units may be created or abolished and have their authorities decided by the central government. The central government may also broaden and narrow the functions of such devolved authorities without agreement from the affected bodies.

According to Hooghe and Marks (2012: 179), a unitary system is one in which the decision making may be deconcentrated or even decentralised, but the final authority rests with the centre. Although decision making may be deconcentrated or even decentralised, it is more fluid than guaranteed because the central government may (1) broaden and narrow the functions of the subunits when it deems it expedient to do so; (2) retract the political powers that have been granted to a subordinate unit at its discretion; and (3) create or abolish the subunits at any time. The fact that the decentralised decision making is more fluid than guaranteed is further compounded by the fact that the subunits derive their statutory framework from either parliamentary legislation or an executive order rather than from constitutional authority (Utomo, 2009: 5). This, in turn, creates a “false” sense of power and a certain measure of uncertainty for the subunits as they know that their powers may be retracted, narrowed, or broadened at any time.



In trying to clarify the political nature of the subunits in a unitary system of government, Utomo (2009: 5) provides the following comprehensive criteria for the subunits:

- They are organised under and by central government;
- Their constitutional power is embedded at the national level;
- They do not have *pouvoir constituent*;
- They are created by central government and their authorities are defined by regulation; and
- Their relationship with central government represents a sub-ordination mechanism.

Again, there is sometimes the perception created that South Africa is a unitary state, not one of the above criteria for the subunits in a unitary system of government applies to the situation in South Africa. The criteria listed above explain why the subunits in a unitary government operate from a weakened position which compels them, to a large extent, to comply with the “wishes” of the central government for the sake of their own survival.

Within the South African context, it would sometimes appear that the national department tends to lean towards a unitary ideology when discharging its functions in relation to the provincial education departments. This becomes even more apparent when the national department either broadens or narrows the functions of the provincial education department when it deems it expedient to do so. However, in response the provincial education departments may refuse to provide the necessary resources and/or budget for the fulfilment of such functions. Thus, although South Africa appears to be a unitary state, its system of operation leans more towards federalism.

During the negotiations for a democratic South Africa the African National Congress remained steadfast in their preference for the unitary system of government which they viewed as important in the interests of unifying the country and improving service delivery. However, the multiparty negotiations yielded different results. Although the ANC later abandoned its position on a unitary government system, the unitary

government system, to a certain extent, continues to permeate current political thinking and policy decisions

Asmal (1990: 84) argues that South Africa has been administered as a unitary state since 1910 and that the system of control and supervision and the division of functions have become part of the culture of our society. This, in turn, suggests that, as a country, South Africa has been able to discharge its functions under a unitary system of government and that there could be unintended consequences if it deviated from this system. This argument also strengthens the impression of an entrenched preference for the unitary system on the part of certain sections of the political discourse.

Although the multiparty negotiations settled on a co-operative governance system as a pact, there are still people who have different views on the South African system of government. Fölscher and Cole (2006: 6) argue that South Africa is a unitary state with three interdependent but distinctive spheres of government, namely, national, provincial, and local government. The fluctuation of the policy decision along the unitary-federal continuum is creating a measure of confusion in some people's views regarding the system of government in South Africa. In addition, this fluctuation also creates challenges for the policy position of the country and the policy implementation mechanisms. It will, thus, be interesting to explore how this fluctuation influences the understanding and practice of co-operative governance by the various levels of the department of education.

Rapoo and Moloi (2008: 26) report that both the Pan African Congress (PAC) and the United Democratic Movement (UDM) strongly advocated the principle of abolishing the provincial system of government in South Africa as a preferred first-level option. This is partly because it was no longer politically important but also that it was a waste of resources and a structural duplication of the national sphere. Both parties believed that South Africa was, essentially, a unitary, historic entity that had been fragmented by the legacy of apartheid rule, and that the provinces merely represented the apartheid era fragmentations. This, in turn, suggests that there are politicians and departmental officials who hold various views on the applicable system of government in South



Africa and that these views may, in turn, influence their understanding, interpretation, expression in official document and subsequent practice of co-operative governance. In addition, politics and political debates shaped the new South Africa and continue to influence the policy discourse and subsequent policy implementation. Politics not only sway the strategic directives into a particular direction but they also determine whether a particular policy will be implemented. The unitary-federal debate on the power and status of the spheres of government persists with its implications for the relationships between and operations of these spheres of government. Thus, the interpretation of co-operative governance in respect of its informing the functioning and policy decisions of the spheres of government in the light of the two ideologies, namely, federal and unitary, is critical if the spheres of government are to achieve their objectives in particular and the national mandate in general.

2.5 THE QUASI-FEDERAL SYSTEM OF GOVERNMENT

According to Bonafont and Roque (2011: 1093), the quasi-federal system is a fairly open and flexible system of political decentralisation that was created during the democratic transition to prevent unnecessary political conflicts. The openness and flexibility of this system seeks to accommodate the varying views and aspirations of specific systems of government. In addition to the desire to achieve a particular focus and concentration of authority and power, the way of delivering services is also an issue of major concern. However, beyond achieving this political objective, it is important to know and understand the system that has been chosen within a wide spectrum of constitutional and/or political arrangements and to ensure that the appropriate policies are applied in a consistent way.

On the other hand, De Villiers (2012: 392–393) argues that there is no ‘standard’ or ‘pure’ federation but rather a wide spectrum of constitutional arrangements that fall within the general description of ‘federation’. Hence, the frequently heard references to quasi-federal, centralised federation, unitary federation, and executive federation describe a particular federation. There is, in essence, a multiplicity of federal models with each model demonstrating unique characteristics. This, in turn, calls for a sound



understanding of the system of government that is adopted in order to inform the type of policy and legislative decisions that will be made when certain functions are performed. In addition, the type of government system which is adopted will also influence and determine the context and environment within which the functions are to be performed and the quality of service that is rendered to the people.

A quasi-federal system may be seen to represent a compromise or win-win situation in brokering a deal between the proponents of the unitary and federal systems. This was, in fact, the type of deal that was reached by the negotiating parties for a democratic South Africa to prevent the country from descending into political violence or even civil war. As a result, there was a peaceful transition from apartheid to a democratic regime in the country. It is the application of the concept of a quasi-federal system that influences the relationship between the spheres of government and the subsequent quality of service delivery in the country. However, the quasi-federal nature of the South African government system continues to create confusion in the minds of many people who still think in terms of a federal-unitary arrangement. It is for this reason that the researcher decided to explore not only the understanding of the system of government which was adopted in South Africa but also to examine and evaluate the level of understanding, interpretation and shared meaning of co-operative governance on the part of the various spheres of government and how these affect the delivery of education as a concurrent function of both the national and the provincial departments of education.

According to Simeon (1998: 12), the federal character of the South African constitution was made necessary by the imperative of finding an all-party agreement on an Interim Constitution in 1993. The writers of the South African constitution were highly ambivalent about the system of government that had to be adopted. This ambivalence on the part of the writers of the constitution as regards the political character of the South African system of government is less helpful in understanding co-operative governance as a system of governance in South Africa. In addition, the system of governance in South Africa possesses both the federal and unitary features of government and, thus, the citizens and academics alike often have conflicting views as



to the actual system of governance that was adopted. These views, in turn, influence how people interpret and understand the policies and how these policies are implemented to ensure education delivery.

De Villiers (2012: 406) points out that many emerging democracies have opted for federation as a way in which to construct their constitutional arrangements. Despite the fact that some countries such as South Africa and India have shied away from classifying themselves as ‘federations’ in their constitutions, the legal and practical elements associated with federations are securely entrenched in their constitutions. However, this, in turn, may create a dissonance between the policy principles as reflected in the official documents to inform and guide the performance of certain functions and the actual carrying out of these functions. Thus, as part of the proposed area of investigation, this research study sought to explore and examine (1) *how co-operative governance is understood by officials in the various spheres of government* and (2) *how co-operative governance finds expression and with what consequence?* The understanding derived from answering these questions will also assist in answering the main research question: *How does co-operative governance influence the delivery of education in South Africa?* The fact that South Africa shied away from classifying itself in its constitution as a ‘federation’ although the legal and practical elements associated with federations are securely entrenched in the constitution further entrenches the perception that the South African system of governance exhibits quasi-federal features, adds a further dimension to the interpretation and understanding of co-operative governance.

2.6 DECENTRALISATION AS A MANIFESTATION OF CO-OPERATIVE GOVERNANCE

One of the key purpose and/or functions of government and, by implication, the various departments of government, is to serve its citizens. Government may adopt various approaches to deliver services to its citizens. One such approach is through the decentralisation of authority and functions to the lower levels of government. However, decentralisation has multiple meaning, interpretations, and implementation in different



countries and in different context. Nevertheless, there is a common thread of decentralisation, namely, strengthening local authorities through the transfer of power and resources from the central government (Utomo, 2009: 25). Notwithstanding the various meanings and interpretations attributed to decentralisation, the most critical issue is the level of service delivery to the people. It is also worth noting the effect of the multiple meaning attributed to decentralisation on the fulfilment of functions by the various levels of government.

According to Narsee (2006: 29), although almost everyone has a rough understanding of what decentralisation means, defining it precisely may present problems because the term may be used in a number of different ways and in significantly different contexts. Thus, in order to prevent confusion, it is essential that decentralisation has a well-defined purpose and scope and that it should not be used to avoid taking responsibility and accountability issues related to service delivery. A good example of the latter is the textbook saga in Limpopo Province of South Africa, where the necessary textbooks for learners were not delivered to the schools in time. The National Department of Basic Education alleged that the function of distributing textbook had been decentralised to the provinces while Limpopo Province was referring all the queries and enquiries to the National Department of Basic Education as the custodian of the norms and standards for education and policy decision. It is clearly essential that, in decentralisation, roles and responsibilities should be clearly defined so that, in the event of a failure to deliver on the mandate as expected, the relevant level may be held accountable for such failure. However, there is a precondition to this happening, namely, sufficient strengthening of the local authorities through the transfer of power and resources from the central government.

Various writers define decentralisation as the transfer of planning, functions, resources, decision-making and administrative authority from the central government to its local units, semi-autonomous and parastatal organisations, local governments or non-government organisations (Narsee, 2006: 30; Utomo, 2009: 2). The main argument for the transfer of functions, powers, and resources to the local units is that, because the local units are the closest to the people they are supposed to serve, they are better placed



than central government to understand the needs of the people and to respond appropriately in terms of services. On the other hand, the local units should also be ready, willing, and capable to accept and fulfil the transferred functions, powers, and administrative authority if the intention of decentralisation is to be realised. The challenge in respect of decentralisation, particularly for the provinces, is that the national department may decide on policies that have not been properly assessed in terms of affordability, resource, and capacity requirements. This, in turn, means that the provinces are faced with policies that they are not able to implement either because they do not possess the necessary resources or because they do not possess the necessary capacity to do so. This then hampers service delivery and would also impact negatively on the quality of education which is delivered to the nation.

According to Utomo (2009: 2), there are four types of decentralisation, namely, political, administrative, and fiscal and market decentralisation. Administrative decentralisation seeks to redistribute the authority, responsibility, and financial resources involved in providing public services to the various levels of government. Administrative decentralisation may take the following main forms, namely, deconcentration, delegation, and devolution. Deconcentration is often considered to be the weakest form of decentralisation as it does not involve any transfer of power to local government. On the other hand, delegation is perceived as a more extensive form of decentralisation while devolution represents the administrative decentralisation that underlies most political decentralisation. It is, therefore, important to have a clear understanding of the different types and forms of decentralisation if it is to be applied successfully. The type of decentralisation chosen should be consistent with the expected result to avoid unnecessary confusion. The National Department of Basic Education sometimes causes problems for the provincial education department by delegating certain functions but without transferring the necessary resources. This, in turn, results in conflicting priorities for the provinces as well as limited resources to carry out such functions.

Samoff (1990: 516) argues that decentralisation may be divided into ‘administrative decentralisation’ and ‘political decentralisation’. According to Samoff (1990: 516) the



language of administrative decentralisation is one of ‘service delivery, efficiency, and behavioural incentives and rewards’ while that of political decentralisation is one of ‘effective participation, empowerment and collective action’. The primary purpose of administrative decentralisation is not political in the context of participation and empowerment but, instead, it emphasises the organisational arrangements and strategies required to improve policy implementation. Political decentralisation, on the other hand, involves promoting the participation of the citizens through the transfer of the decision-making authority to previously under-represented or marginal groups.

Although there are features of decentralisation in both the federal and the unitary systems of government, the most critical aspects of decentralisation are its intention and the way it is applied. Decentralisation is likely to be effective when sufficient power and authority are transferred together with targeted functions to the lower level of government, especially where the purpose for decentralisation is service delivery and efficiency. In addition, the lower level of government responsible for the delegated functions should be allowed sufficient space and freedom to fulfil these functions. It is also important that the lower units correctly interpret and understand the scope of the delegated powers to avoid unnecessary disputes and confrontations. In education, certain powers and functions are delegated to the school governing bodies, for example, the admission of learners to schools. It is important that the various levels clearly understand the scope of their powers and how they should use these powers to complement each other. For example, the state, through the National Department of Basic Education, should protect and meet the rights of children to education while, on the other hand, the provincial education department should ensure that there are sufficient schools to ensure that this right is met while the school governing bodies determine the admission of children to schools. If any of the levels act beyond its powers or interfere in the other’s sphere of operation, there is bound to be confrontations and possible disputes. Thus, it is essential that participation and empowerment happen within the scope of each level’s powers and authority in order to enhance the organisational arrangements and strategies aimed at improving policy implementation.

Narsee (2006: 34) asserts that decentralisation means that the centre retains the main elements of strategic control of the system while the scope of planning, decision-making and control at the local level of the system is enlarged. Accordingly, the National Department of Basic Education is responsible for formulating policies and legislation, and also for determining the strategic direction of the education system. For example, the National Department of Basic Education will formulate the necessary policies and legislation for regulating the admission of learners to public schools. To give effect to these policies and legislation, the provincial education departments should ensure that there are a sufficient number of schools for all the learners and also formulate the provincial laws to guide the process of applying for admission to public schools while the school governing bodies determine the admission policy of the schools, which inform the decision as to who is admitted and who is not admitted. Thus, the provincial education departments and the school governing bodies are in charge of the planning, decision-making and control of admission of learners to public schools as part of the decentralisation of powers, authority and functions.

It is important to note that the positive results of decentralisation may be realised only if its intention and purpose are clearly spelled out and implemented accordingly. The lower spheres of government should share the same understanding of this purpose as central government, be prepared to accept it and also possess the necessary capacity to carry out the decentralised functions. The education system will benefit enormously if these prerequisites for decentralisation are evident because all the spheres of government will be able to deliver on their mandate both individually and collectively to the advantage and benefit of all learners.

In the South African context decentralisation is a critical feature of the co-operative governance system, especially as regards the fulfilment of the concurrent functions. The National Department of Education works with and through the provincial education departments to perform its functions. Within the concurrent arrangement for the provision of education, the National Department of Education is responsible for policy formulation, standard setting and the drawing up of the necessary regulations whereas the provincial education departments are responsible for policy implementation and the



delivery of services according to the standards set and the applicable regulations. Through decentralisation, some of the executive powers, authority, and functions are devolved to the provinces because the provinces are closer to both the people to be served and the context within which certain key functions are to be performed. In addition to a common understanding of decentralisation, all the spheres should also possess a sound understanding of the scope and essence of what is decentralised to be able to fulfil their mandate.

As a conduit for co-operative governance, decentralisation has far-reaching implications for education delivery as it involves the power and authority to control and legislate on the applicable functions plus the resources necessary for executing these functions. Co-operative governance as the main vehicle through which education is delivered to all the learners in South Africa determines and influences all the aspects pertaining to education delivery. Therefore, co-operative governance is discussed not only as a system of government in South Africa but also its implications and influence on education delivery.

2.7 CONCLUSION

The literature review has attempted to obtain a broad and in-depth understanding of co-operative governance as a constitutional imperative for determining and guiding the functioning of the various spheres of government. The Constitution of South Africa emphasises and promotes co-operation between the different levels of government, especially as regards the concurrent and exclusive activities in which all spheres of government have to engage as they seek to deliver basic and essential services to the people of South Africa.

The various levels of government are enjoined to exercise the shared fulfilment of the state's roles and programmes. In an intergovernmental context, the shared fulfilment of the state's roles involves how both the central and the provincial governments interpret their constitutional, legislative and policy responsibility and authority. In the education context, it also involves how the central and provincial governments accommodate each



other in delivering public education functions within the co-operative government system.

It is, thus, essential that all the spheres of government should work towards a broader national goal which is principally to promote education delivery at the various levels by ensuring that there is clarity of purpose for each sphere of government and to ensure that their operations run smoothly without the levels overstepping their respective bounds. The functioning of the spheres of government should be within the framework of the adopted system of government.

Thus, the national states have a social and legal mandate to serve and service their citizens in various ways to sustain their well-being. However, it is not always guaranteed that a particular state will deliver its mandate as expected and in terms of the recognised standards. For this reason, there is always a need to assess the performance of a state to ascertain whether it is complying with the standards set. This, in turn, should help to improve the service delivery performance of the states/provinces and, thus, to improve the general wellbeing of the citizens.

Although the Constitution of South Africa emphasises and promotes the upholding of the principles of co-operative governance by the various spheres of government, especially as regards the concurrent and exclusive functions that they have to fulfil as they seek to deliver education of a progressively high quality to the learners, it would appear that the necessary understanding and interpretation of the concept and principles of co-operative governance; and the related powers and authority to perform the allocated functions are not clearly nuanced.

This is demonstrated by the high level of duplication of activities, projects and programmes; competition instead of complementary, the tensions emanating from conflicting power and authority as regards prioritising activities and allocating resources and the nature and level of consultation and collaboration between the spheres of government.



There is a significant gap in the literature on the implications for and influence of co-operative governance on education delivery, particularly in South Africa. There appear to have been no studies conducted in South Africa to examine how the relationships between the spheres of government within a co-operative governance context affect their operations in respect of education delivery. In addition, the defined relationships which confer certain powers and authority on the spheres of government and that influence planning, resource allocation and policy decisions makes co-operative governance as a defined relationships worth investigating. The fact that the research topic also involves interpretations from the areas of politics, law and education in order to clarify and answer some of the research question makes this research even more intriguing. It is anticipated that the study will contribute to the existing body of knowledge on the practical expression of the co-operative governance relationships and the effect this has on education delivery in South Africa. The study should also indirectly benefit policy makers as regards education delivery as a concurrent function within the context of co-operative governance. This, in turn, should improve the level of coordination and alignment of activities, strengthen partnerships and enhance consultations and collaborations between the various spheres of government and, thus, improve the standard of education delivery in South Africa.



CHAPTER 3: METHODOLOGY AND RESEARCH DESIGN

3.1 INTRODUCTION

This chapter describes and explains the strategies used to collect the data required to shed new light on the level of understanding of and meaning attributed to co-operative governance by various officials in the departments of education, how this finds expression in policies and practice and the influence of such policies and practice on education delivery. The chapter will also discuss the research design used in the study, its epistemological underpinning, and the data gathering techniques that were used.

The study used a qualitative research design as this design was deemed the most appropriate method for investigating the central question that guided the study, namely, how does co-operative governance influence the delivery of education in South Africa?

3.2 RESEARCH APPROACH

The qualitative research design was deemed appropriate for the purposes of the study, as it is capable of providing rich data about real life people and situations (De Vos, 2001: 5). According to Berg (2001: 6), qualitative research seeks answers to questions by examining various social settings and the individuals who inhabit these settings.

According to Berg (2001: 7), qualitative techniques allow researchers to share in the understandings and perceptions of others and to explore how people structure and give meaning to their daily lives. This study involved exploring the level of understanding and shared meaning of co-operative governance of the various spheres of government, how this concept find practical expression in their operations and relationships and the effect this have on the delivery of education to the nation. Hence this is a qualitative study on the concept co-operative governance, how it is understood by officials at the bureaucracy level, how this understanding affects policy and strategic decisions at this



level and how these will influence and affect the delivery of education in terms of planning and resource provisioning.

3.3 RESEARCH DESIGN

The study used the phenomenological design to explore the understanding and meaning of co-operative governance relationship in the education system. Thus, the concept of co-operative governance was explored from the perspective of officials of the departments of education. In other words, this phenomenological study was designed in such a way to describe, explicate, and interpret the experiences of officials of the departments of education by determining the meaning of the experience as perceived by the people who have participated in it (Ary, Jacobs, Razavieh & Sorensen, 2006: 461). In other words, the meaning and effect of co-operative governance will be understood based on the lived experiences of officials of the department of education.

De Vos *et al.* (2012: 316) assert that a phenomenological study describes the meaning of the lived experiences of a phenomenon or concept by several individuals. At the root of phenomenology is the intention to understand the phenomenon under study on the subjects' own terms and to provide a description of the human experience of these subjects. For the purposes of this study the views and perceptions of the officials of the department of education were critical in describing how co-operative governance is understood and given meaning, how it finds practical expression in the operation and relationships of officials of the various spheres of government and its effect on the delivery of education to the nation.

The participants in a phenomenological study are chosen because they have lived through the experience being investigated and, thus, they are able to share their thoughts and feelings about the experience. Hence, the participants selected for the purposes of this study were managing aspects of education delivery for various spheres of government. In view of the fact that education is a concurrent function, these officials are assumed to have espoused the principles of co-operative governance. In addition, they are in constant interaction with one another because of the portfolios they manage



as this provides better opportunities for both cooperation and the coordination of their activities. They are also involved in the implementation and interpretation of policies and this, in turn, should shed light on whether they understand co-operative governance and apply it. It was, therefore, interesting to explore how they experienced and interpreted the concept of co-operative governance.

Phenomenological approaches focus on exploring how human beings make sense of experience and transform such experience into consciousness, both individually and as a shared meaning. This, in turn, requires the methodological, careful and thorough capturing and description of how people experience a particular phenomenon – how they perceive it, describe it, feel about it, judge it, remember it, make sense of it, and talk about it with others. In order to gather such data the researcher conducted in-depth interviews with people who have direct experience of the phenomenon under investigation as they have “lived experience” as opposed to second-hand experience (Patton, 2002: 104). Thus, for the purposes of this study in-depth interviews were conducted with purposively selected officials from the national and also three provincial education departments in order to ascertain their views and perceptions of co-operative governance and how it influences the delivery of education.

Slavin (2007: 150) argues that conducting a phenomenological study is appropriate when the researcher wishes to obtain an in depth understanding of a complex situation or setting and to investigate other perspectives of that situation. This study seeks to explore how the concept of co-operative governance is understood and given practical expression within the education system. The data analysis focused on both the contents of conversations and the procedures in terms of which co-operative governance is communicated within the departments of education. The range of material analysed included official documents, statutes, political debates, all types of media output, casual conversations, talks in the workplace and interviews (De Vos *et al.*, 2012: 317). It was felt that these would shed light on the way in which co-operative governance is understood, interpreted, and given practical expression; and how all influence the delivery of education to the nation.

According to De Vos *et al.* (2012: 316), the product of a phenomenological research study is a careful description of the conscious everyday experiences and social action of the subjects. Thus, a phenomenological study aims at acquiring a deeper understanding of the nature or meaning of our everyday experiences (Patton, 2002: 104). Accordingly, through this phenomenological study I aimed to gain a deeper understanding of the meaning attributed to co-operative governance by the officials of the various departments of education and how this influenced their working relationships and the subsequent delivery of education as a concurrent function. Hence, the experiences of various different people were bracketed, analysed, and compared to identify the essential aspects of the phenomenon under investigation (Patton, 2002: 106), namely, co-operative governance within the education system.

3.4 SAMPLE SELECTION

The study used the purposive sampling technique – a non-probability sampling method – to select the participants for the purposes of data collection. The choice of purposive sampling was based on my judgment that a sample should be composed of elements that demonstrate the most characteristic, representative or typical attributes of the population in question (De Vos, Strydom, Fouche & Delpont, 2005: 202). The target population for this study is the senior managers of the departments (national and provincial) of education. As members of the bureaucracy, they are mainly responsible for legislative, policy and strategic decisions which influence, guide and affect how education should be delivered to the nation. Thus, it is assumed that they will have some understanding of the concept co-operative governance that ought to regulate and guide the relationships and operations of the spheres of government. They are also supposed to apply and uphold the principles of co-operative governance when fulfilling their roles and responsibilities during the delivery of education. The purposively selected sample is supposed to demonstrate these key characteristic aspects that are critical for this study.

In addition, purposive sampling allowed me to choose participants because they exhibited certain features or processes in which I was interested. However, purposive



sampling demanded that I think critically about the parameters of the population I was studying and that I chose my sample of participants carefully on this basis (Silverman, 2005: 129). Cohen, Manion, and Morrison (2007: 114) maintain that purposive sampling allows researchers to handpick the cases to be included in the sample based on their judgment of their typicality. Therefore, for the purposes of this study the participants were handpicked because of their involvement in a co-operative governance environment because of their positions in the departments of education.

According to Cohen et al. (2007: 115), purposive sampling is used in order to access “knowledgeable people,” i.e. those people who have in-depth knowledge about particular issues, often by virtue of their professional roles, power, access to networks, expertise, or experience.

Thus, the unit of analysis included purposively selected officials from both the national and provincial departments of education. The composition of the unit of analysis included twelve officials from the Department of Basic Education, five from each of the three purposely selected provincial education departments, the former Director-General of the Department of Education and two former superintendents-general of provincial departments of education. Therefore the data for this study was generated from in-depth individual and focus group interviews with two directors-general, five deputy directors-general, three provincial heads of department, three chief directors and 17 directors from the national and three provincial education departments. These officials were selected because they were or had been in constant interaction with one another owing to the portfolios they managed. They were, thus, presumed to have espoused the principles of co-operative governance. In addition, they were also involved in the implementation and interpretation of policies and it was anticipated that this would, in turn, shed light on whether they understand co-operative governance and applied it. The nature of their portfolios would have provided better opportunities for co-operation and the co-ordination of their activities and, thus, these individuals were deemed capable of providing useful information on the meaning and understanding of co-operative governance. Again the nature and level of their interaction, consultation

and cooperation will have an impact on their planning and resource provisioning which will influence the delivery of education in the country.

Ritchie and Lewis (2003: 79) point out that purposive sampling has two principal aims. The first such aim is to ensure that all the key constituencies that are relevant to the subject matter are covered while the second is to ensure that, within each of the key criteria, a degree of diversity is included so that the impact of the characteristic concerned may be explored.

The interplay of politics between the national government and the provinces was crucial in answering the research questions. Thus, the unit of analysis, also chosen based on the interplay of politics, consisted of the national Department of Basic Education and three provincial departments of education, namely, the provincial departments of education from the Western Cape, Gauteng, and KwaZulu-Natal. These three provinces were chosen based on their political allegiance with the Western Cape belonging to the Democratic Alliance (DA), which is the opposition party and Gauteng and KwaZulu-Natal to the African National Congress (ANC) which is the ruling party. It would be interesting to obtain views on co-operative governance from the opposition led province and from two ruling party led provinces. In addition, it would also be important to note the extent of the differences and commonality in the views from within the ruling party led provinces. Gauteng is viewed as a more economically dominant and assertive province whereas KwaZulu-Natal is more dominant in terms of its support for the ANC.

The three provinces that formed the unit of analysis represented particular features that have a marked influence on the politics and policy decisions of the country. KwaZulu-Natal has the biggest support for the ruling party (the ANC) which means, in turn, that this province may exert a huge influence on the decisions regarding leadership representation and policy direction whereas Gauteng, as the economic hub of South Africa, occupies an important strategic position which enables it to push for certain political concessions. On the other hand, the Western Cape, which is led by the opposition party, acts as a political watchdog in respect of policy decisions. The interplay of politics resulting from the characteristic features of the units of analysis



will influence both the policy discourse and the resultant implementation processes. Besides the different political mandates and/ or manifestos will affect the level consultation and cooperation which will have an impact on the realisation of the policy intentions. Accordingly, it was anticipated that the officials from these provinces would provide valuable information on the meaning and effect of co-operative governance.

3.5 DATA COLLECTION

3.5.1 Data collection strategies

The data collection strategies employed included one-on-one, semi-structured interviews in which a set of predetermined questions were posed to the directors-general, deputy directors-general and chief directors and semi-structured, focus group interviews with some of the Directors of the selected departments of education in order to take advantage of the synergistic group effect provided by such an approach

3.5.2 Individual interviews

The individual, semi-structured interviews provided the opportunity to address the research questions and to acquire in-depth knowledge and understanding of the participants' perceptions of the co-operative governance relationship in the education system. De Vos (2001: 299) defines an in-depth interview with an individual as one or more face-to-face interactions between an interviewer and an interviewee and with the purpose of understanding the interviewee's life experiences or situation as expressed in his/her own words. Accordingly, individual interviews were conducted with officials from the selected departments of education in order to explore their understanding and interpretation of the concept of co-operative governance and how it influences their relationships and operations. Ritchie and Lewis (2003: 138) maintain that an in-depth interview represents a fundamental process through which knowledge about the social world is constructed during normal human interactions. Hence, the individual interviews were intended to explore how the officials constructed meaning about the concept of co-operative governance through expressing it in practice during their



operations and, thus, one-on-one, semi-structured interviews were conducted with selected officials from both the national and provincial departments of education as they were deemed to be key informants who would possess insightful knowledge to share on co-operative governance.

Ritchie and Lewis (2003: 141–142) assert that in-depth interviews possess various features that may help to improve the quality and depth of the information generated for the purposes of a research study. The first such key feature of the in-depth interview is that it is intended to combine structure with flexibility. The pre-determined interview schedule was used to guide and give structure to the interview process and, thus, the flexibility allowed by this approach enabled me to change the order of and adapt the questions and to probe further where necessary. This was extremely helpful in eliciting valuable information from the participants. A second key feature of the in-depth interview is that the interview is interactive in nature. The conversational and interactive nature of this approach is critical in creating a relaxed and conducive atmosphere that facilitates the easy flow of responses from the participants. Probing and various forms of affirmations also encouraged the respondents to provide more information and to clarify particular issues. Thirdly, the researcher used a range of probes and other techniques to achieve a depth of answers in terms of penetration, exploration, and explanation. As such, these probes and penetrating questions were useful in eliciting more knowledge and a deeper understanding of various aspects and the practice of co-operative governance from the participants. Fourthly, the interview is generative in the sense that new knowledge or thoughts were likely, at some stage, to be created. This new knowledge was, in turn, able to provide a deeper explanation of the level of understanding and meaning of co-operative governance on the part of the officials from the departments of education.

The emphasis on depth and nuance and the interviewee's own language as a way of constructing meaning implies that the interview data must be captured in its natural form. This generally means that the interview data is tape recorded as note taking by the researcher may change the form of the data (Ritchie & Lewis, 2003: 142). Hence, the interviews in this study were audio recorded and later transcribed for analysis and



interpretation in preparation for the report writing. During the interviews and the transcribing of the taped information, all the necessary ethical issues and requirements were taken into consideration in order to improve the validity and accuracy of the final report.

3.5.3 Semi-structured focus group interviews

According to De Vos et al. (2012: 361), a focus group interview may be defined as a carefully planned discussion that is designed to obtain the perceptions of a defined area of interest in a permissive, non-threatening environment. Thus, a research technique collects data through group interaction on a topic determined by the researcher. The focus group interview allows the participants to expand on and argue a point of view that has been expressed by another participant. These discussions and debates enrich the responses and information elicited from the participants.

De Vos *et al.* (2012: 360) explain that participants are selected because they have certain characteristics in common that relate to the topic of the focus group. In addition, it is incumbent on the researcher to create a tolerant environment in the focus group as this will encourage the participants to share their perceptions, points of view, experiences, wishes, and concerns without being pressurised to vote or reach consensus. The participants in this study were officials from the various departments of education as this had exposed them to the practice of co-operative governance. The nature of the portfolios they managed also allowed them to co-operate and to co-ordinate their activities. This, in turn, rendered them more appropriate for the purposes of the study as they were perceived to hold certain views on and have some understanding of co-operative governance.

In this study semi-structured, focus group interviews were used in a multi-method form to add to the data gathered from the literature study. The hallmark of focus groups is their explicit use of group interaction to produce data and insights that may have been less accessible without the interaction found in a group (Morgan, 1997: 2). The focus group interviews conducted proved to be extremely dynamic with the interactions

between the group members stimulating discussions in which the group members reacted to and built upon the responses of other group members. This group dynamism had a synergistic group effect and the resulting synergy enabled the participants to draw from one another or to brainstorm collectively with other members of the group. In general more ideas, issues, topics and even solutions to a problem may be generated through a group discussion than through an individual conversation (Berg, 1998: 101).

The group interaction that characterises focus group interview is critical as it provides for thoughts and ideas to be *triggered* among the participants (Lichtman, 2010: 153), it allows the members to *extend, elaborate* or *embroider* on initially sketchy accounts (Silverman, 2004: 180) and it allows the participants to *spark off* one another while the very give-and-take interactions leads to *spontaneous responses* from the participants (Berg, 2003: 115). The spontaneous flow of responses mitigates self-censoring on the part of the participants as well as selective responses to questions. This is usually of great benefit to a study as it provides for the collection of rich and varied data that assist in answering the research questions. The officials who participated in the focus group had an opportunity to elaborate on each other's initial comments or thoughts while new ideas were even triggered by the comments of other group members as they debated and argued among themselves on particular issues. These debates and arguments also helped to create a more natural and relaxed atmosphere which, in turn, allowed for spontaneous responses from the participants. These spontaneous responses that were generated by the group dynamism led to the collection of rich and varied data that assisted in answering the research questions

Silverman (2004: 181) points out that focus group members do not always agree, while they also sometimes misunderstand one another, question one another, try to persuade each other of the correctness of their points of view and even disagree vehemently. Disagreement and challenges are also effective in provoking the development and elaboration of accounts. These disagreement and challenges were crucial for this study because the arguments and justifications of points of view elicited more rich data that illustrated the participants' understanding and interpretation of co-operative governance and this, in turn, shed more light on the research questions.

Ritchie and Lewis (2003: 171) emphasise that participants present not only their own views and experience, but they also hear other people. They then listen, reflect on what has been said and, in the light of this, consider their own standpoints anew. Thus, additional material is triggered in response to what they have heard. The participants also ask questions of each other, seek clarification, comment on what they have heard, and prompt others to reveal more. As the discussion progresses individual responses become sharpened and refined and move to a deeper and more considered level. This, in turn, adds to the depth of information produced by the participants, strengthens, and enriches the answers to the research questions. Thus, the interactions and exchanges of thoughts and comments between the participants help to strengthen, sharpen, and refine their contributions.

The focus group interview also provides a way of collecting data relatively quickly from a large number of research participants, thus helping saving valuable time for both the researcher and the participants. In addition, some of the participants may be available for a limited amount of time only (Silverman, 2004: 180; Berg, 2003: 111) as was, indeed, the case with the participants in the focus group in this study. In view of the fact they were senior officials from the department of education, they always had a tight schedule while some had other meetings scheduled for later on the day of the focus group discussion and one of them even had to leave before the end of the interview. However, she had already made valuable contributions and she sent written comments on the remaining questions. Focus groups are especially useful when multiple viewpoints are needed on a specific topic (De Vos et al., 2012: 361). The numerous advantages of the focus group interview and the fact that some of the departmental officials were available to participate in the study for a limited amount of time only because of their busy schedules meant that this method of data collection was particularly appropriate for the purposes of this study.

In view of the fact that the targeted participants for the study were officials of the departments of education, finding a sufficient number of participants for the focus group interview proved to be a challenge because of their hectic schedules. De Vos et al. (2012: 366) advise that deciding on the correct number of participants means striking

a balance between enough people participating to generate a discussion, and not having so many people that some may feel crowded out. Smaller groups (four to six) are preferable when the participants have a great deal to share about a topic or they have had intense or lengthy experiences in relation to the topic of discussion. Five participants were involved in this study and they all had long service within the department while the majority of them had even served in the former departments of education before the democratic dispensation. Accordingly, they had much to offer on the research topic. In addition, a smaller group provides more opportunities for all the participants to speak and to explore the issues under discussion in detail. This, in turn, often leads to the collection of more relevant and interesting data (Liamputtong, 2011: 42). The dynamism of this approach was effective in assisting the researcher to collect data efficiently for the purposes of answering the research questions posed in the study

3.6 DATA ANALYSIS

The qualitative data collected from the interviews with the departmental officials was transcribed into textual data to facilitate the data analysis process. According to Huberman and Miles (2002: 309), the material collected via qualitative methods is invariably unstructured and unwieldy and, therefore, the qualitative researcher has to ensure the coherence and structure of this cumbersome data.

In order to provide structure and coherence to the qualitative data collected the researcher is required to explore, organise, interpret, define, categorise, theorise, explain, map, and integrate the research data. In the process, the researcher continues to retrieve, rethink, and compare subsets, and to identify patterns and relationships (Denzin & Lincoln, 2011: 628; Huberman & Miles, 2002: 309).

Continued reading of the transcripts and thorough vigilance over one's presuppositions enable the researcher to reach the "*lebenswelt*" of the informant, thus capturing the "essence" of an account in order to arrive at a practical understanding of meanings and actions (Miles & Huberman, 1994: 8).

The, data analysis process is regarded as consisting of three concurrent flows of activity, namely, data reduction, data display and the drawing/verification of conclusions. During the data reduction, the researcher selects, refocuses, simplifies, abstracts and transforms the data that appear in the transcriptions in such a way that “final” conclusions are drawn and verified. The data display organised by the researcher and the compressed assembly of information enable him to draw conclusions. In drawing conclusions, the researcher notes regularities, patterns, explanations, possible configurations, causal flows and propositions (Miles & Huberman, 1994: 10–11).

The following is a sequential arrangement of a classic set of analytic moves and was followed by the researcher:

- Affix codes to a set of field notes drawn from the interview.
- Note reflections or other remarks in the margins.
- Sort and sifted through the material to identify similar phrases, relationships between variables, patterns, themes, distinct differences between subgroups, and common sequences.
- Isolate these patterns, processes, commonalities, and differences in preparation for the writing up process (Miles & Huberman, 1994: 9).

