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THE PERCEPTIONS OF ROLE PLAYERS IN GAUTENG PUBLIC SCHOOLS REGARDING DISTRIBUTED GOVERNANCE

by

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THESIS

Submitted in fulfilment of the
Requirements for the degree

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Submission date: January 2015
DECLARATION

I declare that the thesis:

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ABSTRACT

The Perceptions of role players in Gauteng public schools regarding Distributed Governance

Key words: distributed school governance, participatory democracy, bureaucracy, power and authority, Education law, unity in diversity, politicised education system.

The purpose of this study is to reveal, that as opposed to what is implied in the South African Schools Act (SASA - Act 84 of 1996), the governance of public schools in South Africa, still appears to be achieved top-down. Currently public school governance is centralized, while the role of parents in decision-making is still minimal. The State makes key decisions, while other role-players namely School Governing Bodies (SGB) are expected to be passive participants.

The main objective of this research study, is an analysis of distributed or shared governance of public schools in Gauteng (a province in South Africa) and the perceptions of the School role-players regarding amendments to policies which impact on the governance of the school.

This study employed both quantitative and qualitative methods to analyse data and was thus a Mixed method study. A questionnaire containing both open and closed ended questions was distributed to schools in the various Education districts in Gauteng. The questionnaire and semi-structured interviews with school role players involved in school governance provided written and recorded verbal data. The quantifiable data and the qualitative data obtained was then analysed simultaneously. The quantitative data in the form of descriptive statistics corroborated the qualitative results of the study, it revealed a number of contentious bureaucratic practices and a penchant for increased centralisation of the Education system by the State, which act to constrain distributed school governance. The most prominent undemocratic practices in the system inter alia include:

- the over-politicisation of schools by the dominant teachers’ union- the South African Democratic Teachers’ Union (SADTU);
- the bureaucratic appointment of educators;
- usurping SGBs authority over learner admissions to schools, by Education officials,
- the re-centralisation of financial management at schools declared “No fee” schools.
Democracy is founded on a belief in individual rights, equality, and self-government by the majority of the people. The moral authority of the majority is based on the notion that there is more enlightenment and insight between many than in a single man. However, the power of the majority is always limited by the preconditions as imposed by Education and other applicable laws that prescribe fairness and honesty in the application of power as it applies to school governance. This implies that bureaucratic or undemocratic exercise of power by the State or any person, including Education officials, would be contrary to the requirements of Distributed school governance and democracy. There is an inseparable link between democracy, education and the law. The South African Constitution (Act 108 of 1996) and the South African Schools Act (SASA-Act 84 of 1996), provides for representative (political) and participatory democracy, as well as for the enshrinement of fundamental rights of parents to share in the governance of their particular schools. In addition, education legislation and policies contain numerous provisions that prescribe and necessitate democratisation of the education system.

An enquiry into the knowledge levels of senior education administrators, school Principals, teachers and school governing body chairpersons, who participated in this study, revealed that their knowledge of participatory democracy and Education Law was superficial. The perceptions of these role-players about Distributed school governance as practiced in Gauteng public schools currently that is up to 2014, was that, the state through its structures in Education used their authority to foment the ANC’s hegemony.

Conclusions drawn from the evidence of this study suggests that certain impediments to Distributed school governance can be attributed to bureaucratic interference, as well as to misconceptions and the misapplication of democratic principles.

Finally, the study proposes a model to improve distributed school governance. The proposed model, recommends that an Area Advisory Council (AAC), be statutorily established in each school district, to act as a resource on school governance issues and also serve as a conduit to foster positive communication between State Education departments and schools. As a deliberative forum, it would be implemented within the organisational hierarchy of the education system.
This study is dedicated to:
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CHAPTER 1

INTRODUCTION AND ORIENTATION

School governance in South Africa has moved from a highly centralized structure to what is supposed to be one of shared responsibility. Given the painful, complex and controversial history of equitable schooling in South Africa, with the advent of Democracy a form of governance had to be chosen for the management and control of our public schools that would possibly satisfy all role-players. A model that effectively places significant decision-making power over issues such as school fees, admissions and nominations of staff outside the control of state education departments was vital; provided that these decisions were guided by the norms and standards as established by the South African Schools Act. Current legislation attempts to turn schools into centers of community life by seeking to involve the broader community in the development of schools and education in the country. Section 15 of the South African Schools Act of 1996 states:

“Every public school is a juristic person, with legal capacity to perform its functions in terms of this act.” South African Schools Act 84 of 1996.

This implies that schools, through their governing bodies, can enter into and conclude agreements with other legal entities. This does not imply that the Department of Basic Education does not feature at all when one considers the definition of a public school in the same act (Matimba, 2001:15). The role players included in the partnership that is reflected and defined in the Preamble to the South African Schools’ Act (SASA-Act 84 of 1996) are the state represented by the Department of Basic Education (DBE), learners, parents and educators who accept joint responsibility for the organisation, governance and funding of schools. The nature of this partnership does not imply that all partners have to agree on all issues and that there is no room for the contestation of important aspects of school governance (Roos, 2009: 54).

1.1 RATIONALE FOR THE RESEARCH

The National Education Policy Act (S.A., 1996a) and the South African Schools Act (Act 84 of 1996) established avenues to include citizens in governance; a crucial one being School Governing Bodies, to assist with public school governance, however the interpretation and the mode of implementation of policy among the role-players in education, differ significantly.
(Van Wyk, 1996:1). South African education authorities, school management in public schools and school governing bodies, parents and educators disagree on the extent and purview of distributed governance in education. Added to this confusion are the amendments to sections of the SASA, (Act 84 of 1996) by the State and most often school role players are unaware of these changes. The tensions that occur as a result of these amendments influence the level of consolidation of democracy in public school governance and are evident from the following phenomena:

A key function of the School Governing Body, according to the South African Schools Act (SASA-Act 84 of 1996) was to recommend and advise the Head of Department of the Department of Basic Education, on the appointment of educators and non-educators. Subsequently, the State amended the School Governing Bodies' function to recommend incumbents for teaching posts whose salaries would be paid by the School Governing Body (SGB). The Education Laws Amendment Act, Act 100 of 1997 curtailed the powers of SGBs by adding subsections 20(6) – (11) to SASA (Act 84 of 1996). Subsection 20(6) provides that an educator employed in a post established in terms of subsection (4) must comply with the requirements set for employment in public schools in terms of this Act (The Labour Relations Act, Act 66 of 1995). The powers accorded to SGBs in terms of subsection 4 are limited further by subsections 20(8) and (9) of SASA (Act 84 of 1996):

Subsection (8) provides that the staff contemplated in subsections (4) and (5) must be employed in compliance with the basic values and principles referred to in section 195 of the South African Constitution (Act 108 of 1996). The following is to be taken into account when making appointments include, but are not limited to:

- the ability of the candidate;
- the principle of equity;
- the need to redress past injustices; and
- the need for representivity.

Subsection 9 provides that, when presenting the annual budget contemplated in section 38, the governing body of a public school must provide sufficient details of any posts envisaged in terms of subsections (4). This includes the estimated costs related to the employment of staff in such posts, and the proposed manner in which such costs are to be met. These two subsections have the effect of limiting the choices available to SGBs when making appointments.
Further barriers are contained in subsections 10 and 11. Subsection 10 states categorically that the state is not liable for any act or omission by a public school relating to its contractual responsibility as the employer with respect to staff employed in accordance with subsection (4). Subsection 11 warns that after consultation as contemplated in section 5 of the National Education Policy Act (Act 27 of 1996), the Minister may determine norms and standards by notice in the Gazette regarding the funds used for the employment of staff referred to in subsection (4). However, these norms and standards may not be interpreted so as to make the State a joint employer of staff. Although this is one example of the ambiguity of the states’ definition of shared governance, it soon became apparent to school personnel and parents that governance of the school had to be done in such a manner that the State remains the major role-player in the partnership. If a school governing body, or any other person without the authority of the school governing body, pays any remuneration or gives any financial benefit contemplated in subsection (1) to an educator without prior approval of the employer, the amount of money paid must be recovered by the Head of Department (HoD) on behalf of the school from:

(a) members of the school governing body who took that decision, excluding a member of the school governing body who is a minor; or
(b) any person who made such payment without the authorization of the school governing body.

Of particular note in the introduction of the amendment was that it was done to circumvent SGBs from appointing additional teaching staff without prior approval from the DBE.

Section 20(1) (i) of SASA (Act 84 of 1996) contains a crucial provision pertaining to staff appointments. It provides that SGBs must recommend, to the Head of Department, the appointment of educators at the school, subject to the Educators Employment Act, 1994 (EEA). This provision adopts the point of departure that the provincial Head of Department (HoD) is the employer of all educators and that if they want educators and non-educators employed, SGBs must make recommendations to the provincial Head of Department (HoD). This implies that SGBs are not awarded real power to enforce staffing decisions, aside from making recommendations that must be given attention in accordance with the common law and labour law provisions. Section 6(3) of EEA sets a limitation in this regard, in that the recommendation of appointment must be made within two months of the date when the SGB was requested to make a recommendation. If the SGB does not make a recommendation within the two months, the HoD will make the appointment without it, SASA, (Act 84 of 1996-Section 20(1)).
The Education Laws Amendment Act (100 of 1997) added a subsection to section 20 of SASA. This subsection, 20(4), assigns a measure of discretion to SGBs. According to this Act, the Labour Relations Act (66 of 1995), and any other applicable law, a public school may establish posts for educators and employ educators in addition to the establishment determined by the Member of the Executive Council in terms of section 3 (1) of the Educators’ Employment Act (1994). The Education Laws Amendment Act (100 of 1997) duly responded to these problems by adding subsections 20(6) – (11) to SASA. Subsection 20(6) provides that an educator employed in a post established in terms of subsection (4) must comply with the requirements set for employment in public schools. Schools must adhere to the terms of this Act, the Labour Relations Act (66 of 1995), and any other applicable law. “Other laws” naturally include the provisions of the Constitution referred to above. This provision may be seen to be limiting the discretion of SGBs.

1.1.2 CONFLICTING VIEWS OF DISTRIBUTED GOVERNANCE IN SCHOOL EDUCATION

The National Education Policy Act (1996a) and the South African Schools Act (Act 84 of 1996) demanded a major move towards decentralised or the distribution of school governance (Van Wyk, 1996:1). Since key decisions were given to schools which for the first time had all the characteristics of self-governance. For instance, the directive principle in section 4(m) of the National Education Policy Act requires that the National Minister of Education must ensure broad democratic participation in the development of education (SA, 1996a). The Government must take steps to include stakeholders by representation in the policy-making and governance of all aspects of the education system SASA (Act 84 of 1996).

Despite this legislation guaranteeing the SGBs decision making powers, over the years School Governing Bodies appealed to the courts for mediation, such as the Western Cape High Court, whose decision played a significant role in defining responsibility for the appointment of additional staff over and above allocated posts, and in so doing demarcating the parameters of governance. A case in point was the judgment handed down in The Point High School and others v the Head of Department of the Western Cape Department of Basic Education [2007] SCA 14188/06 (RSA). The findings of this case appear to suggest that the court is not necessarily of the opinion that subsection 6(3) (f) of Employment of Educators Act gives unfettered power to HoDs to reject or approve a SGB’s recommendations at will. In this case, the Point High School in the Western Cape Province of South Africa and its SGB challenged a decision by the Western Cape Education Department not to approve their
recommendations for appointment, as Principal and deputy-Principal, the persons they believed to be the most suitable candidates having duly followed the procedures in the EEA and other legislation. The court reviewed and set aside the decisions of the HoD of the Western Cape Education Department to appoint the persons, who were initially appointed. The HoD was ordered to appoint the persons recommended by the school’s SGB. The HoD was told to pay the costs of the application, including the cost occasioned by the employment of two legal counsellors.

Legal wrangles between SGBs and the State as quoted above, reveal that the Governance of schools, according to the state, is for school personnel and parents to implement policy as it is handed down. A major change affected to existing school governance, at the time, was the establishing of democratically elected school governing bodies (SGB) at all public schools (SASA, Act 84 of 1996). Two important principles of the South African Schools Act No.84 are concerned with inclusivity and decentralisation. Inclusivity means the participation of all stakeholders that are able to make a contribution to the school, while decentralisation implies that decisions should be made by people who are closest to the school. In keeping with decentralisation the SGB was granted certain key functions. One of the functions of the SGB includes taking all reasonable measures, within its means, to supplement the resources supplied to the school, in order to improve the quality of education provided for all learners at the school SASA, (Act 84 of 1996 - Section 21). What this effectively meant was that the SGB had to introduce and justify school fees. “Once a fee is approved by the SGB, all parents are required to pay, except those who apply for and are granted an exemption based on income and verified through means testing” (Sayed & Motala, 2009:3).

According to Naidoo (1996:143), the passing of legislation in 1996 for the reorganisation and funding of school level governance ushered in a period of post-Apartheid schooling that was characteristically uncertain. The basic aims of the SA schools act-Act 84 of 1996, was to reverse the results of the apartheid system and the creation of a new national school system that provides learners of all races, religions and ethnicity, equal and fair opportunity to develop their talents (SASA, 1996: 6). Although a number of White Papers and discussion documents were issued between 1994 and 1996 policy makers could not finalise SASA. Policies needed to be ratified by all stakeholders concerned. This involved legislative, administrative and negotiating processes. Section 247 of the Interim Constitution made it mandatory that consultations with governing bodies of schools in the public sector (largely white Model C schools) were essential before alterations could be made to their rights, powers and functions. The entire negotiation process over the Schools Bill was marked by
controversy and meetings were disrupted by parents walking out and heated disagreements between members of governing bodies and provincial Departments of Education.

Since 1996, the Republic of South Africa has had a democratic Constitution that sets out important values such as: “Human dignity, the achievement of equality and the advancement of human rights and freedom, non – racialism and non – sexism,” (Potgieter, Visser, Van der Bank, Mothata, Squelch, 1997: 5). Potgieter et al. (ibid) further add that with the prohibition on exclusionary admission mechanisms, urban school populations quickly desegregated and hopes were pinned on school governing bodies playing a constructive role in the process of integration. SASA (Act 84 of 1996) proposes that each public school should have a governing body that represents all stakeholders, so as to ensure that quality education is provided for all learners, based on the following general aims; “elimination of poverty; a human rights culture; diversity of culture and language; the principle of partnership between state, parents, learners, educators and community members within the vicinity of the school”

According to SASA (Act 84 of 1996), the state is merely one of the partners in school governance, and cannot therefore do everything for schools. Parents and members of the community are viewed as being in the best position to decide what the school really needs, and what the problems are. SASA (Act 84 of 1996), section 20 provides for the governance of public schools. School governance is defined as being responsible for governing the school and encompasses the following; (1) promoting the best interests of the school, and (2) ensuring the development of the school by providing quality (high standard) education for all learners at the school.

The envisaged form of school governance post-1994, as contained in the SASA (Act 84 of 1996), proposes shared responsibility in the Education of the child. South Africans are justified in assuming that it is their right to expect that the redesigned school system for a democratic South Africa would be tangibly new, more equitable, and empowering to all who have a direct stake in the success of schooling (Education White paper 2:1996). The state foresaw that through fomenting a partnership with communities, schools would become desegregated since parents from different race groups would participate in its governance.

However there is little evidence to show that desegregation as envisaged by SASA (Act 84 of 1996) through integrated schooling has succeeded, differences still arise because of race and culture in daily classroom life (Chisholm, 2008:359-360). Chisholm (2008:360) justifies her assertion by referring to the much publicised media reports that has shown that South Africans are strongly xenophobic. The academic debate on anti-racism, critical
multiculturalism and difference in education has not filtered down to the level of the school and even more crucially, to classroom practice in South Africa (Carrim, 2003:20-23).

The Education White paper 2 (ibid.) by implication promised that power would be distributed among diverse communities of interest. The basic task of governance ought to be that of distributing the powers of collective choice amongst the overlapping communities of interest. It is the researcher’s opinion, based on experience as a school manager, that although SASA (1996) claims to foment shared governance in schools, what is practiced instead is managerialism; that is, policies, regulations, and rules are cascaded down from the Department of Basic Education (DBE) to school leadership who are forced to comply. There is a dichotomy between school governance and the professional management of the school. In the daily life of the institution the distinction is not easy to manage. Apart from the usual conflicts that take place between different functions, namely; management and governance of the same institution, the position is complicated by the fact that the person responsible for the professional management of the school, the Principal, is also an ex-officio member of the SGB. Furthermore, in order for certain activities to be diligently implemented, the SGB and the Principal have to maintain a close working partnership. An obvious contradiction is that while it is the responsibility of the SGB for designing a learner code of conduct, it is the Principal and professional staff that must ensure its implementation. Thus, in reality it is the Principal and the professional staff of the school that manages the day to day discipline of the school, while seldom referring to the code of conduct. Therefore, one of the key tenets of SASA (Act 84 of 1996), is contradictory as far as shared governance is concerned. It is clear that the SGB only designs the code of conduct, but cannot implement it on a day to day basis in the school. While the code of conduct is an accepted policy, its practical application differs vastly from its production (Roos, 2009:5).

This study showed that as opposed to what is implied in SASA (Act 84 of 1996), the governance of public schools in South Africa, still appears to be achieved top-down. It is, in essence, still centralized, while the role of parents in decision-making is still minimal. The State makes key decisions, while other role-players are expected to be passive participants. By implication, then, a good alternative in a democracy would be a sincere commitment to distributed governance for schools, which means the distribution of policy-making, objective-setting and exercise of authority in an organisation, institution, or agency that awards administrative or management powers to key role players, especially to those individuals who are affected by the repercussions of these decisions (Naidoo, 2005: 28-132).
1.1.3 A CONSIDERATION OF DECENTRALISATION OF SCHOOL GOVERNANCE AND POWER-SHARING WITH SCHOOL GOVERNING BODIES

Distributed governance refers to a mode of social co-ordination wherein patterns of relationships emerge, instead of being crafted. Distributed governance provides the opportunity for affected parties to share information and participate collectively in the process of steering and learning. This opposes alternative modes of governance in which public authorities and forms of control play a dominant role, as is the case in a hierarchical form of government. “For over three centuries, the need for a clear distinction between the practices associated with governing and the institutions these decisions affect appear to have been unnecessary, due to the dominance of the hierarchical mode in the Western world. This arose primarily from the adoption of the principle that the state has supreme authority over all matters falling within its territory – a principle that has been described as the cornerstone of the modern interstate system. This has been the case for both developed and developing countries until a changing world order in the past two decades led to an apparent mismatch between the legal powers granted to nations and political sovereignty. Numerous role players spanning the micro-, meso- and macro levels of social organisation appear to account for the loss of the state’s monopoly on establishing and enforcing the system of rules that govern the society within its borders” (cermes@uwichill.edu.bb; www.cavehill.uwi.edu/cermes; Accessed, 20 January 2014).

Providing citizens with equal access to administrative and decision-making functions should generate a more democratic exercise of political power, since a greater degree of educational provisions enable individuals to access educational rights, and, therefore, political power, more easily. Bottery (2005, 4-7) contends that a rich and flourishing society should consist of a “political underpinning by a version of democracy which encourages its citizens to actively participate in decision making”. The provision of a globally sound and productive education system, by making its content relevant to the needs of the people, is a basic requirement of any democracy. A good example is the “Batho Pelo” principles, which act as a guide for Education policy, and which means, “Putting people first”. The “Batho Pelo” initiative aims to enhance the quality and accessibility of government services by improving efficiency and accountability to the recipients of public goods and services. It entails the obligation to keep customers regularly informed, establish service standards and provide greater access to services, as well as greater openness and transparency and to repair failures and rectify mistakes (Department of Public Service and Administration, 2007:1). However what happens at school level seems to contradict the principles of “Batho
Pele". The ongoing incapacity of most provincial education departments in attempts to administer public schooling effectively, by improving accountability and efficiency, has been one of the catalysts for reactionary behaviour, as is seen in on-going teacher strikes. The governing bodies of schools become shocked and indecisive when teacher strikes occur, which again defeats the assurance provided by “Batho Pele”, namely, “to keep customers regularly informed”. This inaction on the part of SGBs is due to the fact that in most public schools SGBs are unaware of the part they should play in such a volatile situation. The State promised, via policy, that SGB’s would undergo “capacity building programmes”. To date, these “capacity building programmes” only took place in 1997 and 1998; but what happened thereafter? Many SGBs especially in poor communities were either not elected, or collapsed because they just did not understand what part they had to play in the governance of the school (Ministerial Review Committee, 2003: viii).

If the South African education system achieves a measure of success, it will be able to provide its society with future workers, who possess skills, knowledge, values, and attitudes that will enable them to be employed. It is the researcher’s assertion, from personal experience as a Principal and Deputy Director of the Department of Basic Education (DBE), that Governance of public schools has been scarred by some of the legislation and policy for schooling, which is constantly being subjected to a process of transformation and revision. What was the likely effect of curriculum changes on the finances of poor schools? Schools were resourced with learner and teacher support material (LTSM) by the state. Most of the state subsidy for the school was intended for this purpose SASA, (Act 84 of 1996: Section 20- “schools-Financing”). Teachers are still grappling with the tenets of Outcomes Based Education; as a result, the costly LTSM did not improve learner performance. Instead it exacerbated the situation, both financially and motivationally, since these schools were now branded as being “under-performing” schools. Sayed and Motala (2009:3) explains that “great strides have been made towards racial equity in terms of state per capita expenditure per learner, but more contentious is the extent to which redress or differential spending has been achieved”.

If the governance of schools in South Africa today, was, as defined by SASA as “shared governance”, then why do we still have “under – performing schools?” The State’s explanation for this is “poor service delivery” (Chisholm, 2004:2). Thus according to the state, poor service delivery by schools would mean poor learner performance. Surely, if we have schools that are well resourced with teaching and learning materials, qualified personnel and that are well financed; why would these schools not perform optimally? A possible explanation could be that schools are not governed effectively. The only way to
improve school governance would be to commit all role players attached to the school to its improvement. The people who decide on the needs of a particular school will be those that have a vested interest in the school. This interest can vary, but it is likely that people best able to determine the needs of school will be parents who are concerned with the quality of education their children will receive. However, the DBE invariably designs governance policies, and it would seem that the official approach to school governance will be politically motivated. Naidoo writes that the “SGB is inextricably woven into our complex social and political institution” (Naidoo, 2005: 20).

Experience has shown the researcher that this has caused an inherent conflict arising between the macro level (DBE) and the micro level (Schools) over school governance, particularly in the handling of Education policies. This leads to an inherent tension between the State and schools.

Principals as senior management employees of the state are compelled to implement controversial state policies, such as rationalization or rightsizing. An example of this was a policy that was named after its founder Morkel. The Morkel Model effectively increased the teacher – learner ratio from 1:35 to 1:40. This caused an oversupply of teachers resulting in a policy which demanded that the Principal and the SGB downsize the number of school personnel. Some school personnel, and a number of parents, saw the implementation of this model as Principals using their positional power to secure implementation of the legislative mandates. The SGB consequently becomes polarized with the Principal and the state on one side, and the parents and often teachers and non-teaching staff on the other. Macintosh (1995: 303) calls this a double-sided power relationship, where subordinates can and do exercise power in social interactions with their superiors. The dialectic of control is one of the many tensions that can arise in sociocultural systems (Ritzer, 2008:329) and hence this researcher will make use of critical theory as a theoretical framework against which to weigh the findings of this study.

1.2 STATEMENT OF THE PROBLEM

The object of this research study, is an analysis of distributed governance of schools and the perceptions of the School role-players regarding amendments to policies which impact on the governance of the school.

In order to research the problem in greater depth it is necessary to reduce the research problem to more specific sub-problems:
• What are the perceptions of the various role-players about their current involvement in school governance?
• How can distributed governance play a role in the effective governance of schools and what are the perceptions of educators about it?
• What guidelines can be drawn from distributed governance which can be used in schools to improve current governance?

Patrick Heller in *Moving the State* (2001:132) asks, “Have the institutional character of democratic states really changed their modes of governance, the social partners they engage with and the developmental goals they prioritize? Is the reach and robustness of public legality sufficient to guarantee the uniform application of rights (emphasis added) of citizenship?” He goes on to question: “the state has certainly been transformed, but has it, in the language that now dominates the post transition discourse on development, become closer to the people? There are of course many dimensions to this particular problem, but none that is more central, and that has garnered more attention, than the challenge of democratic decentralization” (Heller, 2001:131). His questions and comments are very significant for South Africa as an emerging democracy, and apply to its attempts to decentralise the governance of educational institutions, the school in particular. The branch of political authority which would define decentralised governance is “administration” of the school governing bodies. It allowed for the recommendation and appointment of staff in schools and secondly “fiscal devolution” meant that SGBs had to supplement the financial resources of the school. This financial function given to SGBs “is the most problematic because although the State leaves it to communities to decide upon the “size of the school fee, the same State decides on and enforces the fee exemption policy” (Roos, 2009:60). After declaring that school fees were not compulsory the government followed with listing many schools as “free schools”, which meant that government would grant such schools bigger financial subsidies. The SGBs in these “no-fee” schools did not see any need to raise funds for the school, since to them, the government as in the past, was once again assuming this financial responsibility. The SGB, if it even existed in these schools, became dysfunctional or even ceased to exist. Parents of learners in these schools who could afford to pay school fees, which meant that their gross salaries amount to ten times the annual school fee, made use of this policy and reneged on their responsibility to pay the school fee. Sayed and Motala (2009:4) explains that at least 40% of schools in South Africa, “the poorest two-fifths as determined by poverty indicators in particular, were declared to be no fee schools as of 2007.”
The next key decision making function, which the SGB lost, was the power to recommend the appointment of academic and non-academic school personnel for promotion. Many incumbents to teaching posts and those aspiring for a promotion, claimed through the largest teacher union, the South African Democratic Teachers Union (SADTU) that they were being marginalised, in favour of previously advantaged groups. SADTU claimed that applicants of black African descent were overlooked for promotion, since SGBs were prejudiced, because they were largely made up of Indian or White members. The government subsequently usurped the power to appoint school staff. The trend now is that the SGB recommend the first three successful candidates for a particular post. In most cases the guiding principle used by the District office would be Equity and not merit. Subsection 6(3) (c) now provides that the governing body must submit, in order of preference, to the Head of Department, a list of:

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

Chapter 3 of the Employment of Educators Act (EEA ), subsections 20(4) – (11) of SASA, and the amendment subsection 6(3)(e), now provides, that if the governing body has not met the requirements of paragraph (b), the Head of Department must decline the recommendation. A contravention of subsection 6(3) (b) entails a violation of constitutional principles and non-adherence to the law. The new subsection 6(3) (f) (after amendment in 2006) contains the most far-reaching challenge to the powers of the SGB regarding the appointment of educators. It provides that despite the order of preference in paragraph (c), the Head of Department may appoint any suitable candidate on the list (Prinsloo, 2006: 355-368). These uninformed legislative shifts on the part of the state appear to be politically motivated. In the first instance, parents provided the votes which give the government its power and in the second instance, the government was compelled to protect the interest of its political partner, namely, the Congress of South African Trade Unions (COSATU which incorporates SADTU). They are very articulate on the values of redress and empowerment, leading to notions of black economic empowerment, employment equity, Africanisation and the transformation of the public sector.” For the ANC government, the enormous challenge is to affect a balancing act by trying to accommodate the various (mostly contradictory) value systems (Sayed, 2002: 35-46).
1.3. AIM OF THE RESEARCH

The general aim of this research is to investigate the perceptions of School Governing Body members, the management of the school and Education officials, about current school governance. Then to further determine how these role-players think it affects the development of the school. In order to realize this general aim, the following objectives to be achieved, are to:

- investigate the essential features of current school governance.
- analyse policies and how its implementation affects school governance.
- determine the perceptions of role players regarding the part played by them in school governance
- establish whether school governance needs to be improved and teachers and SGB members' perceptions of distributed governance

It will benefit this study to note what Spillane and Diamond, (2007:1-2), contend that the construct of school governance consists of two broad dimensions, namely:

- policy and procedures that deal with the governance of the school.
- the effects of implementing these policies on the staff, parents and learners of the school.

This study will also interrogate national education policies to shed light on public school governance as practiced currently.

In order to obtain clarity regarding the mutual understanding of the various concepts and constructs to be used in this research, the researcher will now attempt to illuminate the concepts contained in the study’s title.

1.4 CLARIFICATION OF KEY-CONCEPTS

In this study the connotative meanings of the following concepts are explained. Only key concepts are defined and only the essential authors’ definitions are provided.

1.4.1 DISTRIBUTED GOVERNANCE

To counter confusion, distributed governance is used throughout this study to refer to” the right of the South African population to expect that the redesigned school system for a
democratic South Africa would be manifestly new, more equitable, and empowering to all who have a direct stake in the success of schooling" (Education White paper 2:1996).

### 1.4.2 PUBLIC SCHOOL

A public school is an institution where children from grade A to grade 12 receive education. (South African School Act No. 84 of 1996). An institution where teaching and learning takes place at primary and secondary level, (Wildeman, 2002:1-5)

### 1.4.3 POWER

A school governing body’s power refers to its legal capacity to perform its functions and obligations in terms of section 16 of the South African Schools Act (SASA). The power of a governing body is not delegated power but original power, in terms of the Schools Act (SASA), to act as the duly appointed agent of a public school, since it is an elected body.

### 1.4.4 SCHOOL GOVERNING BODY (SGB)

The SGB is a body which is elected by the particular school community to represent it. It functions in terms of section 16 of SASA and is also constituted as provided by that Act. It exercises the functions bestowed to it in terms of the decentralisation of power to school communities.

### 1.4.5 SCHOOL FUNDS

The following definitions of School funds are applicable:

Money that is received by a public school from the State, Parents and other sources specifically for the education of the learners at that school.( Wildeman, 2002:1-3). All funds that are received by the school despite the source- whether private or public which is deposited in the school’s (as a legal entity) bank account. (Van Rooyen & Rossouw, 2007:18).

### 1.5 THEORETICAL FRAMEWORK

In the nineteenth and early twentieth centuries organisational theory hinged on the notion of ‘organise rationally, efficiently and clearly’. Another feature of organisations was that job descriptions had to be clearly defined so that everyone would be sure of what they had to do. Organisations were defined by ‘plan, organise and control' (Morgan, 2006:26).
The Government of South Africa wants to achieve goals and uses power through politics to achieve its goals. The state (which is the African National Congress in alliance with the Communist party and the Congress of South African Trade Unions (COSATU) has to maintain voter confidence. (Cloete, 2006:53). It is the researcher’s opinion from personal experience as a Principal from 1997 to 2005 that Equity in schools, like in any organisation in South Africa, had to be achieved, since it was an election promise made by the African National Congress in the 1994 elections. “Developing states have become politically answerable through periodic elections” writes Heller, (2001:131). This process was not progressing as desired by the state in certain schools, since it appeared that the SGB of these schools were not appointing candidates of black African descent. This did not only happen in as previously labelled “Indian”, “Coloured”, and “White” schools, but also in some “African” schools. The State then removed the power of the SGB to recommend the applicant of its choosing. The SGB’s power to appoint school personnel was replaced with a policy where the SGB could only recommend the three most successful candidates in the interview, for a teaching and a promotion post.

Robbins (1990:321) refers to this as Coercive Power; “where the state uses its legal resources to intimidate its citizens”. Only a small number of SGBs frustrated by the loss of their right to appoint school personnel, chose to challenge the States’ decision to remove this right, such was the case in The Point High School and others v the Head of Department of the Western Cape Department of Basic Education [2007] SCA 14188/06 (RSA). A recent announcement in the press reveals the governments’ intention to further curtail the power of the SGB. It is reported that the DBE intends compelling Principals to complete a “competency test”. The state’s intention to apply the “competency” test for Principals implies that the SGB were not recommending suitable candidates in the past. It also has other ramifications, in that it declares that an entire interview panel could not assess a suitable candidate for Principalship. “Education authorities are considering subjecting school Principals to competency tests before their appointment, “We take leadership of our schools very seriously. Evidence has shown that a good school is the one run by a good leader”. Basic Education Minister Angie Motshekga said on Friday. (http://mg.co.za/article/2011-11-18-school-Principals-may-undergo-competency-tests/: Accessed, 24 November 2011).

Williams, (1973: 9) contends that, a hegemony comprises “a set of meanings and values which as they are experienced as practices appear as reciprocally confirming”. Minister Motshega’s implementation of the “competency” test for Principals, affirms Williams’ notion of hegemony. The removal of crucial functions of the SGB, will place all decision making power in the “hands” of the state. “It is through this process of completeness and externally
structured experience that a dominant culture acquires its legitimacy”. Williams (1977:12) argued that in advanced capitalism the dominant culture reaches much further than before into “reserved” areas of experience. Williams(1973: id) also states, that to seek approval, for “neo-liberalism” ; neo-liberal ideas have to be implanted in the different institutions that comprise civil society – universities, schools, churches, professional associations.

This study will employ Critical theory with the focus on power, authority and domination in organisations, (Ritzer 2008:378-379). It is the endeavour of many social scientists to create “organisations which are free from domination, where all members have an equal opportunity to contribute to the production of systems which meet human needs and lead to the progressive development of all” (Ritzer, 2008:130-134). During the time that the researcher was an educator and a school Principal, it was found that the school, as an organisation, is subject to a large measure of domination by the state through its officials. These bureaucrats expect that all school personnel should stand to attention” when state officials (IDSOs) visit a school. Principals and teachers are expected to accept the ideology of the state without question. A typical example of this is, that in certain schools, the Principal moderates the results even though teachers have already assessed learners. Often a district official will then decide that more than ten percent of the grade has been retained and so promote learners who they feel should pass. Almond and Verba (1965:12) identified three types of political cultures, all of which are relevant for South Africa: “parochial, subject and participant cultures”. A parochial political perspective of culture is typical of a traditional environment in which individuals have a dim awareness of a larger political system beyond the immediate local environment” (Kinsella, Russett & Starr 2015:21).

Themes about social interaction which emerge from Critical Theory and had implications for this study, (1) naturalisation of social order, (2) hegemony, and (3) the way consent is orchestrated (Ritzer, 2008:130-134). In this respect it is pertinent to take note of a crucial consideration by legislators prior to the advent of the South African Schools Act (Act 84 of 1996), (Ritzer 2008:378-379). Education policy makers realised that it was an imperative notion to keep the black middle class involved in and as advocates for the public schooling sector”(Sayed & Jansen, 2001:276). Sayed and Jansen, (2001:275-276) contend, that the black political bourgeoisie desired the continuation of the former Model C schools in order to be able to “silently permit their own class interests to be taken care of without confronting their own, largely poor, constituencies” (Karlsson McPherson, & Pampallis, 2001:151).
1.6 METHOD OF RESEARCH

The methodology of enquiry in this research, was a Mixed methods one, namely the verification of hypotheses by means of a quantitative study, and the interpretation of phenomena by means of a qualitative study. A qualitative and quantitative empirical study has been undertaken to investigate the nature, extent and application of decentralisation in school governance in Gauteng public schools.

This research followed the quantitative and qualitative approach where descriptive statistics was employed to analyse certain questions which could be quantified. The purpose behind using descriptive statistics, was to verify, confirm or question findings of the qualitative analysis in this study. (Leedy & Ormrod, 2005:97). The object analysis demarcated in this study, is the governance of schools, which is composed of various dimensions; the two major contributors to the governance of the school being the state and the school governing body. So the construct to be studied and scrutinized was governance as dictated by State policies and the perceptions of school management, teachers, Gauteng Department of Education (GDE) -District officials and the SGB parent members, to discover whether, what is practiced is in fact distributed or shared governance.

In the positivist paradigm, the object of study is independent of the researcher. Knowledge is discovered and verified through direct observations or measurements of phenomena, while facts are established by taking apart a phenomenon to examine its component parts (Babbie, 2008: 45). Qualitative methods make use of rich data as an approach to textual interpretation. This method makes it possible to provide informed conclusions and predictions or generalisations. This researcher wishes to remain independent and dissect the different parts of governance without allowing personal bias to obscure the analytic process.

1.7 DESCRIPTIVE DESIGN

A Descriptive design was used to gain more information about a particular characteristic within a particular field of study. A descriptive study may be used to; develop a theory, identify problems with current practice, justify current practice, make judgements, or identify what others in similar situations may be doing. This study investigated the implementation of policies at school level. The hypothesis was defined as a priori and the validity of this hypothesis was tested when the data collected was analysed. Based on the findings,
guidelines were developed that should augment the current model of distributed school governance.

The focus group interview

A major focus of this study is that it involves generating spoken information which was converted into data to address the research objectives, or questions, and then to generalise the outcomes. Vermeulen (1998:14) points out that qualitative research assume an objective social reality, as it studies behaviour and other observable phenomena. Qualitative research analyses social reality into variables, preconceived concepts and theories to determine data to be collected.

The researcher used questionnaires as well, which were distributed to members of the SGB of six schools. Responses from the questionnaires were pooled numerically (Neuman, 1994:31). A descriptive statistics analysis was used to explain data obtained from Section A and B- Profile information and nine close – ended questions were subjected to statistical analysis.

The scores were used as the basis for making comparisons and drawing conclusions (Vockel, 1993:230). The main construct which was measured was the perceptions of members of the SGB. In addition to what has been said by scholars in the previous paragraphs, Scott (1996:59) states that this research paradigm is used in experimental, commonality studies and surveys. It is an indirect measure of actual behaviour, since it asks people to recall what they were doing or characterises these beliefs and actions in accordance with predetermined options designed by the researcher (De Marais, 1999:20).

1.8 POSITION OF THE STUDY IN THE SOCIAL SCIENCES

This was a mixed -method study which investigated the perceptions of school role players regarding the removal of crucial functions of the SGB, through amendments to legislation which places all decision making power in the “hands” of the state. It also determined the part played by teacher unions in school governance. In order to present a proper theoretical analysis of role-player's circumstances in schools, the researcher adopted a critical theoretical perspective, the reason being that Critical theory seeks to disclose the true interests of different groups (Gall, Borg & Gall 1996:362). The researcher approached the field with an open mind, as recommended by Denscombe (2007:90-91), where he recommends that the researcher “…embarks on a voyage of discovery”. Gall, et al. (1999:362-364) also hold the view that those who are privileged always have an interest in
preserving the status quo in systems in order to protect their positions. This may be the case when union leaders are in management positions and in other official capacities in Education departments in South Africa.

1.9 THE QUESTIONNAIRE AS A RESEARCH TOOL

A questionnaire is a self-reporting instrument used for gathering data about variables of interest to the researcher and consists of a number of questions that a respondent reads and answers (Best & Kahn, 1993:230).

1.9.1 QUESTIONNAIRES

Questionnaires are most appropriate and useful when gathering large amounts of data. Researchers use questionnaires for a number of reasons one of which is to obtain information from individuals. Two types of questions are often used. These are open-ended questions and closed-ended questions. In open-ended questions respondents have control over what they want to say and the manner in which they want to say it. Closed-ended questions, however, are controlled to a certain extent and respondents often have limited options (Best & Kahn, 1993:231). This study used a combination of well-structured open ended and closed ended questions (see APPENDIX C: Structured Questionnaire- page 229). Questionnaires were handed out to Principals and their management, and a structured sample of SGB members from six different schools in Gauteng.

1.10 HYPOTHESIS

The hypothesis: there is a relationship between the various stakeholder's perceptions regarding distributed governance

1.11 THE POPULATION AND THE SAMPLE

The sampling frame (Babbie, 2008: 230) used in this research was six schools in the Gauteng school districts (DBE, 2009: 11). This study involved public urban, public rural, as well as, ex-Model C Primary and Secondary schools. The rationale for choosing an ex-Model C school is that these schools while they are subject to all the implications of the SASA (Act 84 of 1996), continue to attract the affluent and middle class parents from all race groups. The sample consisted of 6 schools in total. The SGB members selected in the primary schools comprised the chairperson and 2 parent members, Principal, or deputy Principal, 1
educator, and 1 Head of Department from each of the schools comprising 9-12 members per SGB. The sample comprised both primary and secondary schools in various Education Districts of Gauteng, South Africa. The total number of public school role-players at the schools in this study was 249 and there were 68 SGB members who represented these schools. Two Gauteng Department of Education officials also participated in the study, making the total sample size, 70.

1.11.1 DATA ANALYSIS

The structured questionnaire used to collect the data consisted of three sections; Section A contained questions asking respondents to provide certain biographical and demographic details, Section B contained questions asking respondents to indicate their perceptions of shared governance, as stated in section 2 of SASA. Section C also contained statements that asked respondents about distributed governance (where power and responsibilities are truly shared between state and school).

The various tests used in the analysis will be explained in detail in Chapter 4.

1.12 BENEFITS OF THE STUDY

The researcher is of the opinion that based on current literature (Neuman, 1998: 44) observations reveal that many shortcomings are being experienced by many public schools in South Africa. Governance in South African schools should exist in tandem with what democracy proclaims, and should be distributed to all role players associated with the school. At present school governance is not shared, it exists merely as words in official documents. If school governance was really shared in South Africa, it would assist us in measuring up to globally accepted standards in this century (Cibulka, 2000:3-20).

This study anticipates to contribute to school governance by revealing how models of Distributed Governance have been implemented in other countries. It revealed its positive effects and shortcomings. The study also envisions that distributed Governance will hold some remedies, which could cure the maladies that are affecting public school governance in South Africa presently.

1.12.1 DELIMITATIONS AND LIMITATIONS OF THE STUDY

This study confined itself to gathering information by using questionnaires, which was distributed to school management teams and teaching staff who form part of the School
Governing Body at different schools in Gauteng school districts. Interviews were conducted with SGB members in the schools in the sample. This study was conducted within the Gauteng province which is considered the economic hub of South Africa. It has one fifth of the nation’s population; contributes about 38% of the Gross domestic Product, but occupies only 2% of the country’s land area (Mafisa, 1999:10). The majority of “poor” schools are concentrated in the Eastern Cape, KwaZulu-Natal and Limpopo provinces. Thus the data generated through this study could be different if the study was conducted in the Eastern Cape, KwaZulu-Natal and Limpopo provinces. Therefore, this study might not be generalisable to all provinces in South Africa.

1.12.2 ETHICAL CONSIDERATIONS

According to Huysamen (1994:174) social scientists “do not have a free hand in terms of the research procedures which may be performed”. A researcher should remember that research participants should be treated with respect, dignity and courtesy. This study adheres to this position.

1.12.3 METHODS OF ACHIEVING INTERNAL RELIABILITY AND VALIDITY

The questionnaires were completed anonymously and respondents were assured of the confidentiality of their responses.

1.12.4 PERMISSION

Permission to conduct the study was obtained from the Gauteng Department of Basic Education (GDE) and the ethics committee of the University of Johannesburg.