It should also be noted that the qualitative data analysis is a continuous, iterative enterprise (Miles & Huberman, 1994: 12) and, thus, the researcher repeated and revisited some of the activities.

3.7 CREDIBILITY AND TRUSTWORTHINESS

3.7.1 Validity

Validity is an important aspect of effective research. In qualitative research the issue of validity is addressed through, amongst other things, the honesty, depth, richness and scope of the data collected, the participants approached, the extent of triangulation and the disinterestedness or objectivity of the researcher (Cohen et al., 2009: 133). On the

other hand, Cresswell (2014: 201) argues that qualitative validity means that the researcher checks for the accuracy of the findings by employing certain procedures. Thus, validity is based on determining whether the findings are accurate from the standpoint of the researcher, the participants and/or the readers of the account.

Cresswell (2014: 201) recommends the use of multiple approaches to enhance the researcher's ability to assess the accuracy of the findings as well as to convince readers of that accuracy. According to Cresswell (2014: 201), there are eight primary strategies involved and which require the researcher to:

- *Triangulate* various data sources of information by examining the evidence from the sources and using this evidence to build up a coherent justification for the themes. Thus, the themes established are based on several converging perspectives from the participants and which are used to add to the validity of the study. According to Cohen et al. (2009) and Denzin and Lincoln (2008), triangulation not only maps out and explains more fully, but it adds rigour, breadth, richness, depth and complexity to the research. It is, thus, a powerful way of demonstrating concurrent validity. Silverman (2010: 277) concurs that triangulation represents an attempt to obtain a “true” fix on a situation by combining either different ways of looking at the situation (method triangulation) or different findings (data triangulation)
- *Use a rich, thick description to convey the findings* through offering multiple perspectives on the themes to render the results more realistic and richer than they otherwise have been.
- *Clarify the bias the researcher brings to the study* – good qualitative research includes comments by the researcher about how his/her interpretation of the findings is shaped by his/her background and including his/her gender, culture, history and socio-economic origin. Hence, the interpretation of the findings from this study was also informed by my insight into and knowledge of the operations of the education department as I am an employee of the Department of Basic Education. Nevertheless, I remained objective in my analysis to mitigate any bias in my conclusions.

- *Also present negative or discrepant information that runs counter to the themes* – discussing contrary information adds to the credibility of an account. By presenting this contradictory evidence, the account becomes more realistic and more valid. In this study an attempt was made to represent and discuss all the views which had been shared by the participants during the interviews.

3.7.3. Reliability

Reliability is defined as the degree to which the findings are independent of any accidental circumstances of the research study (Kirk & Miller, 1986; Silverman, 2004: 285). Hence, the reliability of research results entails “whether or not (or under what conditions) the researcher would expect to obtain the same findings if he or she tried again in the same way” (Silverman, 2004: 285). The researcher endeavoured to maintain a high quality of data recording and transcription and he ensured my extended immersion in the “field” to enhance the reliability of the research information (Silverman, 2004: 285). During the interviews, the researcher probed and followed up on the comments and thoughts of the participants in an attempt to generate more refined and deeper information. In addition, the researcher endeavoured to ensure a detailed data presentation with minimal inferences and to provide verbatim accounts of the participants’ responses. The low-inference description also involved providing the reader with lengthy data extracts which included, for example, the question eliciting a respondent’s comments as well as the interviewer’s continuers’, for example, “mm hmm”, and which encourage a respondent to elaborate on a comment made (Silverman, 2010: 287)

Gibbs (2007) suggests the following qualitative reliability procedures:

- Checking transcripts to make sure that they do not contain obvious mistakes made during transcriptions. For the purposes of this study the researcher proofread the transcripts before the data analysis and the formulation of the themes.



- Making sure that there is no drift in the definition of the codes and neither is there a shift in the meaning of the codes during the coding process. The researcher ensured this by constantly comparing the data with the codes and by writing memos about the codes and their definitions.

3.8 ETHICAL CONSIDERATION

The study involved officials from the departments of education. These officials all had the right to be acknowledged, respected and protected during the process of sharing their views and perspectives on co-operative governance. In view of the nature of this qualitative research study and as a result of the fact that the study involved interpersonal interviews that reveal what is inside people the researcher had to visit the participants' real worlds where they worked to conduct the research. The above-mentioned issues all implied ethical dimensions that I had to anticipate and address (Patton, 2002: 406–407).

Before collecting any information, I first secured written permission to visit both the national Department of Education and the selected provincial departments of education to conduct the interviews. In the letter in which I requested permission to conduct the study I detailed the purpose of the study, the data collection methods that would be used, the intended use of the research, how the participants would be involved in the research and the risks, if any, that would be involved (Silverman, 2010: 155).

Cresswell (2014: 92) warns that ethical questions are apparent today in such issues as personal disclosure, authenticity, the credibility of the research report; the role of researchers in cross-cultural contexts and matters of personal privacy. Hence, in addition to requesting permission to conduct the fieldwork, the information contained in the letter was also important as it enabled the officials of the departments of education to make informed decisions about their involvement in the research process (Silverman, 2010: 155; Patton, 2002: 412).

According to Berg and Lune (2012: 90), informed consent refers to the knowing consent of individuals to participate as an exercise of their choice, free from any



element of fraud, deceit, duress, or similar unfair inducement or manipulation. Denzin and Lincoln (2008: 192–194) emphasise that research subjects have a right to be informed about the nature and consequences of experiments in which they are involved as well as the duration, methods, possible risks and the purpose or aim of the experiment so that they may voluntarily agree to participate in such research. The researcher also informed the participants of their right to refuse to participate and to withdraw from the investigation whenever and for whatever reason (Silverman, 2010: 155). The researcher then requested the participants to sign the letters of consent prior to commencing the data collection.

All possible care and means were taken to protect the participants' interests and wellbeing from possible harm because of their involvement in the research study (Silverman, 2010: 156). The researcher also assured both confidentiality and the protection of the participant's anonymity. Confidentiality refers to an active attempt to remove from a study any elements that may reveal the subjects' identities. In a literal sense, anonymity means that the subjects remain nameless (Berg & Lune, 2012: 93).

In view of the fact that focus group interviews were used for the purpose of data collection, the necessary precautions were taken to ensure that all research-related information was not carelessly discussed outside of the focus group interview. To this end, the participants involved in the focus group discussion were requested to respect each other's integrity and the confidentiality of the discussions, comments, opinions, and views rose during the interviews (Berg & Lune, 2012: 95). This, as part of informed consent, places some responsibility on the participants also to play a role in complying with the confidentiality requirements of the research process. No one deserves to suffer any harm or embarrassment because of insensitive research practices.

I also offered the participants an opportunity to view and verify their statements to ensure the authenticity (Patton, 2002: 412). Ensuring that data is accurate is a cardinal principle in social science codes. Fabrications, fraudulent materials, omissions and contrivances are both non-scientific and unethical (Denzin & Lincoln, 2008: 194).

Cresswell (2014: 97–98), advises that researchers should respect the data collection site and ensure minimal disruptions of the physical setting of the site. For example, they could time their visits in such a way to ensure that they intrude as little as possible on the flow of participants’ activities. Accordingly, the interviews conducted for the purposes of this study took place at a venue and time that were suitable to the participants in order to prevent them from interfering with departmental activities or the officials’ work programme.

Cresswell (2014: 100) warns against falsifying authorship, evidence, data or conclusions when reporting on the research findings; he advises that researchers need to provide an accurate account of the information in the report; he recommends the use of one or more of the strategies of validation to check the accuracy of the data with the participants or across various data sources and he also highlights other ethical issues in reporting and which involve suppressing, falsifying, or inventing findings in order to meet the needs of either a researcher or an audience. As mentioned in section 3.7 above, this study used various validity and reliability strategies to improve the accuracy and credibility of the information and the subsequent reporting.

After the completion of the study, all the data that had been generated was stored in the Faculty of Education Management and Policy of the University of Pretoria, according to the policy requirements, for a period of 15 years. I also forwarded copies of the thesis to the departments of education that had been involved in the study as an acknowledgement and expression of appreciation of the valuable data they had contributed to the study.

3.9 CONCEPTUAL FRAMEWORK OF THE STUDY

The stewardship theory as proposed by Cornforth (2000) and Muth and Donaldson (1998) informed this research in an attempt to shed light on the intention and practice of co-operative governance. In the context of governance, the stewardship theory emphasises partnership and cooperation between the various governing institutions. According to this theory, the basis for the relationship between the various governing



institutions is neither compliance nor conformance, but collaboration in order to improve organisational performance.

It is apparent that the principles of co-operative governance, some policies and the theoretical framework assume that there has to be a natural cooperation between the spheres of government or people. Despite the fact that cooperation is an important aspect for the practice of co-operative governance and the delivery of education to the nation by the various spheres of government, it remains a complicated process to achieve. This is because it is influenced and/ or affected by the dynamics of the bureaucracy, interplay of politics and the level of understanding of the concept of co-operative governance by the officials within the spheres of government. The assumption of policy and theoretical frame that there has to be a natural cooperation between the spheres of government or people have an influence on how the officials within the spheres of government approach their functions, particularly the concurrent ones.

However, according to the stewardship theory the functioning of the various spheres of government should involve a complementary and collegial relationship in terms of which all the parties are eager to support and assist each other with the intention of improving service delivery. As partners, the spheres of government are equally responsible for the delivery of education of a progressively high quality to all the learners in the country. This is clearly articulated in the constitutional imperative of concurrent functions.

The stewardship theory advocates the stewardship of and partnership between the leaders in an organisation. Similarly, co-operative governance in the education system as defined by the constitutional principles of interrelationship and interdependence clearly indicates that the various departments of education are dependent on each other to fulfil their concurrent responsibility in terms of education. Furthermore, the stewardship theory holds that managers (in this context PEDs) do not have an inherent conflict of interest with stakeholders (in this context DBE). This, in turn, implies that, although the national and provincial departments of education are constitutionally distinct from each other with each having the executive power to deliver its mandate, it



is incumbent on them to work collaboratively on matters of common interest (Muth & Donaldson, 1998: 10).

The fact that the stewardship theory advocates the stewardship of and partnership between the leaders in an organisation calls for a common understanding of the concept co-operative governance. Thus, the study explored how this concept co-operative governance finds practical expression between the spheres of government, hence the choice of the phenomenological design in order to explore the understanding and meaning of co-operative governance in the education system. Thus, the concept of co-operative governance was explored from the perspective of officials of the departments of education. In other words, this phenomenological study was designed in such a way to describe, explicate, and interpret the experiences of officials of the departments of education by determining the meaning of the experience as perceived by the people who have participated in it (Ary, Jacobs, Razavieh & Sorensen, 2006: 461).

Muth and Donaldson (1998: 10) argue that there are a range of psychological factors which cause pro-organisational behaviour. One such factor is organisational identification that refers to the convergence of individual and organisational goals. An employee who identifies with an organisation will work towards the organisational goals, play a role in solving the organisation's problems, and overcome the barriers preventing the successful completion of tasks and assignments.

The unit of analysis for this study was chosen based on the interplay of politics between the various spheres of government and included the National Department of Basic Education and three provincial departments of education. The three provinces were chosen based on their political allegiance. It was felt that those provinces that are politically aligned to the ruling party would be more likely to identify with and work towards the successful implementation of the policies of the ruling party. In other words, they would be obliged to align their policy objectives with those of the ruling party as they are based on the same political mandate. On the other hand, the opposition led province has a different political identity that may influence its interpretation of the national policies. In addition, the opposition led province may also be somewhat reluctant to implement the national policies, particularly in their area of jurisdiction.



This province would be more likely to emphasise the *distinctive* aspect of the relationship between the spheres of government. However, the Constitution enjoins all the spheres of government to preserve the indivisibility of the Republic of South Africa (RSA, 1996a). Thus, for opposition led province this may mean compliance with the national policies rather than a voluntary identification with these policies and a working towards organisational goals, solving problems and overcoming the barriers preventing the successful completion of tasks and assignments. As a result, the theoretical framework will play an important role in guiding data analysis to determine the level of understanding, attribution of meaning and practical expression of the concept co-operative governance.

As stewards who are supposed to look after and improve the wellbeing of the nation, the various spheres of government are enjoined by the Constitution to *preserve the indivisibility of the Republic* (RSA, 1996a). In the case of the education departments this would involve working collaboratively towards the national goal of *developing all the learners' talents and capabilities* (RSA, 1996c), irrespective of political allegiance. Their inescapable interdependence should encourage them to assist each other to solve problems and to overcome the barriers preventing them from successfully providing education of a progressively high quality to all the learners. If they fail to do this there is every likelihood that learners will move from the poor performing provinces to the better performing ones and this, in turn, is likely to create more problems.

McGregor (1967) argues that, when individuals genuinely identify with a group, leader or cause, such individuals are, in effect, saying that the goals and values associated with that group, leader or cause have become their own. They then self-consciously direct their efforts towards those goals and gain intrinsic satisfaction from their achievements. Thus, as stewards coming from different political allegiances, the provinces are likely to have divergent views on co-operative governance and, as a result, different approaches to their concurrent functions. Hence, the interplay of politics will have a significant influence on the interpretation and understanding of co-operative governance and the subsequent delivery of services to the citizens of the country.

Davis, Schoorman and Donaldson (1997: 24) argue that stewards do not substitute or trade self-serving behaviour for cooperative behaviours. Thus, even where the interests of the steward and the principal are not aligned, the steward places higher value on cooperation than on defection. Despite their distinct character, the spheres of government are obliged by the Constitution to co-operate with one another in mutual trust and good faith to secure the well-being of the people of the Republic of South Africa (s 41(1) (h & b)). Thus, in instances in which there is a divergence between the self-rule and shared-rule priorities of the spheres of governance, the shared-rule priorities ought to take precedence. Thus, they should strive to manage the natural conflicts and tensions that may arise between the spheres of government in order to achieve their objective.

Davis *et al.* (1997: 24) contend that, according to stewardship theory, the behaviour of the steward is collective because the steward seeks to attain the objectives of the organisation. Similarly, the PEDs should seek to realise the national department's goals and commitments as stated in *Action Plan to 2014: Towards the realization of Schooling 2025*, the Minister's delivery agreement and the broader vision of DBE. In addition, the stewardship theory emphasises the collectivist, pro-organisational and trustworthy disposition which is aligned to the constitutional principles of co-operative governance.

Despite the fact that the different spheres of government are distinct, they are obliged to use their powers in a way that shows respect for one another. The division of powers between the spheres of government implies that each has a unique and independent role to play in the intergovernmental domain. Thus, it is assumed that no one government department will deliver radical improvements in service delivery on its own and without coordination and cooperation with the other departments.

3.10 CONCLUSION

This chapter described the research design, methods, and approach that guided this research study. The chapter also discussed the data collection and data analysis procedures that were employed; the strategies that were used to ensure the validity and



reliability of this study and the ethical considerations that were observed throughout the study.



CHAPTER 4: A PARADOX OF DEFINED RELATIONSHIPS BETWEEN THE SPHERES OF GOVERNMENT

4.1 INTRODUCTION

The relationships between the various levels of the Department of Basic Education are constitutionally defined as having to show co-operation with one another in mutual trust and good faith by assisting, supporting, and consulting one another, coordinating their activities and adhering to agreed procedures. However, the expressed relationships do not always espouse what is envisaged in the Constitution, thus creating an impression of “a paradox of defined relationships between the spheres of government.” This “paradox of defined relationships” has a marked influence on the way in which the spheres of government deliver their mandates and the subsequent benefits that accrue to the citizens.

The “paradox of the defined relationships between the spheres of government” will be discussed as a requirement for the spheres to **work together towards a common goal and effective service delivery and to resolve the dilemma created by the decentralised autonomy of the various spheres and how co-operative governance find practical expression.** These aspects will serve as lenses through which the officials’ understanding of and attribution of meaning to the concept co-operative governance are expressed.

The aspects stated above will constitute the chapters in which the research data is presented, analysed and discussed in order to explain the respondents’ views and perceptions of the concept of “co-operative governance.” The way in which the spheres of government relate to each other and the strategic and policy decisions determined by these relationships will have a critical impact on how education is delivered to the learners throughout the country.



Chapters 4 to 6 present and discuss the findings on how the participating officials from both the national Department of Basic Education and the provincial departments understand and give meaning to the concept of co-operative governance and how this, in turn, affects education delivery in the system. The discussions presented in the sub-sections of these chapters will provide answers to the research questions.

The main research question that guided the investigation pertained to the level of influence of *co-operative governance within the education system on the delivery of education in South Africa*. Thus, I specifically discuss the officials' understanding of co-operative governance, how co-operative governance finds expression in practice, the effect of co-operative governance relationships on service delivery in the basic education sector; and how the principles of co-operative governance find expressions in the education system. These aspects also address the research sub-questions.

4.2 WORKING TOWARDS A COMMON GOAL/EFFECTIVE SERVICE DELIVERY

The success of the spheres of government as regards working towards realising a common goal is determined by their relationship as defined within the context and level of co-operation, power relations, shared responsibilities and co-ordination of activities. These concepts not only explain the essence of co-operative governance but they also provide a framework of how the spheres should relate to each other in order to ensure the effective delivery of their mandate.

The literature review highlighted that there is, in essence, a multiplicity of government systems around the world and that each of these systems demonstrates unique characteristics. This, in turn, calls for a sound understanding of the system of government that is adopted to inform the type of policy and legislative decisions that are to be made when performing certain functions. The type of government system which is adopted also influences and determines the context and environment within which the functions are performed and the quality of service that is rendered to the people (De Villiers, 2012: 392–393).



In addition, the officials' views on co-operative governance will influence how they relate to, and work with each other, especially if they are from different levels of a department.

An understanding of the concept of “co-operative governance” on the part of the officials of the Department of Education is critical for the effective functioning of the education system. Their understanding of co-operative governance will have an impact on the policy making process and the strategic directives. As a result one of the sub-questions of this research study seeks to *establish the level of understanding of cooperative governance of officials within the different spheres of the education system*. The research data showed that the interviewees understood the concept of “co-operative governance” to mean co-operation, power relations, shared responsibility, and the co-ordination of activities between the spheres of government. The following sub-sections present a detailed analysis of each of the constructs that were used to describe the meaning of co-operative governance.

4.2.1 Co-operation

The literature review emphasised that, for the spheres of government to cooperate successfully, they should have common understanding of what they must cooperate on and how such cooperation should find expression. This would minimise the chances of the spheres of government "working at cross purpose against each other" rather than cooperating. In addition, the complex pattern of interactions, cooperation, and inter-dependence between the spheres of government and the combinations and permutations of the relationships between the levels of government within a country will determine the success or lack thereof of the service delivery in the country (Lawson, 2011: 200).

It was indicated earlier that policy and the theoretical framework assume that there has to be a natural cooperation between the spheres of government or people. Despite the fact that cooperation is an important aspect for the practice of co-operative governance and the successful delivery of education to the nation by the various spheres of government, it remains a complicated process to achieve. This is because it is



influenced and/ or affected by the dynamics of the bureaucracy, interplay of politics and the level of understanding of the concept of co-operative governance by the officials within the spheres of government. The officials' views in explaining this construct will shed more light on its complexity.

Although the respondents agreed on the role of the construct of co-operation in explaining co-operative governance, the research data revealed that they differ in terms of the emphasis and meaning they attached to the construct. Thus, the views of the officials from the various levels of the Department of Basic Education are presented separately to allow for comparison and contrasts in order to demonstrate the level of understanding of the concept “co-operative governance” of the officials of the various spheres of government.

a. National Department of Basic Education

The officials' understanding and perceived meaning of co-operative governance determine how they give effect to the whole notion of co-operative governance. Their understanding and perceived meaning will also define the practical implication of co-operative governance in the education system in South Africa. The officials' attribution of meaning to the concept “co-operative governance” centred on various aspects that defined the relationships between the spheres of government. The officials' attribution of meaning to the concept “co-operative governance” will determine the essence of their working relationships.

In explaining this view Benjamin* stated that co-operative governance means “you have various spheres of government – national, provincial and local spheres of government ... all the spheres of government have to *work towards a common goal.*” Thus, a common understanding and shared meaning of co-operative governance are imperative to ensure the successful execution of the concurrent and exclusive activities, particularly in education. This understanding would lead to the realisation that, although the various spheres are distinct, they nevertheless have a common purpose as regards delivering quality education to all the children in the country. Although their



mandates in education are managed, directed, and resourced at different levels, they still have to ensure that their efforts converge “towards a common goal”. However, in practice it would appear that the spheres of government struggle to work towards a common goal because of the challenges involved in the allocation of resources and the different loci of education management and control.

This is in line with the theoretical framework of this study that asserts that, when an individual genuinely identifies with a group, leader or cause, he/she is, in effect, saying that the goals and values associated with that group, leader or cause have become his/her own. He/she then self-consciously directs his/her efforts towards those goals and gains intrinsic satisfaction through their achievement. Thus, a common understanding of co-operative governance should assist the PEDs, as the stewards of education delivery, to own and work towards the achievement of the national goal (McGregor, 1967). They will realise that they have a common purpose and obligation to collectively work towards meeting the national expectations in respect of education.

This notion was further supported by Simon* who perceived co-operative governance as

... trying to minimise the issues of different levels of government working at cross purposes by ensuring proper alignment ... it also takes away issues of confusion ... it also takes away issues of how, as government, we are managing resources ... so that we don't do double dipping in terms of resources.

The above view would generate the clarity of purpose that would, in turn, inform the appropriate utilisation of resource for the effective delivery of education to the nation. Without such an understanding, the spheres of government are likely to work at cross-purposes as there would not be any co-ordination and alignment of activities. The research data and the literature review support each other in emphasising the significance of cooperation between the spheres of government as this would improve the alignment of activities, provide clarity of purpose and eliminate duplications of



activities and, thus, improve the level of effectiveness and efficiency of education delivery.

The theoretical framework indicated that stewards would not substitute or trade self-serving behaviour for cooperative behaviours. Thus, even where the interests of the steward and the principal are not aligned, the steward places a higher value on cooperation than on defection. Despite their distinct character, the spheres of government are obliged by the Constitution to co-operate with one another in mutual trust and good faith to secure the well-being of the people of the Republic (Davis *et al.*, 1997: 24.)

In addition, Simon* emphasised that “*co-operative governance is aimed at maximising the principle of cooperation among the three spheres of government. It also provides for a legislative regime that promotes and facilitates intergovernmental relations as well as the mechanisms and procedures that facilitate the settling of disputes between the three spheres of government.*” He further stated that “*co-operative governance is a constitutional imperative that compels state organs to co-operate and seek solutions without resorting to the courts.*”

This understanding acknowledges that, although, as in any other relationship, there may be differences between the spheres of government, the fact that they are supposed to work in good faith with each other should help them to deal with the dynamics that emanate from the relationships. In addition, they should not be distracted from achieving their common objective by any differences between them and, hence, the emphasis on the significance of good working relationships between the spheres of government with these relationships being characterised by the ability to resolve disputes amicably and without resorting to the courts. Cooperation will enable the spheres to accommodate, support, and assist each other in delivering better education to the nation. Resorting to the courts to resolve a dispute should be considered as a last resort when all other recommended avenues have failed. There have, in fact, been very few occasions when the spheres have involved the courts in order to resolve a dispute.



In this regard Solomon* stressed that, for the department to attain the national objectives, *“it is necessary and desirable for them to cooperate in fields where the activities intersect or support one another”*. The requirement that the spheres of government cooperate with one another is critical for them to work effectively, efficiently and productively towards delivering good quality education to all the learners. The use of phrases such as *“all the spheres of government have to work towards a common goal, trying to minimise the issues of the different levels of government working at cross purposes by ensuring proper alignment and that co-operative governance is aimed at maximising the principle of cooperation between the three spheres of government”* in explaining the concept of “co-operative governance” captures the essence of the concept and explains the characteristics of the required relationships between the spheres of government. Working towards a common goal, not working at cross purposes with each other and maximising cooperation are all vital if the spheres of government are to succeed in delivering their mandate. Co-operative governance promotes synergy between the spheres of government, thus enabling them to assist and support each other in whatever they are doing.

b. Provincial education departments

As indicated above that, the interviews involved senior officials at different levels of the departments. It emerged that the seniority of the positions held influenced the views on the interpretation of co-operative governance. This became even more apparent during the focus group interviews where it emerged that the officials at the director level held a common view of the way in which the system interpreted and implemented policy. On the other hand, the Deputy Directors-General expressed a more bureaucratic view and defended the system. Inconsistent views held by officials would clearly have an effect on the way in which co-operative governance is expressed in practice.

Contradicting views are likely to cause tensions and frustrations between the spheres of government and between the officials at different levels. This, in turn, has the potential to impact adversely on the operation of the education system.

At some stages during the focus group interview, the researcher gained the impression that the senior official in the group felt that the other participants were revealing too much about the province's internal politics and, thus, she tried to hijack the interview in an attempt to deprive them of an opportunity to express their views. This, in turn, revealed inconsistencies between the various officials in various positions as regards the interpretation of and preferred ways in which to implement co-operative governance. It became clear that the views held by the different officials on co-operative governance were noticeably different and that this may affect their approach to education delivery.

However, there was a common view expressed by the participants from the three provinces that co-operative governance means that the various spheres of government should *work together* to ensure effective education delivery. This emphasis on the various spheres of government working together may have emanated from challenges and frustrations that have arisen because of a limited application of the principles of co-operative governance by the various spheres of government. In terms of the principles of co-operative governance, the spheres of government are enjoined to assist, support and consult each other, to co-ordinate and align their activities and to follow agreed upon procedures. However, a limited application of these aspects and the impact of this on the effectiveness of the education system necessitate a call for the spheres to work together.

According to Thomas*, *it is essential that, as far as it is possible, the various spheres of government which are responsible for a particular mandate work together to ensure that policy implementation is in the best interests of the constituency being served.*

The desire or intention of the spheres of government “to implement policy in the best interests of the nation” has serious implications in terms of the resources allocated for this purpose, the energy invested in this regard and the support required to ensure success. This will, in turn, also be influenced by the level and nature of cooperation between the spheres of government. However, the persistent challenges in respect of resource allocation, the lackadaisical approach to policy implementation and the



lacklustre support offered in certain instances by the provinces in respect of the realisation of the national policies mitigate against the intention to work together to achieve a common purpose.

Peter* stated that “*co-operative governance is about a number of things ... it is about legislation ... it is about systems ... it is about relationships ... it is about the outcomes of the spheres of government working together ... in the main it is a constitutionally mandated relationship between three spheres of government ... your national ... your provincial and local municipalities*”.

The impression created by this comment is that the relationship between the spheres of government is mandatory and that the spheres are left with no option but to comply. However, forced compliance has the potential to create resentment and defiance. A sound understanding of the concept of co-operative governance should generate a culture and spirit of consultation, cooperation, alignment, and coordination of activities as well as mutual support between the spheres of government. This, in turn, will encourage the spheres of government to work together towards a common national purpose, thus enabling the spheres of government to create and support the system necessary to bolster their working together.

Moses* argued that *co-operative governance refers to the way in which the various spheres of government work together to ensure that there is effective service delivery to the client and the client, in this instance, is the learner in the classroom.*

It is the “working together” or cooperation between the various spheres of government that should characterise and define their relationship if they are to succeed in delivering on their mandate. In view of the fact that education is an area of concurrent responsibility, the spheres of government would not be able to carry out this concurrent function successfully if there were no cooperation between them. A lack of cooperation between the spheres of government may lead to their working at cross purpose with each other, unhealthy competition, duplication of activities and confusion. These, in



turn, will affect the quality and level of education delivered by the various spheres of government, both individually and collectively.

The way in which the officials who were interviewed used co-operation as a construct to express their understanding of the concept of co-operative governance indicated that co-operative governance had different meanings for the various spheres of government. The officials from the National Department of Education used phrases such as “*working towards a common goal; minimising the issues of different levels of government working at cross purposes with each other; ensuring proper alignment of activities and the need to cooperate in fields where the activities intersect or support one another*”. The use of these phrases may suggest a concern on the part of the national department about working towards maintaining the “national unity and indivisibility of the Republic” (RSA, 1996a) or it may imply that the national department was adopting a unitary approach and that the officials were worried about the federal attitude of the provinces which indicated that the provinces seemed to be “doing their own thing”. These phrases may also highlight the frustration being experienced by the national department because of the limited co-operation it appears to be receiving from the provinces.

On the other hand, the officials from the provincial departments used phrases such as “*various spheres should work together to ensure that there is effective service delivery; various spheres should work together to ensure that we implement policy in the best interests of the constituency; and co-operative governance is about the outcomes of the spheres of government working together*”. The emphasis on the “the various spheres working together” may suggest an awareness of the apparent lack of co-operation between the national and provincial departments and, hence, the duplications of activities and programmes arising from the apparent lack of co-operation between the provincial and the national departments. This may also be the cause of the level of competition, whether implicit or explicit, between the provincial departments, for example, their striving to outperform each other in various aspects such as the performance of the Grade 12 learners.



The views expressed by the officials clearly illustrated what it means to work and deliver services within the context of co-operative governance. However, the obvious frustrations being experienced by the officials from the Department of Basic Education sector revealed that they did not share a common understanding of and neither did they uphold the key aspects of co-operative governance in their relationships and functioning.

4.2.2 Power relations

Power and authority are critical aspects that determine the control and functionality of the various spheres of government. They determine the allocation, distribution and utilisation of resources, influence policy and strategic operations and define the relationships between the various spheres of government. In addition, “power” determines the being of a particular sphere of government because, without the necessary constitutional power, a particular sphere would not be able to formulate rules and regulations; carry out particular functions and protect its own wellbeing.

The literature review indicate that the division of functions and powers is regarded as a specific characteristic of the co-operative governance system in that the authorities on the various levels enjoy equal status and are in no way subjected to each other. Although this, in turn, confers on the spheres of government the necessary freedom to determine and fulfil certain strategic actions, make appropriate policy decisions and allocate and utilise resources, it may also create serious challenges in respect of accountability and reporting. Each sphere exercises its powers without any control from the other, and neither is subordinate to the other (Asmal, 1990: 83). Thus, if the PEDs fail to comply with a particular directive from the national Department of Education there is no immediate form of recourse for the national Department to ensure compliance. This is further complicated by the fact that the Head of Education in a province is accountable to the premier and not to the Minister of Education.

The operation of the bureaucracy, within the context of co-operative governance, is influenced by dichotomous relationship of self-rule and shared-rule that exist between



the spheres of government. Although the constitution declares them as being equal and confers the same powers to both of them, they have distinct competencies that they have to fulfil. Even though some functions are concurrent in nature, they still have to be performed in line with the applicable competencies of each sphere of government. Thus how the spheres of government interpret and discharge the powers in terms of planning, policy decisions and resource provisioning will not only affect the other's distinct competencies, but will also influence overall process of education delivery

The literature review also revealed that, in a federal form of co-operative governance system, the various levels are responsible for separate functions based on their guaranteed and original powers as defined in the constitution. Therefore, in the context of education in South Africa there is no guarantee that any policy or strategic directive that is initiated by the national Department of Education will, in fact, be implemented. Under the premier's directives, a province may establish its own priorities and even allocate resources to achieve these priorities while not allocating any resources to implement the national priorities. The dual creation of policy to direct the same department is creating challenges in respect of the alignment and co-ordination of activities, duplication, and confusion.

It is, therefore, critical that both the national and the provincial governments consider each other's interest when exercising their constitutional powers as this will promote the efficient and effective functioning of the levels of government thus enhancing service delivery to the citizens. The spheres of government should co-operate in exercising their power for the common good of the country as a whole because no sphere of government is able to function effectively without co-operating with the other spheres as a result of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources, poor economic conditions and popular accountability as well as grassroots pressure (Malan, 2005: 230).

Although the government levels are in no way subordinate to each other, the fact that they share certain administrative and political points of contact requires them to co-operate and consult with each other in order to improve their effectiveness in a



complementary way. Each level should be mindful of the way in which its policy decisions will influence the administrative functions of the other levels. Thus, although the government levels are in no way subjected to each other, they are interdependent and, thus, it is vital that they maintain sound and effective intergovernmental relationships for the benefit of the nation. Despite the fact that the unique powers and concomitant competencies render the spheres distinct from each other, the exercise of these powers happens within a shared space and within the context of an interdependent relationship. In other words, the spheres of government do not enjoy absolute freedom to exercise their powers because they are in a co-operative government system that provides for concurrent functions and interrelated functioning. Accordingly, they should always be mindful of how exercising their powers will affect the other levels.

a. National Department of Basic Education

The view held by the officials from the national Department on the power relations of the various spheres government was similar to that which emerged from the literature review. However, the view they expressed regarding the powers of the various spheres of government was not always consistent with what happened in practice. Although Marks* asserted that “in terms of the Constitution the national and provincial departments have similar powers for exercising their responsibilities in their respective spheres but, because the provinces are part of a national environment and national incorporate the provinces, there needs to be cooperation between the two spheres”. However, the fact that this alleged cooperation was not always present was clearly leading to serious frustrations on both sides. In addition, a lack of co-operation also impacts negatively on education delivery, reporting and accountability. The officials expressed the view that they had “similar powers” and, thus, neither one was accountable to the other. It was clear that accountability was regarded as creating an impression of seniority and subordination between the spheres of government.

This frustration was clearly expressed in Solomon’s* comment:



How do I, as a manager, a senior manager in a department at a national level, get someone to do something as simple submit a report from the province ... I want to know how they are spending the money I am sending them ... the only thing I can do ... the only thing I can do is withhold sending funds on the basis of non-compliance because they haven't submitted a report ... effectively all I want to know is what have they done with the money ... that's my job ... it is oversight of the activities down the line ... so you don't send the report ... you don't get the money ... somewhere in the system they will make that happen in such a way that malicious compliance is expressed and the report arrives, no matter the quality of the report is poor ... and on that basis they get the money that they should be getting because ... I, as the national official, I can't withstand the pressure from my seniors any more ... because they would say you have no reason to withhold the money because they have submitted the report ... the legislation doesn't say the report must be to your satisfaction.

The frustration experienced by the official in this case resulted from the province failing to comply but there was no proper recourse available to him. This also demonstrated the limited cooperation between the spheres of government and which results in the provinces failing to comply in a satisfactory way with the necessary expectations. The fact that not one of the spheres is subordinate to the other and they enjoy equal status makes it difficult to ensure proper monitoring, reporting and accountability. According to Solomon*, this situation is complicated by the fact that:

there is no one department or state which is superior or more powerful than the other and that there is a basic understanding that they should be regarded as equals. Equals do not report or account to each other. Thus, if there is non-compliance on the part of one sphere, there is no recourse available while dealing with the non-compliant sphere is made difficult by politics.

The fact that the spheres should be seen as equals frustrates and compromises both cooperation and service delivery. The provinces are aware that, even if they do not



comply with the national standards, there is nothing that the national department may do to censure them except to try to persuade them and to plead with them to consider the implications for the nation as a whole and, therefore, to do what is expected of them. William* complained that “*the provinces know that, as a national department, you cannot impose yourselves on a local situation ... without taking into account the authority vested in the provincial government ... you have to recognise the authority vested in the district or local municipality*”.

Thus, to a certain extent the national department is acting from a weakened position because it has to rely on persuasion to cajole the provinces into doing what is expected of them. The provinces are aware that, if something goes wrong with education delivery in the country, it is usually the national Minister of Education who is held accountable and, thus, they are protected from public criticism. On the other hand, the national Minister cannot hold the provincial Heads of Department accountable because they account to the premiers who selected and appointed them and not to the Minister of Education. Brian* advised that:

Co-operative governance should ensure that, in keeping with the distributions of powers and functions, all spheres of government work towards upholding the principle of a unitary state in broad terms and specifically in upholding the policies, norms and standards for a particular sector in the way they work together, respecting the powers and functions of different spheres and working in a manner that tries to solve problems and avoid any conflict that may arise and in a manner that will allow you to achieve the objectives of the sphere and the government machinery.

Thus, it is believed that a sound understanding of co-operative governance would persuade the spheres of government to realise that, in addition to their being interdependent and interrelated, it is essential that they also use their powers to complement each other in fulfilling their functions to the benefit of the country. In other



words, it is important for the various spheres to realise that they have a common objective to deliver collectively and individually to the nation and, thus, they should use their power in a collaborative way in order to meet and realise the national mandate. However, the way in which the spheres sometimes use their powers creates frustrations, strains relationships, and defeats their common purpose.

b. Provincial education departments

An incorrect interpretation of and attribution of meaning to the concept of “co-operative governance” may create unnecessary tensions and disputes between the spheres of government. This situation is made more complex by the fact that the spheres are allocated exclusive powers as regards policy decisions. According to Thomas*, this may result in a situation in which *“the national department could simply instruct a province not to implement a particular policy/directive if it doesn’t want it to happen or, if necessary, it could go to court to make sure that the province doesn’t implement ... and a provincial department could also, theoretically, take the national department to court to ensure that it implements particular activities the way it wants to”*.

These classical disputes and tensions arise because of the views and perceptions of the spheres about their constitutional powers. Thus, a better operational relationship between the spheres of government would, to a certain extent, depend not only on the way in which they interpret and understand the meaning of co-operative governance but also on a correct interpretation of the powers and level of authority conferred on each. The principles of co-operative governance are supposed to inform the essence of policy formulation and policy implementation as well as the strategic decisions made by the spheres of government to guide their operations. Although the Constitution provides for consultation, support and co-ordination between the spheres of government, it is the nature and extent of the implementation of these constitutional principles that will determine how effective and successful they are in strengthening and improving the relationship between the spheres of government, thus enabling them to deliver services to the nation. Furthermore, the way in which they exercise their



powers will affect the degree of success and effectiveness with which they deliver these services.

The spheres of government are allocated powers, roles, and responsibilities in terms of the context and scope of co-operative governance which defines these spheres as distinct, yet interdependent and interrelated. There is, thus, a well-defined relationship between the spheres and one that has to be respected. However, this is possible only if the spheres of government share a common understanding of the concept of co-operative governance and how the powers that have been allocated to each sphere should be expressed in practice. These powers are supposed to strengthen the relationship between the spheres if they are used in a complementary way. However, the way in which the powers are been exercised by the spheres individually creates frustrations and tensions which impact adversely on their effective and productive functioning. In addition, reporting and accounting become a problem and, thus it is not possible to adequately determine the level of progress made and the degree of compliance with the norms and standards which have been set.