1.13 SUMMARY

The ubiquitous use of the term governance in various lay circles has been such that it has been criticized as a ‘buzzword’, meaning anything and nothing, lacking a universally shared frame of reference as to its exact meaning. To counter confusion, many government officials use governance irresponsibly to imply that people are being awarded the privilege to participate in the key decisions that affect their lives; the most important decision being the education of their children. Parents are being misled by rhetoric and elected onto a juristic body (the SGB) in contrast to previous governments, which evidently controlled the formal institutional processes operating at the national and sub-national levels of the state. This is shrouded in democratic jargon today, but retains the same motive used in the past to
maintain public order. No matter how and by whom it is denied, schools are not currently governed optimally and democratically. This is evident in that the media and courts are constantly informing the public of policy-related problems in schools; even the State has admitted that delivery at schools is poor.
CHAPTER 2

CONCEPTS, TENETS AND THEORY

This chapter explores terminology that has a bearing on Distributed Governance which helps to illustrate how the shades of meaning attached to these terms can influence school governance as practiced in Gauteng schools. Liberal democracy is the dominant paradigm for governance in most of the states of the world (Luckham, Goetz & Kaldor, and 2003:21). The term liberal democracy denotes a system of government regulated by regular freely and fairly contested elections, in terms whereof a common citizenship entitles middle class and working class men and women to vote, with equality under the law, featuring the protection of individual rights in the liberal tradition (Luckham et al., 2003:16). This has been the situation in South Africa since 1994, and this practice was extended to school governance in that parents and teachers are elected to serve on School Governing Bodies.

2.1 INTRODUCTION

This chapter scrutinised policies that affect school governance, in particular the South African Schools Act (SASA-Act 84 of 1996), as this is the cornerstone of school governance. Education policies emanate from the SASA (Act 84 of 1996) and must conform to its broad principles and are contextualised by the SASA (Act 84 of 1996). As concerns the role players within the school environment, policies are viewed as authoritative utterances or guidelines involving the State and subject to interpretation by various role-players. Schools have to adhere to the instructions as outlined in the many policies as well as external and internal forces which impact on governance of the school. School Governance is moulded by the local realities, social geographies, institutional configurations and individual interpretations. In reality conflicts and dilemmas are central to the experience of schooling and ideological power and value relations permeate school governance in different historical and cultural settings (Grace, 2005:2-3). There is as yet no verified general theory of school governance that can be applied to all School Governing bodies or Boards of Governors as they are known in most Western countries. Jansen’s (2001:6) reference to the reliance of South African policy on political symbolism should therefore not be taken light-heartedly. The relevance of a theoretical framework or orientation in research is further underlined by Bogdan and Biklen (2003:22), who assert that, “whether stated or not, whether written in what we have as theoretical language, or not, all research is guided by some theoretical orientation”. Taking the queue from this, this research study’s theoretical orientation lies
within Critical Theory. The motivation for selecting this theory and for finding it fit for purpose will be substantiated as the theory is unfolded.

2.2 CRITICAL THEORY

A good lens to criticise the modern state for preventing citizens from achieving fulfilment and also at identifying the nature of the social changes necessary for bringing about a just and democratic society is Critical Theory (How, 2003:5). Critical Theory explores relationships in a social setting, in essence that is what school governance is. Critical Theory is best suited as a theoretical framework for this study since it conceptualises the way the research was informed namely to establish School Governing Body member’s perceptions about school governance as practiced in Gauteng schools. This theoretical structure, necessitates an exposition of Critical Theory. This thesis largely draws on Habermas “conceptualisation of Critical Theory” (Habermas, 1972:308). In this section, the relevance Critical Theory holds for this study is discussed.

Critical theory is a theory that has penetrated the management systems of schools because it deals with relationships, domination, praxis and dialogue (Rasmussen, 2004:3-4). Gadotti (1994:166) elucidates the notion of praxis to be the unity between what one does (practice) and what one thinks about what one does (theory). Harvey (1990:22) and Rasmussen (2004:3) also agree that praxis is what changes the world. Critical theory was first defined by Max Horkheimer of the Frankfurt school of Sociology in his 1937 essay entitled ‘Traditional and Critical Theory’ (Horkheimer, 1937:218, 233, 241-8). The term has synonymous meanings with different origins and implications: one originating in sociology and the other in literary criticism and this has led to the literal use of ‘critical theory’ as an umbrella term to describe any theory founded upon critique.

Generally, Critical Theory comes out of the German ‘Frankfurt School’, where it was called Critical Theory of Society or Critical Social Theory (Williams, 2009:5-8). The development of Critical Theory originated in reflections on Karl Marx’s Historical Materialism (Chao-Shen, 2002:21). This theory, by means of self-reflection, tried to establish a sociological theory that was connected with an explanatory, normative, and practical living. The theory emphasizes that all knowledge is historical and biased, and that objective knowledge is illusory (Williams, 2009:5-8).

Since critical theorists aim to explain and transform all circumstances that enslave human beings, Critical Theory provides the descriptive and normative bases for social inquiry aimed
at decreasing domination and increasing freedom in all forms of human employment. Critical theory through its critique of accepted social formations, seeks to forge alternative and less oppressive social arrangements (McCarthy & Hoy, 1994:10). Macey (2001:74), implies that critical theory signifies the critical dimension, the theoretical aspirations and political dynamics that strive to link theory and practice. Rush (2004:9) sees critical theory as the analysis of domination and inequality for fostering social change. It is a way of instigating social change by providing knowledge of the forces of social inequality that can, in turn, inform political action aimed at emancipation (or at least at diminishing domination, inequality and in this study hegemony). Honneth (2007:72) says critical theory analyses social relations of communication primarily in terms of the structural forms of disrespect they generate. Critical theory is concerned with critical meanings of experiences as they relate to gender, race, class and other kinds of social oppression (Maree, 2011:21).

According to Fuchs (2009:2) and Leonardo (2004:11), Karl Marx (1950:10) provided a definition of critique that allows people to define critical theory not just as critique and analysis of capitalism, but of domination in general. In Marxist thought, critique is achieved, by being partial and not denying, but engaging in and showing the interconnection of institutions and politics (Fuchs & Sandoval, 2008:121). Critique means to see all forms of domination and exploitation as repressive and to struggle against these conditions. From a positivistic notion, critique means to engage in a debate, to assess the arguments, and to form one's own opinion (Fuchs & Sandoval, 2008:121). Its practical nature comprises the fact that its analysis of a situation of oppression frees role-players to address the sources of oppression. In other words, it is a theory which is commonly known for its propensity for criticism, a tradition it arguably owes to its predecessors, like Marx and Kant (Ollman, 1993:10). Critical theory represents the collective work of the German Frankfurt school of thought, which is recognized for its interpretive approach combined with a distinct interest in critically challenging social realities.

As a process, Critical Theory aims to produce a particular body of knowledge that seeks to realize an emancipatory interest, specifically through critique of consciousness and ideology (Leonardo, 2004:11). Its common theme and goal is ‘human emancipation and transformation’ and as such it has implications for the school governing body’s chief activity which is school governance. Some of the implications are as follows: in its approach, Critical Theory can contribute towards an evaluation of appreciative inquiry in school role-players’ perceptions of their legislative authority and resultant actions in school environments (Fuchs & Sandoval, 2008:121). Critical theory assists all school role-players in drawing insights from the everyday, practical manner in which power is deployed and potential conflicts
suppressed. Critical theory promotes the concept of conscientization and encourages members of the particular school community (SGB) to develop new ways of seeing and thinking as well as new contexts of action in which they may express themselves and act (Alvesson & Deetz, 2000:155, 182).

According to Alvesson and Skoldberg (2000:127), Critical Theory does not have to be based on a fundamentally negative view of society. It can also be based on recognition that certain social phenomena warrant scrutiny resulting from an emancipatory cognitive interest. According to Burawoy (2007:30) Critical Theory has no intrinsic normative valences other than the commitment to dialogue and therefore communication. In the case of this study it would necessitate the DBE taking note of the findings in this study and studies of a similar ilk and making every effort to transform or to be more exact, return school governance in South Africa to the planned format as per SASA (Act 84 of 1996) and the Constitution of South Africa (RSA 1996b), namely to fairly and equitably distribute school governance to SGBs (Horkheimer, 2002:19). This will result in “public school governance without perceived injustice” (Horkheimer, 2002:221). If this is done the school that would emerge would be shaped by “reasonableness and striving for justice, fairness and congenial relationships” (Horkheimer, 2002; 222) in which the SGB’s action would no longer flow from a hierarchical mechanism but from a consensus decision (Horkheimer, 2002:229). Having reached such a state of affairs, it is believed that there would be an intrinsic commitment among SGBs (in the case of this study) to promote the upliftment and interest of the school which should naturally lead to the school’s positive evolution (Thomas & Davies, 2005:687) with respect to school governance.

Another reason for Critical Theory being well suited to this study, is that it focuses on the analyses of phenomena- SGB’s perceptions, State policies and amendments to legislation which impact on school governance; in the context of domination, asymmetrical power relations, exploitation, oppression and control by the ANC led state (Ritzer, 2008:378.) Such analyses are necessary to be undertaken with all intellectual means in order to contribute to the establishment of a participatory and cooperative South African Education system that is between macro, meso and micro (Ritzer 2008:378-379). However, a management strategy of this sort is conditioned by the possibility of developing people’s (SGB’s) competencies to clarify reality and critically reconstruct the demolished prospect for the solidarity of purpose between the State and SGBs which would imply co-operation and the realization of their dialogical essence – hence; this acknowledgement might become a power for moral elevation of all role players in the education of the child (Ritzer 2008:378).
Different role players on the SGB while participating and committed to the SGB will entertain different interpretations of school policies and its implementation; this could have a major effect on school governance. Therefore, it is essential to analyse researched documents that have a bearing on school governance. The South African Schools Act (Act 84 of 1996-SASA) was reviewed to facilitate a discussion on democratic governance and whether the SGB which was born out of this Act has been in any way adversely or positively affected by amendments to existing laws which have a bearing on school governance. Table 1 below gives a historical overview of legislation that affects school governance what its objectives are and what it should achieve. Further on this chapter reveals how amendments by the State to sections of the SASA and other legislation has had an effect on its original objectives.

Table 1 : Legislation that contributed to governance of schools based on Naidoo’s Concept

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Objective</th>
<th>Mechanism</th>
</tr>
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<tbody>
<tr>
<td>White paper 1 and 2</td>
<td>Plenary document pre-empting Education policy and SASA.</td>
<td>Education policy framework</td>
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</table>
The South African Schools Act (SASA) (Act 84 of 1996) provides for access, quality and democratic governance in schools. Elected School governing bodies (SGBs). Schools ranked according to quintiles determines State’s allocation of resources and funding. Grants SGBs decision-making powers over areas.


(Source: Naidoo, 2005:24)

The South African Constitution (1996) the SASA (Act 84 of 1996) and the ANC’s Political Manifesto (ancdip@WN.APC.ORG: Accessed 26 December 2014) which promised their supporters future participation in governance structures compelled the elected African National Congress (ANC) government in 1994, to democratise institutions in particular schools. All the variations of the South African national liberation of 1994, share a number of common values with other liberation struggles in African countries — albeit merely rhetoric, the value of redress of historically evolved imbalances. Transformation through affirmative action and equity in employment, economic power and the public service, particularly in public schools because it holds the promise of the largest amount of votes was a priority (Kotze’, 2000:13). This reconstruction necessitated, the need for making parents partners in public school governance. South Africa, post 1994, placed a stronger emphasis on ethnic African languages in order to gain ground in the quest for Africanisation of South Africa, it also appealed to the black African’s sensibility. Education governance instead of being horizontal (which it professes to be with parents as equals), still follows a strict vertical hierarchical structure with the State being at the top followed by the different Departments of Education.

This top–down power structure has dire implications for school governance, one of which is the tension that arises because of corruption. Huntington (1995:378-379) remarked on this as follows: "Corruption in a modernizing society (like South Africa is), thus in part not so much the result of the deviance of behaviour from accepted norms as it is the deviance of norms from the established patterns of behaviour." The political culture and associated value
systems in South Africa should therefore rather be treated as a composite and diverse phenomenon (Huntington, 1995:378). This political corruption filters through to school governance where as one example, the South African Democratic Teachers Union (SADTU), being investigated by a task team established by the Minister of Education, since the media alleged that SADTU members accepted bribes in return for a Principal and other key posts in the Education system (Masondo & Harper, 2015:6). Schools with a large union membership among its teaching staff can influence decisions at schools as a political system, as is shown later in the case of SADTU and its manipulation of school governance, simply because of their strength of numbers (Govender, 2002:279). SADTU’s power can extend into the orifices of many organs of the State and exert political power in a variety of ways. (Gilens & Murakawa, 2002:15-49) or consistently offer other “union-friendly” comrades favourable provisions (Strunk & Zeehandelaar, 2011: 8-12).

The structure of the community also affects how power is distributed; SGBs and bureaucrats respond to external demands differently in communities that are dominated by a few interest groups which are pro ANC, versus communities where power is stable and seemingly undisputable like in affluent ex Model C schools. Political leaders like the Minister of Education, are also more or less responsive to certain demands depending on public opinion (Cibulka, 2001:12-40).

Drawing on Habermas” postscript to Knowledge and Human Interest, Dews (1999:11) asserts that not only is critique directed at objects whose “pseudo-objectivity” is to be revealed, but it is also concerned with the deformations of particular identities (the diminution of SGBs); and the creation of possibilities to alter that which determines a false conscious with practical results. Within the context of this study it would imply instances when SGBs have been compelled to seek recourse in the courts because of the Department of Basic Education’s (DBE) action which acted in conflict to the SGB’s mandate. As such, Critical Theory is not simply critical in the sense of voicing disapproval of contemporary social injustices; rather it attempts to highlight injustice through critical comment (Carr & Kemmis, 1986:137). As Connerton (1976:17-71) indicates, critique in this sense is associated with oppositional thinking as an activity of unveiling or querying. To reveal how beliefs and attitudes might be ideological, in this sense the transformational values the African National Congress (ANC) led government sought to achieve following the liberation of South Africa in the 1990s.

The changes since 1994 have created a new class in South African society that is neither national, liberational, nor liberal. Many of the persons in this new class were in exile during
apartheid and were partly acculturated and educated in Western, Central European or other African cultural values (Kotze’, 2000:10-15). They are very articulate in the values of redress and empowerment, leading to notions of black economic empowerment, equity, Africanisation and the transformation of the public sector and social institutions particularly schools, both public and private (Kotze’ 2000:14). The result is an emergent black African middle class, imbued by bourgeoisie or postmodernist values, and ideologically moving increasingly closer to capitalism and away from socialism or a social democracy (Kotze’, 2000:10).

This elite black African middle-class will then favour the Tri-Partite government’s ideology based on domination through centralising power, since the latter promotes latent bourgeoisie capitalist ideals (Kotze’, 2000:10-12). Democracy is the guiding principle and promise that guaranteed the African National Congress (ANC) victory at the election polls. It was also supposed to permeate the education system, as a ‘political system’ in the broader sense and should lead to the enhancement of distributed school governance, (Kotze’, 2000:10-12). South Africa’s celebrated transition from oppression to democracy was naturally accompanied by insecurity and tension among its citizenry (Kotze’, 2000:12).

The ascendancy of democracy worldwide during the twentieth century and ultimate triumph of liberal democracies over authoritarian political systems have led to the extension of democratic participation outside formal government in all the institutions of civil society (Cunningham, 2002:127). The Education system, almost everywhere, is a crucial vehicle for the promotion of citizenship and particularly in South Africa simply because all its citizens only became enfranchised in 1994, as opposed to western countries researched in this study, namely Britain, Canada and Sweden. The development of the post 1994 Education system in South Africa, not unexpectedly, has been shaped by a concern with what it can offer the development of citizenship. As Arnot and Dillabough (2000:4) write “it (liberal democracy) offers a citizenry schooled to display ‘enthusiastic loyalty’ to the ANC led government; or it prepares a citizenry to use its vote rationally and with understanding; or it acts to destabilise vested power relations and establishments.” A media report which states that the ANC concedes that citizens’ patience is wearing thin, because of its failure to address corruption, create jobs and load shedding (power outages to conserve electricity). It further adds that because of citizen unrest the ANC general secretary Gwede Mantashe and President J. Zuma were worried about the local polls in 2016. This reveals how power relations can be disrupted by the electorate (Hunter, 2015:8).
This is not the first time that the party has faced a threat to its electoral fortunes (Blaug & Schwartzmantel, 2000:1). The cumulative effect of the elite’ African Middle class’ demand is to present a system of education that has become configured around the vectors of race and class. Significantly, the Department of Basic Education (DBE), is acutely aware of these issues and has taken steps to modify the way the system deals with issues of access (see 2.7- Rivonia Primary School Admission crisis). In its attempt to alleviate poverty which is another repeated ANC election promise; in 2002 the then Minister of Education, Kader Asmal, appointed an internal task-team to undertake an investigation into school financing and resourcing. The task team reported in March 2003 (DBE, 2003) and made key recommendations regarding achieving financial equality between township and ex Model C schools. Most notable were the proposals to abolish school fees in the schools of the poor and the commitment on the part of the state to ‘top-up’ the funding that would have been derived from parental contributions. This “pro-poor funding strategy” while having a noble intention, has further eroded Distributed school governance by removing the management of the school’s finances from the SGB and subjecting it to centralising control mechanisms.

This penchant for removing SGB’s decision making power by the State, is one of the reasons why democracy has not been a dominant feature of the South African landscape as most African countries have struggled to sustain democracy (Diamond, Linz & Lipset, 1990:371). Huntington (1991:11-13) supports the view that in postcolonial Africa there is a tendency to revert to dictatorships, military regimes, authoritarian one-party systems, or a combination of these. South Africa could degenerate into a one-party state since the ruling party has received such overwhelming support at the polls in all the elections since 1994 (Hilliard & Notshulwana, 2001:130-158). Lardeyret (1993:164) warns that the prospects for sustainable democracy in South Africa are grim if a culture of democracy and adherence to core democratic principles and values by the state are not exacted. Democratic principles as pertains to Distributed school governance are reliant on effective communication between government and schools.

2.3. DEMOCRACY

It is not within the ambit of this study to explore all the contextual definitions of democracy, however because distributed governance of schools was born out of the need to extend democracy across all spectrums of society, this study will be incomplete without cursorily exploring this concept.
The United Nations defines democracy as a form of government that is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and involving their full participation in all aspects of their lives (UN, 1993:1661). Democracy is a governance system in which the people choose their leaders voluntarily from among opposing groups and individuals who are not designated by the government (Kotze, 2004:23). Abraham Lincoln's description of democracy in his Gettysburg address as a ‘Government of the People, by the People, for the People’, simplifies the meaning of democracy to such a degree that it might apply to either authoritarian or liberal democracies. Blaug and Schwarzmantel, (2000:24) regard popular sovereignty under the law as the central value of democracy. Democracy still has this basic meaning, but over the centuries, the meaning of the term democracy has gradually been modified to include many connotations and concepts to adapt to the twentieth and twenty-first centuries (Basson, 2000:157-176). Burke (1996:68-70), a philosopher and politician, argued persuasively that a representative is not a mere delegate, but that a representative should apply his judgment and his industry and effort to serve his constituents by deliberating on matters that have effect on the constituency or in the case of this study the particular school community. He Burke (1971:13) pointed out that a representative becomes a member of a forum (in this case the SGB) of deliberation such as parliament. Furthermore, Burke (id), surmised that most of the matters to be decided on by the State (or any forum of deliberation for that matter) could not be determined before discussion. The discussion is necessary for all the representatives to exercise their judgment and opinion on matters that had not been determined as yet. He maintained that if being a representative at parliament would merely involve the communication of the will of the constituents that had already been determined, then the representative would simply be a messenger with no power to decide and that no discussion nor deliberation would take place or in fact be necessary in parliament (or any forum of deliberation such as the SGB). This then defines participatory democracy where discussion, consultation and sincere sharing of power become the focus as South Africa is defined as.

2.3.1 LIBERAL, SOCIAL AND PARTICIPATORY DEMOCRACY

Liberal democracy contains several subsets of concepts, which not all theorists acknowledge with equal force (Tarrant, 1989:13). For instance, the participatory democrats in the tradition of Jean-Jacques Rousseau and deliberative democrats such as Habermas (1987; 1992; 1996) do not view democracy from the perspective of competing individual rights and civil liberties that need state protection, because their emphasis and principal concern is that
democracy can be created outside formal government in all the institutions of society (Cunningham, 2002:127).

Adams and Waghid (2005:25) regard participation, community engagement, rationality, consensus, equality and freedom as the constitutive principles of the South African democracy. Democratic school governance an offspring of representative democracy in S.A. implies that all the role players, including parents, decide on School governance policies which affect the education of their children. This points to a genuine handing over and sharing of power by the State, with resultant responsibility and accountability, rather than an abdication of accountability and responsibility by the State.

Conceptualising democracy is challenging, because like most political terms, democracy does not fit neatly into a single definition but has a variety of meanings for theorists and democrats (Dieltiens, 2000: 6; Luckham, Goetz, & Kaldor, 2003:15). Cunningham (2002:150) insists that the debate on the exact definition of the term “democracy” is an exercise in futility, because definitions differ according to the alternative premises, values and views of theorists. Nevertheless, in order to commence from a benchmark, the researcher suggests that the most practical approach is to adopt an arbitrary definition.

2.3.2 DICTIONARY DEFINITIONS

The New Oxford English Dictionary (Pearsall, 2006) defines the various nuances in which the noun ‘democracy’ is used as:

- Government by the people;

- That form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them (as in the small republics of antiquity) or by officers elected by them;

- In modern use the term democracy often more vaguely denotes a social state in which all have equal rights, without hereditary or arbitrary differences of rank or privilege.

The Webster’s English Dictionary (Geddes & Grosset, 2003) defines democracy as:

- The political orientation of those who favour government by the people or by their elected representatives; or
• A political system in which the supreme power lies in a body of citizens who can elect people to represent them; and

• The doctrine that the numerical majority of an organized group can make decisions binding on the whole group.