The unnecessary power struggles and political wrangling that are part of the service delivery discourse have a negative effect on the lives of the citizens. It is, thus, incumbent on the spheres of government to use their ability to persuade, bargain and compromise in order to mitigate against these negative effects. Cornelius* advised as follows:

You see, at the end of the day, there is somebody suffering there when they could have sat down and said 'Look, let us take what the constitution tells us ... let us see how my powers can contribute to what you do because it is about the safety of the people in that particular area of Khayelitsha, so it is nothing that we should be fighting about'.

The fact that the spheres of government are described as interdependent and interrelated ordinarily compels them to use their powers in a synergistic way. However, it would appear that the synergy that ought to be present as a result of the collaboration between



the spheres is sometimes missing and, as a result, there are sometimes unnecessary fights over “turf”. Nevertheless, Reuben* asserted that:

Co-operative governance is clear ... we work together ... we align ... we agree on the governance principles ... but the section in the constitution that makes provision for that also gives certain powers to the provinces ... sometimes it seems to be a contradiction.

The view of a “contradiction in giving provinces certain powers” emanates from the apparent frustrations and tensions that characterise the working relationship between the spheres of government and which is contrary to the expectation of co-operative governance that the spheres should work together, align their activities and adhere to agreed procedures. Unfortunately, however, the deviation from these principles that is evident in the working relationship between the spheres of government as a result of the non-compliance in terms of reporting and accountability supports the view of “a contradiction in giving provinces certain powers”. Cornelius* advised that:

The way in which the powers which the province or the national department exercise have to converge towards the direction of the client ... the direction of the population so that, at the end of the day, it is about the development of our country. The crux of the advice is that the spheres should use their powers to complement each other to create a synergy that would strengthen the delivery of education to the nation.

Although Cornelius* argues that “if you say co-operative there are two elements ... there are two parties with equal status ... provinces and national are basically equal in terms of decision making”, the spheres of government should be mindful of the fact that, in view of their interdependence and concurrent functions; the way in which they exercise their powers in decision making will affect and impact on their operations and effectiveness. This, in turn, is the reason why it is critical that they use their powers to complement, assist and support each other.

Power and authority are critical aspects that determine the control and functionality of the various spheres of government. As regards the aspect of power relation the officials from the National Department expressed the perception that the spheres of government have distinctive competencies and, hence, they have similar powers to carry out their responsibilities. In addition, the spheres of government are also supposed to assume full responsibility for the planning and executing all the programmes and projects within their jurisdiction. Thus, as regards fulfilling their obligations and mandates, no one department or state is superior or more powerful than the other. Nevertheless, in respect of their operations and relationships they should work together while also respecting the other's powers and functions. Unfortunately, however, although they should be seen as equals and equally responsible for delivering the national mandate, it is clear that the National Department is being forced to contend with inadequate reporting and accounting from some of the provinces.

On the other hand, it is also critical that both the national and provincial governments consider each other's interest when exercising their constitutional powers. This would promote the efficient and effective functioning of the levels of government, thus enhancing service delivery to the citizens. The officials from the provinces who participated in this study were appealing for the spheres of government to use their powers in a complementary way. They further asserted that the powers that the provinces and the national department exercised should converge in the direction of the client in order to enhance the optimum utilisation of resources instead of the spheres working at cross purpose with each other. The latter was leading to duplications of activities and tensions. Although the provincial departments of education and the national department were essentially equal in terms of decision-making, they should, nevertheless, be mindful of how policy decisions impact on the other's administrative functions.

4.2.3 Shared responsibilities

It is the expectation of co-operative governance that the spheres of government should cooperate and collaborate with each other in order to strengthen and improve service



delivery to the nation. This, in turn, means that the spheres of government have to perform their functions within the context of shared responsibilities and this requires them to synergise their efforts. Thus, policy co-ordination is an important precondition for effective and efficient service delivery (Freinkman, 2007: 2). In the education context it is, thus, important that the various spheres of government understand that they are not only sharing responsibilities in terms of education delivery but also that they depend on each other for the successful and effective fulfilment of those responsibilities and, hence, the obligation for them to ensure proper co-ordination of their policies as well as the proper alignment of their activities.

Education delivery is one of the shared competencies of the national and provincial governments. Although the National Department has the prerogative to formulate policies and determine regulatory frameworks, including the setting of norms and standards, it is the responsibility of the provincial education departments to implement these policies in order to realise their intended impact on society as the schools and learners are the preserve of the provinces (Layman, 2003: 8). In addition, the provinces also control the resources required to implement the national policies. This, in turn, emphasises cooperation and consultation as the fundamental aspects of the relationship between them. Accordingly, the meeting of the national expectations would depend on the nature of the relationships between them as well as the consultations that happen between them, the extent of the collaboration and alignment of activities and the level of understanding and practical expression of co-operative governance. The fact that the majority of the social services are shared competencies between the national and provincial governments, demands that the spheres of government should work in a complementary way and promote the synergy between them to ensure successful service delivery.

Two factors should be taken into account when states decide to unite on a co-operative governance basis. Firstly, there must be a strong need and desire to shoulder the common interests jointly and, secondly, there must be an equally strong need and desire to shoulder the domestic interests separately (Kriek et al., 1992: 12). In this way the relationship between them will become a strong and necessary variable in the successful



fulfilment of their shared responsibilities with these shared responsibilities being properly managed. The view that co-operative governance denotes shared responsibilities will influence not only the relationships between the education departments and their approach to carrying out their responsibilities, but also the amount of energy and resources invested by the various spheres of government in order to deliver the educational mandate. The apparent incongruence between the national legislative intention and the subsequent provincial implementation may be attributed to, among others, the level of understanding and interpretation of the provisions for concurrent and co-operative governance.

Thus, in an intergovernmental context, the shared fulfilment of the state's roles is dependent on the way in which the central and provincial governments interpret their constitutional, legislative and policy responsibility and authority. In the education context, it also involves how the central and provincial governments accommodate each other in delivering their public education functions within the co-operative government system (Plaatjies, 2008: 55). Thus, the shared responsibilities determine how the spheres should relate, approach their roles and solve any challenges that may arise in delivering the education mandate both individually and collectively.

Although the fact that the departments of education have shared responsibilities is indisputable, the implementation is not without its challenges. These challenges arise principally because, in multi-level states where the competencies are shared between the national and sub-national governments, education delivery may give rise to several co-ordination and cooperation challenges because of the varied interpretations and understandings of the principles of co-operative governance (Happaerts et al., 2012: 442). It sometimes happens that, for the sake of expediency, an official from the national department merely wants to dictate to the provinces "what to do" and "how to do it" and this, in turn, may create resentment among the officials of the PEDs with such resentment then affecting the level of cooperation and subsequent education delivery. Although the officials from the various departments did refer to a spirit of partnership, what matters most is the concerted effort to sustain this spirit of partnership and the impact this would have on education delivery. As partners, the spheres of



government are equally responsible for the delivery of education of a progressively high quality to all the learners.

The significance of this partnership is further articulated in the stewardship theory that holds that managers (in this context the PEDs) do not have an inherent conflict of interest with stakeholders (in this context the DBE). In the education context this implies that, although the national and provincial departments of education are constitutionally distinct from each other with each having the executive power to deliver on its mandate, they are still required to work collaboratively on matters of common interest (Muth & Donaldson, 1998: 10). The standard and quality of education in this country is not measured by the individual performances of the various departments of education but by their combined effort in respect of education delivery on a national scale. Although some of the PEDs are performing relatively well on an individual level the impact of their combined effort is the most critical aspect in determining the literacy, numeracy and employability of all the citizens in this country. The varying degrees of compliance with education standards both nationally and internationally by the South African education system suggest that the level of partnership and the delivery of shared responsibility need to be strengthened. In addition, the collective effort in terms of education delivery should enjoy more prominence and support as compared to the individual performances and the latter may result in competition instead of collaboration.

a. National Department of Basic Education

The national Department of Basic Education is the custodian of education delivery in this country. In addition to its responsibility to formulate policies and determine regulatory frameworks, including the setting of norms and standards, the national Department of Basic Education also has to oversee the implementation of and compliance with these aspects in order to report and account to the various stakeholders. Simon* warned that “the national department should acknowledge and recognise that, in terms of co-operative governance, service delivery happens at different levels of government”. In other words, monitoring is crucial to ensure appropriate compliance



with the standards set, effective policy implementation, and sufficient benefit for the citizens from such policy implementation. The level of knowledge, expertise, and credibility of the monitoring team determines the success and effectiveness of the monitoring that is conducted. In addition, the provinces should acknowledge the need for monitoring and choose voluntarily to participate in the monitoring process in order to realise the objective and benefits of this monitoring process.

Benjamin* asserted that “*co-operative governance is the sharing of responsibilities with different stakeholders ... with different structures that play the implementation as well as the monitoring roles*”. Knowledge about and the fulfilment of the shared responsibilities are crucial in order to improve the well-being of the nation. Both the level of and the way in which the allocated roles are executed will determine the quality of education delivered to the nation. Unfortunately, however, the education system is facing a host of implementation challenges involving capacity, resources, and state of readiness with these challenges affecting negatively on education delivery. Monitoring role is critical if public officials are to be held accountable for their behaviour, actions, and decisions while a system of public accountability is required to ensure that public officials and governments act in ways that are approved by society. The issue of public accountability highlights the on-going need for checks, supervision, surveillance, and institutional constraints in respect of the exercise of power. It is anticipated that increased public debate on and scrutiny of several issues pertaining to education delivery will provide the necessary impetus for conscious efforts to improve public accountability. Unfortunately, monitoring and accountability in the education system are not always at the required level.

Salamina’s* comment that “*cooperative governance is really about us working together to achieve a common outcome*” reflects the need to cooperate and also highlights the shared responsibilities between the various education departments. Moving beyond the political sloganeering level of this phrase to the effective and efficient fulfilment of the shared responsibilities through cooperation would be beneficial to the nation. In other words, the spheres of government should be mindful of the fact that, in multilevel states, where competences are shared between the national



and sub-national governments, education delivery poses several co-ordination and cooperation challenges because of the varied interpretations and understandings of the principles of co-operative governance. Thus, the “working together to achieve a common outcome” is critical in order to overcome these challenges.

b. Provincial education departments

The respondents from both spheres of government concurred that, among others, co-operative governance implies a sharing of responsibilities between them. However, it is the level at which this understanding is put into practice that will determine the extent of impact of these shared responsibilities on the nation as a whole. In addition, the shared responsibilities should also reflect the level of investment of each sphere in terms of resources, energy, and time in the interests of the effective and efficient delivery of education.

The distinct nature of the spheres of government means that they each have specific competencies that they have to fulfil within their areas of jurisdiction. However, despite this they are still obliged to cooperate because no sphere of government is able to function effectively without cooperation with the others in view of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources, poor economic conditions, popular accountability as well as grassroots pressure (Malan, 2005: 230). This, in turn, emphasises the fact that, because of the areas of shared responsibility, the various spheres of government are required to pool their resources and energy in order to work effectively so as to enhance the well-being of the country as a whole.

According to Betty*, co-operative governance involves sharing responsibilities “*because you both understand what the key objective is ... once you both understand the key objective you have to work towards achieving that key objective*”. This statement best captures the essence of co-operative governance and the attendant concurrent functions. Such an understanding is important if the spheres of government are to carry out their functions successfully, both collectively and individually. The



spheres of government should understand that their actions and decisions influence and/or affect one another in various ways. This is the main reason why they should collaborate and co-ordinate their activities to avoid working at cross purpose with each other. This is even more important in view of the fact that they have shared responsibilities that means, in turn, that they have an equal responsibility, albeit at different levels, to deliver education of good quality to all the learners in the country.

Betty* complained that *“the frustration we experience as policy implementers, which sometimes affects the end users, is that the people who we are looking upon as the people who are driving policy are not helping us or simplifying things for us by just been there for us”*. The fact that *“they are there for each other”* provides an assurance that the mutual assistance and support, as stipulated in the Constitution, will be available when needed. This, in turn, would enable the spheres to experiment with various initiatives and also serve as a catalyst to provide the much needed impetus as regards delivering their services.

It is important to remember that the system and processes of delivering education to the nation are accompanied by appropriate accountability. In the context of shared responsibilities Caster* asked *“who assumes the ultimately accountability for delivering education to the nation ... is it the DG and MEC in the province or is it the DG and the Minister at national level? The minute we understand that we will be able to operate according to our competencies and areas of jurisdiction”*. Thus, in the process of invoking the exclusive powers given to a particular sphere of government it is imperative to realise the lines of accountability and to observe them. Although the accountability for the delivery of education to all the learners in the country rests with the national Minister of Education, the delivery processes, policy decisions and the control and management of educational activities are areas of concurrent responsibility. This is one of the reasons why an understanding of the essence of co-operative governance, namely, that the spheres are distinct, interrelated, and interdependent, is critical both for the successful delivery of education and also for assuming full accountability when the national expectations are not met. It is essential that applicable legislation such as the NEPA is diligently applied not only to correct any wrongs but

also to ensure that the various levels are held accountable in terms of the constitutional powers conferred on them.

The main essence of co-operative governance is cooperation and collaboration between the spheres of government to ensure effective, efficient, and productive service delivery. The officials from the spheres of government who were interviewed concurred that co-operative governance implies the sharing of responsibilities between the various stakeholders despite the fact that they have different roles to play. It is, however, vitally important that the spheres of government understand what the key objective is and that they work together to achieve a common outcome. However, they also need to provide each other with support and to consult and coordinate their activities. Although the Minister of Education is ultimately accountable for delivering education to the nation, education is a concurrent function and this, in turn, implies that the spheres of government are equally responsible for the performance of the education system.

4.2.4 Co-ordination of activities

Education in South Africa is managed and directed from two different management levels, with each level having exclusive powers and authority to determine the appropriate policies and regulations. However, this presents a serious risk to the effective and efficient management of education delivery because of the confusion, duplication, sub-optimal utilisation of resources and non-alignment of activities which may arise. It is, thus, critical that workable, inter-governmental co-ordination mechanisms are put in place because co-ordination should lead to improved overall resource utilisation through economy of scale, quicker project completion and the more efficient use of limited resources (Freinkman, 2007:2).

Although there appears to be a certain measure of consultation between the spheres of government, co-ordination as one of the critical aspects of co-operative governance is less obvious. It would seem that, after the consultation processes, the provinces retreat back into their enclaves and continue to carry out those activities which they deem to be a priority for them. This, in turn, often leads to the duplication of programmes and

projects which then results in the inefficient utilisation of resources. Furthermore, some of the critical aspects and programme may not be accomplished because resources have been wasted through these duplications, thus leading to the sub-optimal delivery of services to the nation.

Although the various spheres of government are allocated exclusive powers to determine policy direction within the areas of their own jurisdiction, not one of them is permitted to deliver radical improvements in service delivery on its own without the support and assistance of the other spheres. This means that co-ordination and cooperation are pre-requisites for the efficient, effective and productive delivery of education to the nation (Lawson, 2011: 200). The interdependent nature means that policy directions are influenced and impacted upon by the other's decisions and actions. Thus, the National Department should be mindful of the capacity and level of resourcing of the provincial departments when deciding on its plans and priorities while the provincial departments should be mindful of the way in which their policy decisions will impact on and affect the priorities of the National Department. Collectively they have a national mandate to deliver education of a progressively high quality to all the learners in the country and, thus, they are obliged to align and co-ordinate their activities.

The stewardship theory emphasises partnership and cooperation between the various governing institutions. According to this theory the basis of this type of relationship is not compliance or conformity but collaboration in the interests of improving organisational performance (Muth & Donaldson, 1998: 10). Despite the fact that the PEDs are the policy implementation arm of the national department, they are not limited to complying with the national policies. In other words, they are allowed to demonstrate creativity and also to experiment with various issues to ensure effective policy implementation. This is a result of the fact that policy implementation happens within and is influenced by various contextual issues within the provinces.

It is also important to note that the realisation of the South African democratic dream depends on the ability of the various levels of government to serve the public, each in



its particular manner but also by harmonising their activities (De Villiers, 1995: 28). Any disharmony in their activities will create confusion and result in a failure to take responsibility when particular objectives are not realised. The South African democratic dream seeks to offer education of a high quality to all the learners and, thus, all the activities carried out by the spheres of government as well as the utilisation of their resources should be geared towards the optimum realisation of this dream.

In terms of the stewardship theory, stewards will not substitute or trade self-serving behaviour for cooperative behaviours. Thus, even where the interests of the steward and the principal are not aligned, the steward places a higher value on cooperation than on defection (Davis et al., 1997: 24). The stewards realise that there is a common goal that has to be achieved and, thus, that everything should be geared towards achieving this goal. As stewards it is incumbent on the PEDs to align their activities and also to use their resources for the realisation of the national priorities. This, in turn, will ensure that the various spheres of government complement each other appropriately and adequately and, therefore, that they fulfil their obligations both variously and collectively.

A common understanding that co-operative governance implies the co-ordination of activities between the various spheres of government is an important contributory factor as regards the effective and efficient delivery of quality education to all the learners in the country.

a. National Department of Basic Education

The predominant view held by the officials interviewed for the purposes of this research study was that it is the primary function of the national Department of Basic Education to devise policies, norms and standards while the provinces are seen as the implementation agencies of such policies, norms and standards. This view, in turn, creates an impression that the provinces should, at all times, be ready to implement whatever strategic activity the national department proposes. However, this creates problems because the provinces enjoy a certain level of autonomy and, thus, they are



entitled to come up with their own strategic activities and even to allocate the necessary resources for the implementation of these activities. Uncoordinated activities may create problems for both spheres of government. In this regard Godfrey* complained that:

Although co-operative governance is supposed to work in terms of the co-ordination of activities between the spheres of government, the problem experienced with it is that the different arms of government are doing their own things differently without consulting with each other ... there is duplication ... where there are duplications there are significant gaps that may be identified as a result of the different sectors not working together.

The reported failure by the spheres of government to work together poses a risk that they may be unable to meet all the objectives which have been identified. The lack of co-ordination often results in the spheres engaging in disjointed activities and with less synergy and complementarity between them than should be the case. This, in turn, will have a negative effect on the extent of the benefit the nation is supposed to derive from the services rendered by the spheres of government, whether collectively or individually. Duplication implies an inefficient utilisation of resources and that there are programmes and projects that are either not being executed or which are receiving little attention and this, in turn, will have an adverse effect on the nation. This negative chain of events has the potential to result in service delivery protests and these may exacerbate the situation. The co-ordination of activities will harmonise the operations of the spheres of government, thus resulting in improved service delivery because of the effective and efficient utilisation of resources.

The fact that the spheres of government have exclusive powers and authority to determine policies and legislation for the education department, although at different levels, is likely to create confusion and duplication and leading to the perception that “the different arms of government are doing their own things differently without consulting with each other”. This will have a negative effect on the functioning of the education system because confusion will cause delays in the completion of projects and



result in tensions that will spoil the working relationship while duplication will result in the sub-optimal utilisation of resources, thus leading to less or no benefit being derived.

William* complained that:

In many instances we come across situations where policy intentions do not find expression in implementation ... a national department is, by its design and nature, a policy design and monitoring outfit ... we don't necessarily implement ... we go and support implementation ... when you move to support implementation you find a disjuncture between policy intentions and implementation ... those are some of the challenges that you come across.

It is critical that there should be alignment between policy formulation and policy implementation through co-ordination to ensure that the policy intentions are realised. In addition, proper co-ordination will bring about a seamless transition from policy formulation to policy implementation because all the affected stakeholders will be ready and well prepared to fulfil their roles. The complaints that “the different arms of government are doing their own things differently without consulting with each other” and that “when you move to support implementation you find a disjuncture between policy intentions and implementation” are indications of a challenge regarding the co-ordination of activities between the spheres of government. The reason why some of the policies are not fully implemented is often because the provinces did not plan for them as there was no proper consultation and co-ordination of activities. This lack of co-ordination will result in the spheres of government working at cross purpose with each other and this, in turn, will be counter-productive to their functioning. The fact that some of the policies are not fully implemented defeats the intention of the National Department as regards these policies. This may also cause delays in delivering improved service to the benefit of the citizens.



Although the co-ordination of activities between the education spheres of government is critical for the effective and efficient delivery of their education mandate, it would appear that there are certain challenges as regards maintaining an appropriate level of co-ordination of activities by the spheres of government. This is highlighted by the level of duplication, confusion and sub-optimal utilisation of resources that is evident.

b. Provincial education departments

The provinces occupy a crucial space in terms of education delivery. In addition to their role as the implementing agency of the national policies and strategic interventions, they are also required to control the resources and areas which are required for implementation. They also have the power to prioritise activities and to allocate resources accordingly. Thus, a clear understanding of the concept of co-operative governance is vital for the effective and efficient operation of the various spheres of government. Of prime importance is the need for the spheres of government to co-ordinate their activities and programmes properly and to consult with each other adequately and constructively to ensure the proper planning and utilisation of resources for the benefit and wellbeing of the citizens. A lack of or the inadequate co-ordination of activities may result in the incomplete/inadequate implementation of some of the important activities with insufficient resources being allocated or the activities not receiving the attention and energy required for implementation.

Stewart* complained that:

... in South Africa we have seen so many service delivery protests as a result of failure to deliver ... in most cases the things that communities are looking for are things that are budgeted for in municipalities, provincial and national governments ...so the resources are there to provide the much needed services to the communities, but there are challenges regarding the implementation of policies and intervention strategies as a result of the ambiguity of the notion of co-operative governance leading to duplications,



delays, bureaucratic processes that take away the resources ... such that when the resources reach the intended intervention areas they have been taken away by the cost of the bureaucratic processes.

The use of the phrase “resources have been taken away” highlights the essence of and elaborates on the way in which the spheres of government are actually operating as opposed to how they should operate in terms of the co-operative governance principles and directives. The apparent “duplications, delays and misuse of resources” that characterise the operations of the spheres of government demonstrate the challenge arising from the limited co-ordination of activities and/or the inadequate understanding of co-operative governance. In terms of the principles of co-operative governance, the spheres of government are supposed to consult with one another and to co-ordinate their activities to ensure the well-being of the people of the Republic of South Africa. However, the findings suggest that this is not happening because, if the spheres were, indeed, consulting with one another and co-ordinating their activities they would avoid duplications, delays and the misuse of resources. This, in turn, would result in the spheres operating more effectively, efficiently and productively because they would be complementing, supporting, and assisting each other while the synergy derived from this would enable them to deliver quality services to the citizens.

Stewart* warned that “*the danger of the failure to implement co-operative governance legislation highlights the risk of the failure of our democracy ... it is so fundamental that it is the glue that binds all three layers of government and yet it is very difficult in a society that show limited understanding of the principles of co-operative governance*”.

Co-operative governance was chosen consciously as a system of governance in South Africa in order to help to address some of the system challenges that had been created by the former regime. The intention was to ensure that service delivery to all the citizens, and education delivery in particular, would be of such a quality that it would help to improve their standard of life. However, because of the insufficient co-ordination of their activities, the spheres of government are struggling to deliver the



intended quality of education to all the learners in the country. Although the spheres of government have distinct responsibilities and powers, they are equally responsible to deliver on this expectation. A knowledge and understanding of how to use the exclusive powers within the context of both the concurrent functions and the broader scope of co-operative governance are vital if the spheres of government are to operate effectively, efficiently and productively in delivering on their mandates.

Peter* argued that “*co-operative governance would push towards the co-ordination of the activities that, basically, may be similar ... may be uniform ... may be standardised ... emerging from the centre – the seat of authority that should develop legislation*”.

As regards education delivery, several similar and overlapping activities have to be performed in terms of the same standards. This, in turn, calls for the proper and adequate co-ordination and alignment of these activities to enable the various spheres of government to complement and support one another in delivering education of an acceptable standard to the nation. The fact that it would appear that the country is not receiving sufficient return for the money invested in education may be attributed to the insufficient co-ordination of activities that leads to the duplications, delays, wastage, and bureaucratic processes that use up the resources allocated to the intended activities. The advantages of the co-ordination and alignment of activities include, among others, the effective and efficient completion of projects and programmes, the beneficial utilisation of resources and overall improved service delivery to the nation. The spheres of government would be enabled to deliver effectively and efficiently on activities that are “similar, uniform and standardised” by the deliberate and adequate co-ordination of such activities between them. This, in turn, calls for a common understanding of the concept of co-operative governance as this would ensure meaningful consultation, the adequate co-ordination, and alignment of activities, deliberate support and purposeful cooperation between the spheres of government.

The co-ordination of key educational activities in certain areas between the various departments remains a challenge. Although the spheres of government allege that consultations do take place between them, the level of confusion and duplication, the



sub-optimal utilisation of resources and the non-alignment of activities that characterise their operation suggest that this is not, in fact, the case. The fact that the spheres have distinct, but interdependent, competencies enjoins them to coordinate and align their activities in order to improve productivity.

It is critical that the spheres of government establish workable co-ordination mechanisms because co-ordination would lead to improved overall resource utilisation through economy of scale, quicker project completion and the more efficient use of limited resources. However, officials from the national department bemoan the fact that the various arms of government appear to be “doing their own thing” without consulting with each other. The apparent inadequate co-ordination and alignment of activities create challenges in terms of resource utilisation and policy implementation. As a result, there are many instances in which the policy intentions do not find practical expression. On the other hand, the provinces are all as concerned about the challenges regarding the implementation of policies and intervention strategies because of the ambiguity in the understanding of the notion of co-operative governance and which lead to duplications, delays and bureaucratic processes that use up the available resources. The alleged ambiguity in the notion of co-operative governance is a result of the apparent limited co-ordination and alignment of activities by a society that is demonstrating a limited understanding of the principles of co-operative governance. According to provincial officials who participated in this study a sound understanding of co-operative governance would result in an increased focus on the co-ordination of those activities that are similar, uniform, and standardised. This, in turn, would minimise duplications, delays and bureaucratic processes that use up the resources that are meant to provide the much needed services to the communities. In addition, these officials warn that the danger of the apparent failure to implement co-operative governance legislation highlights the risk of the failure of our democracy.

4.3 CONCLUSION

The success of the spheres of government as regards working towards realising a common goal is determined by their relationship as determined by the level of co-



operation, power relations, shared responsibilities, and co-ordination of activities. These concepts not only explain the essence of co-operative governance but they also provide a framework in terms of which the spheres should relate to each other in order to deliver effectively on their mandate.

Cooperation between the spheres of government is vital in that it improves the alignment of activities, provides clarity of purpose, and eliminates duplications. This, in turn, results in an improvement in the level of effective and efficient education delivery. The fact that the spheres of government are supposed to work together in good faith should assist them in dealing with the dynamics that emanate from their relationships. They should not be distracted from achieving their common objective by possible differences between them and, hence, the emphasis on the significance of sound working relationships between the spheres of government. In addition, these relationships should be characterised by the ability to resolve disputes amicably and without resorting to the courts.

Working together or cooperation between the various spheres of government should characterise and define the relationships between them if they are to succeed in delivering on their mandate. In addition, in view of the fact that education is an area of concurrent responsibility, the spheres of government will not be able to carry out their concurrent functions successfully if there is no cooperation between them. A lack of cooperation between the spheres of government could lead to the spheres working at cross purpose with each other, unhealthy competition, the duplication of activities and confusion. All of these will, in turn, affect the quality and level of the education delivered by the various spheres of government, both individually and collectively.

A sound understanding of co-operative governance should enable the spheres of government to realise that, in addition to their being interdependent and interrelated, it is also essential that they use their powers to complement each other in carrying out their functions to the benefit of the country. It is important that the various spheres realise that they have a common objective to deliver education collectively and individually to the nation and that they should use their power in a collaborative way in



order to meet and realise the national mandate. Unfortunately, the way in which the spheres sometimes use their powers creates frustrations, strains relationships, and defeats their common purpose.

Furthermore, the spheres of government should be mindful of the fact that, because of their interdependence and concurrent functions; the way in which they exercise their powers in decision making will affect and impact on the operations and effectiveness of the other spheres. This is the main reason why it is so critical that they use their powers to complement, assist, and support each other.

Despite the fact that the co-ordination of activities between the spheres of government is critical for the effective and efficient delivery of their education mandate, it would appear that there are certain challenges as regards maintaining the appropriate levels of co-ordination of activities between the spheres of government. The level of duplication and confusion as well as the sub-optimal utilisation of resources that is evident between the spheres of government highlight this. Nevertheless, the fact that the spheres have distinct, but interdependent, competencies enjoins them to coordinate and align their activities in order to improve productivity.



CHAPTER 5: THE DILEMMA OF DECENTRALISED AUTONOMY

5.1 INTRODUCTION

A government, through its departments, is obliged to serve its citizens and enhance their well-being. One of the various approaches that government may employ to deliver services to its citizens is through the decentralisation of authority and functions to the lower levels of government. However, the fact that decentralisation has multiple meanings and interpretations as well as the various ways in which it has been implemented in different countries and different contexts may create challenges as regards successful implementation (Utomo, 2009: 25).

Decentralisation is defined as the transfer of planning, functions, resources, decision-making, and/or administrative authority from the central government to its local units. The main argument for the transfer of functions, powers and resources to the local units is that the local units are the closest to the people they are purported to service and, therefore, they are better placed to understand their needs and contextual circumstances. As a result, the local units will be able to respond appropriately in terms of services delivery. In addition, the local units should also be ready and willing to and capable of accepting and fulfilling the functions, powers and administrative authority which have been transferred if the intention of decentralisation is to be realised (Narsee, 2006: 30; Utomo, 2009: 2).

It is, however, evident that, at times, the National Department of Basic Education transfers certain functions to the provincial education department but without transferring the resources required or first ascertaining that the PEDs are ready, willing to, and also capable of accepting and fulfilling the transferred functions, powers and administrative authority. This, in turn, leads to the provinces facing the unfunded mandates and limited capacity that often result in the majority of the national programmes not being fully implemented.

Although decentralisation may be used in a number of different ways and in significantly different contexts, it should have a well-defined purpose and scope so as to prevent confusion on the part of the spheres of government. It should also not be used to enable the central government to avoid taking responsibility and being held accountable should it happen that things do not go according to plan with this leading to a failure to deliver certain services (Narsee, 2006: 29).

In the South African context decentralisation is a critical feature of the co-operative governance system, especially as regards the carrying out of the concurrent functions. The National Department of Education works with and through the provincial education departments to perform its functions. Within the context of the concurrent arrangement of the provision of education, the national Department of Education is responsible for policy formulation, setting standards and formulating the necessary regulations whereas the provincial education departments are responsible for policy implementation and the delivery of services according to the standards that have been set and the applicable regulations. Via decentralisation, some of the executive powers, authority, and functions are devolved to the provinces because they are closer both to the people to be served and also the context within which certain key functions are to be performed.

The success of any policy and/or programme that emanated from the National Department of Education depends on the resources and capability that are available to the provincial education departments. However, in view of the fact that the provinces have both the power and the authority to control and prioritise their resources, a challenge sometimes arises in respect of the resourcing of national projects. This is often compounded by the fact that the provinces also have the power to promulgate policies and regulations on education. In order to mitigate this challenge, it is vital that the provincial policy promulgations and acts should be in line with the national department's policy framework because the policy decisions by these spheres of government will influence and affect the others.

In addition, the intention and practice of decentralised co-operative governance imposes a common national purpose on the spheres of government. It is assumed that



this common purpose will ensure that central government's plans and priorities will influence and characterise the interests and operations of the sub-national governments (Ile, 2007: 79).

However, this assumption may leave the implementation of several programmes and activities to chance because of the unavailability of resources, limited capability, and a lack of readiness or unwillingness on the part of the provinces to implement the national objectives or mandates. The education system would benefit tremendously if these prerequisites for decentralisation were made available because all the spheres of government would be able to deliver on their mandate both individually and collectively and to the advantage and benefit of all the learners.

It would appear that the understanding and implementation of decentralised co-operative governance is creating serious dilemmas for the spheres of government and this is, in turn, having an adverse effect on the level and quality of the education delivered to the nation. The aim of this chapter is to discuss the dilemma of decentralised autonomy in terms of the challenges experienced by the spheres of government because of decentralisation. The chapter will focus on the following issues:

- **the tension related to power and authority** and which is evident between the spheres of government in respect of the delivery of education services
- **the disjuncture between planning and resource allocation** and which affects the implementation of the various mandates and programmes
- the question of who has the ultimate **authority to prioritise activities**
- the issue of whether **collaboration is either optional or a necessity** for the successful delivery of education by the two departments
- the possible benefits provided by the **administrative flexibility** afforded to the provinces during policy implementation.

The discussion in this chapter will provide answers to the research sub-question, namely, "*How does co-operative governance find expression in practice and with what consequences/effects?*"



The following section focuses on the effect that the exclusive powers and authority of the spheres of government have on the delivery of education as a concurrent function.

5.2 THE TENSION RELATED TO POWER AND AUTHORITY

In terms of the co-operative governance system the locus of education control is shared between the various spheres of government, albeit in different levels. The powers and authority pertaining to the control and governance of the education system are devolved proportionally to the spheres of government to ensure effective and efficient service delivery to the citizens. The devolved powers and authority pertaining to the control and governance of the education system confers on the provinces the right to make and administer decisions without undue interference by the national Department of Education on matters allocated to them by the Constitution.

However, because of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources and poor economic conditions, the two departments will always cross ways in one way or the other and this, in turn, may create tensions and power struggles (Malan, 2005: 230). It is imperative that the resultant tensions and power struggles are carefully managed to prevent possible negative effects on education delivery.

A key issue in any decentralisation effort is defining the degree of control the central ministry should exercise over the local units. If the central ministry controls the local bodies as tightly as it controls its agents, the situation would be one of deconcentration, not decentralisation or devolution. This, in turn, may create resentment on the part of the provinces with such resentment leading to a lack of cooperation that would have a negative effect on education delivery. On the other hand, if the central government exercises no control, the local units would enjoy unfettered political power and the situation would be that of a federal state (Florestala & Cooper, 1997: 1)). This may then create problems in terms of reporting and accountability because the provinces will see themselves as autonomous.

Although countries often decentralise their basic education systems in order to conform with wider administrative reform or with the general principles of administrative responsibility being given to the lowest capable level of government, giving the users a greater voice in decisions that affect them and greater recognition of local linguistic or ethnic diversity, decentralization may also lead to confusion about education management. This confusion may result in conflicting decisions or a failure to carry out functions, thus adversely affecting quality and efficiency. It is, thus, essential that a proper balance be maintained between the transfer of powers and functions and maintaining proper accountability without undue interference (Biennale, 2006: 1).

The following sections present the views of officials from both the National Department of Education and the provincial departments of education on the effects of the way in which the spheres of government exercise their powers and authority during education delivery.

a. National Department of Basic Education

In terms of the Constitution, the spheres of government are given exclusive powers and authority to decide and legislate on certain issues. However, the way in which they exercise their powers affect both the relationship between them and level of effectiveness of the system. Marks* indicated that:

Because the colleagues whom we work with are part of, in some way, self-standing systems within their provinces, those tensions sometimes affect the way they work with us ... so sometimes we would want certain things to be done and their response would be, “but we are expected to do this for the Member of the Executive Council’s (MEC’s) office or for the Head of Department’s (HOD’s) office and we don’t, therefore, have the time to respond to what we have discussed during the national meetings” ... so those problems arise. This also causes delays and frustrations in the delivery of certain functions and/or services.



The officials from the provincial departments are sometimes placed in a situation in which they have to serve two “masters” with similar powers and authority. This, in turn, creates a problem of divided loyalty for the officials who, ultimately, end up choosing to obey the MEC or HOD as their employer at the expense of the national projects or programmes. This may lead to the non-delivery of certain functions and cause frustration on the part of the officials at the national department as they are aware they have limited authority to demand or enforce compliance from their provincial counterparts. However, the system of co-operative governance requires a sound understanding of the principles that are involved, namely, the fact that, although the spheres are equal and distinct, they remain interdependent and interrelated and, thus, it is incumbent on them to find a way of collaborating, supporting and assisting each other in the interests of efficient and effective service delivery. Brian* complained that:

The lack of this understanding affects us quite drastically ... for instance, the DBE constitutionally doesn't have the direct mandate to deliver in schools ... it has got an oversight function ... so the extent to which the provinces are not working is the extent to which it will affect the DBE. The issue of power and authority, if it is not approached with understanding, may have a negative impact on service delivery because it would comprise accountability, monitoring, evaluation and reporting in the system. This will affect both the general performance of the education sector and the quality of education delivery to the nation.

Although the DBE depends on the provinces to deliver on its mandate, it does not have authority to enforce compliance and/or efficiency from the provinces. In addition, education is delivered through the schools that are controlled and managed by the provincial departments. If there are delays in delivery of or a rebuff of the national initiatives by the provinces, this will have adverse effect on the way in which education is delivered through the schools and the subsequent general performance of the education system.



Although the Constitution provides for the self- and shared-rule approaches within the co-operative governance system, an overemphasis of the self-rule approach will militate against the requirement that the spheres of government cooperate and complement each other. This overemphasis of the self-rule approach may occur as a result of apparent tensions in respect of power and authority between the spheres of government. The provinces want their territorial integrity to be respected and they also want to be afforded space in which to operate without undue interference by the national department on matters allocated to them by the Constitution whereas the national department views itself as the ultimate reporting and accounting body to the parliament and, thus, it should have control over how education is delivered.

Despite the fact that the Constitution provides for a degree of autonomy on the part of the provinces and also in respect of particular issues, the way in which the provinces express their autonomy sometimes creates challenges for the education sector. Godfrey* stressed that:

The provinces must understand that the DBE is the head of this country and there is accountability which the provinces have to show to that head and that is where part of that problem is ... the provinces often feel that, because they have their own MECs ... they have their own HODs they can operate separately from the national department ... the national department's position is saying we are the coordinating body ... we are the ultimate reporting body for the sector so you cannot be far away from us ... that is why there is a need for this collaborative approach.