The above definitions shed light on the ANC’s objective to apply Liberal Socialist and Representative democratic principles to all organs of South African society, which explains the reasoning behind establishing SGBs so they could share in the governance of public schools.

2.3.3 REPRESENTATIVE DEMOCRACY

An SGB as an integral part of the school is an example of people elected to represent a particular school community. Zanetti (1998:102-121) recommends that those elected (State-bureaucrats) make policy that administrators (school personnel) would objectively or efficiently implement. In this traditional view, the assumption that citizens participate in the process only through their elected officials is vital. Addams (2002:425-444) focuses on the interdependency of all people and their individual experiences (as well as their values and beliefs) which constitute the central aspects that would transform democratic ideals into democratic practices, yielding benefits to society, especially to its ignored and oppressed classes. Similarly, Dewey (1998:340-344) believes that shared activities are the basis for socially intelligent practices, insofar as people understand the consequences of their acts “as having a bearing upon what others are doing and take into account the consequences of their behaviour upon [themselves]” (Dewey, id). Much like Follett’s (1925a:30-49 in Elías & Alkadry, 2011:872-876) “circular behaviour,” Dewey’s (id) “mutuality” implies that all our actions impact on other people’s lives, while other people’s actions and beliefs have a bearing on our own lives. Guiding one’s actions in light of those of others, is a crucial element of Follett’ community process theory as it is in Addams’ (id) practical democracy or democracy as a way of life. The latter, they understood, is a collaborative process seated in the understanding of other people’s situations as a precursor for making judgments and for acting. These theories make a strong case for the imperative that the DBE consult school communities when they change policy or even design policy in particular, when it concerns the school’s human resources, which is the nerve center of any school. State and school education policies are the framework on which school governance is based.
2.4 DEFINING DISTRIBUTED GOVERNANCE

Governance can be understood as the means by which an activity or group of activities is controlled or directed (Daun, 2005:119). Such control or direction may be done directly by the government or it may be assigned to another agency or institution. Oldfield (2001:40) contends that it is normal for states to establish consensus-based forums such as the SGB, for policy making and partnerships for facilitating delivery of services. However most governments do not always have such an innocent intention, in most African countries the cost of decentralisation was promoting the ideology of the ruling party. In South Africa, decentralisation means that a measure of power is given to the people, however the central government coordinates the activities, through maintaining its presence by means of surveillance mechanisms in structures where it has allowed participatory governance, at most times this is done through centrally designed policies and teams of officials who carry out this oversight function (Kushma, 1988:14-25). Another reason for partnerships between the state and civil society are processes for ‘creating governance’ and are mechanisms for resolving and managing conflicts between groups or over policy. Governance through partnerships or agreements between the state and various organs of civil society (businesses, labour unions, non-government organisations and communities) have become increasingly common since countries are linked by globalisation. Mncube (2009:29-43) contends that the transfer and sharing of power between the state and the school was crucial, post 1994, since parents and school communities are in the best position to know and understand their own needs and therefore should be fundamentally self-determining. It is the staff of a school and parents’ broad goals on the educational quality that the school should strive to achieve; such as school-community relations, and curriculum programme development (Mabasa & Themane, 2002:111-116). School governance structures create an opportunity for all role-players (including community representatives) to develop a sense of ownership of the school and thus take responsibility for what is happening at the school (Epstein, 1995:701-712).

Chapman, Froumin and Aspin (1995:112-123) itemise characteristics of democratic institutions as a framework for school governance. They recommend that policies and actions are based on consensus and should not be instructions and that the will of the majority prevails whilst the rights of minorities are preserved and respected. In a school situation, this implies that powers and responsibilities should be distributed among all role-players in the school in accordance with the law and that policies should be formulated after stimulating debate (SA, 1996c). Discussion on policies and amendments to education–related legislation that emanate from the DBE seldom undergo a process of deliberation.
involving SGBs (Van Rooyen & Rossouw, 2007:23). Unlike the State when school policies are developed in schools, debate is stimulated between school personnel and parents before it is accepted. Section 16 of the SASA states clearly that the day-to-day professional management of the school should be the responsibility of the Principal and the governance of the school remains the responsibility of the SGB. Education officials choose to ignore the distinction between the professional management of the school and school governance and consider the Principal as being responsible for both functions as has been noted further on in this chapter, in the admission fiasco experienced by Rivonia primary school. Even the Constitutional Court declared in a judgement that, “education officials in provincial departments of education are disregarding deliberative democratic controls such as responsiveness and discussion” (2003 (11) BCLR 1212 (CC) paragraph 14 accessed on 25 December 2014).

As Heller (2001:484-519) posits, governance of schools (in South Africa) is a political activity, because it deals with both “allocative and distributive resources”, as well as involving education professionals and ordinary people who have their own views on what their functions in the school are and the way in which it should be organised. Relationships involving power between the school governing body and the state is the key to any understanding of the practices and processes of distributed school governance, regardless of the cultural context in which they operate: they are “an ineradicable feature of the fragile character of school governing bodies as organisations” (Brehony & Heath, 1995:133). This is what makes school governance a crucial and difficult issue and why some functions and decisions such as the appointment of staff, language policy and school fees have enjoyed the public domain (Sayed & Soudien, 2005: 115-125). In the South African situation, for example the state (as one of the parties involved in the power-sharing relationship) has accused some SGBs (the other party) of continuing to harbour apartheid era perceptions and inequalities in power struggles, social class, gender and race within their respective schools (Mncube, 2008: 77-90). The SGBs could however, also have been displaying their displeasure of the state’s preoccupation with uniformity (equity) where all standards must be set to be achievable by all and the diversity of the human spirit must be oppressed (Du Preez, 1997:12). The SGBs could have been opposed to subjecting everyone to a uniform mould and oppressing the liberal ideal of a person “being free to rise or fall by his own effort or lack of it” (Du Preez, 1997:13). The parents in the SGB could thus merely have been voicing their opposition of an “equal development at an equal and steady pace achievable by all, the fast, the mediocre and the slow” (Du Preez, ibid).
In examining school-level governance and the powers accorded to school governing bodies, we are forced to analyse the concepts of centralisation and decentralisation. State power, authority and accountability can be distributed in various computations or designs among different levels of government and can also be assigned to branches of civil society or between any level of government and various “elements of civil society” (Brehony & Heath, 1995:133). Centralised power is contained at the centre or the highest level of government while decentralisation assumes that it is distributed among different tiers of government or allocated to organisations and institutions where governmental and non-governmental structures work in partnership with organs of the state and parastatals. No national system of educational governance is either entirely centralised or completely decentralised (Gardiner, 1990: 199-216). In South Africa, for example, higher education and adult education is placed firmly in the control of the Department of Basic Education (the administration arm of the government), thus remaining centralised.

Governance of primary and secondary schools in S.A. is based on a decentralised model. This decentralisation is not finite, certain functions of school governance remains centralised such as appointment of staff and school personnel salaries, while others are decentralised, for instance the control of school property and financial management (setting a budget and determining school-fees) (Gardiner, 1990: 200-216).

Decentralisation can be interpreted as a shift of responsibility by a central authority to provincial and district offices such as in the South African scenario. Although decisions can be made at local levels, they are made by officials who are directly responsible to the central authority and not to the local population. This may actually give greater control to the centre, but it may also help ensure that decisions are informed by, and are more suited to, local conditions. The promise of equity across cultures and other diverse elements make these bureaucratic decisions suited to the demands of the State.

Delegation involves the transfer of decision-making power to regional or local bodies – such as SGBs who are democratically elected – without actually transferring authority. The central authority can withdraw delegated power without new legislation being enacted. So in reality SGBs’ power is what the State delegates to it and it fluctuates as it suits the State, (Rondinelli, 1981: 133-147).

Devolution involves the transfer of power to local bodies – for example, provincial or local governments or even schools – by means of legislation which was supposed to be the case with South African public schools, where they can apply for section 21 status allowing them more decision making power. Since these bodies have their power as a result of a
Constitution or an Act of Parliament, it cannot be withdrawn at the whim of government officials (Carrim, 2001: 101). Yet with “No fees” schools, although they have Section 21 status, the Provincial Education department administers the budget allocated to these schools thus removing the Financial Management function accorded to these SGBs. Wildeman (2001:7) aptly states that the “pro-poor funding” formula has made some schools and communities more susceptible to financial hardship and increased the provincial department’s financial management function of these schools.

Withdrawal of devolved power can only be done through legislative change. Privatisation occurs where power to make decisions is decentralised to the owners of educational institutions. However, although it has characteristics of its own, privatisation could be considered as a variant of either delegation or devolution, depending on the legal arrangements by which it is allowed. McGinn and Welsh (1999:49) distinguish three different forms of school governance: schools which have public subsidies, conform to government guidelines and do not charge fees; in S.A. this would be equivalent of the non-fee paying schools who are supposed to belong to quintiles 1, 2 or 3 and those with public subsidies which enjoy relative autonomy and do charge fees; in S.A. these could be the fee-paying schools which are mostly the ex-Model C schools who are supposed to belong to quintiles 4 or 5 and those that are privately financed and are autonomous from public control, in S.A. this would be private schools who receive no subsidy from the government.

Clearly all the above forms of decentralisation are idealised forms and any system of education may contain a combination of different forms. Although one may describe a system as either centralised or decentralised (or a particular brand of ‘decentralisation’) as McGinn and Welsh (1999:30) put it, ‘is about shifting power from some decision makers to others’. It therefore means different things in different contexts. In systems such as those in Britain and Canada, where a considerable amount of power is held by elected district-level school boards, decentralisation could involve the distribution of greater powers and functions to the schools. In another context, decentralisation may refer to a shift in power from a national to a provincial or local government, as has happened over the past decade in China (Govinda, 1997:7). In South Africa, Provincial Education Departments (PED) are given authority to appoint new teachers to schools without a recommendation from the school governing body (SA, 2002). Thus a power shift to a provincial Department of Basic Education, could be understood in one context as a process of decentralisation while in another context it could be understood as part of a process of centralisation. The key issue is the direction in which power is shifting – towards or away from central authority (Resnick, 1994:32-40). However, this definition by Resnick (id.) DBEs not really address the key issue
namely that the decision-making power is not moving away from the State as the provincial
department is merely the administrative arm of the state and hence decision-making power
is not any closer to the school level. The state has not released any of the decision-making
processes as ‘how’ the decision should be made and ‘who’ should be involved as well as
‘when’ it will be made, remains in the hands of the state. For example, by stating that the
promotion decision will be made by the HoD the state provides the ground rules that guide
the decision-making.

It has been observed, that it is possible for both centralisation and decentralisation
processes to be happening at the same time. While certain functions such as curriculum
may be in the process of being brought under central control as is the case in Sweden, other
functions such as financing of the schools may be undergoing a process of decentralisation.
Relations between different levels of government need not necessarily assign specific
powers to only one level of government. In South Africa, for example, although many powers
are indeed assigned to particular levels of government, certain powers are shared and
institutions have been established to ensure that provinces can influence national policies.
However, this DBEs not apply to SGBs, yet they are most affected by these policies. The
irony is that schools are the inheritors and implementers of DBE’s policies and yet they are
not consulted. The state in S.A. thus maintains control over public schools by using formal
authority, control of scarce resources, use of organisational structure, rules and regulations
and control of decision-making processes as sources of power (Morgan, 2006:26).

2.5 SCHOOL GOVERNANCE

Grant-Lewis and Naidoo (2004:112) defines school-level governance as a radical form of
decentralisation. The school becomes the primary means of stimulating and sustaining
improvements. Fleisch (2002:93), highlighting Gauteng in a study, suggests that while the
State, in establishing SGBs, did not distribute resources equitably, it did allot both symbolic
and real power to schools. He further argues that the needs of each school are best
determined at local level, as each community (and therefore each school) has peculiar
needs.

In South Africa, school governance should be the preserve of the institutional structure
namely the SGB, entrusted with the responsibility or power to formulate and adopt school
policy on a plethora of issues which include school uniforms; school budgets, admission
policy, the code of conduct for learners, as well as recommending staffing requirements.
2.5.1 **SCHOOL GOVERNING BODY (SGB)**

The SGB is the body functioning in terms of section 16 of SASA and also constituted in terms of that Act. It exercises the functions accorded to it in terms of the decentralisation of power to school communities. This means the right of parents to have a say in the management and governance of a public school. The governing body consists of a majority of parents (the representatives of the parent community), a number of educators, administrative staff and in the case of secondary schools, also learners. It is responsible for the governance of the school (section 16 of SASA). In terms of section 23(9) of SASA, the number of parent members must comprise one more than the combined total of the other members of the governing body who have voting rights. The fact that parents make up the majority (section 23(9)) of the governing body demonstrates the importance of their involvement and constitutes the principle of partnership and mutual responsibility for a public school. This partnership is based on the democratic principle of decentralisation and the espoused distribution of authority from the national and provincial spheres of government to the school community itself. The preamble of SASA further recognises the need to protect the diversity of language, culture and religion in education, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the state. The parent majority in the school governing body implies that parents have a strong and decisive voice, for example on:

Religious matters at school: Section 15(1) of the Constitution determines that everyone has the right to freedom of conscience, religion, thought and opinion. According to section 15(2), religious observances (assembly) may take place at public schools, provided that they are conducted on an equitable basis and attendance is free and voluntary. These provisions are emphasised in section 7 of SASA.

2.5.2 **POWER OF THE SCHOOL GOVERNING BODY (SGB)**

The power of a school governing body refers to its legal capacity to perform its functions and obligations in terms of section 16 of the South African Schools Act (SASA-Act 84 of 1996). The power of a governing body is not delegated power but original power, in terms of the South African Schools Act (SASA-Act 84 of 1996), to act as the duly appointed agent of a public school. According to Sayed (2002:43-45) the SGBs can become sites of public struggle and contestation when they (SGB) do not concur with the State’s instruction and or policies. The state will avoid conflict until it becomes widespread then the State will
introduce legislation so that the decision-making power is removed from the SGB because of its strong inclination towards centralised control of education policy to ensure transformation. This removal of the SGBs decision-making power then causes conflict between the government (including provincial departments of education) and school governing bodies in matters such as the appointment of educators (Settlers Agricultural High School v The Head of Department: Department of Basic Education, Limpopo Province, 2002), determination of language policies (Head of Department, Mpumalanga Education Department v Hoërskool Ermelo, 2009) and learners’ admission policies. Thus, these indicators namely the conflict which comes from the state bureaucracy seeking to extend its control and the SGB who wish to exercise their autonomy substantiate the contention that the discriminatory features of the system inevitably favour an authoritarian bureaucracy. SGBs are able to use the law to challenge the state since it is the SGB’s democratic right to challenge any legislation which seeks to minimise their original power? This ‘legalisation of conflict’ advantages those, mainly rich white and emergent black-middle class communities with the knowledge and resources to mount legal challenges because the new legislation annihilates the rule of law. Contested meanings of democracy where SGBs accepts that Participatory democracy gives them the right to challenge injustice. The State demands bureaucratic subservience which manifests itself in conflicts between SGBs and the state and reveals the tension between individual rights as contained in the Constitution and the role of the state in its determined effort to create an education system based on “Transformation and Equity” (Sayed, id). One major arena of conflict has been between the State and individual communities such as the Afrikaner community whose struggle has been to struggle to preserve Afrikaans as a language of teaching and learning in schools located in their communities.

From the above it is clear that one of the aspects that cause conflict is the language of instruction which a school makes use of as contained in Section 29(2) of the Constitution of South Africa.

2.6 THE LANGUAGE POLICY OF THE SCHOOL

In terms of section 29(2) of the Constitution, everybody has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable and the State has an obligation to consider all reasonable educational alternatives (including single-medium institutions) when it decides how to provide education in the language of parents' choice (Bray, 2000:79). According to SASA (section 6), the Minister of Education must set norms and standards to challenge the language of instruction of a public school if it disagrees with the SGBs choice.
2.6.1 LEGISLATION ON LANGUAGE POLICY IN PUBLIC SCHOOLS

The governing body may, however, determine the language policy of a school, provided that no form of unfair discrimination is practiced. In Minister of Education, Western Cape and Others v Governing Body, Mikro Primary School, and Another 2006 (1) SA1 (SCA) the Supreme Court of Appeal judges Streicher, Cameron, Brand and Mlambo found: “There could be no doubt that governing bodies were entrusted with the power to determine a language and admission policy, but that did not detract from the fact that it was their function to determine these policies (paragraphs [38] – [39] at 21D – H.) In instances like this and as a result of the judicial defeats, where the court ruled in favour of the SGB, the State then resorted to amending the necessary legislation and in so doing forcing SGBs to accept its (the State’s) instructions (Democratic Alliance, 2010:4). These Amendments to school–related legislation are easily adopted in Parliament and contestation is futile, because the ANC enjoys the monopoly of votes. The State’s move to re-centralisation, as shown by all the amendments made to SASA after 1996 thus influences all policies developed by the SGB of any school and such influences are briefly discussed next.

2.7 SGB- OTHER SCHOOL POLICIES

SASA -section8(1) places a duty on the governing body of every public school to adopt a code of conduct for its learners following consultations with the learners, parents and educators of the school. Disciplinary proceedings {Section 8(5) (6) (7) (8) and (9)} of SASA should at least comply with the following requirements:

- The existence of a valid reason for disciplining the learner example transgression of the code of conduct or any other legislation).

- Parents /Caregivers have to be given adequate notice of the hearing.

- To have access to support, protection and representation in line with the learners' legal status, where necessary.

- To ensure sufficient proof of misconduct and that the evidence is valid and permissible.

- To ensure an impartial decision the person responsible for the preliminary investigation (Principal or senior staff member) should not be involved in any decision regarding the incident.
• Recommendations to the Head of Department regarding the appointment of educators:
The governing body of a school has to recommend to the Head of Department the
appointment of educators at the school (section 20(i) of SASA), as well as the appointment
of non-educator staff (section 20(j)).

In terms of SASA, SGBs of a public school must take all reasonable measures within its
means to supplement the resources supplied by the State in order to improve the quality of
education provided by the school to all learners (section 36). So it is important that SGBs are
guided by their own policy on financial management.

SASA further makes provision in section 37(1) that the governing body of a public school
must establish a school fund and administer it in accordance with directions issued by the
Head of Education (Prinsloo, 2006:357). In terms of section 39 of SASA school fees may be
determined by a governing body of a public school, section 40(1) makes provision for
parents’ liability for the payment of school fees and section 41 for the enforcement of the
payment of school fees. Another restrictive amendment namely the Education Laws
Amendment Act, No. 48 of 1999, which provides a time-frame within which a governing body
must make its recommendations when an educator is appointed or promoted.

In this way powers of governors regarding the appointment and promotion of public school
educators have been diminished. Glenn (2000:178) suggests that “the degree of decision-
making authority that institutions enjoy regarding the appointment of staff can be regarded
as the “canary in the coal mine of autonomy”. The researcher is inclined to agree with Glenn
(id.) that powers regarding the appointment of staff are major signals of the power of self-
governance residing in an institution. During the apartheid era most population groups did
not have any influence over the education of their children, even when education was placed
under the tutelage of the House of Delegates for Indian South Africans and House of
Representatives oversaw education for Coloured people. The only exception was the “white”
system where governing boards for a limited time essentially were the employers of
educators even if they were paid by the state (see the Education Affairs Act (House of
Assembly), No. 70 of 1988). The advent of the SGB in 1996, re-defined governance of public
schools, since parents were “true” participants in the governance of their children’s schools.
Parents in particular felt appreciated in that their recommendation of key leadership posts
like Principal and deputy Principal was almost always honoured by the State; their choice of
personnel was appointed. It was also to be expected that the incoming government of 1994
(the African National Congress) would not favour such a system for fear of continued racial
discrimination by governing bodies or school boards. However, parents were certainly
entitled to expect that they would receive significant powers particularly with respect to the appointment of educator staff; these service-providers namely academic school staff would be the repositories of knowledge, norms and values which they would inject into their wards. Learners spend more time in school than at home thus the school could influence the child’s behaviour to a large extent.

The ANC Policy Framework for Education and Training of 1994 makes only two references to staffing and employment. One is that affirmative action and retraining will apply to bureaucrats and to leadership and the other is that teachers will be employed by provincial education departments. The latter statement was probably included to avoid any misunderstanding, as the management councils (boards) of some schools (“white” schools) were regarded as the employers of educators before 1994. The South African Schools Act, No 84 of 1996 (SASA) was the primary source of determining why SGBs felt they were given the power to appoint staff. The SASA’s (Act 84) definition of an Educator reveals parent’s expectations that they would be able to choose the person who moulds their children in the school.

An educator is a person defined as follows in SASA (Act 84 of 1996) (section 1):

any person…… who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school.

The definition specifically refers to person qualified to provide professional educational services. It follows that it is incumbent on the State to adequately resource schools with qualified educators to teach and for the State to value and support the SGBs choice of Educator since that person will be entrusted to carry out this crucial function. Sayed (2002:45) argues that a commitment to democracy and therefore distributed school governance by the State, ‘requires a more sustained and proactive policy of supporting SGBs to exercise their powers and functions. From the above arguments, however, it appears that instead of supporting the SGB the State has chosen to undermine the SGB by systematically removing its functions. This systematical removal of power from the SGB since 1996 is further explicated below.
2.8 CHANGES TO THE SOUTH AFRICAN SCHOOLS ACT (SASA-Act 84 of 1996)

In 2003 the then Minister of Education (Professor K. Asmal) commissioned a committee (the Hunter commission) to review many issues to test the effect of the SASA (Act 84 of 1996) on school governance that are pertinent to this study. This chapter visits the Ministerial Review Committee Report - December 2003. This is undertaken to highlight matters that the report reviewed and to establish whether the recommendations that were made were implemented. The Review Committee was asked to make recommendations about:

- Possible changes to legislation or policy, which will serve to strengthen democratic school governance.

The point of departure taken by the Review Committee, is that school governance offers, ‘Taking the nation to school’ in the sense that the majority of the country’s parents now have the right, one that was denied them under apartheid, of entering their children’s schools as their own schools and not the schools of an oppressive and propagandistic state.

The school governance arrangements the country has now, provides it with the extraordinary opportunity of:

- establishing a new relationship between the state and parents.
- setting a new direction for education in the country.

Importantly, school governance has come to be accepted by everybody in the system. The country has a model that it can call its own, a model that has come to be owned by its people. There are examples of good practice in evidence throughout the system. Individual schools starting from a zero base have developed into thoroughly professional institutions.

This achievement is extraordinarily significant. Schools have seen parents develop their responsibilities and their identities as governors, educators have seen their colleagues prosper in the new democratic and shared governance environment, and in many places learners are flourishing. With this beginning, the potential is great (Sayed, 2002:35-40).

What is noteworthy is the language the committee couches its mandate in, such as democratic and shared governance, potential is great. It is against this backdrop that this study will critique aspects of the review committee’s report. Concepts like responsibilities
and their identities as governors, educators have seen their colleagues prosper in the new democratic and shared governance environment are often contested as school governance rhetoric is likely to be received in different ways by different members who constitute the school community. As a result the policy makers’ concept of governance is very often markedly different from the school level role-players, who are required to put the policy into action. The Department of Basic Education (DBE) who are designers of school policy seem to be concerned with the “grammar” of the reform only and not with the practices associated with it. The DBE assumes that Provincial Departments of Education (PED) will oversee the implementation of policies and PEDs in turn delegate this implementation to District offices. The reality is that school role players are the actual people who must interpret and implement these policies which at most times proves challenging. The school is compelled to assess the outcomes of the implementation of the policy on role–players at school and its effect on school governance. That is why it is essential to go beyond an understanding of the policy construct and to observe the school level role-players as active agents in the creation of their ever evolving conceptions of school governance and participation. School role-players perspectives is succinctly articulated by Argyris and Schon (1974:6): “A theory of deliberate human behaviour, which is for the agent a theory of control but which, when attributed to the agent also serves to explain or predict his behaviour”.

SGB members who are directed and confined by educational policies and policy designers can direct their (governors) actions. Both teachers and parents are always anxious that a collaboration exists between them in the education of the child. SASA however provided even more than curriculum or knowledge acquisition to parents in that it promised parents legal capacity and power. By implication there was a shift in the balance of power from State domination to sharing power with parents since the parents represent the majority on the SGB and given the areas they had authority over, guaranteed their power in the school, parent members must comprise one more than the combined total of other members of a governing body who have voting rights (RSA President’s Office, 1996b:18).

Through the concept of theories of action it can be explained why different role players choose to action a policy to achieve their own ends. One of the intentions of the SASA is to promote democratic practices through its creation, the School Governing Body. The reality of the purpose, as noted by the researcher, is that in practise the Department of Basic Education officials contend that the SGBs function is to support the efficient functioning of the school. The State (DBE) appears to be oblivious to the intention of the Constitution and the SASA; both documents explicitly intend that the new democracy is both a representative and a participatory one. However the ‘glaring inequalities’ between privileged and under
privileged schools resulted in the promulgation of National Norms and Standards for School Funding (NNSSF) (DBE, 1998) in the hope that parents share the financial responsibilities of the school. However the NNSSF was flawed from inception in that schools that reside in middle class areas were ranked as quintile 3 which qualify them for moderate funding. In addition, ninety percent of their pupil population emanate from informal settlements. SGBs of these schools are compelled to increase their financial resources in order to survive economically. However, this becomes impossible when the State advertises that it is adequately resourcing the school and that is why it declares it a no-fee school. The result is that poor schools become poorer and SGB members disassociate themselves from the school through lack of interest since they only become glorified fund-raisers. In some schools, this relationship has deteriorated to the point where schools now operate independently of this allowance. They raise funds to make good this unallocated money (Ministerial Review Committee December 2003 par 8.2.1.1:153).

Karlsson’s (2002:326-331) description of the disparities between rich and poor states within a country, typify the differences between affluent and poor schools in Gauteng:

It appears that wealthier states are more able (although not necessarily more disposed), to provide for both equity and democratic participation in their schools, than are states with serious resource shortages. This is generally because, in countries that cannot provide adequately for all their schools, wealthier or more influential communities have the political muscle to ensure that they gain better access to state resources, or can supplement meagre state allocations with their own private contributions.

The major source of inequality between public schools in Gauteng is the human resources which affluent schools can access and the inability of poorer schools to match them.

2.6 HUMAN RESOURCE MANAGEMENT IN PUBLIC SCHOOLS

Diminishing the power of the SGB regarding the appointment of additional staff is a clear indication of how the Department of Basic Education manipulated the SASA (Act 84 of 1996) and shared-governance which previously resided in an institution through its SGB. This also shows how, through policy, the State could manipulate the SGBs’ actions.

administration (which includes education) must be wholly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation. Section 195(2) stipulates that the previous subsection applies to all government institutions. In terms of section 39 of the Constitution SGBs of public schools are state institutions and as such are guided by the South African Schools Act, No 84 of 1996 (SASA).

The SASA is the basis for a discussion of the powers of SGBs regarding staff appointment. Section 12(1) of SASA provides that the Member of the Executive Council [MEC (Minister) for Education in each province] must provide public schools for the education of learners out of funds that have been apportioned for this purpose by the provincial legislature. SASA provides for the functions of SGBs. It states, among other things, that:

- Subject to subsection [37] (3), all money received by a public school including school fees and voluntary contributions must be paid into the school fund (section 37(2)).

- The school fund, all proceeds thereof and any other assets of the public school must be used only for:
  
  (a) Educational purposes, at or in connection with such school;
  
  (b) Educational purposes, at or in connection with another public school, by agreement with such other public school and with the consent of the Head of Department;
  
  (c) The performance of the functions of the governing body; or
  
  (d) Another educational purpose agreed between the governing body and the Head of Department (section 37(6)).

Section 20(1) (i) of SASA contains a vital provision about staff appointment. It states that SGBs must recommend, to the Head of Department, the appointment of educators at the school, subject to the Educators Employment Act, 1994 (EEA).

This provision categorically makes the provincial Head of Department (HoD) the employer of all educators and that, if they want educators and non-educators employed, SGBs can only make recommendations to the provincial Head of Department (HoD). It follows that SGBs do not have any real power regarding human resource decisions apart from making
recommendations that must be given attention in keeping with the common law and labour law provisions.

Section 6(3) of EEA contains a restriction in this regard in that the recommendation must be made within two (2) months of the date when the SGB was requested to make a recommendation. If the SGB DBEs not make a recommendation within the two months, the HOD will make the appointment without a recommendation.

The Education Laws Amendment Act, Act 100 of 1997 added a subsection to section 20 of SASA namely, subsection 20(4)), which allows SGBs leeway, namely:

(4) Subject to this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any other applicable law, a public school may establish posts for educators and employ educators additional to the establishment determined by the Member of the Executive Council in terms of section 3 (1) of the Educators' Employment Act, 1994.

At face value this additional discretion adds considerably to the powers of SGBs in this regard. SGBs can only reduce class sizes and recruit additional educators by remunerating them from the school fund; section 36(6) of SASA (Act 84 of 1996), allows such use of school funds. SGBs took advantage of this discretion to the effect that between 33– 50% of the educator staff of some schools are now "SGB appointments". To put this figure into perspective, it is necessary to note that currently, according to Blaser (2008:367), 24 276 educators are paid by SGBs. When the number of SGB appointments is compared with the total number of 373 122 educators in South Africa, it represents a small percentage of South African educators and therefore an even smaller number of schools from the 27 000 have the benefit of smaller classes. However, if the figure is expressed in financial terms those parents' contribution to education is about R2.4 billion a year. The repercussion of this has been to widen the gap between underprivileged and affluent schools. The latter schools can claim to offer quality education because of small classes and the best staff. Naturally, these developments would make it very difficult for provincial departments to exercise their functions as overseers of equality and equity in the respective school systems. It is also possible that SGBs could use these provisions to circumvent the requirements of affirmative action and other requirements.

Education Laws Amendment Act, Act 100 of 1997, quickly put paid to schools competing with one another by adding Subsection 20(6) which provides that an educator employed in a post established in terms of subsection (4) must fulfil the requirements set for employment in public schools in terms of this Act, the Labour Relations Act, 1995 (Act 66 of 1995), and any
other applicable law. These "other laws" obviously include the provisions of the Constitution referred to above. This provision may be seen to diminish the discretion contained in Section 20(7) which states that educators appointed in addition to the official staff complement must be registered with the South African Council for Educators (SACE). SACE is a statutory council for the teaching profession established in terms of the South African Council for Educators Act (Act 31 of 2000) to exercise, among other things, a professional registration function and a disciplinary function in terms of a code of conduct for educators and to advise on teacher education. Once again the powers accorded to SGBs in terms of subsection 4 are curtailed further by subsection 20(8) and (9) of SASA:

Subsection (8) provides that the staff contemplated in subsections (4) and (5) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, and the role players to be taken into account when making appointments include, but are not limited to

(a) the ability of the candidate;

(b) the principle of equity;

(c) the need to redress past injustices; and

(d) the need for representivity.

If one considers the situation of a secondary school which DBEs not have a Mathematics teacher for Grade 12 then the SGB of the school, faced with the criteria of ability, equity, redress and representivity, would probably recommend a candidate based on ability. However. If this candidate is a White Afrikaans speaking male teacher with a degree in Mathematics, it seems likely that the HoD would not support such a recommendation as equity, redress and representivity (which all appear to be politically motivated criteria) could count much more than the ability of the candidate. In the opinion of this researcher the need of the Grade 12 learners should be the highest priority and hence the best qualified person should be appointed. The following victory for Eastern Cape schools corroborates this opinion.

In the case heard on December 11, in the Grahamstown High Court the school governing bodies of the respective schools also challenged the national and provincial basic education departments for their failure to abide by statutory and constitutional responsibilities to appoint teachers at the schools. The case originates from a preceding one in March, when
affected schools asked the court to certify an opt-in class action on behalf of all schools in the province that, in desperation, hired and compensated the teachers when the department failed to do so ("Human rights group sues state over teacher salaries", Mail & Guardian, January 16 2014 accessed on 5 January 2015).

The Grahamstown High Court on Wednesday (January 15 2014) ordered the Department of Basic Education to refund 90 Eastern Cape schools R81 million, the latter had paid for teachers’ salaries from school funds since 2011. The Legal Resources Centre (LRC) said the court also ordered the provincial department to fill vacancies and appoint 282 teachers to permanent vacant posts. ("90 schools win R81m case" IOL news December 17 2014 accessed 9 January 2015)

Subsection 9 states that, when a school presents the annual budget mentioned in section 38, the school governing body of a public school must provide adequate details of any additional posts envisaged in terms of subsections (4), including the estimated costs in connection with the employment of staff in these posts and the manner in which the SGB plans to defray such costs. These two subsections have the effect of decimating the choices available to SGBs when making appointments.

Further impediments are contained in subsections 10 and 11. Subsection 10 states emphatically that the state is not liable for any act or omission by the public school relating to its contractual responsibility as the employer in respect of staff employed in terms of subsections (4). Subsection 11 cautions that, after consultation as contemplated in section 5 of the National Education Policy Act, 1996 (Act 27 of 1996), the Minister may determine norms and standards by notice in the Gazette regarding the funds used for the employment of staff referred to in subsection (4), but such norms and standards may not be interpreted so as to make the State a joint employer of such staff.

It is evident that the Minister may cap the number of such appointments at a school in terms of equity requirements and that the state DBEs not want to accept possible liability. However, the state has already lost at least two court cases in which it tried to invoke subsection 20(10) in order to defer liability for negligence of educators (see In the Matter between the Member of the Executive Council of the Free State [Province] responsible for Education and Culture (appellant) and Manda Louw (first respondent) and Martin Lourens Oosthuizen (second respondent), case number 483/04 in the Supreme Court of Appeal of the Republic of South Africa (heard on 8 September 2005, judgment delivered on 23 September 2005), reportable case (reported in Afrikaans) and MEC for Education v Strauss [2007] SCA 155(RSA)).
SGBs have to ensure that they have adequate liability insurance for the school against claims for compensation arising from liability on account of negligence. The state DBEs not accept responsibility for a claim brought against the school, which is a contradiction in terms, since legislation identifies the State as the employer of all personnel at a public school. Although SGBs have been given certain powers, it appears that the following provisions caution them to be very wary about using these and restrict them in the exercise of their power.

The Education Laws Amendment Act, Act 57 of 2001 further limits the authority of schools and SGBs by inserting an additional subsection into the SASA. It provides that a school governing body may not collect any money or contributions from parents to circumvent or manipulate the payment of compulsory school fees. All funds raised or collected must not be used to establish or fund a trust, and if such money or contributions of parents were paid into a trust, prior to 1 January 2002, the trust must pay such money or contributions into the school fund. This insertion has the effect of curtailing the powers of SGBs in raising money and thus being able to appoint staff (Beckmann & Prinsloo, 2005:180).

Mention has been made of the fact that the SGBs of many, mainly former white schools have embraced the principle of subvention of educators’ salaries to attract skilled and experienced educators to their schools. However, on 29 April 2003 the Department of Basic Education invited comments on a further set of proposed amendments to the SASA concerning this very issue. The government proposed that a section 38A be inserted into SASA. The ANC has a considerable majority in the national legislature and the amendment was carried and subsection 38A now reads as follows:

(1) A school governing body may not pay, without prior approval from the employer, to the educator employed in terms of the Employment of Educators Act, 1998, any:

a) Benefit in kind;

b) Other financial benefits, or

c) Remuneration;

d) Except for the payment of travel and subsistence expenses in amounts comparable to those paid for similar expenses incurred by public servants.

(2) The travel and subsistence expenses contemplated in subsection (1) must be directly related to official school activities.
(3) The payment contemplated in subsection (1) must be reflected in the school’s budget.

(4) If a school governing body or any other person without the authority of the school governing body pays any remuneration or gives any financial benefit contemplated in subsection (1) to an educator without prior approval of the employer, the amount of money paid must be recovered by the Head of Department on behalf of the school from:

(a) members of the school governing body who took that decision, excluding a member of the school governing body who is a minor; or

(b) any person who made such payment without the authorisation of the school governing body.

If put into practice, the insertion could effectively end all subvention of teachers’ salaries. However, the way is still open for the SGBs to get permission from the State to provide benefits in kind to educators or to provide financial incentives to them. However, this will have to be done within the parameters of the Labour Relations Act, Act 55 of 1995, the Employment of Educators Act, Act 76 of 1998 and the Public Finance Management Act, Act 1 of 1999 and will almost certainly expose all the school’s funds to departmental audits. All of this will probably discourage subventions and seriously retard SGB aspirations of contributing to quality education. They may even lead to SGB members asking the question, “What purpose are we serving?” as this may appear to reduce incentives for their active participation in school governance to a considerable degree.

A key responsibility given to a SGB includes taking all reasonable measures, within its means, to supplement the resources supplied to the school, in order to improve the quality of education provided for all learners at the school (SASA, Act 84 of 1996, Section 21). What this effectively meant was that the SGB had to introduce and justify school fees. “Once a fee is approved by the SGB, all parents are required to pay, except those who apply for and are granted an exemption based on income and verified through means testing” (Sayed & Motala, 2009:3).

SASA further makes provision in section 37(1) that the governing body of a public school must establish a school fund and administer it as directed by the Head of Education (Prinsloo, 2006:357). In terms of section 39 of SASA (Act 84 of 1996), school fees may be determined by a governing body of a public school, section 40(1) makes provision for
parents’ liability for the payment of school fees and section 41 for the enforcement of the payment of school fees.

SASA, (Act 84 of 1996) further makes provision in section 37(1) that the governing body of a public school must establish a school fund and administer it as directed by the Head of Education (Prinsloo, 2006:357). In terms of section 39 of SASA school fees may be determined by a governing body of a public school, section 40(1) makes provision for parents’ liability for the payment of school fees and section 41 for the enforcement of the payment of school fees. In 2012 the state introduced the “no fee” schools, which left SGBs powerless in trying to supplement the finances of the school because even those parents who could afford to pay school fees, renege their responsibilities without applying for an exemption. Parents entrust their children to teachers since they are in loco parentis (meaning in Latin acting as parents in the absence of biological parents), and in most instances they judge a school’s status by the quality of the teachers at the school (Wildeman, 2001:7).

Chapter 3 of the Employment of Educators Act (EEA) deals with the appointments, promotions and transfers of educators (in public schools). It should be read with subsections 20(4) – (11) of SASA which were discussed above. Parents legitimately entertained the expectation of when elected onto the SGB after 1997 (when the SASA came into effect), that it was their democratic right to be integrally involved in the education of their children through deciding over who teaches their children and that their decisions would be valued since they are on site.

It is crucial that parents are involved in the advertising of teaching posts, the search for and interviewing of good candidates, as well as in the identification and selection of the right person for each position, because:

• The parent representatives on the governing body, together with the Principal and the school’s management team, are in the best position to determine the specific employment requirements of the school. Parent members on

• The SGB become passionate about selecting and obtaining the services of the finest educators, because they strive to get the best education for their children.

According to Maree and Lowenherz (1998:36) international experience reveals that meritorious educators are the key factor in quality of education.
• Education is the vehicle of culture, of moral and normative attitudes and values. The school should be the extension of family life and should mirror the culture, norms and values of a specific school community (South African Institute of Race Relations 1997:158).

• Parents could therefore expect educators who are appointed at their school to be the ambassadors of the culture and moral norms and values that are peculiar to the local school community. This also refers to the power of governing bodies to determine the admission (section 5), language (section 6), and religious (section 7) policies of the school.

Section 6(3)(a) of the Employment of Educators Act, Act 76 of 1998 provides that any appointment, promotion or transfer to any post on the educator establishment of a public school may only be made on the recommendation of the governing body of the public school. SGBs could justifiably assume that they were in an extremely powerful position. However, this position was quickly tempered by Section 6(3) (b) (SA, 2006) which cautions SGBs, that in considering the applications, they should ensure that the principles of equity, redress and representivity are complied with and adhered to according to:

(i) The democratic values and principles referred to in section 7(1);

(ii) Any procedure collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators;

(iii) Any requirement collectively agreed upon or determined by the Minister for the appointment, promotion or transfer of educators which the candidate must meet;

(iv) A procedure whereby it is established that the candidate is registered or qualifies for registration as an educator with the South African Council for Educators; and

(v) Procedures that would ensure that the recommendation is not obtained through undue influence on the members of the governing body.

This subsection should not perturb the SGBs as it merely dictates that they observe the Constitution and other applicable laws. However recent developments have usurped this power from the SGBs and have led to legal disputes between the State and SGBs since Subsection 6 (3) (c) (SA, 2006) now provides that the SGB must submit, in order of preference, to the Head of Department, a list of

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

Subsection 6(3) (e) has been amended and now provides, that if the governing body has not met the requirements in paragraph (b), the Head of Department must decline the recommendation. A contravention of subsection 6(3) (b) entails a violation of Constitutional principles and non-adherence to the law.

This new subsection 6(3) (f) (after amendment in SA 2006) contains the most far reaching challenge to the powers of SGBs regarding the appointment and promotion of educators. It provides that, despite the order of preference in paragraph(c), the Head of Department may appoint any suitable candidate on the list. It is apparent that the power given to the HoD is a major shift of power and could result in SGBs de facto losing all power regarding the recommendation and appointment of teaching staff. It could be viewed as the final removal of power from SGBs in this regard and a decisive recentralisation of significant power delegated to the SGBs. It could also be viewed as a serious violation of the democratic rights of parents (governors) as decision makers in the education offered to their children, which manifested itself in the legal battle that ensued between the SGB of the Point High School and the HOD of the Western Cape.

In the court case of the Point High School and others v the Head of Department of the Western Cape Department of Basic Education [2007] SCA 14188/06 (RSA) the court differed with the view that subsection 6(3)(f) of EEA gives unrestrained power to HoDs to reject or approve SGB recommendations at the State’s discretion. In this case the Point High School in the Western Cape Province of South Africa and its SGB challenged a decision by the Western Cape Education Department not to approve the SGBs’ recommendations for appointment, as Principal and deputy-Principal, of the incumbents they believed to be the most suitable candidates having diligently followed the procedures in EEA and other applicable legislation.

The court reviewed and set aside the decisions of the HoD of the Western Cape [Province] Education Department to appoint the persons he did in fact appoint. The HoD was instructed to appoint the candidates viewed by the school and it’s SGB as the most suitable candidates. The HoD was ordered to defray the costs of the application, including the cost occasioned by the employment of two counsel by the SGB (Beckmann & Prinsloo, 2006:182,183). However, it should always be borne in mind that the costs are actually paid by the taxpayers of South Africa and as such could be seen as a waste of vital capital which could have been used for more valid causes such as the building of new schools in areas of dire need. Another contentious area has been the admission of learners to public schools.
SGBs are mandated to design an admission policy which must adhere to the norms and standards set by the Minister of Education. While SGBs draw up the admission policy and submit it for ratification to the district office, it is most often ignored when district offices need to place learners that cannot gain access to a school.