It is evident that the DBE is struggling with a frustrated desire to control and give orders to the provinces on education delivery but, on the other hand, the provinces appear to resent any attempt by the DBE to unduly control them because they view themselves as autonomous or possessing the same authority as the DBE, hence the tendency to operate apart from the national department. The only option available to the DBE is to persuade the provinces to cooperate and to work collaboratively towards delivering quality education to the nation. In spite of the fact that the powers and authority to



control and govern the education system are devolved proportionally to the spheres of government, the spheres of government are, nevertheless, still expected to report and account on matters relating to education delivery collectively and not as individuals. It is, thus, required of them to use their power and authority to synergise their efforts for the benefit of the nation.

b. Provincial Education Departments

Although the Constitution does not provide for a hierarchical relationship between the spheres of government, the distinct relationship between them means that they have to account at various levels in terms of their legal competencies. Accordingly, a sound understanding of co-operative governance will clarify the way in which the spheres of government should operate in delivering education as a concurrent function. In addition, in view of the fact that the spheres of government have to complement and collaborate with each other, it is also incumbent on them to observe and abide by the accounting protocols within the context of their exclusive powers. This, in turn, will allow for a seamless execution of the strategic directives and policies by the spheres of government, thus preventing unnecessary tensions and undue dominance over a particular “turf”.

The complex pattern of interactions, cooperation and inter-dependence between the spheres of government and the combinations and permutations of relationships between the levels of government within a country will determine the success or lack thereof of its service delivery. The situation may also be complicated by the tension of having to account to two different authorities – national legislature and provincial legislature – because this often creates confusion and divided loyalty. Moses* warned that:

If the Minister of Basic Education calls the District Directors at the exclusion of MECs, she would communicate certain things and demand that they be done ... but, when these District Directors come back to the PEDs, the MECs may also have a particular view of how certain things have to be



done ... and, therefore, you see that there are two masters, which brings about conflict.

The authority to communicate instructions to the operational officials may create serious operational challenges. The Minister, with his/her national status, may want to be in charge but he/she does not have direct authority and control over the provincial officials nor does he/she have any control over the resources required for the implementation of his/her instructions. On the other hand, there is a far greater possibility that the instructions of the provincial MECs will be carried out because they are regarded as the employers of the provincial officials and, thus, they have a stronger claim to their loyalty. In addition, the provincial MECs also control the resources required to implement their policy decisions. Of the two “masters”, the provincial MECs are in a superior position in terms of their authority over the officials responsible for policy implementation.

Although the operational officials may perceive the national department as superior to the provincial departments and they would want to give preference to national directives, the senior provincial officials understand that their authority is equal to that of the national department and they would want to be seen to be in charge. This, in turn, creates operational challenges for the officials because they sometimes find themselves having to implement conflicting directives.

In addition, officials sometimes experience intense frustration when they are required to respond to requests from the national department because of the dilemma about authority. These subtle tensions in terms of authority were expressed by Cornelius* who commented that:

The Western Cape is viewed as a republic by the rest of the country ... and you find that there are particular protocols that apply in this province and which do not apply in other provinces ... I will give this specific example. A week ago I attended this summit on school discipline and we were supposed to send 10 delegates, including school principals ... but, in the Western Cape,



it is a tussle to have principals away from schools and, eventually, we could only send one principal instead of the four who were supposed to go and the learner delegation was a no, no ... so we could not take learners to that particular summit because they needed to be at school ... and I understand that the intention of the summit was basically to get the views of the learners as well ... but, because of the way things are done here, it means we could not have the required number of principals ... we could not have any delegate who was a learner ... that does not contribute to what national is trying to do ... so there is that kind of tension that we experience.

The issue of the tension about authority, although subtle, is always present between the national department and the provincial departments. The provinces are of the opinion that, although a decision on a particular matter emanates from the national department, they still have the prerogative to decide on the level and nature of implementation and even the level of participation of their officials. In addition, it would appear that they sometimes have conflicting views on the significance of an issue that is purported to be of national significance. The important synergistic approach to particular issues seems to be lacking. This may be attributed to their interpretation of their powers and authority within the context of co-operative governance. As long as such views prevail, there will always be challenges regarding the expected complementary relationships and approaches to important issues.

If the provinces are unduly concerned about their “operational space” this would mean that they would want to guard and protect it from “undue interference.” This “protectionism” suggests the presence of a perception of one sphere interfering in another’s territory. However, this is contrary to the principle of co-operative governance that the spheres of government should assist and support each other. The only way in which this could happen would be if the spheres espoused the interdependence and interrelations that characterise the nature and essence of co-operative governance while also acknowledging their distinct roles and responsibilities. Reuben* complained that:



The problem with the DBE is that some of their officials want to behave like big brothers ... if they can try and work with PEDs as brothers and sisters I think we can achieve a lot ... they should not sit there and try and force things to the PEDs in the name of I am the DBE ... I am the big brother ... we need to start working together as equals.

The “big brother” mentality or attitude is the result of a lack of understanding of the essence and intent of co-operative governance. In terms of the principles of co-operative governance the spheres of government are all equal but they assume different roles and functions. Hence, there is no hierarchical relationship between them. People sometimes perceive the size of the area of operation as denoting a particular hierarchical order between the spheres of government. In view of its broader geographical area of operation the national may be perceived to be superior to the provinces because of the latter’s smaller geographical areas of operation. However, the spheres of government perform functions of equal importance and they hold similar constitutional powers. Nevertheless, this does not release the provincial departments from their obligation to report and account to the national department on various aspects of education delivery.

The analogy of “brothers and sisters” expresses the equal status of the spheres of government which should define their operational relationship. The fact that they have to consult suggests that, as equals, there should always be consensus and common ground as the basis of their operations. In other words, they may only persuade and not command each other to do certain things. It is vital that this is respected in order to promote collaboration between the spheres of government.

Although the Constitution confers on the provinces exclusive powers to make decisions on certain aspects of education and there is also room for flexibility in terms of policy implementation to fit and/or suit a provincial specific context, it becomes problematic if the province over elaborate on this provisions. It is worth noting that the essence of these constitutional provisions is to enable the provinces to deliver quality services to their citizens within their own contexts and circumstances. However, it would appear that certain provinces regard this as an opportunity to exercise their authority and to



prevent the national department from interfering in their affairs. This, in turn, creates challenges in respect of implementation and loyalty for the officials involved.

The issue of the legitimacy of the power and authority of the spheres of government over certain activities, programmes and actions has the potential to create serious disputes that may end up in the courts and even destroy the relationship between the spheres if not well managed. The proper alignment and co-ordination of activities and programmes will minimise the occurrence of conflicting directives coming from the various levels and, thus, the resultant confusion and tensions.

The apparent tension in respect of power and authority between the spheres of government may also influence the allocation of resources for the implementation of certain policy decisions. This, in turn, creates a disjuncture between the planning emanating from policy decisions and the allocation of the necessary resources for the implementation of these policies. The following section will discuss how this disjuncture comes into being and its effect on education delivery.

5.3 THE DISJUNCTURE BETWEEN PLANNING AND RESOURCE ALLOCATION

It was indicated earlier that, in the main, decentralisation is defined as the transfer of planning, functions, resources, decision-making and/or administrative authority from the central government to its local units. The argument in favour of the transfer of functions, powers and resources to the local units is that, because these local units are the closest to the people, they are better placed to understand their needs and to respond appropriately in terms of services. However, a major challenge arises when the planning and functions which have been transferred are not accompanied by the necessary resources as the lower units will be left with valuable plans and beneficial functions that they are not able to implement and/or fulfil. This becomes a particular problem if one considers the fact that the aim of administrative decentralisation is to improve ‘service delivery, efficiency and effectiveness (Narsee, 2006: 30, Utomo, 2009: 2).



It is, thus, extremely important to define the objectives of decentralisation at the outset so that these objectives may be used as a measure of its success. In defining the objectives of decentralisation it is important to clarify which functions are decentralised, the accounting protocols that must be put in place and the type and degree of support, assistance and monitoring that will be available to the lower units. This, in turn, will ensure the successful fulfilment of the decentralised functions with the added benefit to the citizens (Florestala & Cooper, 1997: 1).

The successful implementation of decentralisation requires the creation of the necessary conditions and environments at all the departmental levels. The requirements for successful decentralisation include the following:

- a model which addresses the issue of those functions and responsibilities which could be delivered more efficiently and effectively at the central level and at the lower levels and which explicitly defines the degree of accountability of the various participants
- relevant performance indicators that are continuously monitored, and
- adequate financial, human and physical resources to sustain the process (Prawda, 1992: 16).

If these necessary conditions, environments and requirements are not put in place beforehand, decentralisation is likely to create implementation challenges. This is evident in the decentralised relationship or practice between the national Department of Education and the PEDs because, for the majority of the time, the PEDs are confronted with unfunded mandates and/or decisions from the national department. As a result the PEDs have to contend with resource dilemmas and the progress reports which the national department expects. These crises may be mitigated if the necessary requirements for successful decentralisation are met.

In addition, in terms of the stewardship theory, the steward has to be provided with the necessary resources in order to fulfil his/her functions to the satisfaction of the principal. In this case the national department depends on the provinces to deliver on



its mandate of delivering quality education to all the citizens and to be able to account to the country for the levels of performance. However, if the provinces are to deliver as expected they need to receive sufficient and timely assistance and support from the national department. However, it would appear that this does not always happen at the required levels and time, thus causing dysfunctionality within the system.

It is, therefore, important for the spheres to carry out consultative planning to ensure that they may have a sound knowledge and understanding of the fundamental issues that are in need of urgent attention for the effective and efficient functioning of each of the spheres of government. This, in turn, will enable them to support and assist each other to plan and prioritise properly in order to respond adequately to the contextual demands they face as regards education delivery to the communities. Each of the plans formulated should contribute to the successful achievement of the national mandate on education.

Decentralisation is likely to be effective when sufficient power and authority are transferred together with the targeted functions and resources to the lower level of government, especially where the purpose for decentralisation is service delivery and efficiency. In addition, the lower level of government that is responsible for the delegated functions should be allowed sufficient space and freedom to fulfil these functions (Samoff, 1990: 516). However, this is possible only if there is a good understanding of and commitment to the aim and requirements of decentralisation.

a. National Department of Basic Education

The various spheres are constitutionally vested with both the exclusive and concurrent powers to decide on strategic objectives, policy and legislative issues. Accordingly, proper co-ordination of activities and planning plays an important role in ensuring effective execution of all aspects of co-operative governance. Even where some of the functions are decentralised they should be properly co-ordinated, assessed and resourced to ensure effective and efficient implementation. However, Simon* bemoaned the fact that:



The approach to planning by the DBE is somewhat different from the way the provinces do their planning ... there is also a difference in terms of time lines ... for instance, you will find that, by the end of the year, the provincial departments have already put together their plans for the next financial year ... those plans are intact ... and we will come as the DBE ... say in February ... March just before the next financial year and say here is our calendar of activities ... these are the things which will be happening ... that we have planned as the DBE and we would like your support ... in terms of making sure that they are been implemented.

This type of planning is problematic because, firstly, it is late and, secondly, the plans are not necessarily accompanied by the required resources. On the other hand, the provinces have formulated their plans and allocated the necessary resources and they are ready to start the implementation process. Thus, the DBE plans, besides being late, often cause major disruptions to the provinces' plans because they require extra resources which the provinces do not have. Although co-operative governance provides for different planning by the spheres of government to happen at the same time, the major challenge is that the spheres of government have to use the same resources to implement the various plans. Thus, the existence of different strategic thinking to inform, direct, guide and regulate the same education system has the potential to create confusion, tension and conflict as the provinces may either not attend to or resource some of the delegated activities, thus resulting in poor service delivery to the citizens.

It is, therefore, critical that the spheres of government not only align their activities but that they also synchronise their planning to ease the pressure and tension in respect of resource allocation. This will, in turn, improve education delivery to the greater benefit of the nation. Simon* indicated that:

The delegation of activities really creates serious tensions because, in some instances, provinces would tell you that "We have had our plans consolidated, finalised, approved, costed and everything ... before you came up with your additions so we can't help you ... we did not budget for this because you did not



tell us in time ... so we are unable to participate and support your plans” ... those are some of the conflict situations that I have managed to pick up ... and the DBE would have had that into their plans, committed and even presented to cabinet. Then the DBE will be faced with a dilemma of having plans which are likely not to be implemented by the provinces and the frustration of having to account to the Education Portfolio Committee in Parliament as to what really happened to these plans that it has presented before them.

Simon’s argument in this case strongly suggests that it is not possible for the National Department to impose its decisions and/or mandates on the provinces because the provinces are not in any way subordinate to the national department. The provinces are vested with equal constitutional authority to make decisions on matters under their jurisdiction. In terms of decentralisation the fact that functions are transferred from the central government to the local units may imply the seniority and authority of the central government over the local units. Once functions have been transferred to the local units it is incumbent on the local units to carry them out without fail especially because, in an ideal decentralisation, planning and functions are transferred together with resources as well as decision-making and administrative authority. However, within the co-operative governance system resources are controlled by the provinces which also have the powers to allocate and use these resources according to their autonomous decisions.

It is clear that unsynchronised planning may create major problems for the national department because it relies on the provincial departments to deliver on its mandates. Its planning is carried out on the assumption that the provincial departments will readily accept such plans for implementation. However, this assumption has been proved to be unfounded because the provincial departments have their own decision making powers and authority to plan and allocate resources accordingly to their own priorities. In addition, the National Department has no authority as regards the way in which the provincial departments utilise their resources. All the national department can do is to consult and negotiate with the provincial departments in time to ensure that they reserve some of their resources for the implementation of national programmes. Unfortunately,



the apparent failure in this regard has persistently created a decentralisation dilemma for the spheres of government.

Although the Constitution enjoins the spheres to assist, support and consult one another and to co-ordinate their activities, according to the respondents these are at risk of not receiving practical expression and implementation. The officials from the provinces voiced a genuine concern that, although the DBE has made a commitment to parliament and to the portfolio committee that it will devise certain plans to improve education in the country, as long as there are no resources these plans are bound to fail. This, in turn, will affect the delivery of education to the citizens and the subsequent skills level in the country. Brian* indicated that:

The problem actually is that very often the DBE policies, norms and standards are not effectively assessed in terms of their affordability ... so you have this norm ... you have this standard ... you have this policy and the provinces are supposed to implement it and either they don't have the money or the capacity or the conditions are not conducive to implement them.

It was indicated earlier that the successful implementation of decentralisation requires the establishment of the necessary conditions, environments and requirements at all the departmental levels. In addition, one of the requirements for successful decentralisation is the availability of adequate financial, human and physical resources to sustain the process. Where the necessary conditions, environments and requirements are not put in place and/or created beforehand, decentralisation is likely to create implementation challenges. This was becoming evident in Brian's comment. The inadequate assessment of the affordability and feasibility of its policies, norms and standards by the DBE creates resource and capacity challenges for the provinces. These challenges then work against the purpose of decentralisation which is to improve service delivery to the nation. James* stated specifically that:



There are other norms and standards like paying for the affiliation fees to the SGB associations on behalf of schools ... the provinces like KZN and Limpopo will say 'We don't have money, therefore we are not going to do it' ... it is a national policy, they decide 'We are not going to budget for that ... you can jump up and down as you want but nothing is going to happen' ... compensation of school fees is another one ... the department is supposed to compensate schools for school fees exemptions ... some provinces will tell you that we don't have money because we haven't budgeted for that.

These are some of the challenges faced by the national department when it sets norms and standards which fall outside the fiscal capacity of the provinces. As a result, the laudable policy intentions are not finding practical expression at the provincial level and, thus, these policies will not have any practical impact on the lives of the citizens. The actions of the National Department create an impression that it wants to instruct the provinces on what to do and that the provinces are expected to comply. On the other hand, the provinces are determined to resist this “authoritative” attitude on the part of the national department. This then creates intense frustration for the national department because it realises that there is nothing it can do to force the provinces to comply with its mandates, norms and standards. The provinces are aware that they have the constitutional powers and authority to make their own decisions and, thus, they have the audacity to inform the national department that “We are not going to budget for that” and “We don't have money because we haven't budgeted for that.”

The compensation of schools for school fees exemption has far reaching implications for their operation. If the schools do not receive the compensation due to them these schools will experience serious budgetary shortfalls and these will, in turn, affect the quality of their teaching and learning as a result of the reduced provision of the necessary teaching-learning resources and the fact that the available resources are compromised. In view of the fact that the fee paying schools are legally required to exempt learners from poor socio-economic backgrounds from paying school fees, the burden of sustaining these schools financially is placed on those parents who are able to pay school fees. However, to maintain a sound financial position a school will have



to constantly increase the school fees and this will ultimately reduce the number of parents who are able to pay school fees and, thus, the subsequent financial capacity of the school. In addition, it is not possible to implement the very policy that is intended to help the fee paying schools out of this difficult financial position because affordability of the policy was not properly assessed. This was supported by Simon* who stated:

For example, two weeks ago we were running a workshop in my programme where we had invited school management teams from all schools for the deaf because we had just completed a South African sign language curriculum ... and this year, according to the plan, is the year of preparing the system to introduce the curriculum in Foundation Phase and Grade 9 in the year 2015, but three provinces could not send school management teams (SMTs) from their schools ... because it is the responsibility of the provinces to provide the SMTs with transport and accommodation ... provinces just said 'No, we don't have money ... we did not budget for this' ...that was it ... what did I do ... nothing ... I had to deal with the six provinces that were represented.

The fact that plans and policy decisions are generated at the national level while resources are managed and controlled by the provinces is bound to create serious decentralisation and/or implementation challenges for the education system. No matter how good the plans and policy decisions made at the national level, as long as there is no buy in from the provinces their good intentions will not be realised. Accordingly, this disjuncture between planning and resource allocation will remain an albatross in the education system. Salamina* advised that:

Given the fact that all finances for education are with the provinces, the national policies must take into account the provincial budget realities for them to be successfully implemented. Salamina further states that: different issues and preferences on the part of the provinces make the achievement of national policy objectives a complicated and difficult process because the



provincial legislature has a lot of power ... so we find ourselves having to act like a NGO and try to motivate for the funding of our particular programme. These create major policy implementation challenges.

It was indicated earlier that it is important to define the objectives of decentralisation at the outset so that these objectives may be used to measure its success. In defining the objectives of decentralisation it is important to clarify the functions that are decentralised, the accounting protocols that have to be put in place as well as the type and degree of support, assistance and monitoring that will be available. In the above cases the functions and the performance indicators were clearly spelled out, but there were limited or no resources available. Plans, norms and standards are beneficial only if there are sufficient necessary resources to implement them successfully. Thus, unless the disjuncture between planning and resource allocation is resolved, the education system will continue to face frustrated plans and policy decisions.

b. Provincial education department

The provinces are viewed as the implementation arm of the national Department of Education in that all the national policies, norms and standards find practical expression through the provinces. However, the provinces sometimes struggle to fulfil their mandate because of the limited support and assistance they receive from the national department. Stewart* complained that:

The national department has failed dismally to provide adequate financial resources for the provinces to be able to run education ... and, as such, education in the provinces has struggled to fund many unfunded mandates initiated by the national department ... national department initiates policies that are costly but they do not allocate the funds equally to the provinces so that provinces are able to implement those policies.

One of the key principles of co-operative governance is that the spheres of government should “consult one another on matters of common interest”. The fact that the provinces



struggle to implement some of the national policies highlights the level and nature of consultations that take place between the spheres of government. In addition, the successful implementation of decentralisation requires the creation of the necessary conditions and environments at all the departmental levels. The capacity, capability and level of resourcing of the provinces should be determined and confirmed before any function is delegated. It would appear that, during the purported consultations, the provinces are simply instructed on what to do. This is the main reason why they often have to struggle with the “unfunded mandates”. If the consultations were truly frank and sincere the implications of the unfunded mandates would have been discussed and resolved during the consultation meetings.

The strong feeling of disappointment and frustration expressed in the statement that “The national department has failed dismally to provide adequate resources; provinces have struggled to fund many unfunded mandates initiated by the national department; and national department initiates policies that are costly but they do not allocate equally the necessary funds” indicate the lack of co-ordination between planning and resource allocation which, in turn, results in the provinces rebuffing some of the initiatives and/or directives from the national department.

In terms of the stewardship theory, the steward has to be provided with the necessary resources in order to fulfil his/her functions to the satisfaction of the principal. In this case it would appear that the national department expects the provinces to implement its policies successfully but without providing them with the necessary resources. Stewart* warned that:

If you want a gardener to mow your lawn but you don't give him a lawn mower you are going to find your garden having been poorly done when you come back from work ... that is the situation we find ourselves in ... so the relationship between provinces and the national department is the relationship of power and resource ... the distribution of those resources ... control of those resources.



Although the national department has the constitutional mandate to formulate policies, norms and standards, it does not have adequate resources to implement them and it has to depend on the provinces to provide the necessary resources to implement these policies, norms and standards. Tension over the distribution and control of the resources becomes inevitable and with the result that education delivery is adversely affected.

The power relationship denotes the jurisdiction and competencies of each sphere of government. This relationship would not pose a challenge to the operations of the spheres of government as long as it did not become a “big brother- small brother” type of a relationship in terms of which the “big brother” is able to order the smaller brother” around without regard. The power allocated to each sphere should be used appropriately and in terms of the correct legal definition. Constitutionally the spheres of government are equal and they become distinct only in terms of their competencies. Hence, the power should be used to complement each other for the purposes of effective education delivery.

Tensions are sometimes also created by the nature and quality of the consultations that take place between the spheres of government and during which the delegation of activities is supposed to happen. Genuine consultations would be able to reveal the level of capacity of the spheres in terms of the extent of their involvement in the delivery of the national programme identified, the potential risks that may arise during the delivery of the programme and the necessary mitigating strategies to ensure the successful delivery of the programme.

Although such policy decisions are intended to be binding to both the national Department of Education and the provincial education departments, whether or not these decisions are implemented depends on the resource allocation at a provincial level. If a decision is not in line with the provincial priorities, it may not be allocated the necessary resources because the premier, who determines the provincial priorities, does not report to the national minister but to the president. Accordingly, the spheres of government should understand that, in terms of their concurrent duties, they are equally responsible for delivering education to the nation. On the other hand, the way



in which the spheres of government exercise their exclusive powers may pose a challenge to effective cooperation and operation within the context of co-operative governance.

The fact that the national department works with and through the provinces to deliver education to the nation suggests that, because the provinces are the closest to the people, they are better placed to understand the needs of the people and to respond appropriately in terms of services. However, for this to happen, the provinces require sufficient and timely assistance and support from the national department in terms of resources and capacity building. Unfortunately, this has not always happened, resulting in a situation in which the provinces are forced to contend with unfunded mandates and debilitating policy implementation challenges.

Although the national department is supposed to work with and through the provinces, the apparent lack of co-ordination between planning and resource allocation raises the question as to which of the spheres of government has the authority to prioritise the activities required to inform resource allocation. The following section discusses the challenge arising from the authority to prioritise activities during education delivery. This challenge is further compounded by the fact that education is a concurrent function which is managed and directed from two different levels with similar powers.

5.4 THE AUTHORITY TO PRIORITISE ACTIVITIES

In terms of the Constitution the national Department of Education and the provincial departments have similar but distinct powers regarding decision making on policy and legislative issues. On the other hand, the self-rule feature of co-operative governance system confers the provincial education departments with the right to make autonomous decisions on education delivery. The fact that the national department and the provincial departments have “similar powers in terms of decision making on policy and legislative issues” and that the provinces have the right to make autonomous decisions on education delivery have the potential to create tensions and confusion regarding the ultimate authority to determine priorities in the education sector. The national Minister



of Education is responsible and accountable for the quality and delivery of education in the country and, thus, he/she would want all the institutions involved in education delivery to follow and implement the same priorities and directives. On the other hand, the provinces, through their premiers who report to the president and not the Minister of Education, may have their own targets to achieve.

Although the priorities of the department of education may be informed by a political mandate, not all the provinces belong to the same political party. In addition, it would appear that the majority of officials are of the opinion that the federal system is more dominant in the operations of the spheres of government and this may, in turn, further influence the autonomous tendency in the decision making process on the part of the provinces.

The self-rule aspect of co-operative governance system provides the provinces with:

- The right to make and administer decisions without undue interference by the national department on matters allocated to the provinces by the Constitution.
- The right to have their institutional integrity respected, including their constitutional and political structures and government departments; and
- The right to have their territorial integrity respected (De Villiers, 1995: 8)).

Accordingly, the provinces may claim the right to determine their own priorities without undue interference by the national department on matters allocated to them by the Constitution. It is, therefore, important that, as the politicians and bureaucrats define the decentralisation of powers, they should ensure that the resultant autonomous decisions support and fit into the broader national standards on the realisation of the national expectations on education. Moreover, within the context of co-operative governance, the central government's plans and priorities are influenced by and also characterise the interests and operations of the sub-national governments. Accordingly, the various spheres of government should accommodate each other in their policy decisions in order to ensure the effective and efficient implementation of programmes and projects within the education sector.



According to the stewardship theory, there is a range of psychological factors which cause pro-organisational behaviour. One such factor is organisational identification – the convergence of individual and organisational goals. An employee who identifies with an organisation works towards the organisational goals, solves the organisation’s problems, and overcomes the barriers preventing the successful completion of tasks and assignments (Muth & Donaldson, 1998: 10).

In view of the fact that the vision of the Department of Education is to offer education of a high quality to all the learners in the country, it is expected of the provinces to identify with and work towards this vision by aligning their efforts and priorities to this goal, solving problems, and overcoming the barriers preventing the successful completion of tasks and assignments. This, in turn, will help defuse the tension over the authority to prioritise activities.

a. National Department of Basic Education

The spheres of government focus on the priorities which have been identified in the process of delivering on their mandates. Where such priorities are not aligned a challenge will probably arise regarding the provision of resources and the subsequent implementation of these priorities. This may be compounded by the fact that education delivery is led by the Minister of Education at the national level and a Member of the Executive Council (MEC) at the provincial level, both of whom account to different offices. Simon* commented that:

You would find that the national department would set up priorities for may be a medium term expenditure framework ... let’s say 2014 – 2016 ... to say here are the priorities ... but you will find that, when it comes to the next level ... the provincial level, they have their own priorities ... to the extent that some of the national priorities may not be enacted at the provincial level ... because the province would say ‘We also do take instructions from the office of the premier’.

The apparent conflict and tension resulting from the parallel determination of priorities to guide the delivery of education by the two spheres of government raise serious questions regarding the nature of the consultations that are purported to be taking place between them. Among other things these consultations are supposed to broker consensus regarding priorities for the education system. In addition, the majority of the provinces belong to the ruling party and this suggests that they are supposed to follow the same political mandate and manifesto. However, the fact that the office of the premier may issue instructions that are different from those issued by the minister indicates that provinces are under the impression that they are authorised by the Constitution to make and administer decisions without undue interference by the national department. This also demonstrates the political power play between the premier and the Minister where the premier, in most instances as the provincial party political chairperson, wields more political power than the Minister. It is, thus, not surprising that some of the national priorities are not enacted at provincial level because the premier's instructions are more important than those of the Minister in this political context and, therefore, they are always given preference in terms of implementation.

These dual management levels of education delivery, creation of policies and determination of priorities are creating unnecessary tensions which adversely affect the rigour of the education delivery. Benjamin* indicated that:

Very often the provinces think that they are autonomous ... and that is the problem ... so reporting and accounting to the national level become problematic ... because, for example, the Minister of Education cannot dictate to the MEC or hold the MEC accountable ... the MEC is accountable to the premier of the province.

It emerged that the prevailing view held by the officials from both the National Department of Education and the provincial departments is that the federal system is the dominant feature in the co-operative governance system in South Africa. According to the federal system, although the various spheres of government are united by one or more common objectives, they retain their distinct group being for other purposes and



this, in turn, allows them to act independently of one another within their own spheres. Thus, it is not inconceivable for the provinces to believe that they are autonomous. In particular the federal view is associated with the way in which the spheres of government perform their functions. This is supported by the notion that each sphere is given exclusive powers to determine its policies and priorities. The perception of officials of the various spheres of government regarding the dominant feature of the South African government system will influence how they relate to one another and how they approach and deliver their functions with this, ultimately, affecting the level of the overall functionality of the education system. The view that the perceived dominant feature of the South African government system will influence how the spheres of government relate to each other is further strengthened by the fact that, according to the federal system, the spheres of government all enjoy equal status and are in no way subject to each other (Kriek et al., 1992:15). This is one of the reasons why “reporting and accounting to the national level becomes problematic for the provinces”.

As a result when national priorities have been determined enforcing and monitoring them becomes a challenge. In addition, the provinces also have the right to decide whether or not to provide the necessary resources for the successful implementation of these priorities notwithstanding the tension of the accounting lines. This may cause intense frustration for the official in the national department and for those responsible for the programmes that they planned to implement through the provinces. This frustration is evident in James’s* comments that:

It means there are times that you might come up with a national perspective on an issue and the province simply says we are going to develop our own and all that ... if you look at SGB elections, for example, it is something that is decided upon at national level ... deciding on the times for conducting the SGB elections and all that, but the province might decide to come up with its own regulations ... because they have the powers to do so.



He further complained that “*every time you deal with admission queries it differs from one province to the other ... so you no longer have a national picture there ... then you have this federal state that is running its affairs the way it deems fit*”.

The national perspective on educational issues would be more meaningful and binding on the provinces if the consultations held were sincere. Despite the fact that the spheres of government may appear to demonstrate a collaborative attitude it would seem that they are subtly acting out their autonomous predispositions. This is also the reasons why they do not hesitate to “come up with their regulations on particular educational issues because they have the powers to do so”. The federal sentiment expressed in this context indicates the frustration of the national officials because of the self-rule attitude of the provinces and which leads to a lack of cooperation between the spheres of government.

As regards their concurrent functions both spheres of government are equally responsible to deliver education which is in line with the national and international standards to all learners. Their efforts, energy, focus and resources should be focused on realising this goal. Simon* suggested that:

If all the levels could have a similar understanding ... a seamless understanding of co-operative governance then we would have reduced areas of conflict and competing priorities because we have to understand that we should work towards a national agenda.

The Constitution enjoins the spheres of government to work towards promoting the welfare of the nation with all the resources available and priorities directed towards improving service delivery.

b. Provincial education department

The concurrent locus of control in the education system creates challenges in respect of compliance because officials sometimes find themselves in the precarious situation of

receiving orders from different offices. This, in turn, often has a negative impact on education delivery while it also creates problems in respect of loyalty. This dilemma was illustrated in Caster's* comment that:

The Head of Department has always said you forget something "I am the Head of this Provincial Education Department, I will tell you what to do, how to do it and when to do it.

The sentiment expressed in Caster's comment often becomes an issue when there are conflicting instructions or priorities that have to be executed as this place the officials in a difficult situation. The HOD is in charge of operational issues in the province and is required to account to the premier about the progress made. The implementation of the provincial priorities is given preference because the successful implantation of these priorities gives the premier involved political mileage or even political rewards while, on the other hand, the successful implementation of the national priorities would result in political accolades for the Minister but not for the premier. The HOD is bound to be concerned about the execution of the provincial priorities because this would help to secure his/her appointment as this appointment depends on the premier's political life span.

This situation is made even more complex by the fact that the provincial MECs and HODs are appointed by the premier and, therefore, they owe their allegiance to the premier and not to the Minister. The fact that the locus of education control is shared between the various spheres of government, albeit at different levels, presents its own dynamics. Moses* indicated that:

Education becomes a provincial matter but the head of the province is not the MEC ... in government the head of the province is the premier ... the premier would not necessarily report to the Minister of Basic Education, instead the premier reports directly to the president ... the challenge with co-operative governance in this context may be that priority areas at a



particular level may not be as strengthened or enhanced by the functionary departments”.

The fact that the premier reports directly to the president suggests that the premier may be more concerned about the political agenda of his/her party than about the educational objective because his/her activities would promote the party’s public image and also secure his/her employment. In addition, the premier is appointed by the president who, in the current South African context, is the head of the ruling political party. Education issues may not be as important to the premier as compared to activities that would boost the political profile of his/her party.

Thus, provinces are more likely to give preference to the provincial priorities because of their loyalty to the premier and their control over resource allocation. Accordingly, a common view of the aim of the concurrent functions should have a positive influence on the way in which the two departments execute their functions and the extent to which they are prepared to deliver on the national mandate on education. The execution of these functions should ensure synergy with the two departments ultimately complementing each other.

Although the various spheres have vested powers to control education delivery, it is important for them to bear in mind that they are all intended to work towards fulfilling a common national mandate, namely, the provision of quality education to all the learners. Gertrude* advised that:

The two departments should start with a shared operational plan ... we should identify priorities for the current financial year ... you will then know what is expected of you ... and then, when you come to the province, you then tailor-make your operational plan to the resources that are available in terms of funding from the province ... it should not be a top-down approach, we should discuss the operational plan ... the DBE will tell us that these are the Minister’s priorities because the Minister would have discussed those priorities with our MECs ... then we work together like that.

However, the fact that the Minister may have discussed his/her priorities with the provincial MECs is not an assurance that these priorities will also become the provincial priorities because the MEC does not account to the Minister. He/she accounts to the provincial premier who, in turn, accounts to the president. The DBE priorities which have been identified sometimes create problems for the provincial officials, especially if they are not in line with the provincial priorities as they may not receive the necessary support and funding. It is at this point that politics may come into play and those provinces with a certain political leverage may get away with ignoring the DBE's priorities. This is a phenomenon from both the provinces that fall under the ruling party and those which fall under the opposition party. It is under such conditions that the self-rule aspect of the provinces becomes apparent. The way in which this situation is addressed is extremely important because, if it is not well managed, it may impact negatively on both service delivery and on the educational well-being of learners in the province concerned.

In view of the tension over the authority to determine priorities for the education sector, various views were discussed during the meetings. Cornelius* argued that:

When it comes to concurrent powers there was always a huge understanding and an attempt to try and ensure that, as a country, we act in unison ... although I think that, once the DA had taken over the Western Cape, they wanted to take a different position on a number of issues ... you can just look at the issue of markers, for example, where the Western Cape would want to test teachers as a means of selecting them to go and mark whereas, for the rest of the country, all you have to do was apply.

There is a view that the provinces under the opposition party would always tend to adopt a different view to that held by the national department and the provinces led by the ruling party. It emerged that, even during the debates when a person expressed a different view or was critical of the issue been presented, that person would be rebuked for behaving like the people from the opposition provinces. If the person in question was from an opposition province other people would be quick to remind him/her that



South Africa is one country and, therefore, he/she should stop behaving as if his/her province was independent from the rest. This, in turn, suggests that sometimes it is not the quality of the debate that is important and that people sometimes allow politics to overshadow the debates. As a result they forego the opportunity to benefit from listening to various views, perspectives and criticisms during meetings. The fact that a particular province is presenting a different view should be seen and interpreted in terms of the constitutional provision for the spheres of government to be distinct. It may, thus, be that the province is expressing a particular view because of the unique contextual issues which that province has to deal with rather than merely showing dissent for the sake of it. If a province has adopted or is practising a different approach as compared to the rest of the country it would be advisable to look at the value add of that approach and even the rationale behind the decision to adopt the approach rather than accusing the province outright of showing dissent. It is not always the case that the majority is correct. A different approach or opinion may spark debate and discussion which may, in turn, result in a more effective approach to improving education delivery. Thus an understanding of the principles of co-operative governance is important to guide the interactions and debates between the spheres of government.

The apparent tension over the authority to prioritise activities with the intention of gaining political recognition and the concomitant reward mean that the senior departmental officials may create serious problems for the operational officials from both spheres of government, especially when the priorities are not in line. In addition, this may also create competition as regards attention and the allocation of resources with this, in turn, compromising collaboration and detracting from the advantages of collaboration. If one considers the synergistic effect and benefit which may be derived from collaboration, one is bound to ask the question as to whether collaboration is optional or should it be necessary, especially in the context of the performance of the South African education system. Therefore, the following section discusses the implications of the tension which may arise as a result of the fact that collaboration is regarded as optional rather than a necessary aspect during the delivery of education by the spheres of government.

5.5 COLLABORATION: AN OPTION OR NECESSITY

Education in South Africa is delivered within a complex, multi-faceted network of relationships – formal and informal, bilateral and multilateral, individual and collective. This, in turn, means that no single sphere of government may bring out radical improvements in education delivery on its own. Thus, collaboration and the coordination of activities between the spheres of government are of critical importance in delivering education of a progressively high quality to all the learners (Jeffrey & Savigear, 1991: 41).

In addition, the dichotomy of national vs provincial and self-rule vs shared rule that defines the education system creates another dynamic in terms of accountability and reporting on education delivery because the two spheres are vested with exclusive powers to make the policy decisions on education which may have a significant influence on the performance of the education system in general. Any dissonance between the spheres of government with regard to legislative and policy guidance will probably create confusion and tension. The characteristic multi-faceted and dichotomous relationship between the spheres of government renders collaboration a prerequisite for the effective and efficient performance of the education system.

Furthermore, one of the distinguishing features of co-operative governance is a solid partnership between the spheres of government and one which is aimed at encouraging mutual prosperity by the spheres of government working together to define their problems and devise appropriate solutions on the basis of shared experience. This would ensure that, although the spheres of government have distinct functions which are proportional to each sphere's capacity and authority, they should complement each other and work collaboratively towards a common national goal and mandate (Bertucci, 2008:3).

On the other hand, co-operative governance requires all spheres of government to encourage creativity in collaboration and partnerships while strengthening the performance and accountability of the distinct institutions. This would encourage them



to work collectively and individually towards addressing the numerous challenges that are plaguing our education system as a result of the lack of or inadequate co-ordination and collaboration between departments of education (Malan, 2005: 229).