2.7 ADMISSION TO PUBLIC SCHOOLS

The Admission Policy for Ordinary Public Schools (Oct 1998) and The South African Schools Act (84 of 1996) section 5, clearly outline the conditions for learners, for admission to ordinary public schools. Also, section 5(5) of SASA (South African Schools Act) states: “Subject to this Act and any applicable provincial law, the admission policy of a public school is determined by the Governing Body of the school.”

When Rivonia Primary School declined to admit a grade one learner the Head of department – Gauteng on 2 February 2011, Mr. Boy Ngobeni, informed Ms Drysdale (the Principal) by letter that the school’s ‘tenth day statistics’ revealed that it had not reached its capacity (The department uses these statistics to determine the number of children who have been enrolled at a school). The letter went on to instruct her to admit the learner without argument.

GDE officials then acting on the instructions of the HoD (as contained in a letter) forcefully placed the learner in a classroom. They also removed from the Principal the power to admit learners to the school and informed her that an official had been accorded this function. The Principal acts as the instrument of the SGB which exercises its legal function to establish an admission policy and have it ratified by the Member of the Executive Council for Education (MEC). Both the admission policy and the SGBs’ decision that the schools capacity would be set at 770 learners, were approved by the MEC in 2010.

The MEC then in May 2012 (SA, 2012) amended the regulations on the admissions of learners to public schools in Gauteng. Regulation 8, as amended, now provides that the HoD – not the governing body – shall determine the capacity of a school. The SGB appealed to the Supreme Court for adjudication having lost the case against the GDE in the High court.

In its ruling the Supreme Court stated the following: Thus each of the partners in this tripartite arrangement – the governing body, the Minister and the provincial authorities – has defined responsibilities. Where the Minister has determined national norms and standards after consulting the Council of Ministers, the governing body must ensure that its admission policy accords with such norms and standards. (The Minister has not prescribed norms and
standards for the capacity of schools.) In this regard it is accountable to the MEC. The HOD, in turn, must account to the MEC for ensuring that the norms and standards are met.

‘It is declared that the instruction given to the Principal of Rivonia Primary School to admit the learner contrary to the school’s admission policy, and the placing of the learner in the school, were unlawful’.

The Labour federation’s Dumisani Dakile has adopted the view that the SGB has not won a victory rather Education in South Africa has been dealt a blow. Since, like the schools in “Fochville and Heidelberg” who had agreed to accept learners; after the Supreme Court ruling in favour of Rivonia Primary they have now denied the pupils admission to the schools and by implication because they want to retain their ethnic identity (SABC news 9 May 2013-Accessed 18 August 2013).

Section 27 Spokesperson Nikki Steyn says: “Both cases are about the balance of power between the SGB and the provincial education department: and the extent to which the department can override the SGBs policies.”

The Hunter Commission’s report in 2003, revealed what the State’s future action would probably be, because ex- HOD, HOR and HOA schools had not achieved the ANC’s promised equity standards. The Hunter Commission’s finding below foretells of what (the State’s) action to ensure equity in ex HOD, HOR and HOA schools (that is accepting black African learners) would be.

Department of Basic Education asserts that many schools and their SGB’s were not operating within the spirit and the mandate of the South African Constitution (Act 108 of 1996). Reports suggested that some former white, and in some instances, coloured and Indian schools, were excluding African learners. The Minister was equally concerned about reports suggesting that the democratising objectives of the Act were not being realised. In the ways in which school governing bodies were established and in which they operated, some schools, also, effectively marginalised poor parents and parents of colour (Ministerial Review Committee-Hunter Commission, 2003). When with hindsight we consider the Hunter Ministerial Review Committee’s finding in 2003, it is coincidental that Mr Boy Ngobeni (HoD-GDE) in 2015, attempted to usurp the Principal of Rivonia primary school’s management functions (acting on behalf of the SGB). It can be assumed that the, HoD-GDE viewed Rivonia Primary School’s SGB as marginalising black Africans and that is why he decided to act unconstitutionally.
2.8 THE FUTURE OF DISTRIBUTED SCHOOL GOVERNANCE IN TERMS OF THE SASA

The South African Schools Act 84 of 1996, guarantees a determined commitment to representative and shared governance in schools; incorporating the concepts of accountability, transparency and public involvement (S.A. Constitution, Act 108 of 1996). Upon closer scrutiny it should enable all role players of the SGB equal participation in decision-making processes within the school environment. Adams and Waghid (2005:25) view participation, community engagement, rationality, consensus, equality and freedom as the Constitutive principles of the South African democracy. The nature of distributed governance in schools has changed from its initiation in 1996 particularly at school level (Myburgh, 2004:12). This is primarily because policies have been changed which has resulted in the tipping of the scale of power away from the SGB toward the state. It is clearly not a straightforward exercise to discover the reasons for this reduction in SGBs decision making authority. This current version of “shared school governance” has implications for democracy in South Africa. There is an inseparable link between democracy, education and the law. This interrelationship is evident from the Constitution, International Law and education legislation. The following examples catalogue this triangulation:

- The fundamental provision of the Constitution (SA, 96a) confirms that South Africa is a democracy based on the rule of law;

- Several of the fundamental rights enshrined in the Constitution (Act 108 of 1996), including the rights to education (sub-section 29); equality (sub-section 9); human dignity (sub-section 11); freedom of expression (sub-section 16); freedom of association (sub-section 18); freedom of religion, belief and opinion (sub-section 15); the right to use language and culture of choice (sub-section 30); and the right to belong to a cultural, religious and linguistic community have particular consequences for education;

- The Convention on Prevention of Discrimination in Education (Smit and Oosthuizen, 2011:58) endeavours to respect the diversity of education systems and provides that the establishment or maintenance, for religious or linguistic reasons, of separate education systems which is in keeping with the parent’s or legal care-giver’s education, DBEs not constitute discrimination (sub-section 1);

- Article 30 of the Convention (Smit and Oosthuizen, id) provides that in those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child
belonging to such a minority or who is indigenous shall not be denied the right, in community
with other members of his or her group, to enjoy his or her own culture, to profess and
practise his or her own religion, or to use his or her own language;

• African Charter on the Rights and Welfare of the Child (SA, 2000) affirms the
democratic values and provides in section 2 that the education of the child must be directed
to the preservation and strengthening of positive African morals, traditional values and
cultures; the preparation of the child for responsible life in a free society, in the spirit of
understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic,
tribal and religious groups;

• The preamble of the National Education Policy Act-NEPA (SA, 1996c) provides that
legislation should be adopted to facilitate the democratic transformation of the national
system of education into one that serves the needs and interests of all the people of South
Africa and upholds their fundamental rights;

• The directive principle in section 4(m) of the National Education Policy Act -
NEPA(SA, 1996c) contains the democratic requirement that the national Minister of
Education must ensure improving school governance through broad public participation in
the development of education by including stakeholders in policymaking and governance in
the education system;

• Section 4(b) of National Education Policy Act. NEPA (SA, 1996c) expressly contains
the principle that policies should be developed to include the advancement of democracy in
the education system;

• The South African Schools Act (Act 84 of 1996) gave formal effect to a participative
form of democracy by redistributing power to local school governing bodies with the removal
of centralised control over certain aspects of educational decision-making and the
establishment of co-operative governance between education authorities and the school
community (Squelch, 1998:101). In essence these provisions were intended to establish a
democratic power sharing and co-operative partnership among the state, parents, and
educators (Karlsson, 1998:37);

• In terms of the South African Schools Act (Act 84 of 1996), members of school
governing bodies are democratically elected to represent parents, educators, learners and
school personnel. School governing bodies have the democratic and statutory authority for
example to adopt a constitution (sub-section 20); take measures to ensure learner discipline (an inherent parental function) at schools.

This study explores the possibility that the change in distributed governance as practiced in schools in S.A. today, is because the State required to reclaim power and increase its hegemony over state institutions.

The issue of redress and equity is dependent on the SGBs’ theory of action, since SGBs decision making power over finance, the plant, key internal policies and programmes would in effect compel them to put State policies into practice and this then must: reverse past injustices in educational provision……advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State (DBE, 1996:2).

Distributed governance certainly seeks to include citizens in the process of governance and to be the fourth tier of government. It is undeniable that SASA is a novel piece of legislation that promised citizen participation in the political arena which was hitherto unthinkable “These reforms, embedded in the larger socio-political changes challenged long standing hierarchical arrangements and applications of power within a key institution within society, the school (Naidoo, 2005:30).

Effective school governance is crucial for achieving effective schools. The implementation of Curriculum 2005 has been stressful for diligent teachers, the benefits that such a curriculum can deliver, can only be achieved by effective governance and management structures that operate with the conviction that learning environments demand and indeed, cannot do without, enlightened, informed and decisive teachers, managers and governors. The stakes are enormously high if education is to provide the engine for economic development and social improvement (Meyer, Boli, Thomas, Ramirez, 1997:144–181). The advent of distributed school governance was a step in the right direction by the ANC government (Naidoo, 2005:30-43). De la Mothe and Paquet (1994: 42-48) maintain that the best learning experience in a context of rapid change can be effected through decentralised and flexible teams woven by moral contracts and reciprocal obligations negotiated in the context of evolving governance partnerships such as shared school governance.

Distributed governance is embedded in a set of organisations and institutions built on market forces, the state and civil society. But it is most importantly nested in transversal links relating these three and allowing them to be integrated into a sort of web. These transversal
links neither mimic the hierarchical top-down organization, nor the matrix form of organisations, where vertical-functional and horizontal-process relationships are supposedly keeping one another in check. Rather, in a transversal world, processes are dominant, and the reaction to external challenges is for the different role-players to coalesce laterally to create informal links and multifunctional teams capable of promoting faster and more effective learning (Prinsloo, 2006:355-368).

According to Miller (2000:2), distributed school governance depends on holistic education and involves many role-players as this allows it to ensure effective learning. It is based on the premise that each person finds identity, meaning and purpose in life through connections to the community. Holistic education aims to instill in learners an intrinsic respect for life and a passionate love of learning (Miller, id). The art of holistic education lies in its responsiveness to the diverse learning styles (Miller, 2000:6). Berkeley (1990:207) insisted that if educational effectiveness and efficiency are to meet the demands of the post-apartheid era, then the best practices from commerce and industry should be incorporated in education systems. The best practices of the corporate management include techniques and application of principles to enhance participatory management and shared school governance (Berkeley, 1990: 207). The South African Education system like those in every democratic society face the challenge of educating succeeding generations of young people for responsible citizenship Institute for a democratic alternative for South Africa (IDASA, 1999:1-3). Learners have to be prepared for their future responsibilities as democratic citizens. Through public schools, learners can be infused with knowledge, values and skills, necessary to administer, protect and perpetuate a free democratic society (Giroux, 1997:6). Giroux (ibid.) asserts that democratic values and principles cannot successfully be affirmed and transmitted to learners if an education system is bureaucratic or displays autocratic values and principles. Distributed school governance as legislation originally manifested in 1996 is crucial if South Africa is to remain a democratic country. Since it will enable the free flow of information, so that policies can be assessed and implemented after all role-players have been properly consulted and majority consensus received (Thody, Papanoum, Johansson & Pashiardis, 2007: 37-53).

Mabovula (2008:302) posits that distributed school governance is a self-renewal strategy to be managed collaboratively on a consensual basis by all members involved in school governance. It needs diligent planning and implementation in order to benefit all role-players. It is an educational strategy that is intended to change the beliefs, attitudes and values of school governance role-players (particularly bureaucrats), so that they can better adjust to change. Its long-term goal is to increase the school governance capacity for self-revival,
increase its role-players ability to adapt to new conditions, problem solving and develop a culture that focuses on the continuous growth of the schooling system as a whole which determines the ethos of a school. The purpose behind the States’ distributing power should be to ensure that educators, parents, learners and non-teaching staff effectively participate in the governance and management of schools which would result in a better teaching and learning environment. These functions capture the contradictory character of the South African state, which was expected to meet the dual obligation of securing increased state revenue, by delegating financial responsibility to communities, while simultaneously developing a hegemonic discourse through meeting the needs and expectations of black Africans, (Chisholm, Motala, & Vally, 1999:1). It is in the context of these outcomes that the new post-apartheid government began the process of education transformation (Sayed & Soudien, 2005: 115-125).

However what has emerged through the introduction of amendments to school governance legislation is a drastic reduction of SGB’s power. What emerges is the inherent weaknesses of the liberal, republican, social and elitist traditions of democracy as practiced in the South African education system. Cunningham, (2002:246-248) suggests that these undemocratic practices, have given rise to phenomena such as great divides between schools, oppression of minorities, wastage of financial resources, elitist and bureaucratic attitudes. The explanation for this seems to point to the ANC governments’ failure to make good on its promise of transformation and equity to its Black African electorate in ex Indian, Coloured and White schools. Legal wrangles where the State was forced to concede victory such as happened with the Point High school (as discussed above) only served to strengthen the State’s resolve for hegemony over school governance.

SADTU, which is a majority stake holder of COSATU, and COSATU an arm of the tripartite alliance, has employed intimidation and adopted tactics like “cash for posts” to win favour for the Tri-Partite Alliance’s ideology in schools. Govender (2002:279) implies that the relationship in the alliance must be portrayed as if each member of the alliance is independent. This he (Govender, id) maintains is the reason SADTU embarked on a day of action on 12 May 1999 in order not to be seen as a “puppet” of the ANC government.

2.9 SUMMARY

This chapter highlighted the concepts that have a bearing on distributed governance their meanings and ramifications. This was done with the intention of establishing the relevance in terms of what other theorists have written on similar issues. The aim is to establish the ideal
of distributed governance and then to compare and contrast it to what the current state of governance in schools in Gauteng is. This is important, in order to set a benchmark which will inform this researcher’s understanding and guide the data collection process and analysis.

CHAPTER 3

DISTRIBUTED SCHOOL GOVERNANCE AS PRACTISED IN SOUTH AFRICA, UGANDA, BRITAIN, SWEDEN AND CANADA

In the process of developing the concept 'distributed governance' this chapter will be exploring its relation to Hegemony and power, to illustrate how these two facets of Critical Theory influence distributed school governance as practiced in Gauteng schools. In order to illustrate how these components of the theoretical framework interact, comparative examples of school governance as practiced in Uganda, Britain, Sweden and Canada will be examined.

3.1 INTRODUCTION

In Chapter 2 the concept 'distributed governance' context bound by democracy, was explored in relation to Hegemony and power, to illustrate how these two facets of Critical Theory influence distributed school governance as practiced in Gauteng schools. This chapter will deal with a comparison of school governance as practiced in Uganda, Britain, Sweden and Canada to what is taking place in Gauteng public schools. The literature revealed that increased degrees of transference of authority (that is power) over matters including financial control, administrative arrangements, curriculum content and educational direction have been delegated or devolved to interested role-players in school education such as parents, learners, educators and other local community bodies (Aspin, 1995:30). The democratic devolution of power to local role-players in education has been justified by the participatory principle of assigning responsibility to the people who will most benefit from the education provided in schools (Aspin, 1995:30).

Globally education decentralization involves improving efficiency, effectiveness and democracy (Gershberg & Winkler, 2003:1). The introduction of democracy in South Africa demanded that equity, in all spheres of society be achieved, although it is also often acknowledged that because decentralisation makes localities more reliant upon their
economic and social endowments, some aspects of equity may suffer in the absence of adequate compensatory mechanisms (Gershberg & Winkler, 2003:2). In reality, reform practices must attempt to optimize the sometimes inevitable trade-offs between efficiency, equity, and democracy while seeking to improve on all three (Jimenez & Paqueo, 1996:377-378). The roadmap and implementation of distributed governance is inherently a political process; thus, the decisions about making these trade-offs rightly occur in the political arena (Ahmad, 1997: 380). In the 21st century, the conditions of being a global or regional power have changed and strategic and political role players such as controlling, global money circulation, determining the international agenda, deployment of military power in key regions, and being the “centre of attraction” internationally, have become absolutely necessary (Crouch & Vinjevold, 2007: 11,12).

3.2 SOUTH AFRICA’S POST–APARTHEID SCHOOL GOVERNANCE RESTRUCTURING

The South African Schools (SASA-Act 84 of 1996), guarantees a determined commitment to representative and shared governance in schools incorporating the concepts of accountability, transparency and public involvement (SASA - Act 84 of 1996). Upon closer scrutiny of the SASA (Act 84 of 1996), it should enable all role players on the SGB equal participation in decision-making processes within the school environment. Adams and Waghid (2005:25) view participation, community engagement, rationality, consensus, equality and freedom as the constitutive principles of the South African democracy when distributed school governance was conceived of in 1996. However the nature of distributed governance in schools has changed from its initiation in 1996 particularly at the micro level. This is primarily because policies have been changed which has resulted in the swing of the pendulum of power away from the SGB to the state (Myburgh, 2004:12). Key representatives of the state vocalise the state’s attitude to the formulation and implementation of policies, as the sole responsibility of government. The first post 1994, Minister of Education, Professor Bengu defined policy goals and policy implementation plans, when he averred that “implementation plans can only really be made by a government” (DBE, 1998:33). In DBE’s record of successes since 1994, it suggests that policy and legislation are control mechanisms for fundamental change (DBE, 2001:29). These government declarations affirm Sarason’s (1990:123) contention, that most government piloted education reform endeavours, are based on an inherent theory of change which predicts “that change can come about by proclaiming new policies or by legislation”. It is assumed that policies will be put into practice by SGBs if there are strong
controls to ensure that the bureaucracy diligently executes directives from the DBE. This fixation with control by the state is why amendments to the SASA have diminished the SGBs decision-making power and has seen a definite shift from decentralised school governance to centralised governance (DBE, 1998:33).

This current version of shared school governance (which is synonymous with distributed governance) has implications for democracy in South Africa. Froneman (2001:10) regards democracy as a contested term, because the totalitarian countries described their forms of government as democracies or people’s republics. Froneman (2001:10-11) reveals that in South Africa attitudes to democracy, society, law and the Constitution (Act 108 of 1996) are deeply contested, not only in white but also in black society. Steyn (1999:6) explains that the term “democracy” can also include the model of social democracy. Social democracy aims to achieve equality by means of state control. Equality in democratic theory refers to political and moral equality, equal treatment by public administration, equality before the law, equal opportunities, equal respect as a human being and equal consideration for the different needs of individuals and communities. Equality DBEs not entail that the state should enforce uniformity or absolute similarity on its citizenry. Selected democrats of the Schumpeterian School (Schumpeter, 1943 quoted by Sartori, 1987:213) regarded unprecedented public participation as a peril to democracy, because the efficiency of government and effectiveness of the state may be adversely affected.

On the other hand, social (also known as participatory) democrats argue that greater participation leads to improved effectiveness (Barber, 1984:150) and should be sought after. Participatory democrats emphasise that participation educates citizens and stakeholders to transform their interests for the public good (Pateman, 1999:12). Barber (1984:155) suggested that the two terms, participation and community, form part of the unitary concept: citizenship. There are divergent modes of participation including voting, campaigning, group activity, attending meetings contacting representatives and officials, protesting, petitioning, fundraising, canvassing and boycotting (Parry & Moran, 1994:46). According to Pateman (1999, id) a participatory democrat himself, specifically, proposed ways to democratise workplaces, the family, media, neighbourhoods, schools, and decision-making on human relations in the natural environment. He maintained that all these sites comprise ‘political systems’ in a general sense, which are linked in some way with the state, as they depict places where policy decisions are made based on power relations, and they are thus subject to democratisation (Bacharach, 1997:70-71).
The introduction of increasing decentralisation of financial, political, and administrative responsibilities to local spheres of government, local institutions, and communities, has seen participation emerge as a focal principle of the South African state, in order to guarantee equality and access to schools. In this respect Afrikaans-medium schools were singled out by the previous Minister of Education – Naledi Pandor, as institutions that obstruct the redress of past discriminatory practices, equal access, and transformation (Malherbe, 2004:26). Malherbe (ibid) further maintains that there is inexorable pressure on Afrikaans-medium schools to become parallel-medium or dual-medium institutions. Her (Naledi Pandor’s) justification was that these schools neglect education in the indigenous languages and this policy inflicts a one-sided humanistic view of religion on learners. Policies that demand conformity, deny diversity and impose uniformity and may now seem appealing in the name of equality, but are doomed to fail eventually, because one cannot build a unified nation by denigrating another, as history has taught us. The need recognised in the preamble of the South African Schools Act (Act 84 of 1996), namely, to protect the diversity of languages, culture and religion in school education, should be enshrined. The important democratic principles of decentralisation, distribution of authority and partnership in and mutual responsibility for education must be fostered and respected within school communities. Any partnership must be built on mutual trust and respect. As Young (2000:5) advises, “using democratic processes to promote legal, administrative, and social change toward greater justice is hard work”.

3.3 DEMOCRATIC GOVERNANCE AND IMPLICATIONS

Governance is about effective co-ordination in a dynamic environment where both knowledge and power are distributed. All organisations are built on governance, whether formal or informal, ineffective or successful (Paquet, 2005:595-600). The school as an organisation is dependent on strong and effective governance for its survival and success. Governance of these institutions should also be dynamic in keeping with societal changes.

Democratic school governance is synonymous with shared governance which implies a partnership of policy makers. School role-players should be seen as partners and be treated as such. In South Africa that would mean the Department of Basic Education (DBE) and all those who have a vested interest in the school. Democratic governance is crucial to enable the free flow of information so that policies can be critiqued and proper consultation arises (Thody, 1994:76).
The South African Schools Act (Act 84 of 1996) laid the foundation on which democratic governance in South African public schools should be built; this is done through the introduction of School Governing Bodies in school governance. The SGB is supposed to ensure participation of parents, teachers, learners and non-teaching staff in a partnership with the state. This legislation actually provides for a structure in which humans can work and hence the idea of agency-structure. The two cannot be separated and the one implies the other. So an SGB can be seen as a social structure and the agents can be the various partners. The problem, however, with such a social structure is how power is distributed and which of the agents (DBE + teachers + Principals and parents) have the most power. In the SA case it is obviously the state, (DBE, 1998:33).