The fact that the departments operate within and are guided by the principles of decentralisation enjoins them to work collaboratively, align and coordinate their activities and priorities and, above all, consult with each other on common issues to avoid working at cross purpose with each other. However, as was evident in the officials' views and comments, the level of collaboration between the spheres of government is not always in line with the principles of co-operative governance. This is discussed in the following section.

a. National Department of Basic Education

Collaboration is an integral feature of co-operative governance and is aimed at assisting the various spheres of government to deliver their mandate to the citizens successfully. In addition, collaboration demands that the spheres of government should realise and acknowledge their interdependence and interrelationship. These forms of relationships require that the spheres should operate in a complementary way. Godfrey* clearly indicated in his comment that:

National department sets targets ... but targets are not achieved here ... targets are achieved provincially ... so there has to be that close working relationship ... in order for us, as a sector, to say how far have we gone in delivering our objectives ... what is the level of achievements of the set targets.

If the spheres of government are to account as a sector on both the achievement of their objectives and the general performance of the education system it is essential that they work as a team. As partners they should all identify with the set targets, work towards achieving these targets, solve problems and overcome any barriers that may prevent the successful completion of tasks and programmes. If the provinces do not identify with

the national target they will not feel compelled or motivated to work towards achieving them. However, for the provinces to identify themselves with the national target will be possible only if there is a good spirit of collaboration between them and they all value collaboration and are committed to it. However, if the spheres of government overemphasise their distinctive character and the fact that they have the authority to act in particular ways, this makes collaboration difficult. Solomon* complained about the working relationship between the spheres as follows:

It's very difficult ... my job is very difficult ... because, if I had it my way, I would not have provincial department as semi-autonomous structures ... the working relationship between the DBE and the PEDs is fractious ... it is extremely fractious because the national department's job and function is policy and strategy that should be executed in the provinces ... there is lip service paid by the provinces to national policy ... there is lip service paid by the provincial MECs to national cabinet decisions while personal agendas are followed by the political players as well as the senior civil servants ... they do what suits them before considering what suits the country

If the provinces are semi-autonomous they are more inclined to emphasise their self-rule and distinct nature rather than collaborate with the other spheres of government. The lack of or limited collaboration between the spheres of government account for the frustration and compromised work experienced by the officials from the National Department because the provinces prefer to focus on their own priorities rather than assisting in implementing the national mandate. However, Salamina* expressed the conciliatory view that:

The provinces do make our working relationship more complex but, at the same time a single National Department would not necessarily be able to deliver on the mandate. However, this will depend on the provinces collaborating with and supporting the national department in its quest to implement a particular policy. Besides, the provinces should have the



necessary capacity to fulfil the delegated functions and the environment within the provinces should also be conducive for the implementation of such a policy. With the current labour or union activities and attitude it is not always going to be easy to introduce and implement a new national policy.

The sentiment expressed by Salamina would complicate the environment in which co-operative governance has to find practical expression. Although the spheres of government know and are also prepared to play their particular roles actively, with this contributing to the achievement of the national objective, it is not always the case that the provinces are prepared to readily cooperate with the national initiatives. Simon* argued that:

In terms of resourcing the delivery of our mandate ... most of the resources must come from the province ... the province must buy in ... the province must recognise your priorities as important ... and they must be able to back them through resourcing ... but, in a situation where the province is not really convinced that this should be regarded as really a priority, you are not going to deliver ... because it will not be supported.

It is not possible to demand collaboration and, instead, it is a product of a healthy relationship which is based on honest consultations and mutual respect and benefits. The fact that the provinces do recognise the national priorities as important is because they are able to identify the significance of such priorities for the provinces and their people. Thus, they should be prepared to commit their resources, time and energy to achieving these priorities. However, the reason why the provinces are sometimes hesitant to collaborate and support the National Department may be because they feel that they are being compelled to carry out certain actions which are contrary to their plans. Should this be the case they would probably not hesitate to invoke their autonomy and constitutional exclusive powers. This is the reason why it is important for the provinces to identify with the national priorities as this means they would probably support their implementation.



Although collaboration is an important aspect of co-operative governance, the views held by and the conduct of certain provinces make it difficult to express such collaboration in practice. This, in turn, makes it difficult for the spheres to jointly deliver on their mandate as it would appear that they struggle to collaborate and complement each other.

b. Provincial education department

The provincial education departments play a critical role in the delivery of education in South Africa. In addition to being the implementation arm of the national policies, norms and standards, they determine and control the allocation of most of the resources required for education delivery in the system. In addition, the provinces are also vested with equal authority and exclusive powers to make policy decisions on education delivery and this, in turn, means they cannot be ordered to do or perform certain functions, but may only be persuaded to do so. This then highlights the fact that collaboration is an important aspect of the co-operative governance relationship in the education system in South Africa. However, there appear to be challenges in establishing effective collaborative relationships between the spheres of government. Stewart* indicated that:

My own experience, though, is that each one of the spheres has developed its own identity ... and these identities come with powers and administrative function that don't speak to the different levels. Thus, the way in which the spheres of government express their powers and administrative function seem not to engender the appropriate collaboration.

Their powers and administrative functions determine how each of the spheres of government will operate and relate to each other. However, in terms of their operations it is vital that the spheres of government espouse the spirit of interdependence as they are required to collaborate with others in order to deliver on their functions effectively and efficiently. Again, in terms of their competencies the spheres of government are distinct from each other and this, in turn, allows for experimentation and creativity,



based on their contextual circumstances, as regards their delivering their functions. As a result of their interdependence and interrelationship the fulfilment of their functions and the circumstances within which this happens will continue to influence and affect their wellbeing. This is the reason why collaboration is such an important and necessary aspect of their relationship and functioning. Without this critical aspect the spheres of government would have limited success in delivering their services to the nation. David* warned that:

If you talk about co-operative governance the word itself indicates that there should be cooperation between the spheres of government ... if you work in a system like this one you can't work in isolation ... for you to become effective there is a need for you to collaborate and cooperate with any other sphere that would have an impact in your delivery.

The concept of collaboration describes the essence of the relationship between the spheres of government. Their existence and functioning are dependent, to a certain extent, on the circumstances and conditions of the other spheres of government. This then is the reason why “if you work in a system like this one you cannot work in isolation” because what the one sphere of government either does or fails to do impacts on the other sphere of government – hence, the fundamental need for the spheres of government to collaborate with each other in order to be effective in delivering their services to the nation. A sphere of government that comes up with drastic innovations without the involvement of the others runs the risk of having to deal with a massive influx of people while, on the other hand, a sphere of government that does not request assistance and support and even learn best practices from the others runs the risk of losing its skilled personnel, facing instability as a result of violent service delivery protests and dilapidating infrastructure.

The concurrent functions and interdependent relationship of the spheres of government enjoin them to work together to promote the effective delivery of education to the citizens. Moses* argued that:



While the Minister may provide the blue print of what must be taught, the MEC must then provide what must make that teaching take place ... now, if there is no collaboration between the two spheres you see that you may have a policy pronouncement and policy imperative but the other level, therefore, does not take into account what the policy prescribes, then nothing will happen.

On the other hand the successful and effective delivery of education is enhanced by good collaboration between the spheres of government. However, Reuben* complained that:

If you move from the theoretical and high level perspective of great cooperation to the actual implementation of the operational process it is where you find out whether this principle of co-operative governance and collaboration actually manifest itself in practice ... and that is frequently where you don't have it.

Collaboration may not be optional because of the dire implications this would have for the quality of education delivered to the learners and the wellbeing of the nation in general. The seamless interflow of activities, the persistent learning and sharing of best practices, frank and honest consultations, the identification with the set targets and objectives coupled with the commitment to work tirelessly towards their achievement that should be manifested by the spheres of government are all required for the successful delivery of education within the context of co-operative governance.

However, it would appear that there is a general perception that, although collaboration is an important aspect of the co-operative governance relationship, it does not find sufficient practical expression. This, in turn, has an adverse effect on the delivery of education by the basic education sector because of the interdependent relationship between the spheres of government and their concurrent functions.

Nevertheless, both the distinct nature of the spheres of government and the federal feature of co-operative governance provide the spheres of government with some flexibility to experiment with various creative ideas in the interests of improving education delivery. The following section discusses how, within the context of co-operative governance, administrative flexibility influences the delivery of education by the individual spheres of government and its effect on the nation.

5.6 ADMINISTRATIVE FLEXIBILITY

The view that the national department works with and through the provincial education departments implies that the national policies, norms and standards find practical expression and meaning through the activities, operations and resource provisioning of the provinces. This is in line with decentralisation which seeks to transfer planning, functions, decision-making and/or administrative authority from the central government to its local units. The argument underlying this exercise is that the local units are the closest to the people and, therefore, they are better placed to understand their needs and to respond appropriately in terms of services (Narsee, 2006: 30, Utomo, 2009: 2).

However, if the provinces are to respond appropriately and adequately in terms of providing services which are in line with the contextual needs of their communities, they should be allowed a certain measure of administrative flexibility. This will allow them the necessary freedom to adapt the national policies to suit their circumstances and contexts, to be creative and to experiment with various ideas in order to enhance education delivery in particular.

Decentralisation may be divided into administrative decentralisation and political decentralisation. The aim of administrative decentralisation is to improve service delivery and efficiency while that of political decentralisation is effective participation, empowerment and collective action. The primary purpose of administrative decentralisation is to ensure organisational arrangements and strategies which improve policy implementation (Samoff, 1990: 516).



These organisational arrangements and strategies for improving policy implementation and which are inherent in administrative decentralisation suggest that the provinces should be given the necessary powers and authority to re-arrange the national policies in line with the local context in order to express the purpose and intent of these policies for the benefit of the citizens. In addition, the lower level of government which is responsible for the delegated functions should be allowed sufficient space and freedom in which to fulfil these functions. The administrative flexibility that should be afforded to the provinces would provide them with the necessary space and freedom in which to fulfil their delegated functions.

a. National Department of Basic Education

The officials from the spheres of government concurred that national policies have to be implemented within varying provincial conditions and that this may, in turn, influence and affect the outcomes of the policy implementation. The fact that decentralisation allows for the transfer of planning, functions, decision-making and administrative authority from the central government to its local units suggests the conferring of authority and freedom to allow for policy manoeuvring which would accommodate contextual factors. This was confirmed by Marks* who asserted that:

You need to have the flexibility to take a broad national policy or national legal provisions and be able to adapt it to local circumstances in order for the intentions of that policy or legislation to be effected.

The “local circumstances” vary from province to province and will also affect the way in which a particular policy has to be implemented together with its degree of success. Accordingly, each province should be allowed the opportunity to tweak the national policy in accordance with its contextual factors in order to improve the ability to realise its intention and also to improve the efficacy of the implementation process.

The primary purpose of administrative decentralisation is the organisational arrangements and strategies for improving policy implementation. However, this is



possible only if the lower units are afforded the necessary space and freedom in which to innovate and experiment with various possible ways of effecting the policy intentions. In his comments Simon* explained that:

For instance, if you begin to talk about the provincial level in education ... from the DBE we begin to recognise and appreciate the degree of autonomy ... hence, in our sector plan, we talk about working with and through the provinces ... therefore, we see the provincial level as the delivery arm of all the national policies ... to say we want to work with it means we cannot impose ... so they have that degree of determination of how they would want to implement the national policies.

The assertion that the DBE is “working through the provinces” implies that, in whatever the DBE does, it has to be mindful of the environment and circumstances that prevail in each province. It would not be helpful for the DBE merely to expect the provinces to comply with its demands or policy directives. The contextual factors in the provinces have a huge impact on the success or failure of the national policy and, thus, it is essential that every effort should be made to accommodate these contextual factors during policy formulation and implementation.

It is beneficial to the national department, as the policy formulators, to allow the provinces, as the policy implementers, the necessary freedom and flexibility during policy implementation. This will not only improve the chances of realising the policy intentions but also of improving the level of education delivery and the subsequent benefits which the citizens would derive from this.

b. Provincial education department

By its nature co-operative governance provides for the decentralised activities which give the provinces the opportunity to be innovative and to experiment with ideas and activities. This, in turn, is good for service delivery because it provides for services to be rendered by people who are much closer to where it all happens and who have a



better understanding of the context and conditions in which it all has to happen. This notion was repeated by George* who said that:

If you have national determining what needs to be done across the country, that is fine ... however, there are other elements which are contextual to provinces ... and, therefore, to deal with those elements which are contextual you don't really need national legislation for that ... you need to have a provincial legislation ... whilst provinces implement the national legislation that has gone through the consultation processes ... they should also have the autonomy to address peculiar matters within their jurisdiction and that makes co-operative governance more effective.

It is beneficial for the national department to develop the broader policy framework and directives and to leave the provinces to determine the more nuanced and intricate aspects. With their intimate knowledge of the local conditions the provinces would be able to determine how the broader national policy framework may fit and apply to their needs. This, in turn, implies that co-operative governance is more effective and meaningful to the people. The policy implementation stage is sometimes fraught with challenges emanating from different sources, including environmental and contextual issues. Moses* indicated that:

My sense is that, ordinarily, there may be instances where the DBE policies do not take into account the variations that exist across the provinces and inter-province which then may require a different mechanism and approach to ensure successful and effective implementation.

The provinces differ in terms of their social and economic conditions. Some provinces are predominantly rural with the traditional leaders playing an important role while others are predominantly urban with a metropolitan council governance structure. The more rural provinces are also subject to economic challenges and limited infrastructure provisioning whereas the economic conditions in the more urban provinces are generally better and there is modern infrastructure. All these will influence and affect how the national policy is been implemented.



The administrative flexibility, as provided by the co-operative governance system, allows the provinces to use their knowledge and understanding of their contextual realities to adapt the national policies and strategies to suit their environments, thus ensuring successful implementation. Although the administrative flexibility provided for by co-operative governance allows for the innovation and experimentation on the part of the provinces and which may help to improve service delivery and the achievement of the national mandate, it is essential that this take place within acceptable parameters to avoid diluting the national policy completely as this would result in the original intent of the policy implementation being compromised. On the other hand, flexibility should not be seen as exonerating the provinces from reporting and accounting to the national department on progress made regarding policy implementation. The provinces remain responsible for ensuring that the policy objectives are achieved. On the other hand George* warned that:

If you have national determining every little thing that should be happening, then it will be viewed as been hard norming ... that's what we normally say, it will be hard norming and that will create more disadvantages because other things will not be applicable in other provinces. It is also essential for national to determine broad legislation and leave specific matters for the provinces to manage ... so that you don't have a situation where you expect other provinces to perform something that is outside their parameters and scope ... even outside their mandate.

It is for this reason that honest and frank consultations are crucial in order to determine what provinces can or cannot do based on their contextual circumstances. It would be disingenuous for the national department to merely impose policy decisions on the provinces because they may end up been just ceremonial. It is, however, true that the national department must work through the provinces because the provinces determine whether a policy decision will work or not.

In addition, there is clearly a measure of satisfaction regarding the flexibility offered by the co-operative governance system in respect of the operations of the spheres of government. George* asserted that:



In fact, it is a flexible kind of approach, more than having a rigid kind of approach of co-operative governance which says the dictates are from the national level and, therefore, provinces will have to implement it as it is ... so that will definitely create problems for the education system.

The flexible approach suggests the gravitation between the federal and unitary approaches which is the hall mark of co-operative governance. It is also important to understand the chain of events that take place during a particular direction of such gravitation, that is, the aspects which necessitate gravitation towards either a federal or unitary approach. In addition, the education system should also note the possible benefit such gravitation may have on both the relationship between and the operations of the spheres of government. Moses* argued that:

Unless you work in a province to understand the dynamics that happen there ... often we also make some false assumptions at the DBE level about what it is that we can do or cannot do ... ordinarily I understand that, when you run policy, policy is for the greater good but there are specifics and permutations that happen in the provinces and that are not always taken into account during policy formulation.

An understanding of the specifics and the permutations that apply to particular provinces within the context of co-operative governance is critical, not only to enhance the working relationships, but also for the effective implementation of co-operative governance as the preferred system of government in South Africa. However, notwithstanding the particular contexts and dynamics that manifest and influence the operations at a provincial level, the national intention is to reasonably deliver education that will be beneficial to all the learners. Accordingly, the administrative flexibility that is offered by co-operative governance through decentralisation assists in improving education delivery by the various spheres of government because it (1) provides for services to be rendered by people who are much closer to where it all has to happen and who have a better understanding of the context and conditions under which it has to happen; (2) provides the provinces with the opportunity to be innovative and to



experiment with ideas and activities; and (3) allows the provinces to use their knowledge and understanding of the contextual realities to adapt national policies and strategies to suit their environment, thus ensuring successful implementation.

5.7 CONCLUSION

Through its departments it is the function of a government to serve and enhance the well-being of its citizens. One of the various approaches that may be employed by government to deliver services to its citizens is through decentralisation of authority and functions to the lower levels of government. The intention and practice of decentralised, co-operative governance impose a common national purpose on the spheres of government. It is assumed that this common purpose will ensure that central government's plans and priorities will influence and characterise the interest and operations of the sub-national governments.

According to the co-operative governance system, the locus of education control is shared between the various spheres of government, albeit at different levels. The powers and authority pertaining to the control and governance of the education system are devolved proportionally to the spheres of government to ensure effective and efficient education delivery to the citizens. Nevertheless, the spheres of government are still expected to report and account on matters relating to education delivery as a collective and not as individuals. Thus, it is incumbent on them to use their power and authority to synergise their efforts for the benefit of the nation.

Education in South Africa is delivered via a decentralised structure. However, decentralisation is likely to be effective only when sufficient power and authority are transferred together with the targeted functions and resources to the lower level of government, especially where the purpose of decentralisation is service delivery and efficiency. In addition, the lower level of government that is responsible for the delegated functions should be allowed sufficient space and freedom in which to fulfil these functions.



In terms of the decentralised arrangement the provinces are viewed as the implementation arm of the national Department of Education in that all the national policies, norms and standards find practical expression through the provinces. However, the provinces sometimes struggle to deliver on their mandate because of the limited support and assistance they receive from the national department.

The fact that the national department works with and through the provinces to deliver education to the nation suggests that, because the provinces are the closest to the people, they will be better placed to understand the needs of the people and to respond appropriately in terms of services. However, if this is to be happen, the provinces require sufficient and timely assistance and support from the national department in terms of resources and capacity building. However, it would appear that this is not always realised and, thus, a situation arises in which the provinces have to contend with unfunded mandates and debilitating policy implementation challenges.

The priorities identified by the DBE may sometimes create problems for the provinces especially if these priorities are not in line with the provincial priorities. In this case, they may not receive the necessary support and funding from the provinces. It is at this point that politics comes into play with those provinces with a certain political leverage getting away with ignoring the DBE priorities. This is a phenomenon from both the provinces that fall under the ruling party and those under the opposition party. It is under such conditions that the self-rule aspect of the province becomes apparent.

However, any dissonance between the spheres of government with regard to legislative and policy guidance will create both confusion and tension. The characteristic multi-faceted and dichotomous relationship between the spheres of government renders collaboration a prerequisite for the effective and efficient performance of the education system.

Although collaboration is an important aspect of co-operative governance, the views and conduct of certain provinces make it difficult for collaboration to be expressed in



practice. This, in turn, makes it difficult for the spheres to jointly deliver on their mandate as they appear to struggle to collaborate and complement each other.

Collaboration cannot be optional because of the dire implications this would have for the quality of education delivered to the learners and the wellbeing of the nation in general. The seamless interflow of activities, the persistent learning and sharing of best practices, frank and honest consultations and the identification with the set targets and objectives coupled with the commitment to work tirelessly towards their achievement that should be manifested by the spheres of government are essential requirements for the successful delivery of education within the context of co-operative governance.

The officials from the two departments were in agreement that national policies are implemented under varying provincial conditions and that may, in turn, influence and affect the outcomes of policy implementation. Accordingly, the administrative flexibility that is afforded by co-operative governance through decentralisation would assist in improving the education delivery by the various spheres of government because it (1) provides for services to be rendered by people who are much closer to where it all has to happen and who have a better understanding of the context and conditions under which it has to happen; (2) provides the provinces with the opportunity to be innovative and to experiment with ideas and activities; and (3) allows provinces to use their knowledge and understanding of the contextual realities to adapt the national policies and strategies to suit their environment and, thus, to ensure successful implementation. If the advantages of the administrative flexibility could be achieved it would address the dilemma of decentralised autonomy.



CHAPTER 6: PRACTICAL EXPRESSION OF CO-OPERATIVE GOVERNANCE

6.1 INTRODUCTION

Co-operative governance is characterised by key principles that define the relationships between and determine the framework within which the spheres of government should operate. These relationships will affect and influence the effectiveness of the spheres of government as regards their delivering on their mandates both individually and collectively. In observing these key principles the spheres of government would be giving practical expression to the concept of co-operative governance.

In addition, the configurations and permutations of the relationships will define and determine how the concept of co-operative governance finds expression in legal documents and practice in general. In addition, the extent to which the relationships are institutionalised will influence the level of stability which will be created and/or sustained between the spheres of government. In addition the degree to which each sphere of government fulfils its roles and functions, all the aspects that influence and determine the fulfilment of these roles and the level of success achieved in the process will reveal how co-operative governance is given meaning and practical expression by the spheres of government.

According to Malan (2005: 229), co-operative governance is a partnership between the three spheres of government and with each sphere being required to fulfil a specific role. Co-operative governance does not ignore differences of approach and viewpoints on the part of the various spheres but rather it encourages healthy debate to address the needs of the people the spheres of government represent. The type of relationship between the spheres of government will influence how these various approaches and views points are received and given meaning.

The key features/aspects by means of which co-operative governance may find practical expression may be identified as the partnership between the spheres of government and which ensures the successful delivery of services, the fulfilment of the specific roles which are carried out in terms of the allocated powers and authority, the ability and willingness to accommodate different approaches and viewpoints during the interactions and delivery of services, the nature of the consultation that encourages healthy debate in order to address the needs of the people and the optimal utilisation of the resources that are available to government to deliver on the national mandate.

Thus, the aim/purpose of this chapter is to discuss and analyse the **systemic expression of co-operative governance in practice**. The chapter will focus specifically on:

- party politics and administration
- systemic expression of co-operative governance
- the nature of consultation
- the interprovincial consultation
- perceived relationships

These focus areas will investigate both the level at which and the structures through which consultations take place between the spheres of government; the quality of and value attached to these consultations between the spheres of government; the occurrence and types of consultations that take place between the provincial education departments; how the officials perceive the relationships between the spheres of government and the role played by politics in influencing the co-operative governance relationships.

6.2 PARTY POLITICS AND ADMINISTRATION

The interplay of politics between the various spheres of government is crucial in demonstrating the level of understanding of the concept of co-operative governance and how it is given practical expression in their operations. It was indicated in chapter 3 that the three provinces that formed part of the unit of analysis had been chosen on the basis



of their political allegiance. This, in turn, suggests that party politics and the way in which these provinces conduct their administration will influence how the spheres give meaning to the concept of co-operative governance. It is anticipated that party political allegiance will influence the extent of engagement of officials on policy issues and also shape the strategic direction of the policy mandates.

Watts (1997:26) argues that the development of a political culture of cooperation, mutual respect and trust is significantly more important to effective intergovernmental cooperation than the establishment of formal structures and legal procedures. However, the professed political culture of cooperation and trust are more likely to happen between the spheres of government that share party political allegiance. A subtle party political rivalry often creeps in during rigorous debates and discussions on policy and legislative issues. This, in turn, often distorts the quality and substance of the argument and/or debate. Certain of the valuable policy and legislative criticisms are dismissed or rejected based on who is expressing them. This may be attributed to the levels of suspicion and distrust which are manifested and which are based on party political allegiance between the officials from the various spheres of government.

Party political loyalty at the expense of governmental success and cooperation has a marked influence on intergovernmental relations. The undue elevation of the importance of party political activities often compromises the accountability and operations of the spheres of government and with a detrimental effect on the well-being of the people and the state. The majoritarian dynamics often detract from the debates and criticisms that may have enriched the type of policy and legislations developed. In addition, partisan loyalties divert the focus of the political role players from their main task and also blur their objectivity during debates and interactions.

Accordingly, the way in which the spheres of government relate to one another is greatly influenced by the political views held by each sphere. Some provinces may be more in favour of and support the national department because of their allegiance and party political deployment whereas the other province may oppose the national policies either because they choose to overemphasise their autonomy or they are led by an



opposition party. These parties would often rather express and support their own policies rather than those of the national government.

a. Provincial Education Department

The quality of education delivery impacts on the general development of a country and the social wellbeing of the citizens in particular. Thus, the delivery of quality education has increasingly become a priority for the government. As a result it has become linked to the manifestos and mandates of political parties. A political party's manifesto and mandate will inform and shape the strategic objectives and goals that will guide and influence the delivery of education to the citizens. In addition, the key policies for education delivery should be in line and also reflect the ruling political party's political agenda. In view of the fact that the various spheres of government are under the administration of different political formations, this will influence how co-operative governance is given meaning and finds practical expression.

The expression of politics in the process delivery of education influences the degree of success that is achieved. The majority of policies and strategic objectives are geared towards driving a particular political agenda. Thus, party politics invariably come into play during the delivery of certain mandates and strategies. Cornelius' observation, which was quoted before, best expresses this and it is worth repeating to highlight this point:

The Western Cape is viewed as a republic by the rest of the country ... and you find that there are particular protocols that apply in this province that do not apply in other provinces ... I will give this specific example, a week ago I attended this summit on school discipline and we were supposed to send 10 delegates including school principals ... but, because of the way things are done here, it means we could not have the required number of principals ... we could not have any delegate who is a learner ... that does not contribute to what national is trying to do ... so there is that kind of tension that we experience... in some provinces I think you find openness



around this particular matter and people seem quite free to participate in national forums.

The fact that the “Western Cape is viewed as a republic by the rest of the country” suggests the perception that this province tends to demonstrate a level of autonomy. This may also imply that the Western Cape has adopted a different approach to service delivery as compared to the rest of the country. This may, in turn, be attributed to the different party political agenda and mandate that inform the type of policies that are developed and the strategic objectives that influence and determine service delivery. It is worth noting that the Western Cape is governed by the opposition party while the other provinces are governed by the ruling party.

In addition, the “particular protocols that apply in this province that do not apply in other provinces” would drive the party political agenda in the province and also regulate how officials from that province would interact with and relate to the other officials from the other spheres of government and provinces. This would also determine the level of participation in the activities organised by the other spheres, influence the tone of the debate and discussions and shape the views presented in meetings.

A limited participation in activities organised by the DBE would have a negative impact on the level of education delivery in the country because important decisions are often taken during such meetings and those who do not participate would be left out. In view of the principle of co-operative governance that requires that the spheres of government are interdependent and interrelated, there is a need for a high level of participation in the activities organised by the national department and also in the consultations, support and co-ordination of such activities. On the other hand, Thomas* argued that:

The only time that you would have difficulty is when you have a different party political arrangement which rules in the province and which party rules at the national level ... when you have the same party in all the provinces, because everything is politically driven ... with the political goals and objectives linked to the party that you service then it is easier to



deal with issues ... but when there are different parties in control there are always contestations and I have seen that happen right in the early days when, firstly it was the New National Party ... then the DA, when they were in control of the province, there were always some very sticky points... the fact that you have got all but one province under the same political party means there are political decision strings pulled at a level behind the scenes.

The fact that certain issues are politically driven further complicates the fulfilment of the concurrent functions because the provinces, through their HODs, are not accountable to the national Minister of Education but to their provincial premiers. The fact that the national Minister of Education has prioritised certain issues does not necessarily mean that they will be provincial priorities. The provinces retain the power to decide on their priorities and allocation of resources. The provinces that are under the same political party as the Minister of Education are more likely to align their activities and policies with those of the national Department of Basic Education because they have to drive the same political mandate. In addition, the political heads are deployed by the party and, thus, they are forced to promote the party political agenda. On the other hand in a province that is governed by the opposition party the provincial premier may decide on priorities that are different from those of the national Minister of Education. Everybody will then work towards realising the priorities of the province and those of the national Minister of Education will be ignored. In other words, politics always come into play in one way or the other and this, in turn, determines the level of achievement of certain strategic objectives and, to a certain extent, the level and quality of education delivery to the citizens.

Such situations hamper the expression of co-operative governance in practice with adverse effects on the delivery of education to the nation. Although the provinces are given exclusive powers to make policy decisions, they should always bear in mind that they are all working towards a common national agenda. Thus, they should use their powers to complement and support each other in delivering quality education to the citizens.



In addition, politics invariably permeate debates and discussions during meetings. It may be that these politics are brought into the debates to silence dissenting voices and/or criticism. Officials who raise opposing views, irrespective of the province from whence they come, are often accused of behaving like people from the Western Cape. The Western Cape is the only province which is governed by the Democratic Alliance, which is the official opposition party in South Africa. As stated in chapter three, the officials from this opposition party led province act as a political watchdog on policy decisions. For this reason they are often perceived as not supporting the political mandate and the resultant policy decisions of the ANC as the ruling party. The Western Cape is often accused of behaving as if it were a federal state. This is highlighted in Mike's* comments that:

Sometimes there is this tendency that some people will accuse you that you are operating as if you are a federal state when South Africa is actually not a federal state ... it is a united country or unitary state ... but those people who sometimes raise that argument, they fail to substantiate their views based on the Constitution and the Act ... so they would want to make you feel inferior (guilty) that you are operating like one province that is regarded as not cooperating ... you want to join that province as well ... remember this is one South Africa.

Consultation, as a manifestation of co-operative governance, is characterised by discussions and debates which may be robust in nature. The insinuation that “you want to join that province as well” has an undertone of distrust which does not augur well for cooperation and collaboration. In addition, it also has the potential to stifle debate and criticism, thus depriving the meeting of quality decisions which would emerge from a variety of ideas and opinions expressed during robust and frank discussions on policy development. There appears to be a perception that it is only the officials from the opposition led province who are expected to raise dissenting views while the other officials are supposed to show their support of all the issues that are discussed. However, such conduct may have an adverse effect on the relationships between and interactions of the spheres of government and this may, in turn, affect education delivery.

The way in which politics are evoked by the various spheres of government during the interactions and relationships may help to perpetuate the unitary-federal perception. The ruling party led provinces tend to gravitate towards the unitary disposition with the centre taking the lead in the majority of the issues whereas the opposition led province tends to be more concerned about preserving and protecting its distinct character and, thus, it will gravitate towards the federal disposition. There are certain protocols and policy practices that are applicable only in the Western Cape as was indicated in Cornelius's comments that were referred to earlier in this section. Thus, the meaning attributed to and the practical expression of co-operative governance by the spheres of government will be influenced by their respective dispositions with even the policies that are developed reflecting this political dynamism.

6.3 SYSTEMIC EXPRESSION OF CO-OPERATIVE GOVERNANCE

As a system of government co-operative governance will determine and influence how the spheres of government relate to each other, fulfil their roles and responsibilities and the powers and authority allocated to each. Even the Constitution and the legal frameworks make provisions for the appropriate structures through which co-operative governance may be expressed and practised. These structures are necessary to ensure that both the views and the contextual issues of the various spheres of government are represented and taken into consideration during policy formulation and standard setting processes.

The National Council of Provinces (NCOP) ensures that provincial interests are taken into account in the national sphere of government. Accordingly, the NCOP participates in the national legislative process and also provides a national forum for the public consideration of issues affecting the provinces. The reason for this is that, because national legislation imposes a wide range of obligations on the provinces and also determines their resources, it is crucial that they have an effective voice in the development of such legislation (Simeon & Murray 2001: 74).

This platform provides the provinces with an opportunity to discuss possible challenges and risks emanating from the contextual factors, capacity issues and availability of resources and that may impact on and/or influence the policy implementation process and the subsequent realisation of the intended purpose. It is during the meetings of such forums that healthy debates are encouraged to enable various approaches and viewpoints to be expressed as such approaches and views may mitigate possible risk that may impact on policy implementation at the provincial level.

In as much as co-operative governance, as envisioned in the Constitution, allows the provinces to participate actively in the national decision-making sessions through the NCOP, the Council of Education Ministers (CEM) and the Heads of Education Departments Committee (HEDCOM) provide appropriate platforms that cater for educational issues within a particular province during the discussions at the National Department of Education. Thus, the provinces are afforded the opportunity to influence, shape and inform the decisions taken at national level to ensure that, as far as it is practicably possible, provincial contexts are accommodated.

It would appear that the spheres of government do not take advantage of these systemic structures to enable the education system to successfully and effectively deliver on its mandate.

a. National Department of Education

There is an agreement between the officials from both the national Department of Education and the provincial departments on the systemic structures that are established to give practical expression to co-operative governance and its principles. However, the fact that these structures are in existence and they meet on a regular basis does not always translate into practical benefits, either in terms of improved education delivery or as regards realising the intended objectives. The officials serving in these structures meet to discuss certain critical issues pertaining to education, plans and priorities with the aim of improving the alignment and co-ordination of activities, and to enhance collaboration. However, the level of benefit derived from these meetings and



discussions is sometimes not proportionate to the amount of time and energy spent, plus the cost incurred in attending such meetings. The education sector is fraught with sub-optimal service delivery, policy implementation challenges, poor reporting by the provinces, tensions about resource allocations and duplications. Nevertheless, Simon* asserted that:

... I am convinced that, as the DBE, we are doing sufficient consultation ... because there are legitimate structures which facilitate and promote consultation ... for instance, we have the HEDCOM sub-committees which meet at least once per quarter ... where programmes, priorities and plans are presented for the purposes of alignment ... secondly, you have the HEDCOM meetings where all Heads of Department come together with the Director-General from [Department of] Basic Education and programmes in the sector are discussed and presented and progress is monitored ... all these things are discussed at this level ... we also have got the Council of Education Ministers ... it is another critical structure in Basic Education where Members of the Executive Council on Education come together with the Minister and they look at the work of the sector ... and, finally, over the past two years the Minister has introduced her meetings with the District Directors ... so, on a quarterly basis, the Minister holds her meetings with the District Directors all over the country... all 86 of them all over the country.

The systemic structures are established at all the management levels of the education sector – political, strategic and operational. It is, thus, expected that the quality of the decisions taken and the strategic directives and objectives formulated will give rise to proportionate levels of service delivery. However, there appears to be a perception that attendance at the meetings of these structures is simply for compliance purposes. For example, there are HEDCOM sub-committees on almost all the programmes in the DBE and that meet at least once per quarter to table their programmes and priorities and present their plans for the purposes of alignment. However, the provincial head of department and/or the Member of the Executive Council on Education still have to



approve those programmes, priorities and plans for resource allocation purposes and this does not always happen. Although these HEDCOM sub-committees purport to be aligning their activities there is still some duplication and the spheres of government do sometimes work at cross purpose with each other. On the other hand, despite the fact that the Members of the Executive Council on Education meet with the Minister to review, discuss, inform and direct the work of the education sector and one would imagine they would all walk away with the same message, the system continues to experience tensions as regards resource allocation, particularly in terms of the province versus national priorities while it is not always possible to implement some of the programmes or projects because there are no resources to do so.

On the other hand, these systemic structures do make valuable contributions as regards giving meaning to and the practical expression of co-operative governance because extensive and substantive consultations do take place between the spheres of government. Nonetheless, it would seem that some of the policies or policy decisions are symbolic rather than practicable because, although these committees, irrespective of their level, are aware of the risks and challenges regarding a particular policy from its inception, often nothing is done to address these risks and challenges before the policy is promulgated. As a result Brian* argued that:

Although HEDCOM and CEM were created by the NEPA long before the other departments were established ... long before the Intergovernmental Relations Act was promulgated and which makes these meetings by the Minister and Members of the Executive Council (MinMECs) obligatory ... we had MinMEC already ... so education had these for a long time ...extensive consultation happens ... no policy, no law, no strategy is passed without it going through that process ... now a lot of that consultation is substantive ... but, as I say, it is not perfect because sometimes a policy is not properly costed ... its implementation implications are not properly assessed ... the burden of implementation and how it will affect a particular province given its capacity is not properly assessed ... there isn't sufficient discrimination between the provinces to say this one is small, it doesn't have



a lot of staff and this one is big, so maybe the approach must be different ... that is not done sufficiently, so the consultation which is there is substantively comparable to many countries in the world, but it is these areas where we experience teething problems, but, I think, if given attention it can improve quite significantly.

Although a policy may look impressive on paper, if it is not properly costed, if its implementation implications are not properly assessed, if the burden of implementation and how it will affect a particular province given the province's capacity are not properly assessed, and there is not sufficient differentiation in terms of provincial capacity, the policy will merely become symbolic. This is the main reason why there are so many policies whose intentions have never been realised or which are difficult to implement. For example, there is a policy on compensating schools for exempting certain parents from paying school fees because of their socio-economic conditions. However, the provinces are often not able to implement this policy because of a lack of funds. This then affects both the financial standing of the schools in question and also their ability to deliver appropriate services to the fee paying parents.

There appears to be sufficient provision in terms of organised structures for the purposes of consultation and each of them seems to be serving the purpose for which it was established. However, there also appear to be frustrations caused by the nature and/or level of participation as well as the commitment and truthfulness of the representatives of the various spheres of government in these systemic structures. Solomon* complained that:

Those consultation are supposed to happen ... yes, we had a meeting with the provincial officials ... it happens very often where documents are sent to provinces and they don't bother to comment or maybe make an input and then the document reaches a final declaration and then somebody wakes up in the province and says 'I didn't see this or I haven't made an input on it' ... and then you start all over again ... because if we do go ahead that province is going to retard things anyway because certain



things weren't done or that email wasn't sent or some little thing is used as justification for having to start all over again ... and that's why things take so long

It is vital that the spheres of government acknowledge and appreciate the value of these systemic structures for them to be effective and to ensure that the decisions which are taken by these structures may be successfully implemented. Where these structures are not valued they will be rejected by the provinces. This often results in the allegation that somebody either did not see or did not make any input into a particular policy before it was finalised, thus raising questions about its legitimacy.

Although there is agreement about the existence and professed functioning of the systemic structures for giving practical expression to co-operative governance, it would appear that their efficiency and effectiveness need to be improved. The spheres of government should own these structures and also accord them the value and respect which they deserve so that whatever they develop or produce would be binding on everybody involved.

b. Provincial education department

The successful implementation of the co-operative governance system requires support from the necessary systemic and legislative structures. However, these structures need to be acknowledged and respected by the various spheres of government if they are to serve the purpose for which they were created. In addition, officials from the various spheres of government should also participate actively in the activities of these structures if these structures are to be both effective and productive. Moses* indicated these structures came into being through statutory provisions:

The National Education Policy Act (NEPA) makes provision for two very important statutory bodies, namely, the Council of Education Ministers (CEM) and the Head of Education Committee (HEDCOM) ... they are statutory bodies and, therefore, they are the level at which policy



formulation and policy making are initiated ... for me those are the two high level structures where there would be aspects and elements of support and consultation.

The provinces are represented in both the CEM and the HEDCOM where policy formulation is initiated. This, in turn, means that the provinces are aware of all the various implications of and requirements for each policy at an initial stage. However, despite this there are many instances during the implementation stage when the provinces complain vigorously that they were not properly and adequately consulted and neither were they involved in such policies and, therefore, they are not able to make any resources available for the implementation of these policies. In other instances the provinces complain that, had they been consulted, they could have advised properly about the challenges involved in the implementation of the said policy. A classic example of this is a policy on the compensation of the School Governing Body Associations by the provinces and on behalf of the schools and which came into effect after the introduction of the no-fee school policy. The majority of the provinces are complaining that they do not have the necessary financial capacity to implement this policy. This, in turn, raises questions on the nature and/or level of participation and the frankness of the provinces during these high level discussions and consultation. The provinces appear to be surprised by the impact on and demand from their resources of certain policies during the implementation stage when they were supposed to have queried this or raised a concern during the initial stages of policy formulation. In addition, the provinces are fully informed about the contextual issues and capacities of their provinces and, thus, they should have addressed aspects or elements of support during these initial stages.

George* stated that:

... the Minister meets from time to time with the MECs ... that is why we have the structure called CEM ... the purpose of this structure is to ensure that there is commonality in terms of advancing education objectives ... and ensuring that constitutional imperatives are executed as expected ...



and, at the same time, to ensure that there is a two way communication between the provinces and national.

Although attempts are made to ensure that there is commonality in terms of meeting the education objectives, the contextual factors as well as the political and social dynamics sometimes make it difficult to do this. In most instances the norms and standards relating to various educational issues are set but the provinces either fail to implement them because of prevailing circumstances which they did not disclose during the standard setting process or they simply choose to ignore them because there will not be any repercussions. The reporting and accounting by the provinces to the national department is an ongoing challenge.

In addition to the officials from the various spheres of government having to participate actively in the activities of these structures, it is also vital that they realise and acknowledge the value of being part of such structures. George* suggested that *“through these meetings, that is where the support comes in ... because the national is able to provide support to the provinces”*.

Thus, appropriate support will be made available only where the parties that are involved are honest and frank with each other and also about their situations. Interventions made available by the National Department to the provinces sometimes do not yield the desired results because such interventions may be based on incorrect information. However, if the spheres of government are truthful in their reports and discussions the National Department is able to assist and support the provinces to deal with their challenges successfully. A case in point is the debacle about textbook procurement and the delivery of textbooks to the schools which occurred in Limpopo Province in 2014. Some of the schools in the province did not receive any textbooks at the beginning of the year. Some received an inadequate supply while others received the wrong textbooks in terms of language used for learning and teaching, grades and subject choices. The National Department blamed this situation on the incorrect information provided by the province about the schools in the province while the provinces blamed the National Department for inadequate consultations.



Moses* indicated that:

There was a time when we did not have interprovincial meetings and you could feel the gap and the distance between us and the DBE ... and you find that you are in isolation ... you are working all by yourself and there is no support.

He expanded this view by saying that “*the interprovincial meetings provide a space for us to learn from each other ... learn best practices ... share information and documents at that level*”.

These systemic structures are important in terms of providing support, not only between the spheres but also to the individual officials so that they realise that they are not alone and there are other people in a similar position. However, it would appear that these structures cater for consultation, support, the sharing of information and best practice; and/or assistance only and that they also do not accord the same necessary and extensive attention to the issue of coordinating the actions of the spheres of government as well the legislation passed nor do they ensure that there is compliance with the agreed upon procedures. This imbalance as regards the actions that are specified by the principles of co-operative governance then has a negative effect on service delivery.

If the various Departments of Basic Education are to succeed in realising their common purpose it is vital that they share best practices with each other and also that they learn from each other. It would be extremely beneficial if the provinces really shared best practices between themselves because as this would augur well for the country in terms of a general improvement in the quality of education, for example, the sharing of the strategies for maintaining consistently good performance in the Grade 12 results in provinces such as Gauteng and Western Cape and the recent dramatic improvements shown by the Free State and North West provinces. However, in view of the level of persistently below par performance of some of the provinces, for example, the persistent underperformance in the Grade 12 results in the Eastern Cape and Limpopo provinces, one wonders whether there is any sharing of best practice during CEM meetings or between the individual CEM members. It would appear that, if the members



of the CEM do exchange useful materials and/or documents this is nothing more than a ceremonial exercise. It is important for the provinces, especially those that are struggling, to acknowledge that they need help and to accept it when it is offered although it would seem that this is not happening. Furthermore, Stewart* indicated that:

We have got sub-committees that are specialists ... that consist of specialist people ... we also have statutory bodies for quality assurance ... statutory bodies like UMALUSI that quality assures the Grade 12 exams and others ... and those help to harmonise relations and operations between the spheres of government ... therefore, this has shown that, despite the tripartite relationships (the relationship among the three spheres of government), you still have a single country, a single system of education that is functional.

The sub-committees are supposed to act as the locus for consultation and support if they are used appropriately. However, the quality and level of consultation and support depend on the level of participation and involvement by the individual spheres, particularly the PEDs, during discussions and meetings. In certain instances it would appear that the HEDCOM sub-committee meetings are ignored by some of the provinces as a result of the apparent tension emanating either from the disjuncture between planning and resource allocation or from the authority of the spheres of government to prioritise activities. This would, in turn, mean that the consultations were no longer comprehensive or inclusive and this would create an opportunity for those provinces that were absent from the meetings to object to the implementation of the decisions taken during such meetings. Such attitudes highlight the dilemma of the decentralised autonomy where the spheres of government may place undue emphasis on the self-rule provision. This, in turn, would have an adverse impact on the co-operative governance relationship which requires them to cooperate, consult and support each other. It may happen that the DBE may choose to use these committees to subtly push through certain policy intentions with no genuine consultation. This lack of genuine consultation may have serious come-backs or implications, for example, the Occupation Specific Dispensation (OSD) decision which sought to give public servants



financial compensation in recognition of specific services. The lack of an affordability assessment, which was supposed to have been discussed during the consultations, has serious financial implications for the provinces.

Although the aim of the systemic structures is to promote the expression of co-operative governance in practice, their full potential is not being realised. The main reasons for this is that they are either being under-utilised and/or else representatives of the spheres of government are being less truthful and frank during the debates and discussions on policy formulation and standard setting. This, in turn, leads to serious challenges when the provinces are supposed to implement these policies, norms and standards. As one of the defining feature of the relationship between the spheres of government consultation is critical if co-operative governance is to be given practical expression. Accordingly, the legal structures through which consultation happens across all levels of the basic education sector should work towards ensuring that there is commonality in terms of advancing all education objectives.

6.4 THE NATURE OF CONSULTATION

The spheres of government are enjoined to consult, assist and support each other in the process of delivering on their mandate. According to Malan (2005: 230), no sphere of government is able to function effectively without co-operation with the others because of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources and poor economic conditions. The interdependency and interrelatedness of their functions compel them to maintain constant and substantive consultation for the purposes of alignment and co-ordination of their activities. The existence of spill-overs in services has the potential for duplications, tensions and confusion which can be managed only through extensive consultation. Moreover, these spill-overs in services may impose costs, provoke migration, create environmental problems and/or consume common resources with these, in turn, creating education delivery challenges. It is the nature and level of the consultation between the spheres of government that determine their success in delivering on their mandate.



The spheres of government also have exclusive powers to make policy decisions and promulgate legislation that may influence and impact on the programmes and projects of the other spheres of government. The way in which these policies and legislation are communicated between the different spheres of government has a marked influence on the way in which they will deliver on their programmes both individually and collectively. Any possible misunderstanding has the potential to create confusion and tension, with this possibly affecting both the relationship between and the operations of the spheres of government as a result of the interdependency and interrelationship between them. This will, in turn, affect both the level and the quality of the services delivered to the nation.

According to Plaatjies (2008: 16), co-operative governance encourages partnerships, uniformity, standardisation and harmonisation within and between the provincial and central governments with a view to ensuring that the various spheres of government complement each other appropriately and adequately in the interests of the fulfilment of their obligations both variously and collectively. However, partnerships, uniformity, standardisation and harmonisation between the spheres of government will only be created and sustained through truthful and candid discussions and consultation between the spheres of government. Anything less will create resentment, suspicion and mistrust, with potential disastrous consequences.

No sphere of government may effect radical improvements in service delivery on its own without the support and assistance of the others. This renders the need and desire for consultation even more important in terms of building good relationships and enhancing the performance of the spheres of government as regards service delivery.

Although the spheres of government, particularly the sub-national governments, work separately, their cumulative impact on realising the national objective of delivering quality education to all the learners is of paramount importance. Thus, the nature of consultation that occurs between the spheres of government is critical for building good relationships and partnerships, effective cooperation and the sharing of best practice,

promoting honesty in discussing challenges, and ensuring that support and assistance from the other spheres are both requested and appreciated.

a. National Department of Education

The aim of consultation is to strengthen collaboration and the alignment of strategic plans between the institutions concerned. The synergy that is derived from consultations will result in the institutions working more efficiently, effectively and productively to the benefit of the citizens. However, it is the nature of these consultations which will determine whether these benefits are realised. Although it emerged that there is apparently agreement that consultation, as a constitutional requirement between the spheres of government, does happen, concern was raised about the way in which these consultations are conducted. The comment made by Marks’* and which was quoted before best expresses this and is worth repeating to clarify this point:

Consultation will generally happen in the form of, say, as national we have picked up this kind of information ... we think this is the way it should go ... we make the announcements ... we proceed with the development of the policy or the legislation ... bring in the provinces from time to time ... however, there isn't detailed level discussions and consultation on the implications.

Thus, it would appear that the way in which the national department approaches the consultation process has the connotation of the unilateral imposition of what it assumes to be important to the provinces. The concern was raised that the level of the discussions and consultation that appear to take place between the spheres is likely to create challenges as regards policy implementation because the contextual issues and individual circumstances of the provinces, as the implementation arm, are not addressed and/or taken into consideration. The apparently superficial nature of the consultations that take place between the spheres of government devalues the essence and benefits of such consultations.



In view of the fact that consultation is a constitutional requirement, if it is conducted properly, it will engender collaboration as well as the alignment and co-ordination of activities between the spheres of government, thus promoting efficient service delivery. However, the way in which consultation processes sometimes manifest in the education system creates challenges that adversely affect the functionality of the spheres of government. These consultations sometimes happen for the sake of political expediency or because of low levels of participation on the part of the affected stakeholders. Solomon* raised a concern that:

Those consultation are supposed to happen ... yes, we had a meeting with the provincial officials ... it happens very often where documents are sent to the provinces and they don't bother to comment or may be make an input and then the document reaches a final declaration and then somebody wakes up in the province and says 'I didn't see this or I haven't made an input on it'.

This either delays or hampers the implementation of the content of the documents because some of the provinces will either not provide the necessary support by making the required resources available or they may openly refuse to participate, citing a lack of consultation as the reason – this despite the fact that they were given an opportunity to make comments on the specific policy but they did not take advantage of the opportunity. This clearly demonstrates the attitude that the spheres of government sometimes demonstrate towards consultation. Thus, consultations may be characterised by disingenuousness because either the other sphere is not given sufficient time to make comments on the proposed policy while the fact that they did not make comments is used as a reason to proceed without them, or the other sphere deliberately ignores any comments made and, if this sphere proceeds without taking the comments into account, this is used to stall progress or to hold the system to ransom.

Solomon* complained that “*I don't think there is adequate, meaningful consultation between the provinces and the national department*”. This type and level of consultation work against the essence of co-operative governance and the ultimate success of the



spheres of government. On the other hand, it would appear that the spheres of government are not honest and frank in their discussions during the consultation processes. Brain* decried the fact that:

Although no policy, no law, no strategy is passed without it going through the consultation process ... and a lot of that consultation is substantive ... but, as I say, it is not perfect because sometimes a policy is not properly costed ... its implementation implications are not properly assessed ... the burden of implementation and how it will affect a particular province, given its capacity, is not properly assessed.

The purpose of consultation is to give all the affected parties an opportunity to express their views and to take these views into consideration before any issue is finalised in order to prevent implementation challenges. The nature of the consultations that do take place between the spheres of government determine the quality and success of the outcome of such consultations. Finally, the success of co-operative governance is influenced and affected by the nature of the consultations that take place between the spheres of government.

b. Provincial education department

The way in which consultations are sometimes conducted between the spheres of government gives the impression of a hierarchical relationship where the more senior partner informs the junior partner of what needs to happen. Constitutionally the spheres of government are equals with each having exclusive powers to decide and legislate on certain key issues that have a significant bearing on how the system should function. However, if the consultations degenerate into mere information sessions this will result in tensions, frustrations and disharmony in the system. Moses* complained that:

There are instances, in my view, where the DBE could have played, not so much consultation, but unilateral decisions ... let me give an example ... you know the distribution of workbooks is a clear example of how



there has been no consultation, but there has been a unilateral decision of how this will happen ... national designed workbooks and lesson plans ... and deliver those lesson plans and workbooks directly to the schools without passing through the provinces ... that creates a problem because you may not know exactly what is in the schools or what is not there ... and you find that, when they deliver workbooks directly to the schools, the risk is they are likely to deliver incorrect material in those schools ... and this is causing problems on the ground ... that for me is problematic.

He further stated that:

There are instances like that where you say if you had properly consulted perhaps we could have made a different input ... that don't publish this as of now because, when you look at the financial situation in most of the provinces, we are struggling.

The fact that the DBE is supposed to work with and through the provinces suggests that there is nothing which the DBE is allowed to do as regards the district offices and schools without first consulting with the provinces. Besides, in terms of the distinct nature of the spheres of government, the management of the districts and the schools is a competency of the province. Although the DBE is the overall custodian of education in South Africa, it has to respect the constitutional integrity and autonomy of the provinces. As regards the issue of the workbooks, the provinces are supposed to provide resources and also to invest time and energy in order to monitor the implementation of the workbooks, assist and support the schools to resolve challenges emanating from the implementation of these workbooks and also to compile and submit a detailed report on the implementation of the workbooks to the DBE. However, if the DBE unilaterally decides to design workbooks and lesson plans and then deliver them directly to the schools without passing through the provinces, this will, without doubt, create resentment and resistance to supporting this project on the part of the provinces. In addition, the provinces understand the contextual issues and circumstances in their areas and, thus, they would have been able to provide sound advice in respect of the



successful implementation of this project. The tension and disputes resulting from the incorrect handling of the workbook project was not good for education delivery to the country. In fact, the tension that resulted from this exercise led to the provinces refusing to co-own the ensuing challenges and, instead, they blamed the DBE and referred every query to the DBE.

Caster* argued that:

The DBE is the only education department with no children and sometimes the practicality of what they need to do and require and the situation on the ground and the district might be far removed from them.

The fact that both the districts and the schools may be far removed from the DBE requires that the PEDs should act as intermediaries in the delivery and implementation of national policies. However, this should not imply that the PEDs are inferior to the DBE but, instead, it is a demand of the concurrent and complementary roles that these spheres have to fulfil. According to Kriek et al. (1992: 15), the division of functions and powers may be regarded as an express characteristic of the co-operative governance system in that the authorities on the two levels enjoy equal status and are in no way subjected to each other. In addition, this implies that the DBE is dependent on the PEDs to fulfil and achieve its mandate. Accordingly, the understanding and actualisation of the complementary relationship between the DBE and PEDs is crucial in the successful delivery of education to the country. De Villiers, (1995: 28) asserts that, although the different levels are responsible for separate functions based on their guaranteed and original powers as defined in the Constitution, they are also obliged to co-operate and consult each other in matters of common concern. It is within this context that the constitutional principle of “interdependence” becomes imperative for the purpose of delivering the concurrent functions.

Consultation is, by its very nature, time consuming. Nevertheless, it is a necessary practice and one that must happen, especially in education which is a concurrent function between the national Department of Education and the provincial departments



in South Africa. However, it would appear that expediency sometimes overshadows its significance. Ruben* advised that:

Centralised decision making is sometimes more expedient ... faster ... quicker ... but if you have co-operative governance as a system of government it means you have to allow time for effective input ... for effective consultation ... for effective relationship building, etc.

Thus, expediency should not be used as a reason to overlook and undermine the due processes. It is important to note that good relationships between the spheres of government and which are built through, among others, allowing the other enough time for effective input and consultation on matters of common interest are critical for the effective and productive functioning of the education system. The “commonality” that ought to be present is an important aspect underpinning the relationships between the spheres of government in that the spheres should use their powers and authority to complement and support each other towards realising the national objective in education. In other words, their “interdependence and interrelationship” should be underscored by the common purpose that has to be realised.

During policy development the spheres of government are supposed to consult each other while opportunities should be made available for the spheres to make inputs on the policy in question. This practice should take into account the provincial variation that may exist. However, sometimes the provinces do not make good use of these consultations or of the opportunities to make inputs. This may be the result of the conflicting priorities which may arise because of the two centres of power in terms of which the officials have to report and account to both the Minister at the national department and the premier of the province. Some of the policy issues are left to the DBE to decide but, when the provinces are supposed to implement such policies, they realise that their individual contexts may significantly hamper the successful implementation of the policy as it is. This, in turn, may create compliance challenges because the policy has already been adopted.



Schoole (2002: 214) argues that “there is a legal difference between what one calls ‘in-consultation’ and ‘after-consultation’”. In-consultation means you have to accept and reflect the views of the party with which you are consulting. Thus, the national-provincial consultation should follow the in-consultation approach because the provinces control the resources and sites required for policy implementation. If their views are not accepted and reflected in the national policies this may create a risk of the provinces not allocating the necessary resources or adequately preparing the schools and districts as sites for policy implementation. As a result, this may lead to challenges in policy implementation and the subsequent failure to realise the intended policy intentions. It would appear that what is happening in reality is the ‘after-consultation’ which means you consult with a party and, after your consultation; you formulate the views as informed by your consultation. This approach seems to be the appropriate form of consultation as the national department, through the Minister, is the custodian of education and it is also accountable for education delivery. Therefore, it should have the final decision on policy matters. However, within the co-operative governance system, both the national and provincial governments are vested with exclusive powers and authority to legislate on education delivery. Thus, if the national department applies the after-consultation approach this may pose serious challenges. If the views of the provinces are not accepted and reflected in the national policy this is likely to perpetuate the challenges created by the disjuncture between planning and resource allocation. This, in turn, may result in the inability of the provinces to implement aspects of the national programme.

Although the statutory structures for consultation between the DBE and the PEDs do exist, the level of involvement and participation during the supposed consultation is questionable. There are various observations for this, (1) sometimes the DBE, as has been suggested, resorts to merely giving orders as to what should be done in the name of consultation; (2) although the PEDs are sometimes given the opportunity to participate actively in the consultations they do not always become involved, for example, they may be asked for inputs during the formulation of a particular policy but they do not provide any inputs so that the DBE ends up continuing without their inputs, (3) the PEDs sometime assume the role of implementation agents and then merely



accept much of what comes from the DBE. However, all these, in turn, detract from the expression of co-operative governance in practice because honest and constructive consultations would both generate and strengthen partnerships, coordination and the alignment of activities.

6.5 INTERPROVINCIAL CONSULTATION

In South Africa, the various spheres of government are collectively and variously responsible for the management and delivery of education to the nation. In view of the fact that education is a concurrent function between the national and provincial government, the two spheres are enjoined to consult with each other, particularly on matters of common interest for the purposes of the alignment and coordination of activities. Although national–provincial consultation is evident and appears to be structured it would seem that the province to province consultation either happens by chance or it is circumstantial. According to Jeffrey and Savigear (1991: 41) there is no one, single successful working relationship between the various spheres of government but, instead, a multi-faceted network of such relationships – formal and informal, bilateral and multilateral, individual and collective. The definite emphasis on the multi-faceted relationship is aimed at promoting uniform living standards for all the citizens. The multi-faceted relationship will allow for consultation between the spheres of government, particularly province to province consultation, and which will enhance the sharing of good practices, expertise and strategies. This, in turn, will promote general good performance in education delivery both by the individual provinces and also between them.

Bolleyer (2006: 472) advocates a non-hierarchical exchange of good practice, ideas and strategies, not only between the institutions on the various governmental levels but also between the different sub-states. This non-hierarchical exchange of good practice, ideas and strategies and which should exist between the different sub-states denotes a “peer” relationship or “horizontal co-operative governance. Such a peer” relationship or “horizontal co-operative governance would contribute to strengthening peer learning, the sharing of experiences, the reinforcement of successful best practice, including

identifying deficiencies and assessing the needs as regards capacity and compliance with established standards and principles and the improvement of performance in terms of compliance with the standards set, all to the subsequent greater benefit to the citizens in respect of education delivery and skills development (Hope, 2005: 285; Jordaan, 2007: 333).

This also resonates with the principles of co-operative governance that advocates mutual assistance, consultation, cooperation and support between the spheres of government in order to reinforce mutual benefit. On the other hand, the competing mode, which sometimes characterises the “horizontal relationship” between the spheres of government, is at odds with the principles of co-operative governance because of its self-serving nature.

The essence of co-operative governance is manifested in the integrated and mutually dependent nature of the relationship between the spheres of government. Accordingly, the extent of the benefit and effectiveness of the vertical relationship should apply in equal measure to the horizontal relationships. The two types of relationships should complement each other so as to minimise the possibility of competition within the horizontal set-up or relationship (De Villiers, 1995: 14).

Although it is stated in the Constitution that the provinces are obliged to co-operate with each other, there is little evidence, if any, of province to province co-operation, particularly as regards delivering education to the nation. In addition, it would appear that the apparent overemphasis on performance, particularly in terms of the Grade 12 results, creates “unhealthy” competition between the provinces and this is certainly not to the benefit of the nation. The fact that the best performing provinces seem to be more concerned about individual glory limits the sharing of best practice and, thus, leaving the poorly performing behind. This is contrary to the principles of co-operative governance that enjoins the spheres of government to assist, support and consult with each other.



a. National Department of Education

As the custodian of education in the country the national Department of Education would benefit immensely from interprovincial consultation especially as this may contribute to the improvement of the general performance of the system. However, although the National Department may wish to see, and even encourage, interprovincial consultations because of its possible benefit, the national department does not have any direct control or authority over this process. It emerged that not all the officials are even aware whether interprovincial consultations do happen or not. Nonetheless, William* argued that:

I wouldn't call it consultation because you wouldn't have many issues ... but rather learning from each other ... interprovincial exchange ... interprovincial visits ... to learn from one another ... that is happening quite a lot ... especially provinces that are doing well ... and others wanting to learn from them ... and so on ... the reason why the education system is doing well is because of the benefits of those interprovincial activities.

The purpose of the interprovincial consultation is slightly different from that of the national- provincial consultation. The interprovincial consultations seek to encourage and promote learning and the sharing of experiences, the interprovincial exchange of ideas and strategies as well as the reinforcement of successful best practice, whereas the national-provincial consultations are on policy formulation, the establishment of norms and standards, the identification of key objectives and the alignment of activities. The interprovincial consultations are driven by the desire to learn and to improve performance. The value add of these interprovincial consultations is the possible improvement in the general good performance in respect of education delivery by the provinces

However, the interprovincial consultations are not legislated and structured as are the national-provincial consultations. Consequently, they are not mandatory and they



happen on a need basis. In addition, they often also depend on the willingness of the province which is rendering enviable service. Simon* asserted that:

I think in the process there is sharing of good practice ... different districts can learn from each other as the districts present to the Minister in terms of what they are doing ... so I think that cross pollination of good practice does happen ... it may not be intended that way, but I think it is one of the by-products of the consultation meetings and which I think can still work in elevating the quality of service delivery across the system.

Although the result of the interprovincial exchange and/or interprovincial visits is the sharing of good practice, the interprovincial exchange does not appear to be a conscious and purposeful action. This is highlighted by the use of the phrases such as “cross pollination” and “by-product” which give the impression of something happening by chance or dictated by circumstances. Thus, despite the potential benefits that may arise from the interprovincial consultations, particularly for the underperforming provinces, it would appear that these provinces do not always seize the opportunity to learn from the better performing provinces because it is not mandatory for them to do so. Nevertheless, notwithstanding the fact that the interprovincial consultations happen by chance or they are unintentional, provincial officials who were interviewed agreed that such consultations did help to improve the quality of education delivery throughout the system. It is, therefore, for the education system to find a way of regulating and structuring these interprovincial consultations in order to maximise the potential benefit of this process. The claim by the officials from the national department that interprovincial consultations do happen was more of a wish or an assumption because, as indicated in the following section, the officials from the provinces expressed a totally different view.

b. Provincial education department

Education in South Africa is delivered through the National Department of Education and the provincial departments on equal but distinct levels. Each of the spheres has its



own specific competencies on which it is required to deliver. However, collaboration not only between the national department and the provincial departments but also between the provincial departments of education is critical for the successful delivery of education to the nation. Although it emerged that consultation between the national department and the provincial education departments is happening at a particular level, it is clear that consultation between the provincial education departments needs to be improved. Reuben* argued that:

The intent for appropriate engagement is always there ... maybe the one thing that inhibits the effectiveness of that communication and collaboration is the inherent part of the bureaucracy ... that we are a large organisation across the country and time frames are consequently often shot to hell ... nonetheless, effective co-operative governance would require a network of interrelatedness.

Although the provincial officials acknowledged the significance of interprovincial consultation, it would appear that the relationships between and the operational arrangements of the provinces do not provide sufficient space and inclination for such consultation to take place. Bureaucratic principles and practices are often used as an excuse not to engage in effective interprovincial consultations. The other contributory factor may be the tendency on the part of the provinces towards “protectionism of the self” with this resulting in their missing the opportunity to benefit from the interprovincial consultations.

The interdependence of and cooperation between the provincial education departments play a critical role in improving and consolidating the general performance of the education system. The officials expressed varying views on the level of consultation and cooperation between the provincial education departments. This was reflected in Reuben’s* comment that:



I think it varies from time to time ... and that the variance is caused by personalities on one hand ... by expedience on the other hand ... by time frames ... and pressures from outside ... but I think the principle is fairly strong ... however, consultation between the provinces is limited ... I think that this is a shortcoming ... if it does happen we would learn a lot from one another ... creating opportunities for that horizontal engagement I think it is necessary.

There are several factors that contribute significantly to the provinces being overly concerned about their own affairs at the expense of the collective. However, these factors are not necessarily insurmountable in the face of the necessary drive to engage in effective and beneficial consultations. Although it was clear that there is an awareness and acknowledgement that consultation between the provinces is limited, there appear to be no deliberate efforts to improve this situation – this despite the fact that the provinces are aware that, if consultation were to happen, they would learn much from each another. It is, thus, essential that opportunities for horizontal engagement be created because of the multiplier effect it would have on the provinces as well as the improved performance of the education system as a whole.

Thomas* bemoaned the fact that:

The provinces have developed certain attitudes towards each other ... the better performing ones would, instead, compete with each other to achieve better status, whether it is in examinations or any other area ... the weaker provinces don't see themselves necessarily asking for assistance except in very few cases.

The result driven attitude that has developed in the education system is working against the spirit of horizontal co-operative governance which seeks to strengthen peer learning and the sharing of experiences and to reinforce successful best practice. The apparent competitive mode between the provinces is destroying the intended interrelationship between the provinces and resulting in the better performing and the weaker provinces



becoming alienated. In addition to perpetuating the inequality between provinces this is also contributing to the continued underperformance of the weaker provinces.

Again, the fact that the provinces are competing with each other is opposed to the principles of co-operative governance which enjoin the spheres of government to assist, consult and cooperate with each other. It also creates an impression that the provinces are overemphasising their distinct characters and, hence, the temptation to want to stand out from the rest. The provinces forget that they have a collective responsibility to offer education of a high quality to all the learners irrespective of the province in which they find themselves. The successful delivery of the national mandate calls for cooperation, collaboration and assistance between the spheres of government. In the main the application of these principles of co-operative governance is on a more vertical level, that is, between the national department and the provinces, than it is on a horizontal level, namely, between the provinces themselves. This, in turn, also impacts on the quality of education delivered to the citizens.

This was supported by Moses* who argued that:

Certain things in the system tend to get the system to compete rather than complement each other ... and, therefore, that level of horizontal cooperation is difficult to come by although it can happen at committee level but, in practical terms, it has landed itself in a competition of some sort.

The fact that the provinces tend to compete with each other instead of complementing one another works against the essence of co-operative governance which requires them to cooperate and consult with each other. The limited cooperation and consultation between the provinces has an adverse effect on the overall performance of the education system in the country, resulting in learners being inadequately prepared in terms for various competencies and skills levels. This may be part of the reason why the performance of learners in this country in international assessment programmes is below standard. It is, therefore, important for the provinces, in particular, to strengthen



the cooperation and consultation amongst them in order to assist the education system to improve its performance.

In addition, it would appear that the provinces are more reliant on the consultation opportunities and platforms created by the DBE instead of initiating their own. This, in turn, may suggest that the intergovernmental relationship is stronger and more evident on a national-provincial basis while it seems to be weaker and more insignificant on a province to province basis. This was highlighted in Betty*'s comment that:

I think that the structures that the DBE came up with helped a lot in allowing us to know one another ... allowing us to know one another's strengths and weaknesses and we share a lot even though some provinces don't like sharing ... but we continue to share best practices even outside those task teams ... we are able to meet at our own time and at our level to share documents.

The comment made by this official appear to contradict the view expressed by Moses* and quoted earlier. This contradiction, in turn, suggests a limitation in terms of the interprovincial consultations because, if such consultations were a conscious and regular practice, these officials would express the same view. In addition, the statement that "some provinces don't like sharing" also highlights limitations in the interprovincial consultations and which defeat the purpose of co-operative governance. It seems as if the majority of the successful interactions happen and are effective if they are initiated on a national to province level with this indicating a limited understanding of the essence of co-operative governance. Co-operative governance in the education sphere may be more effective if it is broadened to include province to province interactions. It may be that a limited understanding of the essence of co-operative governance is the main reason why some provinces tend to compete more with each other instead of assisting and supporting each other and, thus, benefiting the country as a whole.



It would appear that the competitive attitude between the provinces is of such an extent that it tends to influence and determine the apparent consultation that takes place between the provinces. This is suggested in Cornelius*'s assertion that:

I think there is some rude awakening with the 2014 Grade 12 results to such an extent that, and it is probably the first time, the Western Cape Education Department is now sending people to other provinces to find out what they are doing ... how did they manage this huge improvement in their results ... how does this place us at number 4 when we used to be number 1 or 2 sometimes ... so that's a rude awakening to say 'well, you are part of this country and you can learn from other people as well'.

The fact that the Western Cape has made an effort to learn from another province or other provinces is not only going to be beneficial to its processes but it is also in line with the demands of the Constitutional principles that the spheres of government should "support, assist and consult with each other". However, the way in which it was done in this case does not suggest an honest and genuine act of seeking help as it appeared to stem rather from frustration that the province's dominance in terms of matriculation result had been usurped. Thus, the province's reaction was motivated by a spirit of competition and the desire to regain lost glory. Competition, whether subtle or overt, works against the co-operative governance principles of collaboration, cooperation and co-ordination between the spheres of government.

The provinces stand to benefit tremendously from interprovincial consultations. However, these consultations need to be structured and even regulated to ensure that this happens. Interprovincial consultations will assist the provinces to work towards the indivisibility of the Republic. In addition, interprovincial consultations will strengthen peer learning and the sharing of experiences as well as reinforcing successful best practice.



6.6 PERCEIVED RELATIONSHIPS

The dynamics of the relationships between the spheres of government are a critical variable influencing their operations. It is, therefore, important that the spheres of government should know and understand how they should relate and also how their relationships shape and determine the way in which they work to deliver on their mandate both collectively and individually. According to Lawson (2011: 200), the complex pattern of interactions, cooperation and inter-dependence between the spheres of government and the combinations and permutations of relationships between them determine their success or lack thereof as regards service delivery.

The level of inter-dependence will determine the extent of the assistance and support between the spheres of government whereas the combinations of relationships – vertical, horizontal, federal, unitary, dominant or equal – will determine the extent of the consultation between them and the power conferred on each sphere to decide on its legal operations. The vertical relationship denotes that the one sphere is subordinate to the other, whereas the horizontal relationship means that the spheres are equal. These types of relationships have implications for both the concentration of power and the locus of control. It is, therefore, important to have in place the most appropriate patterns of interaction and the right combination and/or permutations of relationships to enable the spheres of government to function harmoniously and effectively for the benefit of all citizens.

The type of relationship, whether real or perceived, will influence the nature of the policies and legislation formulated to guide and regulate the operations of the spheres of government. The policies produced for a vertical relationship suggest a superior-inferior type of a relationship and one which differs significantly from a horizontal relationship which suggests equals. In a vertical relationship the subordinate states are expected to carry out the instructions or commands of the superior state without fail as a result of the fear of reprisals whereas, in a horizontal relationship, the spheres of government are enjoined to consult, coordinate and align their activities. Thus, even the policies formulated reflect the types of relationships.



According to Cameron and Simeon (2002: 49), the adherents of collaborative federalism view their relationship as a partnership between two equal, autonomous and interdependent orders of government that jointly decide on national policy. Thus, their policies would reflect these aspects of their relationship in ensuring successful and effective policy implementation to the benefit of the nation. The principles of equality, autonomy and interdependence not only define the nature of the relationship but also guide the collaborative operations that should exist between the spheres of government.

a. National Department of Education

The national Department of Education performs its function through and in conjunction with the provincial education departments. Therefore, the way in which the two spheres of government relate or perceive their relationship is critical as this will influence and determine the way in which they deliver on the education mandate. On the other hand, there are conflicting views on the ideological underpinnings of the government system in South Africa and whether these are federal, quasi-federal or unitary. Such views will influence both the relationship between the spheres of government and the thinking on policy development with the lens through which the spheres view their relationship having a huge impact on their operations and delivery of services to the nation. A federal lens would see the provinces expressing a more autonomous approach in their relationship with the national department, whereas the unitary lens would see the national department seeking to maintain a stricter control over issues.

There appears to be a lingering disquiet on the nature and level of the relationship between the spheres of government with Benjamin* stating that: *“The relationship is not where we would want it to be ... and the issue around accountability is a major thing ... people are not been held accountable.”*

This may suggest a federal perception of the relationship and with its concomitant autonomous disposition. With this type of outlook, the provinces would want to act without undue interference from the national department. As a result, accountability will always be a problem because autonomy means that the provinces do not have to



account to the national department. On the other hand, the national department expects the provinces to report and account on policy implementation. However, this appears not always to be happening and, hence, the concern that “the relationship is not where we would want it to be.”

On the other hand Solomon* complained that:

The relationship between the two spheres of government is fractious ... it is extremely fractious because the national department’s job and function is policy and strategy that should be executed in the provinces ... there is lip service paid by the provinces to the national policy.

This further suggests that, to a certain extent, the relationship between the spheres of government compromises policy implementation with the spheres of government appearing to work at cross purposes with each other. A common purpose and the convergence of individual and organizational goals seem to be missing. The provinces seem reluctant to work towards the national goals, solve the national department’s problems, and overcome the barriers preventing the successful completion of tasks and assignments.

Furthermore, James* argued that:

At the moment the relationship between the spheres of government is cordial, regulated by the CEM and the HEDCOM but there are too many loose ends that still need to be tightened up ... the authority of the national department over the provincial departments is not well defined ... it has been left loose ... the national department has a responsibility to monitor, to play an oversight role on the activities of the provincial department but the provincial department will decide on what they want to cooperate on ... if they don’t want to cooperate there is nothing that the national department can do.



However, there is a contradiction in this argument as suggested by the use of the word “cordial” and the phrase “it has been left loose”. The latter phrase implies a certain measure of uneasiness regarding the relationship between the spheres of government as a result of the apparently unsatisfactory level of cooperation on the part of the provinces whereas, on the other hand, the word “cordial” suggests a positive working relationship. Thus, there appears to be certain undercurrents in the relationships but which the spheres of government are trying very hard to manage. The use of the word “cordial” to describe the relationship may imply that, on the personal level, things are fine but it does not necessarily mean that, on the operational and/or organisational level, the relationship between the spheres of government is such that it is conducive to enhancing education delivery.

Godfrey* affirmed that

... part of the negative is that, over a period of time, the DBE has used a system of managing the provinces with authority ... but we have now tried to shift away from managing with authority ... to managing with influence ... in that way hoping that there will be greater respect between the provinces and the DBE and that is where we are at the moment.

It is evident that the views of the officials on the system of government followed in South Africa will influence and shape the relationship between the spheres of government and the type of policies that are developed. The officials from the national department who hold the view that South Africa is a unitary state are predisposed to treat the provinces with authority while they also want to maintain absolute control over their activities. On the other hand, based on the views of those officials who believe that they are in a federal relationship, some provinces may be inclined to overemphasise their autonomy and/or self-rule and this, in turn, may affect the level of reporting and accountability. Lastly, where officials share a common understanding that they are in a co-operative governance relationship, they tend to uphold the mutual respect and trust which will enhance consultation, cooperation and the alignment of activities. Such a relationship is characterised by the fostering of friendly relations, persuasions and



support to one another in delivering on their mandates both individually and collectively while the spheres of government are driven by the national purpose.