The provincial general notice 1273 of 1996 (SA, 1996d) asserts that SGBs are established to foment democratic principles by encouraging participative decision making by all the schools' role players. SASA, (Act 84 of 1996) foresaw developing a relationship between parents, schools and the state in governance to ensure quality education as an important outcome of distributed school governance (The Teacher, 2003:1). Collaboration between all the schools' role players was one of the most important intentions' of SASA, (Act 84 of 1996). The School Governing Body consists of a majority of parents (the representatives of the school's parent community), a number of educators, administrative staff and in the case of secondary schools, learners to. It is responsible for the governance of the school SASA (Act 84 of 1996) (section 16). In terms of section 23 (9) of the SASA (Act 84 of 1996), the number of parent members must comprise one more than the combined total of the other members on the school governing body who have voting rights. The fact that parents make up the majority SASA (Act 84 of 1996) section 23(9) on the school governing body, exhibits the importance of their participation and reinforces the principle of partnership and mutual responsibility in a public school. This collaboration is based on the democratic principle of decentralisation and the distribution of authority (power) from the national and provincial spheres of government to the school community itself. The preamble to the South African Schools Act (SASA-Act 84 of 1996), further recognises the need to protect the diversity of language, culture and religion in education, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility of the organisation, governance and funding of schools in partnership with the state. The parent majority in the school governing body implies that parents have a strong and decisive voice in matters such as,

1. Religious matters at school;
2. the language policy of the school;
3. the adoption of a code of conduct for learners;
4. recommendations to the Head of Department regarding the appointment of educators; and

5. the financial affairs of the school.

Through the South African Schools Act (Act 84 of 1996), the state apportioned a modicum of power to school governing bodies to assist with the governance of schools. However the state assumed overall control, since it pays salaries, utilities and retains control over the building and the curriculum. Nevertheless, because of this devolution of power, SGBs welcomed whatever decision making powers they were afforded and saw it as a significant decentralisation of power within the South African school system. This perception stems from the emotive language used in the SASA (Act 84 of 1996), such as that school governing bodies promote the “best interests of the school” and strive to ensure its development through the provision of quality education for all learners at the school ((SASA – Act 84 of 1996, section 20(1)); yet it excludes a crucial pre-requisite that SGBs would require knowledge and skills in the field of school governance, to carry out their tasks effectively (Dieltiens & Enslin, 2002:5). The South African Schools Act No 84 of 1996, plays an important role in encouraging the principle of partnership and mutual responsibility for education. Parents, who are members on the SGB perceived this acquired power as a meaningful participation in the democratic governance of schools (Shields & Knapp, 1997:288). Thody (1994:125) contends that collaborative decision making, empowers all the members to vote on key decisions which will affect school governance and in so doing they become important partners with the State in governing the school. A key indicator of the importance of the SGB in this partnership is particularly because they are elected onto this school based “body”. They are then required to design a code of conduct, a language policy a mission and a vision statement among other policies, which should facilitate the smooth running of the school on a day to day basis. In an ideal world members of the SGB should claim ownership of Education policies and concomitantly, they should be motivated to implement such policies effectively. However, this is not necessarily what happens in practise, for while this might have been one of the aims in establishing SGBs, what emerges today, is that the state is taking steps to limit the involvement and power of SGBs in decision making at school level. It is clearly not a straight forward exercise to discover the reasons for this reduction in SGBs decision making power. Governors may well view what has happened since 1994 as a promise first fulfilled but later disappointed and frustrated (Naidoo, 2005:19).

Overtly the intention of the state in establishing and empowering SGBs appears noble. Williams (1977:109) explains that a given social order acquires legitimacy not through rule
but through “a complex interlocking of political, social and cultural forces in a self-proclaimed new movement. This he writes is crucial to winning support for neo-liberalism. Neo-liberalism might be said to be an escalation of the liberal changes that introduces the norms and values of the economy into other areas of social life through the promotion of competition, initiative and risk-taking. Foucault talks of ‘society regulated by reference to the market … a society subject to the vibrancy of competition… an enterprise society’ (Foucault, 2000a:326-348). Instead of direct governance, the state acts as observer and encourages people to become more involved. They are appealed to as citizens or consumers who are ‘free’ to take responsibility for their own life choices, but who are expected to follow competitive rules of conduct. Dean (2004:490) contends that this is a cultural form of governance based on ethical orientations, self-responsibility and the moral obligations invoked by notions of freedom and the exercising of action. This neo liberalism is the social order proclaimed by the tri-partite alliance of the African National Congress, Congress of South African Trade Unions and the Communist party. He further contends that acceptance of the idea that state intervention substituted collective judgments, in the South African context it means the Tri-partite alliance’s which increasingly want state intervention to replace the judgements of free individuals (Harvey, 2005:65).

In South Africa collective judgement also relates to the part played by Unions who adopt a “collective voice” supposedly on behalf of their paying members, thus actually removing the individual opinion. One element of a historical Western bloc – is a specific alignment of economic, ideological, and organisational forces (Levy & Egan, 2003:813) which the new post 1994 Tri-partite movement is based on and was essential to building consensus for a very different conception of the state. As Amot and Dillabough (2000:4) say, “it offers a citizenry schooled to display ‘enthusiastic loyalty’ to the nation state; or it prepares a citizenry to use its vote rationally and with understanding; or it acts to destabilise vested power relations and establishments. In South Africa citizens are concientised in the election process by being given the opportunity to elect their candidates onto the SGB. This fosters a loyalty for the state since they are now participating in an elected forum which generally leads them to assume that they are vested with power by the state.

In South Africa, school governance is chiefly about the distribution of power (McLennon, 2000:19). Power includes explicit power such as financial and policy decisions as well as implicit power involving the power to implement culture and values that determine the ethos of a school. The purpose behind distributing power is to ensure that educators, parents, learners and non-teaching staff effectively participate in the governance and management of
schools which the state hopes would result in a better teaching and learning environment. The state’s power over school governance has been legally challenged by SGBs, which resulted in amendments to legislation affecting school governance. This sharing of power with SGBs has become a dilemma for the State. The dilemma that has become evident after the transformation of the education system is that there is still a lack of “enlightened understanding” in South Africa of the essential tenets of distributed governance (Hilliard & Notshulwana, 2001:155). The state’s predicament arises out of its demand for hegemony and exclusive power over school governance. Gramsci (1971:238) predicts this, when he suggests that the state encompasses civil society (hegemony is protected by the armour of coercion). Officials will resort to coercion if the Principal and staff do not adhere, to unjust demands made by them (officials), as in the case of Rivonia primary which is discussed later (www.cfcr.org.za). Gramsci (1971:261) explains that the “State” should be understood not only [as] the apparatus of government, but also the “private” apparatus of “hegemony” over civil society. The concept of hegemony greatly contributes to a better understanding of the ANC government’s current need for power over SGBs, which this researcher feels can be the only justification for the state consciously reducing SGBs decision making powers.

3.4 HEGEMONY AND POWER

The term hegemony derives from ancient Greek word ‘hegemonia’ literally meaning the dominant and oppressive status of one element in the system over the others. According to Barrett, (1997: 239) hegemony involves ‘cooperation ensured by force’, combining social and political supervision, force and consent. According to Heywood, (2007: 391) theories like Neo-liberalism was coined to preserve the status quo serving the interests of rich dominant Western countries and their elite. Heywood, (2007: 392) further posits that Neo-liberalism aimed to make the international order seem natural and unchangeable. Heywood, (id) also contends that Hegemony enabled the dominant state to spread its moral, political, and cultural values around the society and sub-communities. This was achieved through civilian society institutions. Civilian society contains a web of institutions and practices that are partly autonomous from the state. Hegemony is used to produce social and political systems that are manipulated towards the dominant element (Barrett, 1997: 239).

The theory of hegemony reveals that the state uses groups of agents in order to implement certain policies (Gramsci, 1971:366). Hegemony “must necessarily be based on the critical function implemented by the leading group in the decisive nucleus of economic activity (Gramsci, 1971:161)”. In order for a group to become hegemonic it must have behind it the economic, political and cultural conditions that allow it to promote itself as the leading and
the most acceptable group. This dominant group must facilitate a period of sustained economic growth through interventionist state policies that could provide the foundations for welfare and social prosperity.

Hegemony enables the dominant state to spread its moral, political, and cultural values around the society and sub-communities (Cox, 1993:137). The SGB although attached to the particular school in S.A. fits this description because parents comprise the majority of the members on this body; they are not threatened by bureaucratic intimidation tactics, so they have often challenged decisions made by the state. The SGB's autonomy is often manifested in instances where it reverts to legal action to solve disputes between it and the state. Gramsci's Marxist theory of hegemony was popular on the Sussex campus in Britain at the time that Thabo Mbeki and Essop and Ahmed Pahad were there, as well as on many other campuses where ANC exiles were students (Johnson, 2011:3). It is plausible that Gramsci's influence did seep into various exile circles, often influencing further generations of exile students through them. This is evidenced, from the usage of the term "organic intellectual", a Gramscian term, which is frequently uttered by Leftist activists, and therefore an indicator of the ANC's need for "hegemony". Gramsci further suggests that the working class could not just achieve revolution by violence. Just as the bourgeoisie had done, it had to build the presence of the party (ANC) within society and to generate its own hegemonic (Hegemony), so that even the bourgeoisie would be affected by this new ruling culture and would voluntarily accept many of its influential ideas (Johnson, 2011:3-4). The ANC government's strategy namely Hegemony, is epitomised by words such as "affirmative action" and "transformation", which are used to produce social and political systems that are applied to targeted state institutions that do not promote the pervading ideology. There are many ideas about the relationship between hegemony and domination. Domination as an instrument and an aspiration of the ruling party in a nation state is defined as, enlarging the dominance of one group over the other by way of open political and economic instruments (Heywood, 2007: 392). Currently some SGBs namely those of fee-paying schools determine a “price” for attendance at their schools. The legal context for school governance was created by SASA (Act 84 of 1996), National Education Policy Act (Act 27 of 1996) and Employment of Educators Act (EEA-Act 76 of 1998) which essentially means that South African schools as a whole could create a market for educational goods; where the conditions for market formation, apply to SGBs since they set a price — school fees — for their product, namely the particular school that promotes both quality and demand. The SGB’s ability to determine the school fees enables parents and the consumers to react to this price, by deciding whether the product offered warrants the current price. The ability of SGBs to set a price and the ability of parents to respond to quality and price variation,
generates an important feature of an economy: the ability of sellers and buyers to act in a manner that tends toward more and more resourceful forms of trade (Woolman & Fleisch, 2009:47-48). Another key political and economic instrument used in S.A. is the abuse of the Tender system. The tender system has been exploited by members of the Tri-partite alliance and loyal ANC high-profile government officials, who quite often use “shelf companies” or family members as fronts to win large tenders to enrich themselves. This type of action by the ruling party could justify Gramsci’s claim, that this dominant group (ANC) must facilitate a period of sustained economic growth. However, in the South African case, only an elitist group within the Tri-partite alliance are enriching themselves (Gramsci, 1971:161). This abuse of the tender system is often used as a part of the ANC’s hegemonic strategy, as was evidenced in 2012 when one supplier was awarded the contract to supply textbooks to schools in the Limpopo Province by that Provincial Department of Basic Education. This resulted in massive problems relating to the non-delivery of the textbooks and enjoyed large media coverage. This was confirmed by Bobby Soobrayan, the Director General (DBE) when he indicated that “part of the problem is that the state was being ripped off because the tender system was manipulated by giving the tender to one-supplier” (Makinana, 2012:1-2).

When the ANC came into power in 1994 it had to find a sustainable strategy to ensure its continued control and popularity in S.A. The most viable strategy (as Gramsci informs us) is that most modern states choose to adopt is Hegemony (Larner & Walters, 2005:16).

Ritzer (2008:597) focusses on the authority crises brought on by increasing sub-groupism and decentralisation which is linked to globalization as this in turn intensifies intricacies within our societies, which are the Principal causes of new forms of governing. Ritzer (2004:129) further writes that there are various ways that legal authority could develop, systems of convention, laws and regulation in many societies, and there are many different principles of legality that occur. The development of law in the West leads to the establishment of a legal system, such that there is a rule of law, written legal codes, legal rights and rules, and the "professionalized administration of justice." The state is being challenged because it has to impose order in an increasingly complex society in which the state’s governing capacities depend on its ability to trigger and give direction to governance initiatives performed by a wide range of public and private role players (Kooiman, 2000:15-16).

By providing the legislative groundwork in the SASA (Act 84 of 1996), the State established school governing bodies to assist in the capacity as school governors, to give effect to the
principle of participative democracy. SGBs would afford the school-level role-players including the parents serving on SGBs, the right to make certain decisions which would allow for effective school governance and so give them power over their schools (Centre for Education Policy Development (CEPD, 2002:134). According to Davies (1999:61) we are plagued with the question about whether a governing body has original power namely, the extent to which it has the right to act on its own outside the provisions of legislation that govern its activities. Since the public school is an "organ of state", the governing body acts as its functionary and can only perform its functions as permitted by SASA (Act 84 of 1996). The governing body has no original power to act on; its original power is as legislated by SASA (Act 84 of 1996). It would appear that the ANC Government is committed to developing a democratic system that provides for participation of all role-players who have a vested interest in education (Van Wyk, 2004:49). This delegation of power to SGBs presupposes that SGB members are equipped to exercise the powers granted to them in the particular capacities they occupy; since they must exercise power on a day-to-day basis. Part of this “inherited” power involves the management of funds received both from parents and the State. It is important then that SGBs possess financial management skills so as to administer the funds judiciously. Lazarus and Davidoff (1997:107) indicate that members of the school community need to be equipped to analyse budgets and financial statements and where appropriate, to manage finances. However, recently the state has changed its stance on citizen participation in school governance. The state’s current strategy has been the removal of certain crucial decision making powers of the SGB. The state has taken deliberate legal steps to limit the involvement and powers of school role players in the appointment of staff and “made mischief” of the SGBs call for school fees by declaring “no-fee” schools (Beckmann, 2007:14). We are compelled to question this sudden reversal of Educational governance policy: Why has the state diminished SGBs power to the point of removing key decision-making functions?

Did they find themselves without the control that they had expected? Did their attempts to impose order in fact, produce a disorder which threatened the basis of their power in fear of party ideology?

The answers to these questions are not immediately apparent but it DBEs appear as if some of the SGBs have not acted in accordance with what was expected of them.
3.5 THE SOUTH AFRICAN GOVERNMENTS’ NEED FOR HEGEMONY IN EDUCATION

The ANC’s need for Hegemony in education can be found in suggestions made by the Member of the Executive Council (MEC) for education in Gauteng that particularly in school governance the State’s emphasis is on free market behaviour, good governance, responsible action and accountability. This accountability is ensured through regular audits of SGBs to root out corruption. He (MEC) suggested that the State has devolved power, local ownership and partnership, to schools in order, to achieve active citizenship (Lesufi, 2014:12).

The auditing of SGBs has taken on many forms like introducing amendments to legislation to decrease the decision-making power of SGBs. It is the researcher’s opinion that the reason for the state limiting SGBs power can be found in the ANC’s need for hegemony over all important branches of the South African society. In this regard aspects of Gramsci’s notion of hegemony seem pertinent, for in it he is unique in the way he observed how ruling classes rule. He based his theory on the “Marxist notion that all forms of rule were really class dictatorships” (Steedman, 2007:80). He differed from other theorists when he stated that in conventional capitalist countries, the dominant class did not rule chiefly by coercion. Instead, the peasants and workers’ class adopted many of the norms of bourgeois rule of their (lower class) own volition (Steedman, id). The working class in S.A are an important group to the state since they provide the majority vote which keeps the ANC in power. This statement is corroborated by slogans such as “You keep South Africa’s economic engine running.” (Tlakula, 2014:3). Gramsci maintained that the ruling class manifested its own dominant culture, which he termed, egemonia (meaning hegemony in Italian) – ultimately this is their ideology which had to permeate the whole society to guarantee the ruling class’ survival. ANC hegemony rests on the success of the implementation of their policy of affirmative action (Employment Equity Act, No 55 of 1998) and a policy of “Transformation”. This ideology is the “glue” that holds the tri-partite alliance together. Like other institutions and individuals who wanted to preserve their positions SGBs are expected to embrace the states’ idea of transformation (Johnson, 2011:1-2). The ANC’s idea of societal change “meant a voyage of personal change - it was easily assumed that all whites were racists to some extent and needed a bit of healthy brain-washing” (Johnson, id). Thus the ANC were quick to state that SGBs who had black children in their schools but did not have black parents and teachers on their staff were not instituting equity in schools at the pace required by the state (Masondo & Harper: 2015:8). Thus changing in an ANC-directed way was not taking place as required. The pressure for change was further advocated by the largest
teacher union, the South African Democratic Teachers Union (SADTU for permanency for temporary teachers and that its members be promoted faster. This was advocated via the Congress of South African Trade Unions (COSATU) as SADTU is member of this umbrella body, and a crucial alliance member (ilewis@sadtu.org.za. Accessed 3 July 2014).

Govender (2004:267) comments on the similarity in the appointment of union officials to senior government positions citing similarities in Mexico where the National Union of Education Workers was established with the firm backing of the Institutional Revolutionary Party which won the elections. In return for their loyalty, union officials were rewarded with management positions and were appointed to key positions in government; something he views as the stark resemblance of the relationship between the SADTU and the ANC prior to the first democratic elections in South Africa. The SADTU, as an affiliate of the Congress of South African Trade Unions (COSATU), played a crucial role in helping the ANC win the 1994-elections and hence ‘the possibility of an appropriate reward for this electoral support is a widely held perception’ Govender (2004:266-269).

There are many SADTU officials who were promoted to senior management positions after 1994. These included school Principals who were viewed with suspicion by classroom-based educators because of possible poor policy implementation by the SGBs. Glaring examples are Membathisi Mdladlana who was a school Principal, SADTU president and then promoted to Minister of Labour and another such meteoric climb was Duncan Hindle a SADTU president who then rose to Director General. Sayed (2002:30) maintains that such appointments were problematic in the sense that the new political appointees were amalgamated with the “old technocrats” of the apartheid era in some structures. He further asserts that the new appointees were not “well versed in relation to system management” This conclusion might be attributed to Jansen (2001:243) where he maintains that “…how educators see themselves professionally and how they see themselves politically are two different realities in education”. These appointments can also be seen as contributing to questionable situations, (Masondo & Harper: 2015: 1). The power to appoint professional staff at schools is the responsibility of SGBs; political appointments obviously undermines this SGB function at school level, (Masondo & Harper: id).

In this regard Williams (1977:107-108) contends that “not only the conscious system of ideas and beliefs, but the whole lived social process as practically organised by specific and dominant meanings and values” have to be subjected to the dominant ideology. Williams (id) asserts that in order for the ruling party’s hegemony to be effective the pervading ideology, which in S.A. is the ANCs idea of “transformation” must be accepted by the
majority of the citizenry. Rosenau (2006:116) argues that power is handed to social movements alongside it, and subnational groups downwards, the reality is that governments are cooperatively yielding or entrusting power in order to govern from a distance. This researcher feels compelled to agree with Rosenau (id) when observing how the amendments to legislation are returning school governance to a centralised system. It would seem that the state is attempting to make the SGB “a toothless body”. To further strengthen this observation, Chisholm, Motala and Vally (2003:246) assert that although decentralisation allows school role players to participate at a level (school) in which they can have direct impact on matters that concern them, it allows “different capacities and inequalities of power”. What we currently glean from the media and court reports direct our attention to the “different capacities and inequalities of power” and what school governance as practised now is, namely a top – down hierarchical structure, where the state is at the top and SGBs on the lowest rung (African National Congress Education department, 1994:20).

Based on the above reasoning of Williams, Chisholm, Motala and Vally (2003:246), one could posit that one should then understand the context within which the ANC began to strive for "hegemony". Since coming to power, the ANC has been confined to the views and promises of the tripartite alliance which meant that it as the most senior partner did not have sole power. Each member of the alliance had an agenda, however, they all agreed on one thing namely “complete dominance over all the key systems - and the tripartite alliance’s culture” (Williams, 1977:109).

It follows that, for the state to be hegemonic in public schools in S.A, all role players must implement what is prescribed by the State which obviously would be the core of its ideology and the key to its hegemony, which is based on a social capitalist philosophy. The social definition of hegemony describes the way that social groups achieve dominance through the creation of complex hegemonic projects that combine various groups and express a variety of different interests. While some groups dominate within these alliances, the alliance is necessary if these groups are to gain extensive approval. The term hegemony also refers to the process by which social leadership- in South Africa all the post-apartheid Presidents, depended on particular group’s approval, specifically the IsiXhosa and IsiZulu to be voted into power (Gramsci, 1971:238). Gramsci (id) further contends that the state’s hegemony is protected by the armour of coercion and also that “State” should be understood not only [as] the apparatus of government, but also the “private” apparatus of “hegemony” or “civil society” (Gramsci, 1971:261). This requires that dominant meanings and values are organised and lived (Williams, 1973:9). In the South African context it would necessitate that particularly people of ethnic black African descent experience a material change in their
present status. If this change was realized then it would constitute a lived experience and justify their confidence in the State. Hegemony constitutes a sense of reality that is absolute because it is at “such a depth, and must correspond to the reality of social experience to such an extent, that they constitute the substance and limit of common sense for most people under their sway” (Williams, id).