It is extremely important that the DBE ensures and maintains the appropriate relationship with the provinces because it is reliant on the provinces to deliver on its mandate. Furthermore, the nature of relationship that exists between the spheres of government will determine the level of success in delivering education to and the skills development of the nation.

b. Provincial education department

The way in which the spheres of government relate to each other will influence the extent to which they deliver services to the nation, both individually and collectively. The co-operative governance system encompasses the principles and values required to guide and regulate the relationships between the spheres of government to enable them to work in productive, efficient and effective ways. Furthermore, the way in which the spheres of government espouse these principles in their relationships is vital in determining the degree of success they will have in delivering their mandate. Peter* expressly highlighted the way the spheres of government relate with each other when he commented that:

We have a supportive relationship ... we have a complementary relationship ... the moment you participate in the structures we spoke about ... you go to HEDCOM ... there are committees and you put your officials in those committees to participate ... you put mechanisms in place to support them in the work that they do in those committees ... it engenders almost collaboration ... at structural level there were no issues basically that conflicted us.

The suggested supportive, complementary and collaborative relationships between the spheres of government are in line with the stipulation of the Constitution that the spheres of government should assist and support each other; and espouse interdependence. However, these purported aspects of the relationship between the



spheres of government are not always expressly manifested in their operations. In terms of the national-provincial relationship the spheres appear to demonstrate an acceptable measure of support, complementarity and collaboration in respect of each other. However, it would appear that this relationship is more out of compulsion than voluntary with the spheres participating in this relationship in the interests of compliance as all the structures in which these purported aspects of the relationship are manifested are statutory. Thus, the spheres of government participate in them because of regulatory and/or political pressure. On the other hand Harry* complained that:

Although the national department plays a supportive role ... in having to support the provincial department to deliver on their mandate on education delivery ... sometimes the support is limited as well ... so as much as the mandate of the national department is to support the provinces in some instances the support may not be there ... as a result you find that it is a bit difficult for the provincial departments to operate successfully.

The dichotomous view of the relationship between the spheres of government – self-rule and shared-rule, unitary and federal – sometimes create certain challenges for the national department as regards effectively offering support to the provinces because the support is accompanied by monitoring to determine the progress made as well as some of the challenges encountered during the implementation process so as to inform the type and level of support required. However, certain of the provinces appear to be somewhat uncooperative during monitoring, even invoking their self-rule or autonomous status to restrict access to some of the areas that need to be visited. This is supported by Majavu (2011:6) who reported that “if truth be told we have major, major problems in intervening in the Eastern Cape, to an extent that I had to go back to the president to say we are getting lots of resistance from the leadership in the Eastern Cape. Minister Motshekga said the province has created a state of paralysis by just not co-operating with the national department.”

The province to province relationship has a different characteristic as compared to that of the national-province relationship. In terms of the province to province relationship there are no statutory structures to determine the frequency and level of interaction and, thus, interaction has to happen on a voluntary basis. Nevertheless, there appeared to be some concerns about the province to province relationship as highlighted in Betty's* comment that *"we are in a competitive spirit more than educating one another and learning best practices from each other"*. This view was also shared by Maria* who stated that *"the only thing that I see is competition among them ... I want to shine ... that is the type of attitude shown by provinces"*. Although healthy competition between the provinces is desirable, it should not happen at the expense of the essence and intent of co-operative governance. The competitive mode that appears to characterise the relationship between the provinces is contrary to the expectation that all three spheres of government should continually strive to co-operate with one another in mutual trust and good faith. Without the effective operation of intergovernmental relations in South Africa, projects and programmes will not succeed (Malan, 2005: 226). In addition, there are externalities or spill-overs from the actions of one level of government to the others and these may, in turn, impose costs, provoke migration, create environmental problems or consume common resources. However, these may all be resolved by cooperation and support between the provinces.

In expressing the significance of the collaboration and coordination of activities and legislation, as demanded by the Constitution, Peter* stated that:

Many that work together is better than one that pursues lone ranger actions because the benefit of many brings the sharing of different understanding of policy ... sharing experience of good practice in education delivery ... therefore it brings into the pot various aspects of good practice ... it can only allow innovation ... it can only allow effectiveness to flourish provided you sing the same tune ... and that is a key issue.



Although by their very nature relationships have their own dynamics, it is important that the spheres of government work towards maintaining and espousing the type of relationship that is required by the Constitution through the principles of co-operative governance. This is vital for their efficient, effective and productive functioning for the benefit of society in general.

6.7 CONCLUSION

The spheres of government are enjoined to espouse the principles of co-operative governance in both their relationships and their operations. These relationships will affect and influence the effectiveness of the spheres of government in delivering on their mandates, both individually and collectively. Although the officials who were interviewed agreed about the existence and professed functioning of the systemic structures for giving practical expression to co-operative governance, it is clear that their efficiency and effectiveness need to be improved. The challenge is that these structures are either underutilised or else the representatives of the spheres of government are less truthful and frank during the debates and discussions on policy formulation and standard setting. As a result, the full potential and benefits of these structures are not being realised in education delivery. This may, in turn, lead to serious challenges when the provinces are supposed to implement these policies, norms and standards. Thus, it would be beneficial if the spheres of government would own up to these structures and also accord them the value and respect worthy of such institutions so that whatever they developed or produced would be binding on all the parties concerned.

As one of the defining features of the relationship between the spheres of government, consultation is critical in giving practical expression of co-operative governance. Therefore, the legal structures through which consultation happens at all levels of the Basic Education sector should work towards ensuring that there is commonality in terms of advancing the education objectives. The purpose of consultation is to give all the affected parties a chance to express their views before any issue is finalised in order to prevent implementation challenges. Furthermore, the nature of the consultations that



take place between the spheres of government will determine the quality and success of the outcome of such consultations. Thus, the success of co-operative governance is influenced and affected by the nature of the consultations that happen between the spheres of government.

Despite the Constitutional requirement that the provinces co-operate with other spheres (RSA, 1996a), there is little evidence, if any, of province to province co-operation, particularly as regards delivering education to the nation. The apparent overemphasis of performance, particularly in respect of Grade 12 results, appears to create the “unhealthy” competition between the provinces which is not good for the nation. In spite of the potential benefits of interprovincial consultations, particularly for the underperforming provinces, it would seem that these provinces sometimes do not even bother to seize the opportunity to learn from the better performing provinces because it is not mandatory for them to do so. Notwithstanding the fact that the interprovincial consultations happen by chance or they are unintentional, the officials did agree that such consultations help to elevate the quality of education delivered across the system. It is, thus, important for the education system to find a way of regulating and structuring the interprovincial consultations in order to maximise the potential benefit that may accrue from these processes.

The way in which politics are evoked by the various spheres of government during their interactions and relationships tends to perpetuate the unitary-federal perception. The ruling party led provinces tend to gravitate towards the unitary disposition with the centre taking the lead in the majority of the issues, whereas the opposition led province is more concerned about preserving and protecting its distinct character and, thus, it tends to gravitate towards the federal disposition. The meaning attributed to and the practical expression of co-operative governance by these spheres of government will be influenced by their respective dispositions while even the policies that are devised will reflect this political dynamism.



CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

7.1 INTRODUCTION

Co-operative governance was chosen consciously as a system of governance for South Africa in order to help to address some of the system challenges which had been created by the previous regime. Underlying this view was the intention to ensure that service delivery, and education delivery in particular, would be of such a quality that it would help to develop the talents, necessary skills and academic literacy of all the learners to enable them to improve their standard of life.

The purpose of this research study was to analyse the relationship between the national Department of Education and the provincial departments of education in the South African education system within the context of co-operative governance. The main research question investigated was as follows: How does co-operative governance within the education system influence the delivery of education in South Africa?

As a system of government co-operative governance determines and influences the way in which the spheres of government relate to each other, fulfil their roles and responsibilities and use the powers and authority allocated to each one of them. All these, in turn, have an impact on how education is delivered by the spheres of government, both individually and collectively.

7.2 THE CO-OPERATIVE GOVERNANCE RELATIONSHIP BETWEEN THE NATIONAL DEPARTMENT OF EDUCATION AND PROVINCIAL DEPARTMENTS OF EDUCATION

This section discusses the themes and sub-themes that emerged from the narrative of the influence of co-operative governance on the delivery of education in South Africa

7.2.1 The understanding/interpretation of cooperative governance on the part of officials within the different spheres of the education system

By focusing on the level of understanding of co-operative governance of officials within the different spheres of the education system I gained an insight into their knowledge of the powers and responsibilities that are assigned to each sphere and how such powers and responsibilities are used to influence education delivery. Again the knowledge of their powers will influence their relationships as defined by the Constitution as well as the level and nature of the engagements between the spheres of government. All these, in turn, influence how the spheres of government work together towards a common national purpose in terms of education delivery. The following section discusses the sub-themes that explain how officials in the different spheres of the education system understood the concept of co-operative governance.

7.2.1.1 The assigned powers and responsibilities

Co-operative governance is a relationship between the spheres of government that involves power, authority and responsibilities. The officials who were interviewed understood the concept of “co-operative governance” to mean co-operation, power relations, shared responsibility and the co-ordination of activities between the spheres of government. Thus, the power and authority ascribed to this relationship determine the allocation, distribution and utilisation of resources, influence policy and strategic operations and define the relationships that are established between the various spheres of government.

It is essential that the powers of the spheres of government converge in the direction of the citizens to enhance the optimum utilisation of resources instead of the spheres working at cross purpose with each other with this leading to duplications and tensions. Although the provinces and the national department are essentially equal in terms of their decision making authority, they should also be mindful of how their policy decisions impact on the administrative functions of the others.



In spite of the fact that the powers and authority to control and govern the education system are devolved proportionally to the spheres of government, the spheres of government are still expected to report and account on matters relating to education delivery as a collective and not as individuals. Thus, a collaborative relationship between them is a necessary factor to strengthen their operations.

Although, the spheres of government perform functions of equal importance and they hold similar constitutional powers, this does not exonerate the provincial departments from having to report and account to the national department on various aspects of education delivery. Again, although the government levels are in no way subordinate to each other, the fact that they share certain administrative and political points of contact requires them to co-operate and consult with each other to improve their effectiveness in a complementary way.

It is, therefore, important that the various sphere of government understand that they are not only sharing responsibilities in terms of education delivery but that they also depend on each other for the successful and effective fulfilment of those responsibilities. Accordingly, they are obliged to ensure the proper coordination of their policies and the alignment of their activities. Furthermore, the view that co-operative governance denotes shared responsibilities determines the amount of energy and resources to be invested in delivering on the educational mandate by the various spheres of government. Thus, the shared responsibilities determine how the spheres should relate, approach their roles and solve challenges in delivering on the education mandate both individually and collectively

They are obliged to cooperate because no sphere of government may function effectively without cooperating with the others because of the interdependency and interrelatedness of certain governmental functions, spill-overs in services, scarce resources, poor economic conditions, popular accountability as well as grassroots pressure (Malan, 2005: 230). This, in turn, emphasises the fact that, because of the areas of shared responsibility, the spheres of government are required to pool their resources

and energy in order to work effectively to enhance the well-being of the country as a whole

7.2.1.2. Defined relationship

Co-operative governance is perceived as a defined relationship between the various levels of the Department of Basic Education and in terms of which the spheres are expected to co-operate with one another in good faith. The concept of a defined relationship flows from the constitutional stipulations in respect of the way in which the spheres of government relate and operate. This defined relationship has a marked influence on how the spheres of government deliver on their mandates and the subsequent benefits that should accrue to the citizens.

Furthermore, the complex pattern of interactions, cooperation and inter-dependence between the spheres of government and the combinations and permutations of the relationships between the levels of government within a country will determine the success or lack thereof in service delivery (Lawson, 2011: 200).

These relationships also influence the way the spheres of government operate and their decisions on and implementation of policy, all of which affects the way in which education is delivered in the South African education system. However, Stewart complains that “*it is very difficult in a society that shows limited understanding of the principles of co-operative governance*” to express this relationship fully. Thus, it is critical for the officials from the departments of education to have a sound understanding of the concept of “co-operative governance” to ensure the effective functioning of the education system.

7.2.1.3 Working towards a common purpose

The officials who were interviewed used phrases such as “spheres of government have to *work towards a common goal and minimise the issues of the different levels of government working at cross purposes by ensuring proper alignment*” to capture the

essence of the concept of “co-operative governance”. In addition, a common view expressed by the three provinces was that co-operative governance means that the various spheres of government should *work together* to ensure that there is effective education delivery.

Although the various spheres are distinct, they still have a common purpose of delivering quality education to all the children in the country. Despite the fact that their mandates in education are managed, directed and resourced at different levels, they still have to ensure that their efforts converge “towards a common goal”.

As a result cooperation between the spheres of government plays a significant role in improving the alignment of activities, providing clarity of purpose and eliminating duplications with this improving the level of effectiveness and efficiency of education delivery. This requirement was aptly expressed by Solomon* as follows: *“It is necessary and desirable for the spheres of government to cooperate in fields where their activities intersect or support one another.”*

Education in South Africa is managed and directed from two different management levels, with each level having exclusive powers and authority to determine appropriate policies and regulations. However, this poses a risk for the effective and efficient management of education delivery because of the confusion, duplications, sub-optimal utilisation of resources and non-alignment of activities which may arise. Thus, it is critical to build workable, inter-governmental, coordination mechanisms because coordination would lead to the improved overall resource utilisation through economy of scale, quicker project completion and the more efficient use of limited resources (Freinkman, 2007: 2). In addition Peter* aptly highlighted the view that: *“Co-operative governance would push towards the co-ordination of activities that basically may be similar, uniform and standardised and which emerge from the centre as the seat of authority that should develop legislation.”* This, in turn, emphasises the need for the spheres of government to work together towards the common purpose of education delivery.

7.2.2 The implications of the practical expression of co-operative governance

The practical expression of co-operative governance, based on the meaning attributed to it by officials as well as the level of understanding of such officials, determines and or influences the quality of the education delivered to the nation and the subsequent benefits derived. This practical expression of co-operative governance also influences the perceptions which the spheres of government have of each other and also the nature of the relationship that should develop between the departments of education and which ensure that there will be co-operation and the co-ordination of activities, support and assistance to one another and also consultation and collaboration with each other. The way in which co-operative governance finds practical expression within the education system has far reaching implications for several aspects of the management and delivery of education by the various spheres of government, both individually and collectively.

7.2.2.1 Implications for planning

Within the context of co-operative governance, the central government's plans and priorities are influenced by and are also supposed to characterise the interests and operations of the sub-national governments. This enjoins the various spheres of government to accommodate each other in their policy decisions so as to promote the effective and efficient implementation of programmes and projects within the education sector.

Although co-operative governance provides for different planning by the spheres of government to happen at the same time, the major challenge is that the spheres of government all have to use the same resources to implement the different plans. The different strategic thinking that informs, directs, guides and regulates the same education system has the potential to create confusion, tension and conflict as provinces may either not attend to, or provide the resources required for some of the delegated activities, thus resulting in poor education delivery to the citizens.

It is thus clear that unsynchronised planning may create major problems for the national department because it relies on the provincial departments to deliver on its mandates. Its planning is done under the hopeful assumption that the provincial departments will readily accept these plans for implementation. However, in view of the fact that the national department has no authority on how the provincial departments utilise their resources, the national department is forced to consult and negotiate with the provincial departments in time so as to enable them to reserve some of their resources for the implementation of the national programmes. It is, therefore, important that the spheres of government ensure that, as they define the decentralisation of powers, they confirm that the resultant autonomous decisions support and fit into the broader national plans so as to enhance the realisation of the national expectations on education.

The view that the national department works with and through the provincial education departments implies that the national plans are supposed to find practical expression and meaning through the activities, operations and resource provisioning of the provinces. Moreover, the intention and practice of decentralised co-operative governance impose a common national purpose on the spheres of government. It is also assumed that this common purpose will ensure that central government's plans and priorities will inform and influence the operations of the sub-national governments (Ile, 2007: 79).

The reason why some of the policies are not fully implemented is often because the provinces did not plan for them as there were no proper consultation and coordination of activities. This lack of proper coordination results in the spheres of government working at cross purpose with each other and this is, in turn, counter-productive to their effective functioning.

7.2.2.2 Implications for resource allocation

The fact that the majority of the plans and policy decision are generated at a national level while most of the necessary resources are managed and controlled by the provinces is bound to create implementation challenges for the education system. No



matter how good the national department's plans and policy decisions, as long as there is no buy-in from the provinces their good intentions will not be realised. Thus, unless the disjuncture between planning and resource allocation is resolved, the education system will continue to be faced with frustrated plans and policy decisions. This issue was also raised by Stewart* who complained that:

The national department has failed dismally to provide adequate financial resources for the provinces to be able to run education ... and, as such education in the provinces, has struggled to fund many unfunded mandates initiated by the national department ... national department initiates policies that are costly but they do not allocate equally the funds to the provinces so that provinces are able to implement those policies.

The strong sentiment of disappointment and frustration expressed in statements such as “*the national department has failed dismally to provide adequate resources; provinces have struggled to fund many unfunded mandates initiated by the national department*” and “*the national department initiates policies that are costly but they do not allocate equally the necessary funds*” indicate the lack of interflow between planning and resource allocation and which affects the successful implementation of some of the national projects and programmes.

These are some of the challenges faced by the national department when it sets norms and standards which fall outside the fiscal capacity of the provinces. As a result laudable policy intentions are not finding practical expression at provincial level and, thus, these policies will not have any practical impact on the lives of the citizens.

The apparent inadequate assessment of the affordability and feasibility of the policies, norms and standards by the DBE creates resource and capacity challenges for the provinces. This, in turn, works against the purpose of decentralisation, namely, to improve the service delivery to the nation.



The provincial education departments fulfil a critical role in the delivery of education in South Africa. In addition to acting as the implementation arm of the national policies, norms and standards, they also determine and control the allocation of most of the necessary resources for education delivery in the system. They also control and manage schools and districts as areas for education delivery and policy implementation. The fact that the provinces are also vested with equal authority and exclusive powers to make policy decisions on education delivery means they may not be ordered to carry out or perform certain functions and, instead, they may only be persuaded to do so. This, in turn, highlights the importance of collaboration as a vital aspect of the co-operative governance relationship within the education system in South Africa.

7.2.2.3 Implications for the working relationships

The envisaged co-operative governance relationship is intended to promote cooperation, collaboration, mutual trust and respect with all these being expected to underpin the functioning of the spheres of government to enable them to deliver quality education to all the learners in the country. One of the distinguishing features of co-operative governance is that it is supposed to promote solid partnerships between the spheres of government and which are aimed at encouraging mutual prosperity by their working together to define their problems and to devise appropriate solutions on the basis of shared experience. Thus, although the spheres of government have distinct functions which are proportional to their capacity and authority; they should complement each other and work collaboratively towards a common national goal and mandate (Bertucci, 2008: 3).

On the other hand, it is not possible to enforce collaboration. Instead it is a product of a healthy relationship based on honest consultations and mutual respect and benefits. The provinces will recognise the importance of the national priorities if they are able to identify the significance of such priorities to themselves and their people and, thus, they will be prepared to commit resources, time and energy to the successful completion of such projects. The main reason why the provinces are sometimes hesitant to collaborate



with and support the National Department it is because they may feel that they are being compelled to do certain things which are not in line with their plans. In such cases they will not hesitate to invoke their autonomy and constitutional exclusive powers. It is, therefore, vitally important that the provinces identify with the national priorities so that they support their implementation.

On the other hand, cooperation is a product of proper consultation and the alignment of activities and programmes. Cooperation is aimed at creating the synergy between the spheres of government which helps to optimise the utilisation of resources and ensure the subsequent benefits from improved service delivery. It is, thus, imperative that cooperation is a conscious decision and deliberate effort on the part of the spheres of government with the aim of improving the well-being of the citizens. Cooperation requires the creative use of the power of persuasion and influence if it is to materialise.

In terms of their competencies the spheres of government are distinct from each other to allow for experimentation and creativity, based on their contextual circumstances, in order to deliver on their functions. However, because of this very interdependence and interrelationship the fulfilment of their functions and the circumstances in which this happens will continue to influence and affect the wellbeing of all the spheres of government. This is one of the main reasons why collaboration is an important and necessary aspect of their relationship and their functioning. Without collaboration the spheres of government would have limited success in delivering their services to the nation.

Thus, the configuration and permutations of the relationships between the spheres of government define and determine the way in which co-operative governance finds expression in practice.

7.2.2.4 Implications for education delivery

Although the Constitution confers on the provinces exclusive powers to make decisions on certain educational aspects while also providing space for flexibility to ensure that

the policy implementation fits and/or suits the provincial specific context, it may be problematic if provinces set much store by these provisions. It is worth noting that the essence of these provisions is to enable the provinces to deliver quality services to their citizens within their own contexts and circumstances.

The seamless interflow of activities, the persistent learning and sharing of best practices, the frank and honest consultations, the identification with the targets and objectives set coupled with the commitment to work tirelessly towards their achievement are all requirements for the successful delivery of quality education within the context of co-operative governance.

7.2.3 THE LEVEL OF COOPERATION BETWEEN THE PROVINCIAL DEPARTMENTS OF EDUCATION

The discussion on the level of cooperation between the provincial departments of education will shed light on aspects such as the peer assistance, review and support that ought to be present. It will also provide some insight into the level of compliance or adherence to the principles of co-operative governance that enjoin the various spheres to assist and support each other; inform and consult on matters of common concern; cooperate in joint projects; and adhere to procedural matters, and the value attached to the purported co-operation. In the educational context the spheres of government are jointly and severally responsible for the delivery of education and skills development of the citizens of the country. The level of cooperation between them is an important aspect which will determine the degree of success achieved in delivering on this mandate to the nation.

7.2.3.1 Sharing of good practice

Both the collective effort and the performance of the spheres of government in delivering education to the nation are of paramount importance in improving the literacy, numeracy and employment prospects of the citizens of the country. If the various Departments of Basic Education are to succeed in achieving their common



purpose it is essential that they share best practices and that they learn from each other. It would be beneficial if the provinces really did share best practices between them because that would augur well for the country in terms of the resultant general improvement in the quality of education delivered.

Bolleyer (2006: 472) advocates a non-hierarchical exchange of good practice, ideas and strategies, not only between institutions at the different governmental levels but also between different sub-states. This non-hierarchical exchange of good practice, ideas and strategies which should exist between the different sub-states denotes a “peer relationship” or “horizontal co-operative governance. This “peer relationship” or “horizontal co-operative governance would, in turn, contribute to strengthen both peer learning and the sharing of experiences as well as the reinforcement of successful best practice, including identifying deficiencies and assessing both the needs for capacity and compliance with established standards and principles and improvements in performance in compliance with the set standards, with the resultant improved benefits for the citizens in terms of education delivery and skills development (Hope, 2005: 285; Jordaan, 2007: 333). However, Thomas* bemoaned the fact that:

The provinces have developed certain attitude towards each other ... the better performing ones would, instead, compete with each other to achieve better status whether it is in examinations results or any other area ... the weaker provinces don't see themselves necessarily asking for assistance except in very few cases.

This sentiment was also captured by Betty* in her comment that “*we are in a competitive spirit more than educating one another and learning best practices from each other*”. This view was also shared by Maria* who stated that “*the only thing that I see is competition among them ... I want to shine ... that is the type of attitude shown by provinces*”.

Although the spheres of government, particularly the sub-national governments, are working separately, their cumulative effect in terms of realising the national objective



of delivering quality education to all the learners in the country is of paramount importance. Therefore, creating opportunities for the sharing of good practice is necessary because of the multiplier effect this will have on the provinces themselves and on the overall improved performance of the education system.

7.2.3.2 The perceived levels of consultations

In South Africa the various spheres of government are collectively and variously responsible for the management and delivery of education to the nation. In view of the fact that education is a concurrent function between the national and provincial government, the two spheres are enjoined to consult with each other, particularly on matters of common interest for the purposes of the alignment and coordination of activities. Although it would appear that the national-provincial consultation is both evident and structured, the province to province consultations seem to happen either by chance or are circumstantial. Accordingly, Jeffrey and Savigear (1991: 41) advise that, instead of one, single, successful working relationship between the various spheres of government there should be a multi-faceted network of such relationships – formal and informal, bilateral and multilateral, individual and collective.

Thus, the extent of the benefit and effectiveness of the vertical relationship should apply equally to the horizontal relationships with the two types of relationships complementing each other in order to minimise the possibility of competition within the horizontal set-up or relationship (De Villiers, 1995: 14).

The purpose of the interprovincial consultation is slightly different from that of the national- provincial consultation. The interprovincial consultation seek to encourage and promote learning and the sharing of experiences, the reinforcement of successful best practice as well as an interprovincial exchange of ideas and strategies whereas the national-provincial consultations tend to focus on policy formulation, the establishment of norms and standards, the identification of key objectives and the alignment of activities. In addition, the interprovincial consultations are supposed to be driven by the desire to learn and improve performance.



Although the national department may wish to see, and even encourage, the interprovincial consultations to take place because of their possible benefit, the national department does not have any direct control or authority over this process. It is, thus, important that the education system find a way of regulating and structuring the interprovincial consultations in order to maximise the potential benefit of this process. In addition, interprovincial consultations will strengthen peer learning, the sharing of experiences and the reinforcement of successful best practice.

7.2.4 THE LEVEL OF COOPERATION BETWEEN THE NATIONAL AND PROVINCIAL EDUCATION DEPARTMENTS

National–provincial cooperation highlights the extent of the collaboration between the two, particularly on the delivery of concurrent responsibilities or functions. The Constitution does not provide for a hierarchical type of relationship between the spheres of government but, instead, it views them as equals. It was also interesting to note how the spheres of government viewed and exercised their powers within the framework of their relationships. The interdependency between the national and provincial departments makes it difficult for each one of them to deliver on its mandate without the other.

7.2.4.1 Delivery of concurrent functions

As indicated earlier, education in South Africa has been declared a concurrent function between the spheres of government. In terms of these concurrent functions certain of the legislative guidance and provisions emanate from the national Department of Basic Education while the majority of the operational directives emanate from the provincial education departments. Although the ultimate accountability for the educational processes, activities and resource provisioning rests with the national Department of Basic Education, the provincial education departments are answerable for what happens in the schools in their jurisdictions in terms of learner admissions and performance, administration and the management of the human resources in the schools.



Nevertheless, the way in which the provincial MECs legislate on the provincial operational directives should resonate with the strategic imperatives from the national Department of Basic Education. It is, therefore, of vital importance for the spheres of government to have a clear understanding of the dichotomy – national vs provincial; self-rule vs shared rule – that defines the relationship between the spheres of government and the impact of this relationship on the performance of the education system. Any dissonance between the spheres of government with regard to legislative guidance will, inevitably, create confusion and tension.

Within the context of the concurrent powers as determined by the co-operative governance system, the policies formulated by each sphere of government, based on its exclusive powers, are bound to have a bearing on the way in which the other sphere performs its functions. Plaatjies (2008: 16) asserts that co-operative governance encourages the standardisation, alignment and harmonisation of policies and programmes to ensure that the various spheres of government complement each other appropriately and adequately during the fulfilment of their obligations, both variously and collectively.

Accordingly, a sound understanding of the concept of “concurrent responsibility” is important to ensure that, although the departments have different competencies to fulfil, they remain equally responsible for the type of education that is delivered to the children. Accordingly, Malan (2005: 230) argues that no sphere of government is able to function effectively without the co-operation of the others because of the interdependency and interrelatedness of certain of the governmental functions as these interrelated government functions have the potential to impose costs, provoke migration and consume common resources – all of which may create service delivery challenges.

Concurrent functions influence the way in which the spheres of government execute their functions and the extent to which they deliver on the national mandate on education. This was expressly articulated by Josephine* who stated that



... education is quite a broad and complex area to manage ... so it is a good thing that there are concurrent functions ... because it allows the provinces to handle certain things that they are able to do ... of course, guided by the act of parliament as well as by the policies and legislation that are generated by the national department.

The proper execution of the concurrent functions has the potential to improve the overall delivery of education as the spheres of government focus on specific aspects of education delivery. This view was well articulated by George* who commented that:

Concurrent powers mean you are two role players with the same equal authority on the matter ... which means you need to isolate matters which are provincial in nature and matters that require national to participate in. However, the execution of these functions should ensure that there is synergy and that the two departments ultimately complement each other.

7.2.4.2 The spheres of government as equals

As indicated earlier, the Constitution does not provide for a hierarchical relationship between the spheres of government. Their distinct relationship means that they are accountable at various levels in terms of their legal competencies. Accordingly, therefore, a sound understanding of co-operative governance would clarify how the spheres of government should operate in delivering education as a concurrent function. In addition, in view of the fact that the spheres have to complement and collaborate with each other, they also have to observe and abide by the accounting protocols within the context of their exclusive powers. This, in turn, allows for a seamless execution of the strategic directives and policies by the spheres of government, thus preventing unnecessary tensions and undue dominance over a particular “turf”.

According to Kriek et al. (1992: 15), the division of functions and powers is an express characteristic of co-operative governance system in that the authorities on the two levels



enjoy equal status and are in no way subjected to each other. However, this arrangement is not without its operational challenges as Godfrey* demonstrated when he stated that:

Concurrent powers can be problematic at times ... concurrent powers also imply equality ... and, when people feel that they are equals, they are not prepared to take a mandate from their peers ... more especially they are not prepared to be accountable to an equal ... and they are not even prepared to report to whom they consider to be an equal ... so concurrent powers bring with it their own problems in terms of accountability ... in terms of reporting ... and also in terms of relationships ... unless the powers are based on some form of hierarchical system, concurrent powers can be a problem.

The fact that there is no one department or state which is superior or more powerful as compared to the other is one of the main reasons why they should be regarded as equals. However, equals do not report or account to each other and, thus, if there is non-compliance on the part of one sphere, there is no recourse and dealing with the non-compliant may be marred by politics.

The way in which the spheres of government exercise their powers in decision making impacts on the other sphere's operations and effectiveness because of their interdependence and concurrent functions. Despite the fact that the provinces and the National Department are essentially equal in terms of decision making, their policy decisions impact on the other's administrative functions. This, in turn, affects the way in which they deliver education to the nation.

7.2.4.3 The exercise of exclusive powers

In terms of the Constitution, the spheres of government are accorded exclusive powers and authority to decide and legislate on their functions. However, the way in which they exercise their powers affects their relationship and also the level of effectiveness as a system. Furthermore, power and authority are critical aspects that determine the control



and functionality of the various spheres of government. The spheres of government have distinctive competencies and, hence, they have similar powers in meeting their responsibilities. In addition, they also assume full responsibility for planning and executing all the programmes and projects within their jurisdictions.

If it is not approached with understanding the issue of power and authority may have a negative impact on education delivery because it may comprise accountability, monitoring, evaluation and reporting in the system. This will, in turn, affect both the general performance of the education sector and the quality of the education delivered to the nation.

The officials from both the national department and the provincial departments expressed the view that the federal system was the dominant feature in the co-operative governance system in South Africa. In terms of the federal system, although the various spheres of government are united by one or more common objectives, they retain their distinct group being for other purposes and this, in turn, allows them to act independently of one another within their own spheres (Kriek et al., 1992: 13–14).

It is not inconceivable that the provinces will perceive themselves as autonomous. The federal view is supported by the notion that each sphere is given exclusive powers to determine its policies and priorities. This view, in turn, influences the way in which the spheres relate to one another and approach and deliver their functions, ultimately affecting the level of overall functionality of the education system. The challenge created by the perception that the provinces are autonomous was expressed by Benjamin* who stated:

Very often the provinces think that they are autonomous ... and that is the problem ... because, for example, the Minister of Education cannot dictate to the MEC or hold the MEC accountable ... the MEC is accountable to the premier of the province.

Thus, the way in which the spheres exercise their exclusive powers affects their relationship and also the subsequent fulfilment of their functions in terms of education delivery.

7.2.4.4 The national-provincial consultations

The Constitution provides for consultation, support and coordination between the spheres of government. However, it is the nature and extent of the implementation of these constitutional principles that will determine how effective and successful they are in strengthening and improving the relationship and operations between the spheres of government.

The purpose of consultation is to give all the parties concerned the opportunity to express their views and to have these views taken into consideration before any issue may be finalised in order to prevent implementation challenges from arising. Furthermore, the nature of the consultations that take place between the spheres of government determines the quality and success of the outcome of such consultations. Lastly, the success of co-operative governance is influenced and affected by the nature of the consultations that take place between the spheres of government. The essence of consultation is to strengthen collaboration and the alignment of strategic plans between the institutions concerned. Thus, the synergy that is derived from such consultations results in the institutions working more efficiently, effectively and productively to the benefit of the citizens.

De Villiers, (1995: 28) asserts that, although the different levels are responsible for separate functions based on their guaranteed and original powers as defined in the Constitution, they are, nevertheless, still obliged to co-operate and consult with each other on matters of common concern. The evident challenges arising from the level of consultations between the spheres of government were articulated by Godfrey* as follows:



The problem experienced with co-operative governance is that the different arms of government are doing their own things differently without consulting with each other ... there is duplication ... where there are duplications there are significant gaps that are identified as a result of the different sectors not working together.

Genuine consultations will reveal the level of capacity of the spheres in terms of the extent of their involvement in the delivery of the national programme identified, the potential risks that may arise during the delivery of the programme and the necessary mitigating strategies to ensure the successful delivery of the programme. Although, by its very nature, consultation is time consuming, it is a necessary practice, particularly in terms of education which is a concurrent function between the national and the provincial departments in South Africa.

7.2.5 THE ROLE OF POLITICS IN INFLUENCING THE CO-OPERATIVE GOVERNANCE RELATIONSHIP BETWEEN THE SPHERES OF GOVERNMENT

The way in which the various spheres of government view their constitutional powers influences their relationship. The fact that the provinces are governed by different political parties further complicates this relationship. Thus, the interplay of the shared rule and self-rule dichotomy and the politics underpinning the perception of this relationship merited investigation in this study. Moreover, the interplay of politics has a marked impact on policy discourse, the relationship between the spheres of government and level of participation of their officials in national activities.

7.2.5.1 Political power play

The national Minister of Education is responsible and accountable for the quality and delivery of education in the country and he/she would want all the institutions involved in education delivery to follow and implement the same priorities and directives. On the other hand, the provinces, through their premiers who report to the president and not to



the Minister of Education, may have their own targets. This apparent conflict may create tensions that may, in turn, affect the relationships between the spheres of government and the subsequent fulfilment of their functions

The fact that the office of the premier may issue instructions that differ from those issued by the Minister of Education is an indication that provinces are of the opinion that they are authorised by the Constitution to make and administer decisions without undue interference from the national department. In addition, this also indicates the political power play between the premiers and the Minister where the premiers, in most instances as the provincial party political chairperson, wield more political power than the Minister. It is, thus, not surprising that certain of the national priorities may not be enacted at the provincial level because, within this political context, the premier's instructions are deemed to be the more important and, therefore, they are always given preference when it comes to implementation.

The DBE priorities which have been identified may sometimes create problems for the provincial officials, especially if they are not in line with the provincial priorities as they may not receive the necessary support and funding. It is at this point that politics come into play with those provinces with a certain amount of political leverage managing to ignore the DBE priorities with impunity. This is the case for both those provinces that fall under the ruling party and those under the opposition party. It is under such conditions that the self-rule aspect of the province becomes apparent. The way in which this situation is addressed is extremely important because, if it is not well managed, it may impact negatively on both service delivery and on the educational well-being of learners in the province concerned.

7.2.5.2 The influence of the provincial politics

The fact that officials are from a province which is led by the opposition party is sometimes used against them during debates and discussions on policy issues. If they express a different view or are critical of the issue under discussion other officials are often quick to remind them that South Africa is one country and, therefore, they should



stop behaving as if their province were independent from the rest. This, in turn, suggests that it is not the quality of the debate that is always important but that people allow politics to overshadow the debates. As a result they miss the opportunity to benefit from hearing various views, perspectives and criticisms during the meetings. The fact that a particular province expresses a different view should be seen and interpreted within the constitutional provision for the spheres of government to be distinct. Therefore, it is possible that the province may be expressing that particular view because of the unique contextual issues which the province has to address rather than the province merely showing dissent as it may be construed.

If a province has adopted or is practising a different approach to that of the rest of the country it would be advisable to look at the value add of that approach and even the rationale behind such a decision rather than accusing the province outright of showing dissent. It is not always the case that the majority is correct. A different approach or opinion may spark debates and discussion which may, in turn, lead to improved education delivery.

Majoritarian dynamics tend to weaken the debate and criticism that may enrich the type of policy and legislations formulated. Partisan linkages often divert the focus of the political role players from their main task and also blur their objectivity during debates and interactions. This view was expressed by Thomas* who stated that:

The only time that you would have difficulty is when you have a different party political arrangement which rules in the province and which rules at the national level ... when you have the same party in all the provinces, because everything is politically driven ... with the political goals and objectives linked to the party that you service then it is easier to deal with issues ... but when there are different parties in control there is always contestations and I have seen that happen

The fact that certain issues are politically driven further complicates the fulfilment of the concurrent functions because the provinces, under their HODs are not accountable



to the national Minister of Education but to their provincial premiers. Therefore, each province, under its political head, would strive to promote its political mandate.

7.3 THE EFFECT OF THE CO-OPERATIVE GOVERNANCE RELATIONSHIPS ON THE DELIVERY OF EDUCATION IN SOUTH AFRICA

As indicated in Chapter one, this study focused on the co-operative governance relationships between the national and provincial departments of education and, in particular, on how these relationships impact on the level of education delivery by all the spheres of government. Education delivery in South Africa is a concurrent function between the national Department of Education and the provincial departments of education. However, each of these departments is also vested with exclusive powers to determine policies, legislation and strategic directives for the control, management and delivery of education. Nevertheless, the departments are still enjoined to work together in delivering education to all the learners within the context of co-operative governance. This study is set out to investigate how the co-operative governance relationship within the education system influences the delivery of education in South Africa.

Co-operative governance as a system of government in South Africa determines and guides how the various government departments should work in delivering services to the nation. Co-operative governance as enshrined in the Constitution determines the power and authority that are conferred to each of the various spheres of government which will, in turn, determine the nature of policies, regulations and strategic objectives that each can produce. It further determines the specific roles and responsibility of each sphere of government and the nature of the relationship which should exist between them. As government has to deliver services to the nation through its various departments, such services will be influenced and impacted by the plans produced by the spheres of government based on their constitutional powers and authority, the level of resourcing for policy implementation and the nature of the relationship - which determines the level of cooperation, coordination and alignment of activities, consultation and collaboration between the spheres of government. All this happens



within the context of co-operative governance that provide for the spheres of government to be distinct yet interdependent and interrelated. As such this explains the intricate relationship between co-operative governance and service delivery; with co-operative governance been a conduit for service delivery in that the way co-operative governance is understood, interpreted and given meaning, and ultimately expressed in practice will influence and affect how services will be delivered to the nation.

This study identified the following factors which shed light on the understanding of and meaning attributed to co-operative governance; defined the nature of the relationship between the various spheres of government and how this influences their operations during education delivery, namely, the assigned powers and responsibilities; defined relationship; working towards a common purpose; the implications of the practical expression of co-operative governance; sharing of good practice; the perceived levels of consultation; delivery of concurrent functions; the spheres of government as equals; the exercise of exclusive powers; the national- provincial consultations; political power play and the influence of the provincial politics. These factors all assisted in demonstrating the extent of the influence of the co-operative governance relationships on the delivery of education in South Africa.

It emerged that the officials in the different spheres of the education system understood co-operative governance as defining the powers and responsibilities assigned to, the form of the relationship between and the demand for the spheres of government to work together towards a common purpose as regards education delivery. The understanding that they share the responsibilities in terms of education delivery and also that they also depend on each other for the successful and effective fulfilment of those responsibilities is important to ensure that they establish the proper coordination of their policies and alignment of their activities. However, the use of different key constructs to express their understanding of co-operative governance indicated that officials did not, necessarily, have a common understanding of the concept although they appeared to have sufficient knowledge of the concept to enable them to deliver on their mandate.



The study found that the power and authority ascribed to the spheres of government determine the allocation, distribution and utilisation of resources, influence policy and strategic directions and define the relationships between the spheres of government. The fact that education is managed and controlled by two different levels of government often creates subtle confusion and tension between the two levels of the department of education. Nevertheless, they are still expected to report and account on matters relating to education delivery as a collective and not as individuals. Thus, these shared responsibilities determine how the spheres of government should relate, approach their roles and solve the challenges that arise in their delivering on their education mandate individually and collectively

The study also indicated that the defined relationship between the spheres of government influences the way in which they operate, their policy decisions and their implementation of such policies and that this, in turn, affects the way in which education is delivered in South Africa. Although the spheres of government are expected to work together towards a common goal, there are instances in which they work at cross purpose with each other. This was evident by the level of duplications, sub-optimal utilisation of resources and the non-alignment of activities and confusion that were prevalent between the spheres of government. Despite the fact that their mandates in education are managed, directed and resourced at different levels it is, nevertheless, essential that they ensure that their efforts are geared towards realising “a common goal”.

Although the constitution declares the spheres of government to be equal and that none is subordinate to the other, the approaches and operations of the bureaucracy sometime demonstrate the contrary. The subtle gravitation between unitary and federalism by the spheres of government during their operations and policy decisions highlights a subtle hierarchical practice and/ or approach. This happens for purposes of expediency for a particular sphere of government. The national department would gravitate towards a unitary system in order to assume more power and authority to direct and command that certain functions be performed in a particular way. This however creates some problems for the education sector which leads to provinces having to deal with many



unfunded mandates, programmes and projects that were not properly assessed for feasibility and numerous policy implementation challenges. On the other hand provincial departments would subtly gravitate towards the federal system because it gives them more autonomy and the administrative flexibility to respond to their contextual circumstances, especially within their areas of jurisdiction.

The spheres of government are allocated powers, roles and responsibilities in terms of the context and scope of co-operative governance which defines these spheres as distinct, yet interdependent and interrelated. Thus the operation of the bureaucracy, within the context of co-operative governance, is influenced by the dichotomous relationship of self-rule and shared-rule that exist between the spheres of government. Although the constitution declares the spheres of government as being equal and confers the same powers to both of them, they still have distinct competencies that they have to fulfil. Even though some functions are concurrent in nature, these functions still have to be performed within the context of the applicable competencies of each sphere of government. Thus how the spheres of government interpret and exercise their powers in terms of planning, policy decisions and resource provisioning will affect and influence both the other's distinct competencies and the overall process of education delivery. Therefore the whole aspect of how the spheres of government understand and deal with cooperation, power relations, shared responsibilities and co-ordination of activities between them not only explain how the bureaucracy should work, but also determines the level of their success in delivering education as mandated by the Constitution of the Republic of South Africa.

However, the national department depends on the provinces to deliver on its mandate of delivering quality education to all the citizens. Thus the national policies have to be implemented within varying provincial conditions and that this may, in turn, influence and affect the outcomes of policy implementation. The fact the national department “works through the provinces” implies that, in whatever the national department does, it has to be mindful of the environment and circumstances that prevail in each province.



Within the context of co-operative governance the national and provincial departments have “similar powers in terms of decision making on policy and legislative issues” and that the provinces have the right to make autonomous decisions on education delivery. These dual management levels of education delivery, creation of policies and determination of priorities create operational challenges which adversely affect the rigour of the education delivery.

The study indicated that co-operative governance in the education system finds practical expression through the relationships between and operations of the various spheres of government during education delivery. However, although co-operative governance provides for different planning by the spheres of government to happen at the same time, the risk is that they have to use the same resources to implement these different plans. It was evident that, although the decentralisation of powers had been defined, sufficient attention was not given to ensure that the resultant autonomous decisions supported and fitted into the broader national plans and this, in turn, affected the realisation of the national expectations on education. The lack of interflow between planning and resource allocation was clearly affecting the successful implementation of some of the national projects and programmes.

In addition, the provinces determine and control the allocation of most of the necessary resources for education delivery in the system while they also control and manage certain areas of education delivery and policy implementation. This, in turn, may cause a problem in respect of the national department gaining sufficient access to the necessary resources and areas for policy implementation as a result of conflicting priorities. It is crucial that the spheres of government forge partnerships aimed at encouraging mutual prosperity and also that they work together in defining their problems and devising appropriate solutions on the basis of shared experience.

Thus, the practical expression of co-operative governance through the configuration and permutations of the relationships between the spheres of government has a significant impact on the level of success achieved in education delivery.



The collective effort and performance of the spheres of government in delivering education to the nation is of paramount importance. If they are to succeed in serving their common purpose they need to share best practices and to learn from each other. Such horizontal co-operative governance will reinforce successful best practice, including identifying deficiencies, assessing the needs for capacity building and the improvement of performance in compliance with the set standards. However, the officials who were interviewed indicated that, in the main, the provinces are more predisposed to competing with instead of complementing and supporting each other.

Although the sub-national governments work separately, their cumulative effect on realising the national objective of delivering quality education to all the learners is of paramount importance. Thus, creating opportunities for the sharing of good practice is vital because of the multiplier effect this will have on the provinces and on the overall improved performance of the education system.

It would appear that the national-provincial consultation is fairly evident and structured. However, the province to province consultations seem to happen by chance or are circumstantial. Nevertheless, the literature review showed that there is no one single successful working relationship between the various spheres of government but, instead, there has to be a multi-faceted network of such relationships – formal and informal, bilateral and multilateral, individual and collective.

The national department does not, however, have any direct control or authority over the establishment of the interprovincial or province-province consultations. It is, thus, important for the education system to find a way of regulating and structuring the interprovincial consultations in order to maximise the potential benefit of this process

Although the national department works with and through provinces to deliver on its mandate, the ultimate accountability for the educational processes, activities and resource provisioning rests with the national Department of Basic Education. Thus, the way in which the provincial MEC legislates on provincial operational directives should resonate with the strategic imperatives from the national Department of Basic



Education. It is also important that the spheres of government recognise that, although they each have exclusive powers to formulate policies; these policies will have a bearing on how the other sphere performs its functions within the context of co-operative governance.

It is also important to note that, although the departments have different competencies within their concurrent functions, they remain equally responsible for the type of education that is delivered to the learners. Therefore, no sphere of government is able to function effectively without the co-operation of the others because of the interdependency and interrelatedness of certain governmental functions and the spill-overs in services which may impose costs, provoke migration of learners and consume common resources.

The fact that the authorities on the two levels enjoy equal status and are in no way subjected to each other constitutes a risk in terms of accountability as equals do not report or account to each other. If there is non-compliance on the part of one sphere, there is no recourse while dealing with the non-compliant sphere may be marred by politics. Despite the fact that the provinces and the national department are essentially equal in terms of decision making it would appear that they are oblivious to how their policy decisions impact on the administrative functions of the other sphere.

Furthermore, power and authority are critical aspects that determine the control and functionality of the various spheres of government. However, it would appear that the issue of power and authority is not well understood and/or practised by the spheres of government as it also involves accountability, monitoring, evaluation and reporting in the system.

Although the various spheres of government are united by one or more common objectives, they retain their distinct group being for other purposes and this, in turn, allows them to act independently of one another within their own spheres. Consultation is, thus, essential to strengthen collaboration and the alignment of strategic plans between them. However, it would appear that the nature of the consultations that take

place between the spheres of government sometimes leave much to be desired as some of the provinces seem to struggle to implement some of the policy decisions taken during such meetings

The national Minister of Education is responsible and accountable for the quality and delivery of education in the country. On the other hand, the provinces, through their premiers who report to the President and not to the Minister of Education, may have their own targets. This apparent conflict may create tensions that may affect both the relationships between the spheres of government and the subsequent fulfilment of their functions

The fact that the office of the premier may issue different instructions from those of the Minister may be seen as an indication that the provinces want to assert their authority to make and administer decisions without undue interference from the national department. This also demonstrates the political power play between the premiers and the Minister where the premiers, in most instances as the provincial party political chairperson, wield more political power than the Minister. The premiers are appointed by and are accountable to the President who, in the current South African situation, is the head of the ruling political party.

Furthermore, a subtle party political rivalry often creeps in during rigorous debates and discussions on policy and legislative issues. This rivalry then often distorts the quality and substance of the argument and/or debate. The fact that officials are from a province led by the opposition party is sometimes used against them during debates and discussions on policy issues. If they express a different view or are critical of the issue being discussed other officials are quick to remind them that South Africa is one country and that they should, therefore stop behaving as if their province were independent from the rest.

This suggests that it is sometimes not the quality of the debate that is important but people allowed politics to overshadow the debates. As a result they miss the opportunity to benefit from various views, perspectives and criticisms expressed during the



meetings. A different approach or opinion may spark debates and discussions which may, in turn, lead to improved education delivery.

7.4 CONCLUSION

Qualitative interviews were used to investigate the main research question, namely, “How does co-operative governance within the education system influence the delivery of education in South Africa?” The result of the research process is a better and deeper understanding of the intricate co-operative governance relationship between the national Department of Education and the provincial education departments. Although the research was of a restricted nature and it did not allow for generalisation, I want to formulate the following conclusions based on the research findings from the dissertation:

It is clear that the co-operative governance relationships have a marked influence on the delivery of education in South Africa. The practical expression of co-operative governance through the configuration and permutations of the relationships between the spheres of government has a significant impact on the level of success achieved in the delivery of education. However, the lack of interflow between planning and resource allocation affects the successful implementation of some of the national projects and programmes. The fact that the mandates of the spheres of government in education are managed, directed and resourced at different levels also has an impact on the collective fulfilment by the spheres of government of their responsibilities. Furthermore, the fact that education is managed and controlled from two different levels of government creates subtle confusion and tension between the two levels of the department of education. Lastly, the majoritarian dynamics and politics that are evident during consultations and meetings tend to detract from the debates and criticisms that may, otherwise, have enriched the type of policy and legislations that are formulated.



The study used a small but very representative sample of select officials from the departments of education. Nevertheless, I believe that the research findings and the recommendation are extremely important and, therefore, I would suggest that this study be used to form the basis for conducting similar research on a wider scale to improve the quality of the education delivered by the spheres of government, both individually and collectively.

7.5 RECOMMENDATIONS FOR THE IMPROVEMENT OF PRACTICE AND FURTHER RESEARCH

7.5.1 Recommendations for the improvement of practice

Based on the research findings contained in this dissertation, the study makes the following recommendations:

- the education system should find a way of regulating and structuring the interprovincial consultations in order to maximise the potential benefits of this process
- the education system should establish workable, inter-governmental coordination mechanisms to ensure better overall resource utilisation through economy of scale, quicker project completion and the more efficient use of limited resources.

7.5.2 Recommendations for further research

Based on the research findings as contained in this dissertation, I would like to recommend that:

- the research be extended to determine the effect of concurrent functions on education delivery in South Africa;



- the research be extended to explore the implementation of a peer review mechanism in order to improve the quality of education delivery in South Africa;
- the research be extended to determine the effect of the unitary-federal discourse on the formulation and implementation of education policy in South Africa



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ANNEXURE 1: ETHICAL CLEARANCE CERTIFICATE

 UNIVERSITEIT VAN PRETORIA UNIVERSITY OF PRETORIA YUNIBESITHI YA PRETORIA		 Faculty of Education
RESEARCH ETHICS COMMITTEE		
CLEARANCE CERTIFICATE	CLEARANCE NUMBER :	EM 13/08/02
<u>DEGREE AND PROJECT</u>	PhD Co-operative governance in the national and provincial departments of education in South Africa	
<u>INVESTIGATOR(S)</u>	John Shebabese Maluleka	
<u>DEPARTMENT</u>	Education Management and Policy Studies	
<u>DATE CONSIDERED</u>	14 August 2015	
<u>DECISION OF THE COMMITTEE</u>	APPROVED	
<p>Please note: <i>For Masters applications, ethical clearance is valid for 2 years</i> <i>For PhD applications, ethical clearance is valid for 3 years.</i></p>		
CHAIRPERSON OF ETHICS COMMITTEE	Prof Liesel Ebersöhn	
DATE	14 August 2015	
CC	Jeannie Beukes Liesel Ebersöhn Prof E Weber Prof MT Sehoole	
<p>This ethical clearance certificate is issued subject to the following condition:</p> <ol style="list-style-type: none">1. It remains the students' responsibility to ensure that all the necessary forms for informed consent are kept for future queries.2. The protocol you were granted approval on was implemented.3. The Ethics Committee of the Faculty of Education does not accept any liability for research misconduct, of whatsoever nature, committed by the researcher(s) in the implementation of the approved protocol. <p style="text-align: center;">Please quote the clearance number in all enquiries.</p>		



ANNEXURE 2: APPLICATION FOR PERMISSION TO CONDUCT RESEARCH



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA
Faculty of Education

Date: 14 October 2013

The Superintendent-General
KwaZulu-Natal Department of Education
Private Bag X 9137
PIETERMARITZBURG
3200

Dear Sir

REQUEST TO CONDUCT RESEARCH WITHIN THE KWAZULU-NATAL DEPARTMENT OF EDUCATION

I am a PhD student at the University of Pretoria, Department of Education Management, Law and Policy Studies. I am conducting a research study on "**Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa**". The purpose of the study is to explore the understanding and meaning of cooperative governance within the KwaZulu-Natal Department of Education

The assistance I seek from the KwaZulu-Natal Department of Education is access to policy documents and information that are relevant to this investigation. In addition, I would like to interview senior officials of the Department that are working within the Teachers; Education Human Resources and Institutional Development and Curriculum Branches. The interviews will take 45 - 60 minutes at a venue and time that will suit the officials in order to get their views and perspectives on the research topic. The interviews will not interfere with the activities of the Department. These officials are selected because they are in constant interaction with their national counterparts owing to the portfolios they manage and thus they are supposed to espouse and hold views on the principles of cooperative governance. Thus, they are appropriate to provide useful information on the meaning and understanding of cooperative governance.

I am hoping that the findings of the study will assist education managers, policy makers, researchers, academics and government officials to gain a better understanding of cooperative governance.



The research will be conducted in accordance with the University of Pretoria's ethical guidelines with regard to issues of confidentiality and anonymity. Therefore, this letter seeks permission to conduct interviews and document review within the Department.
I am looking forward to a positive response.

Yours, Sincerely,

John Shebabese Maluleka,

Signature.....

PhD student (Education Management and Policy Studies)
University of Pretoria
Pretoria
0002
Republic of South Africa
Mobile: 0827415969
Email: Maluleke.johns@gmail.com

Supervisor

Prof. Chika M.T. Schoole

Signature.....

University of Pretoria
Pretoria
0002
Republic of South Africa
Department of Education Management and Policy Studies
Tel: + 27 (0) 12 420-2327
Email: chika.schoole@up.ac.za

Co-supervisor

Prof E Weber

Signature.....

University of Pretoria
Pretoria
0002
Republic of South Africa
Department of Education Management and Policy Studies
Tel: +27 (0) 12 420 5591
E-mail: everard.weber@up.ac.za



ANNEXURE 3: LETTERS OF APPROVAL TO CONDUCT RESEARCH



education

Department:
Education
PROVINCE OF KWAZULU-NATAL

KWAZULU-NATAL DEPARTMENT OF EDUCATION POSTAL: Private Bag X 9137,
Pietermaritzburg, 3200, KwaZulu-Natal, Republic of South Africa PHYSICAL: 247 Burger Street,
Anton Lembede House, Pietermaritzburg, 3201. Tel. 033 392 1004 Fax: 033 392 1203 EMAIL
ADDRESS: kehologile.connie@kzndoe.gov.za; CALL CENTRE: 0860 596 363; WEBSITE:
www.kzneducation.gov.za

Enquiries: Sibusiso Alwar Tel: 033 341 8610 Ref.:2/4/8

Mr JS Maluleka
752 Kreft Street
Annlin
PRETORIA
0182
Dear Mr Maluleka

PERMISSION TO CONDUCT RESEARCH IN THE KZN DoE INSTITUTIONS

Your application to conduct research entitled: **COOPERATIVE GOVERNANCE: THE RELATIONSHIP BETWEEN NATIONAL AND PROVINCIAL DEPARTMENTS OF EDUCATION IN SOUTH AFRICA**, in the KwaZulu-Natal Department of Education Institutions has been approved. The conditions of the approval are as follows:

1. The researcher will make all the arrangements concerning the research and interviews.
2. The researcher must ensure that Educator and learning programmes are not interrupted.
3. Interviews are not conducted during the time of writing examinations in schools. Learners, Educators, Schools and Institutions are not identifiable in any way from the results of the research.
4. A copy of this letter is submitted to District Managers, Principals and Heads of Institutions where the intended research and interviews are to be conducted.
5. The period of investigation is limited to the period from 01 February to 31 March 2014.
6. Your research and interviews will be limited to the schools you have proposed and approved by the Head of Department. Please note that Principals, Educators, Departmental Officials and Learners are under no obligation to participate or assist you in your investigation.



7. Should you wish to extend the period of your survey at the school(s), please contact Mr. Alwar at the contact numbers below.
8. Upon completion of the research, a brief summary of the findings, recommendations or a full report / dissertation / thesis must be submitted to the research office of the Department. Please address it to The Director-Resources Planning, Private Bag X9137, Pietermaritzburg, 3200.
9. Please note that your research and interviews will be limited to schools and institutions in KwaZulu- Natal Department of Education:

Senior Officials of KwaZulu-Natal Department of Education

Nkosinathi S.P. Sishi, PhD
Head of Department: Education
Date: 19 November 2013



1. The District/Head Office Senior Manager/s concerned must be presented with a copy of this letter that would indicate that the said researcher/s has/have been granted permission from the Gauteng Department of Education to conduct the research study.
2. The District/Head Office Senior Manager/s must be approached separately, and in writing, for permission to involve District/Head Office Officials in the project.
3. A copy of this letter must be forwarded to the school principal and the chairperson of the School Governing Body (SGB) that would indicate that the researcher/s have been granted permission from the Gauteng Department of Education to conduct the research study.
4. A letter / document that outlines the purpose of the research and the anticipated outcomes of such research must be made available to the principals, SGBs and District/Head Office Senior Managers of the schools and districts/offices concerned, respectively.
5. The Researcher will make every effort obtain the goodwill and co-operation of all the GDE officials, principals, and chairpersons of the SGBs, teachers and learners involved. Persons who offer their co-operation will not receive additional remuneration from the Department while those that opt not to participate will not be penalised in any way.
6. Research may only be conducted after school hours so that the normal school programme is not interrupted. The Principal (if at a school) and/or Director (if at a district/head office) must be consulted about an appropriate time when the researcher/s may carry out their research at the sites that they manage.
7. Research may only commence from the second week of February and must be concluded before the beginning of the last quarter of the academic year. If incomplete, an amended Research Approval letter may be requested to conduct research in the following year.
8. Items 6 and 7 will not apply to any research effort being undertaken on behalf of the GDE. Such research will have been commissioned and be paid for by the Gauteng Department of Education.
9. It is the researcher's responsibility to obtain written parental consent of all learners that are expected to participate in the study.
10. The researcher is responsible for supplying and utilising his/her own research resources, such as stationery, photocopies, transport, faxes and telephones and should not depend on the goodwill of the institutions and/or the offices visited for supplying such resources.
11. The names of the GDE officials, schools, principals, parents, teachers and learners that participate in the study may not appear in the research report without the written consent of each of these individuals and/or organisations.
12. On completion of the study the researcher/s must supply the Director: Knowledge Management & Research with one Hard Cover bound and an electronic copy of the research.
13. The researcher may be expected to provide short presentations on the purpose, findings and recommendations of his/her research to both GDE officials and the schools concerned.
14. Should the researcher have been involved with research at a school and/or a district/head office level, the Director concerned must also be supplied with a brief summary of the purpose, findings and recommendations of the research study.

The Gauteng Department of Education wishes you well in this important undertaking and looks forward to examining the findings of your research study.

Kind regards

Makhado

Dr David Makhado
Director: Education Research and Knowledge Management

DATE: 2013/11/06

2

Making education a societal priority

Office of the Director: Knowledge Management and Research

9th Floor, 111 Commissioner Street, Johannesburg, 2001
P.O. Box 7710, Johannesburg, 2000 Tel: (011) 355 0506
Email: David.Makhado@gauteng.gov.za
Website: www.education.gpg.gov.za



Western Cape
Government

Education

Audrey.wyngaard2@pgwc.gov.za
tel: +27 021 467 9272
Fax: 0865902282
Private Bag x9114, Cape Town, 8000
wced.wcape.gov.za

REFERENCE: 20131024-19460

ENQUIRIES: Dr A T Wyngaard

Mr John Maluleka
752 Kreft Street
Annlin
Pretoria
0182

Dear Mr John Maluleka

RESEARCH PROPOSAL: COOPERATIVE GOVERNANCE: THE RELATIONSHIP BETWEEN NATIONAL AND PROVINCIAL DEPARTMENTS OF EDUCATION IN SOUTH AFRICA

Your application to conduct the above-mentioned research in schools in the Western Cape has been approved subject to the following conditions:

1. Principals, educators and learners are under no obligation to assist you in your investigation.
2. Principals, educators, learners and schools should not be identifiable in any way from the results of the investigation.
3. You make all the arrangements concerning your investigation.
4. Educators' programmes are not to be interrupted.
5. The Study is to be conducted from **03 February 2014 till 28 February 2014**
6. No research can be conducted during the fourth term as schools are preparing and finalizing syllabi for examinations (October to December).
7. Should you wish to extend the period of your survey, please contact Dr A.T Wyngaard at the contact numbers above quoting the reference number?
8. A photocopy of this letter is submitted to the principal where the intended research is to be conducted.
9. Your research will be limited to the list of schools as forwarded to the Western Cape Education Department.
10. A brief summary of the content, findings and recommendations is provided to the Director: Research Services.
11. The Department receives a copy of the completed report/dissertation/thesis addressed to:

**The Director: Research Services
Western Cape Education Department
Private Bag X9114
CAPE TOWN
8000**



We wish you success in your research.

Kind regards.

Signed: Dr Audrey T Wyngaard

Directorate: Research

DATE: 24 October 2013



ANNEXURE 4: LETTERS TO THE PARTICIPANTS



Date: 05 June 2014

Dear Mr Soobrayan

I am a PhD student at the University of Pretoria, Department of Education Management, Law and Policy Studies. I am conducting a research study on “**Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa.**” The purpose of the study is to explore the meaning and understanding of cooperative governance in the **Department of Education.**

I would like to conduct an interview with you concerning your understanding of cooperative governance. You have been selected because you are in constant interaction with your provincial counterparts owing to the portfolios you manage and thus in a good position to express views on this subject. It is my understanding that the nature of the portfolios you manage is appropriate to providing useful information on cooperative governance.

The interview will take place at a venue and time that suits you, and will not interfere with Departmental activities or the official work programme of the Department. I am expecting it to take between 45-60 minutes. The interview will be audio taped and transcribed for analysis purposes.

Even though I am an official of the Department of Basic Education (DBE), I will be interviewing you in my capacity as a student and researcher from the University of Pretoria. I therefore hope that my position as an official of the DBE will not interfere with my role as student and researcher.

Your participation in this research is voluntary and your identity will be protected. Only my supervisors and I will know your real name, as a pseudonym will be used during data collection and analysis. Your section/branch will not be identified either. The information you give will only be used for academic purposes. Collected data will be in my possession or my supervisors’ and will be locked up for safety and confidentiality

purposes. After completion of the study, the material will be stored at the University of Pretoria's Education Management, Law and Policy Department according to the policy requirements of the University of Pretoria.

If you agree to take part in this research, please fill in the consent form provided below. If you have any questions, do not hesitate to contact my supervisors or me at the numbers given below, or via E-mail.

Your assistance in this regard will be highly appreciated.

Yours, Sincerely

John Shebabese Maluleka,

Signature.....

PhD student (Education Management and Policy Studies)
University of Pretoria
Pretoria
0002
Republic of South Africa
Mobile: 0827415969
Email: Maluleke.johns@gmail.com

Supervisor

Prof Chika M.T. Schoole

Signature.....

University of Pretoria
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0002
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Department of Education Management and Policy Studies

Tel: + 27 (0) 12 420-2327

Email: chika.schoole@up.ac.za

Co-supervisor

Prof E Weber

Signature.....

University of Pretoria
Pretoria
0002
Republic of South Africa

Department of Education Management and Policy Studies

Tel: +27 (0) 12 420 5591

E-mail: everard.weber@up.ac.za



CONSENT FORM

I, _____ (your name), agree / do not agree (delete what is not applicable) to take part in the research project titled: **Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa**. I understand that I will be interviewed about this topic for approximately an hour at a venue and time that will suit me, but that will not interfere with the activities and work programme of the department. The interviews will be audio taped.

I also understand that the researcher subscribes to the principles of:

- *Voluntary participation* in research, implying that the participants might withdraw from the research at any time;
- *Informed consent*, meaning that the research participants must at all times be fully informed about the research process and purposes, and must give consent to their participation in the research;
- *Safety in participation*, put differently, that the human respondents should not be placed at risk of harm of any kind, e.g., research with young children;
- *Privacy*, meaning that the *confidentiality* and *anonymity* of human respondents should be protected at all times;
- *Trust*, which implies that human respondents will not be respondents to any acts of deception or betrayal in the research process or its published outcomes.

Signature: _____ Date: _____



Date: 26 May 2014

Dear Mr Mahomed

I am a PhD student at the University of Pretoria, Department of Education Management, Law and Policy Studies. I am conducting a research study on “**Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa.**” The purpose of the study is to explore the meaning and understanding of cooperative governance in the **Department of Education.**

I would like to conduct an interview with you concerning your understanding of cooperative governance. You have been selected because you are in constant interaction with your provincial counterparts owing to the portfolios you manage and thus in a good position to express views on this subject. It is my understanding that the nature of the portfolios you manage is appropriate to providing useful information on cooperative governance.

The interview will take place at a venue and time that suits you, and will not interfere with Departmental activities or the official work programme of the Department. I am expecting it to take between 45-60 minutes. The interview will be audio taped and transcribed for analysis purposes.

Even though I am an official of the Department of Basic Education (DBE), I will be interviewing you in my capacity as a student and researcher from the University of Pretoria. I therefore hope that my position as an official of the DBE will not interfere with my role as student and researcher.

Your participation in this research is voluntary and your identity will be protected. Only my supervisors and I will know your real name, as a pseudonym will be used during data collection and analysis. Your section/branch will not be identified either. The information you give will only be used for academic purposes. Collected data will be in my possession or my supervisors’ and will be locked up for safety and confidentiality purposes. After completion of the study, the material will be stored at the University of Pretoria’s Education Management, Law and Policy Department according to the policy requirements of the University of Pretoria.



If you agree to take part in this research, please fill in the consent form provided below. If you have any questions, do not hesitate to contact my supervisors or me at the numbers given below, or via E-mail.

Your assistance in this regard will be highly appreciated.

Yours, Sincerely

John Shebabese Maluleka,

Signature.....

PhD student (Education Management and Policy Studies)
University of Pretoria
Pretoria
0002
Republic of South Africa
Mobile: 0827415969
Email: Maluleke.johns@gmail.com

Supervisor

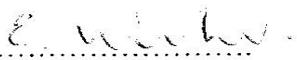
Prof Chika M.T. Schoole

Signature.....

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Prof E Weber

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Date: 20 May 2014

Dear Dr Lubisi

I am a PhD student at the University of Pretoria, Department of Education Management, Law and Policy Studies. I am conducting a research study on “**Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa.**” The purpose of the study is to explore the meaning of cooperative governance in the **Department of Education.**

I would like to conduct an interview with you concerning your understanding of cooperative governance. You have been selected because you are in constant interaction with your national counterparts owing to the portfolios you manage and thus in a good position to express views on this subject. It is my understanding that the nature of the portfolios you manage is appropriate to providing useful information on cooperative governance.

The interview will take place at a venue and time that suit you, and will not interfere with Departmental activities or the official work programme of the Department. I am expecting it to take between 45-60 minutes. The interview will be audio taped and transcribed for analysis purposes.

Even though I am an official of the Department of Basic Education (DBE), I will however be interviewing you in my capacity as a student and researcher from the University of Pretoria. I therefore hope that my position as an official of the DBE will not interfere with my role as student and researcher

Your participation in this research is voluntary and your identity will be protected. Only my supervisors and I will know your real name, as a pseudonym will be used during data collection and analysis. Your section/branch will not be identified either. The information you give will only be used for academic purposes. Collected data will be in my possession or my supervisors’ and will be locked up for safety and confidentiality purposes. After completion of the study, the material will be stored at the University of Pretoria’s Education Management, Law and Policy Department according to the policy requirements of the University of Pretoria.

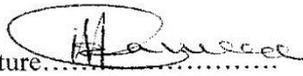


If you agree to take part in this research, please fill in the consent form provided below. If you have any questions, do not hesitate to contact my supervisors or me at the numbers given below, or via E-mail.

Your assistance in this regard will be highly appreciated.

Yours, Sincerely

John Shebabese Maluleka,

Signature 

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CONSENT FORM

I, _____ (your name), agree / do not agree (delete what is not applicable) to take part in the research project titled: **Cooperative governance: the relationship between National and Provincial Departments of Education in South Africa**. I understand that I will be interviewed about this topic for approximately an hour at a venue and time that will suit me, but that will not interfere with the activities and work programme of the department. The interviews will be audio taped.

I also understand that the researcher subscribes to the principles of:

- *Voluntary participation* in research, implying that the participants might withdraw from the research at any time;
- *Informed consent*, meaning that the research participants must at all times be fully informed about the research process and purposes, and must give consent to their participation in the research;
- *Safety in participation*, put differently, that the human respondents should not be placed at risk of harm of any kind, e.g., research with young children;
- *Privacy*, meaning that the *confidentiality* and *anonymity* of human respondents should be protected at all times;
- *Trust*, which implies that human respondents will not be respondents to any acts of deception or betrayal in the research process or its published outcomes.

Signature: _____ Date: _____



ANNEXURE 5: INTERVIEWS SCHEDULES



INTERVIEW SCHEDULE 1- DIRECTOR-GENERAL DEPARTMENT OF BASIC EDUCATION

The purpose of this interview schedule is to explore the level of common understanding and shared meaning of cooperative governance between the different spheres of government. The interview will also elicit information about intergovernmental relations.

1. What is your understanding of cooperative governance?
2. How is it supposed to work?
3. How does it work in practice? Please explain or give examples.
4. What problems do you encounter regarding cooperative governance in your work?
5. What is the relationship between the Department of Basic Education (DBE) and Provincial Education Departments (PEDs)?
6. How does your relationship with PEDs affect your ability to deliver services to the citizens?
7. How much consultation, support and coordination is there between the DBE and PEDs?
8. Is there any conflict? Please explain.
9. How does the self-rule – shared-rule dichotomy affect your decision-making on policy?
10. How do you deal with conflict between the two departments?
11. How much freedom do you have to carry out your constitutional duties regarding cooperative governance?
12. Which of the two features – federal-unitary – of the South African government system is more dominant in the DBE-PEDs operations?



13. How does the dominant feature of the government system affect your decision-making ability?
14. The Constitution provides DBE with some “veto” powers. How is this received by PEDs?
15. What consequences do the “veto” powers have on the operations of the PED?
16. How do the concurrent powers affect your effectiveness in delivering your mandate?
17. How is concurrent duties expressed in (your) the legal documents?



INTERVIEW SCHEDULE 2- DEPUTY DIRECTORS-GENERAL AND OTHER OFFICIAL OF THE DEPARTMENT OF BASIC EDUCATION

The purpose of this interview schedule is to explore the level of common understanding and shared meaning of cooperative governance between the different spheres of government. The interview will also elicit information about intergovernmental relations.

1. What is your understanding of cooperative governance?
2. How is it supposed to work?
3. How does it work in practice? Please explain.
4. What problems do you encounter regarding cooperative governance in your work?
5. What is the relationship between the DBE and PEDs?
6. How does your relationship with PEDs affect your ability to deliver services to the citizens?
7. How much consultation, support, and coordination is there between the DBE and PEDs?
8. Is there any conflict? Please explain.
9. How does the self-rule – shared-rule dichotomy affect your decision-making on policy?
10. How do you deal with conflict between the two departments?
11. How much freedom do you have to carry out your constitutional duties regarding cooperative governance?
12. Which of the two features – federal-unitary – of the South African government system is more dominant in the DBE-PEDs operations?
13. How does the dominant feature affect your decision-making ability?
14. The Constitution provides DBE with some “veto” powers. How is this received by PEDs?



15. What consequences do the “veto” powers have on the operations of the PED?
16. How do the concurrent powers affect your effectiveness in delivering your mandate?
17. How is concurrent duties expressed in (your) the legal documents?



INTERVIEW SCHEDULE 3- SUPERNTENDENTS-GENERAL OF THE PROVINCIAL DEPARTMENT OF EDUCATION

The purpose of this interview schedule is to explore the level of common understanding and shared meaning of cooperative governance between the different spheres of government and the ways to improve effective intergovernmental relations. The interview will also elicit information on how intergovernmental relations influences mutual assistance and support, regular sharing of information and expertise, and encouragement of mutual prosperity between provinces as peers, and between the national and provincial education departments in order to realize national expectations in education.

1. What is your understanding of cooperative governance?
2. How is it supposed to work?
3. How does it work in practice?
4. What problems do you encounter regarding cooperative governance in your work?
5. What is the working relationship between the DBE and PEDs?
6. How does your relationship with DBE affect your ability to deliver services to the citizens?
7. How much of consultations, support and coordination is there between the DBE and PEDs?
8. Is there any conflict? Explain.
9. Within the confines of cooperative governance, how much space do you have to express your self-rule obligations?
10. How does the self-rule – shared-rule dichotomy affect your decision-making on policy aspects?
11. How much interference of the DBE, if any, is there in your self-rule domain?
12. How do you deal with conflict between the two departments?
13. How much freedom do you have to carry out your constitutional duties regarding cooperative governance?



14. Which of the two features – federal-unitary – of the South African government system is more dominant in the DBE-PEDs operations?
15. How does the dominant feature affect your decision-making ability?
16. How does cooperative governance affect/influence your effectiveness as a province?
17. The Constitution provides DBE with some “veto” powers, how is this received by PEDs?
18. What consequences do the “veto” powers have on the operations of the PED?
19. How do the concurrent powers affect your effectiveness in delivering your mandate?
20. How is the concurrent duties expressed in (your) the legal documents?
21. What is the level of cooperation between your PED and the other PEDs?
22. Is there a peer review mechanism amongst the PEDs to identify and assist each other in resolving the challenges experienced by some of you (PEDs)?
23. What level of autonomy do you have in executing your constitutional duties?



INTERVIEW SCHEDULE 4- OTHER OFFICIALS OF THE PROVINCIAL DEPARTMENT OF EDUCATION

The purpose of this interview schedule is to explore the level of common understanding and shared meaning of cooperative governance between the different spheres of government and the ways to improve effective intergovernmental relations. The interview will also elicit information on how intergovernmental relations influences mutual assistance and support, regular sharing of information and expertise, and encouragement of mutual prosperity between provinces as peers, and between the national and provincial education departments in order to realize national expectations in education.

1. What is your understanding of cooperative governance?
2. How is it supposed to work?
3. How does it work in practice?
4. What problems do you encounter regarding cooperative governance in your work?
5. What is the working relationship between the DBE and PEDs?
6. How does your relationship with DBE affect your ability to deliver services to the citizens?
7. How much of consultations, support and coordination is there between the DBE and PEDs?
8. Is there any conflict? Explain.
9. Within the confines of cooperative governance, how much space do you have to express your self-rule obligations?
10. How does the self-rule – shared-rule dichotomy affect your decision-making on policy aspects?
11. How much interference of the DBE, if any, is there in your self-rule domain?
12. How do you deal with conflict between the two departments?
13. How much freedom do you have to carry out your constitutional duties regarding cooperative governance?



14. Which of the two features – federal-unitary – of the South African government system is more dominant in the DBE-PEDs operations?
15. How does the dominant feature affect your decision-making ability?
16. How does cooperative governance affect/influence your effectiveness as a province?
17. The Constitution provides DBE with some “veto” powers, how is this received by PEDs?
18. What consequences do the “veto” powers have on the operations of the PED?
19. How do the concurrent powers affect your effectiveness in delivering your mandate?
20. How is the concurrent duties expressed in (your) the legal documents?
21. What is the level of cooperation between your PED and the other PEDs?
22. Is there a peer review mechanism amongst the PEDs to identify and assist each other in resolving the challenges experienced by some of you (PEDs)?
23. What level of autonomy do you have in executing your constitutional duties?