Williams’ contentions have meaning in local school governance when we reflect on what took place in many South African public schools from 1998 and continues to today (Letseka, Bantwini & King-McKenzie, and 2012:1197). Since 1996 because of the state’s focus on equity and affirmative action in schools, black African teachers felt that they were being victimised since they were not receiving permanency and others who considered themselves qualified for a promotion post were being overlooked. Hence this group of black African educators became disgruntled. They expressed their frustrations, amongst other things, in “go-slow” which is when teachers withdraw their labour and participate in other protest actions at school level which was sanctioned by SADTU. Williams (1977:112) says, groups of individuals – which could imply (SADTU) who find itself “continually resisted, limited, altered, challenged will seek to counter alternative and oppositional formations through a process of incorporation.” Through legitimising protest actions by teachers and ignoring the fact that such actions affect the learners in schools more than anyone else, SADTU gains popularity and loyalty from its membership. Letseka et al,(2012:1197-1198) insightfully reveal the extent and nature of SADTU’s influence on governance when they say, “we are concerned that SADTU tends to flex its political muscles to mobilize teachers to strike over salary increases, but that the strikes and stay-away often occur at the expense of teaching and learning”. As the SADTU is part of COSATU which is an arm of the Tri-partite alliance, through its strength of numbers and common ideology, it propagates the ANC’s philosophy and strengthens the latter’s hegemonic ideal. The sociological point of view of structure and agency, like SADTU and the ANC, is that these groups possess the unique characteristics of agency – as capable of conscious, reflexive and intentional actions (Carter & New, 2004:5).

This researcher tends to agree with Williams (1977:112), when observing the limitations the State has imposed on SGBs powers; it seems that it is because many SGBs did not conform to the state’s ideals of affirmative action.

To do this, the ANC built a wide series of alliances (the tri-partite alliance) and with influential aspirant black African businesses, constituting what Gramsci called a "historic bloc" and would attempt to get its egemonia (Hegemony) accepted by the whole of that bloc (Johnson, 2011:3). This would in fact minimise the need for violence. There would be no need for terror
or a police state after the revolution, for acceptance of the new cultural hegemony would mean that most people voluntarily accepted at least the main principles of the new order (Johnson, id).

### 3.6 HEGEMONY, DEMOCRACY AND EDUCATION LEGISLATION

The state’s perceived hegemony is in contradiction to what Education legislation proposed in 1996, since Affirmative action by definition is a process whereby organisations take special steps to help employ people who were previously disadvantaged (Fielding, 2009:358). In practice Affirmative action as exercised in schools in S.A. is that people of black African descent should be favoured above other groups who were also previously disadvantaged. This is not what is contained in the preamble to the National Education Policy Act (SA, 1996a) which is that it should promote democratic values by organising the form of administration, management and governance ideally suited to the task.

*The Preamble of the NEP (SA, 1996a) states:*

> Whereas it is necessary to adopt legislation to facilitate the democratic transformation of the national system of education into one that serves the needs and interests of all the people of South Africa and upholds their fundamental rights;…

However, democratic values and attitudes can only be achieved through education when the total structure of education is democratic (Herriman, 1995:181). The rationale for community participation in school governance is that, to learn effectively to become active and informed citizens of democracy, learners need direct experience of democratic processes in the classroom and the school (Boyd, 1990:80).

The purpose of the law includes the regulation of relationships and activities so that concord among the various role-players is achieved (Beckmann, 2007:5). According to Beckmann (ibid) it is the reasonable objective of education law to institute a legal context to harmonise the roles (including democratic rights and responsibilities) of the state, educators, learners and governing bodies in order to ensure that all learners in South Africa have access to quality education and thus become active democratic citizens.

However, in their attempt to regulate activities the state has overemphasised managerial concerns such as assessments and learner academic performance, mainly because of political motives, since these statistics are reported in Parliament, which strengthens the state’s idea of school governance (African National Congress Education department, 1994:20). This narrow focus has been at the expense of spaces for real democratic
accountability. SGBs are democratically accountable to the school community, but because of this overemphasis on bureaucratic accountability by teachers and school management for fear of sanctions by District officials this bureaucratic accountability acts as a barrier to collective rules (SGB’s) and the interests of the school. The resultant effect from the meso-level (Provincial Department of Basic Education and Gauteng Education District offices), is that they appear to highlight the role of the Principal but do little to support sincere participation from the wider community or to develop active citizenship and democratic decision-making (Cleaver, 1999:601).

Therefore the section 20 list of functions given to SGBs via the SASA looks comprehensive, and many parents and other members of the SGB do mistakenly conclude that school governing bodies have meaningful power in school governance. However, Potgieter (1997:109) explains that certain functions of the school governing body, such as the power to determine the admission policy of a public school (section 5(5) of South African Schools Act) and the right to determine the language policy of public schools (section 6(1) of South African Schools Act) are functions limited by national policies and provincial law which in turn curtails the power that SGBs actually have. These policies may not be determined in a manner that unfairly discriminates against learners on grounds of race, culture, language and ethnic origin for instance (section 5(1) South African Schools Act). Potgieter, Visser, Van der Bank, Mothata, and Squelch, (1997:112) is of the opinion that these functions appear to be significant at first glance, but place such restrictive conditions on school governing bodies that the real power remains in the hands of government officials. Potgieter, et al (id) held this opinion a year after the SASA was promulgated; alarmingly, since then, amendments to legislation affecting school governance have gone much further to erode most of the limited power that SGBs originally had. The state expects schools to implement policies as well thought-out doctrines and even though they are prescriptive, contestation is seen as defiance.

The actions of officials and members of teacher unions (SADTU in particular), have been defined by a narrow concentration on implementation of policies without questioning their rationale and mandates (Letseka, Bantwini & King-McKenzie 2012:1198-1199). They merely wait for directives from above and pass them down the line (Prinsloo, 2006: 365368). Officials at all levels (the Principal, district, and provincial) are so engulfed in the implementation of governance reform that all their energies are directed towards guaranteeing that new systems, structures and procedures are in place (Prinsloo, 2006: 355–360). The focus on ensuring that SGBs carry out clearly defined tasks in terms of budgeting; fund raising and school policies ignore the constraints it has on many SGBs.
There is no avenue for school role players to demand that policy-makers and administrators live up to the ideals contained in policy documents, like reducing class sizes and providing teaching and learning resources (Prinsloo, 2006:360–368). Officials become relentless in holding SGBs and the Principal accountable for administrative failure. Even decentralisation to the district or school levels, could be exercised by officials in an autocratic manner (Bray, 1985:185).

In this regard, accountability in an open and democratic society is, having the right to Administrative justice in terms of section 33 in the Bill of Rights. It warrants that Public administration must be lawful, reasonable and procedurally fair (SA, Act 108 of 1996). Section 33 provides as follows:

Just administrative action states that:

1. Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
2. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.
3. National legislation must be enacted to give effect to these rights, and:
   a. it has to provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
   b. it imposes a duty on the state to give effect to the rights in subsections (1) and (2); and
   c. it promotes an efficient administration.

The provisions of the Promotion of Administrative Justice Act 3 of 2000 give effect to section 33(3) (Hoexter, 2002:2). Roos (2002:11) reasoned that in the past, it was only necessary to comply with the provision of an empowering statute, but now lawfulness has become an umbrella concept, which encompasses all the requirements for valid administrative action. In order for administrative action to be lawful, it must comply with the statutory and common law requirements of legality (Roos, 2002:11). Where in the case of Rivonia Primary the Principal was compelled by an official representing the Gauteng Head of Department that the Principal admit a learner; the HOD (GDE) - Ben Ngubane, also instructed the official to assume control of the school. This was clearly unprecedented and an unreasonable administrative action (Draga & Isaacs, 2013:10). The Promotion of the Administrative Justice Act 3 of 2000 also provides that for an administrative action to be reasonable, it must be a correct and a just action based on a rational and coherent decision, and capable of objectivity. The HOD (GDE) was neither just nor reasonable. This is also not an isolated
case of the State’s attitude toward SGBs and its disregard for Distributed or shared governance. Learner Admission falls within the functions of the school governing body (SASA, Act 84 of 1996, section 20) and the SGB should, after considering DBE policy and other legislation draw up a school admission policy. This is then submitted to the relevant officials at the district office for ratification. In the case of Rivonia primary, being a school in existence prior to 1994, due process had been followed (Roos, 2002:11). Despite the SGBs decision not to accept the learner, the GDE officials took over the administration of the school with brazen disregard for the authority of school’s admission policy the SGB and the Principal.

Where the South African Schools Act (84 of 1996), empowers a governing body to determine policy in relation to a particular part of school functioning, a head of department or other government functionary cannot simply supersede the policy or act contrary to it, as happened in this case. Apart from safeguarding just administrative action on the side of government, this determination also allows for a pressure valve (in this case the Constitutional Court) where there is a dispute between the school (or its SGB) and the HOD or MEC about admissions (Du Preez, 2013:1-2). Having discussed some of the issues pertaining to the governance by SGBs of public schools in SA this researcher will now compare school governance in Uganda with South Africa. It was decided to use Uganda because of espoused historical causal commonalities between the two African countries.

3.7 THE IMPLEMENTATION OF DEMOCRATIC GOVERNANCE IN UGANDAN SCHOOLS

Both South Africa and Uganda introduced decentralised school governance, as well as having a representative democracy where state hegemony occupies a pivotal role. In Uganda the National Resistance Movement (NRM) formally came into power in 1996 under a “guerrilla resistance leader” -Yoweri Museveni. It undertook economic liberalisation to resuscitate a shattered economy – all aimed at fostering democratic legitimacy (Rubongoya, 2007:285-286). The all-important task of reconstructing the state in the five years from 1996 to 2006, took place along a comparatively liberal and democratic course (Rubongoya, 2007:286). The Constitution of the Republic of Uganda, with reference to article 69 states that:

(1) The people of Uganda shall have the right to choose and adopt a political system of their choice through free and fair elections or referenda.
The political system referred to in clause (1) of this article shall include:

1.1 the movement political system;
1.2 the multiparty political system; and
1.3 any other democratic and representative of the political system (Article 70, Movement political system);
1.4 The movement political system is a broad-based, inclusive and non-partisan and shall conform to the following principles:
1.4.1 participatory democracy;
1.4.2 democracy, accountability and transparency;
1.4.3 accessibility to all positions of leadership by all citizens;
1.4.4 individual merit as a basis.

The United States Agency for International Development (USAID), in collaboration with the Ugandan Government introduced the Universal Primary Education System (UPE) in Uganda in 1997. The whole purpose was to improve the quality of teaching and learning in primary education (Munene, Odada, & Carrasco, 1997:1-2). The project aimed to equip primary schools with the Learner teacher support material such as textbooks and writing books which was urgently needed. More vitally the project focussed on the management of primary education, the training of primary school teachers, for example by using a Teacher Development and Management System (Mukisa, Mugisha & Zeitlin, 2007:3-4).

A key focus was the erection of new primary schools to service the needs of the growing population of primary school going children. In 1997, the Ugandan government embarked on a twenty-year Poverty Eradication Action Plan (PEAP) and Poverty Action Fund (PAF). These plans were aimed at providing primary education which would then act as a buffer against poverty by 2020 (Ministry of Planning and Economic Development [MPED] 1997). As a spill off from this, the UPE project would provide full tuition to four children per household (Ministry of Education and Sports (MoES), 1998). To highlight the role of primary education in poverty eradication, the government identified UPE as one of the key sectors to benefit from the PAF. Through a capitation grant, PAF enables UPE to improve equitable access to basic education by making schooling free and improving the quality of primary education (MoES, 2002). UPE’s main thrust was to get the community actively involved in the administration of the scheme in each primary school. The particular school community was directly responsible for the following:

(a) Assisting with the construction of school buildings by providing locally manufactured materials such as bricks, stones, sand, water and labour;
(b) Motivating compulsory school attendance and supporting pupils once in school to ensure that they remained there;
(c) Helping with the security and safety of pupils and the school buildings;
   • Supplying time, ideas and energy in order to enhance the teaching and learning programmes;
   • Instituting positive discipline methods for pupils both in and out of the school environment;
   • Monitoring the use of resources so that it is used in promoting teaching, learning and guaranteeing that school personnel use positive discipline methods;
   • Schools are encouraged to make maximum use of the Co-ordinating Centre Tutor serving the school;
   • Pupil - learning at home and at school is enhanced through the inclusion of the community in co-ordination projects;
   • Ensuring that safe water, stores, office and staffroom signposts, and recreational facilities are available
   • Dedicated involvement of all in sanitation projects of their school.

UPE defines a meaningful school community as one which comprises a School Management Committee made up of accepted leaders within that community. Secondly volunteer parents from the particular school community make up the Parent teacher Association. The third group comprises all those who consider it their civic duty to assist the school in a positive manner (MoES, 2002).

Through involving the local community in the operational life of the school it appeared that Uganda had embraced democracy and was prepared to transfer autonomy to individual schools. In practice however there is an unusually wide gap between decentralisation policy and implementation in many developing country systems (De Grauwe, Lugaz, Baldé, Diakhaté, Dognon, Moustapha and Odushina, 2005:3-4.). Extraneous role players within the environments in which it operates produces results that are not expected by decentralisation policy. In impoverished communities in African countries, in particular Uganda, mainly because it has been ravaged by civil war, decentralised governance is short-lived (Bray & Mukundan, 2004:12-13). Most war- torn countries, like Uganda, are left with both physical and other resources depleted. UPE promised to distribute governance to local school communities and it would be an ideal solution to ensure that local communities inherit the education of their children. To ensure international support for this programme, international donor groups needed to be shown that Uganda was making a sincere effort to
institute democratic forms of governance in all its public institutions. In fact it could be said that Uganda had an obligation to the international community since its national budget was dependent on donor funds. It appeared that democracy had been entrenched in Uganda with a new programme called “Education for All” (Reinikka & Svensson (2005:2). As far as the goals were concerned, Bray and Mukundan (2004:14) point out, that “decentralisation is likely to provide the desired expansion of access and improvement in quality of provision”.

In most African countries it has been revealed that different regimes and leaders could have their own agendas and would manipulate communities to their own ends. Distributed governance of public institutions is not simply a unitary concept, but has different forms for different functions. According to Naidoo (2002:2), “it (decentralisation) may be defined in terms of the form (functional activities) and level (national to sub-national) as well as the nature or degree of power that is transferred. Administrative, financial, environment and political dimensions capture the form (functional activities) and level (national to sub-national and local) of decentralisation while devolution, de-concentration, and delegation refer to the nature and degree of power being transferred (Naidoo, id). Mukisa, Mugisha and Zeitlin (2007:3) reveal that in the last five years Uganda has seen the systematic establishing of what has been termed a “neo-patrimonial” regime. This regime is one dominated by an individual leader whose personal authority was synonymous with the state and in which political power was “maintained through a combination of patronage and the selective use of intimidation and force” (Rubongoya, 2007:285-287).

When the Ugandan National Resistance Movement (NRM) came into power after a protracted period of anarchy and genocide under the guise of ethnic cleansing the economic and political governance, was in disarray. The dire need to establish security, state bureaucracy and a stable economy became the NRM's foremost challenge (Barkan & Mamdani, 2004:287). Hayden (2006:39) contends that the regime needed all the various ethnic and political groups to trust and commit themselves to its policies. This desire to win over all the ethnic factions in the different parts of Uganda was because it would guarantee integration (Hayden, id). Party political affiliation by the community would ensure that regional constituencies would be loyal to the NRM. International observers agree that in the first period of its rule, the NRM achieved measurable results which threatened democracy in Uganda, as for example in northern Uganda where ethnic divisions and suspicions about the regime remained ingrained. By 1996, security, rule of law, and respect for basic human rights had been largely re-established in South, Central, and Western Uganda (Makara, Rakner & Svåsand, and 2007:2). Economic liberalization and the introduction of measures designed to ensure macro-economic stability had so convinced the International Monetary
Fund and the World Bank of the NRM’s sincerity, that this resulted in large injections of resources by both multilateral and bilateral donors (www.transparency.org; Accessed on 20 November 2014). Basic functions of government had been re-established at national and sub-national levels and a strategy of political inclusion through the creation of avenues of broad public participation in governance within the context of the NRM system had achieved significant public acceptance in much of the country. Economic liberalization was to a considerable degree accompanied by political liberalization, and the regime assured a variety of basic freedoms essential to democratic governance (www.transparency.org; Accessed on 21 November 2014).

Challenges of democratic institutional consolidation or, as it has been termed, the challenge of establishing “a legitimate, enduring and stable political process through which all groups, regardless of region or ethnicity, would have a meaningful stake and be able to contest for power in the new system had however not been achieved (Deininger, 2005:292). Despite attempts by loyalists of Museveni the Movement system (or the Museveni System, who was the architect of this system) failed and revealed that democratisation was not properly in place in Uganda (Deininger, 2005:291). More importantly the collapse of the movement system exacerbated the negative political and economic conditions which became a source of consternation for international observers over the past ten years (Public Expenditure Tracking Surveys (PETS), 2006:38).

The Museveni regime’s method of instituting stability following the elongated period of civil strife and was manifested in the concept “the movement system,” which defined an exchange between democratization and the efficiencies of centralized authoritarian structures (Makara, Rakner & Svåsand, 2007:2). Parochial politics was preferred in the NRM system of government; because of this a multi-party political system was purposely delayed. The NRM assumed that their political dispensation would bring the time and political space that it saw to be essential to stabilisation (www.transparency.org; Accessed on 20 November 2014). These delaying tactics proved to be a major contributory factor to the NRMs demise. Next the NRM institutionalized structures that would pose a threat to its position once stabilisation had been achieved. While political liberalization occurred and citizen participation in governance at all levels increased drastically, the executive branch’s willingness to tolerate the consolidation of institutions or organizational structures (political parties) capable of effectively competing with, challenging, or constraining executive prerogative had been limited. As Barkan, Saille, Kayunga, Njuguna and Tilsworth (2004:iii) have noted, “the limits of reform, both economic and political, have been set by the commitment to stay in power.”
Uganda relies heavily on International funding to sustain the country. One of the conditions attached to foreign aid is that Democratic principles are in place and are practised (Barkan et al., 2004:18).

International donors are reluctant to sacrifice short-term development objectives against the possibility of sustainable development over the longer term. Studies conducted in 2000 by International bodies focused on the NRM's tendency to tamper with democratic forms (the 2000 constitutional referendum) to guarantee regime legitimation (Barkan et al., 2004: iii-iv). Observers suggested that the regime's behaviour during the referendum campaign "revealed many of the proven signs of a move towards the logic of a one-party state, with the active mobilization of the Movement and threatening the opposition." In the absence of a fundamental turn-around on the present governance stance, where almost all power is vested in the leadership, it seems that the NRM's attempts at distributed governance, particularly to schools is a sham (Barkan et al., id).

The present analysis reaffirms the view and suggests that, although serious issues of inclusion, governance, and fragility persist and have the potential to fuel future conflict, the predominant issues in Uganda relate to competition. Unless an element of meaningful competition is reintroduced, we would expect negative trends to continue and deepen as dissatisfaction deepens and the system becomes progressively less able to resolve inherent tensions (www.transparency.org: Accessed on 20 November 2014).

United Nations observers are of the opinion that democracy as is currently practised in Uganda has produced unpalatable results (Mushemeza, 2000:32). This is associated with the nature of the Ugandan state and the dictates of the NRM. The U.N. observers maintain that instead of the return to civil rule, Ugandans, find themselves talking of returning to democracy, which is understandable since the NRM did give Ugandans a brand of democracy which included shared governance (Makara et al., 2007:2). "The press, for instance, is incessantly drumming into our ears that "we are a democratic country" and bellowing that "in a democratic country like Uganda", this or that should not happen. The press thus, seems completely unaware of the cardinal fact that neither during colonial rule nor since independence has Uganda been a democratic country, (Ogundiya, 2010:201-208). This argument is still forceful today. In a similar vein, Mushemeza,(2000:33) contends that it would constitute a very difficult problem for political theorists to determine the classification of Uganda's type of government. It is definitely not an aristocracy, because by its very definition, aristocracy means government by the best. It is of course not democracy because at least in its modern understanding, democracy is government of the people by the people.
and for the people. What then is it? It is a government infested with, self-seeking, ideology-barren, orientation less operatives; usually selected by their kind and of course scarcely ever elected by the people (Barkan et al., 2004: iii-iv). Even in the guise of multi-party election, in Uganda those chosen to rule are clearly predetermined and chosen even before elections takes place. This assertion is still plausible today. The reason for Mushemeza,(2000:32) conclusion is not far-fetched, in terms of outcome; Ugandans have not significantly reaped the dividends of democracy. Secondly, Uganda’s democracy has been violence ridden characterized with wanton destruction of lives and properties (Ogundiya 2010:208). More importantly, the peoples’ vote seems not to count in determining who governs as elections are rigged or its outcome determined before the poll. Therefore, procedurally, democracy in Uganda is lamed and in terms of its conceptual outcome has failed to meet the expectations of the people. Furthermore, Uganda’s democracy (if it could be so described) has tended to promote inequality rather than equality. Reinikka R & Svensson J (2005:1-9) comment is also instructive; there can be no genuine democracy in a country where citizens are grossly unequal in wealth and the poor who are invariably the majority, are dependent on the wealthy. This fact, that wealth is power, where such a cleavage and dependency exist, political power is inevitably in the hands of the wealthy. In this scenario, democracy ceases to be democracy in reality; in effect it is a plutocracy. In essence, a responsible and accountable leadership should particularly in Education decouple policy implementation and policy advice from policy making (www.equip123.net/JEID/articles/1/1-1: Accessed on 12 November 2013). It should also:

- ensure freedom from politically motivated interference;
- preserve policy continuity, which is seen as a necessary condition of policy credibility;
- ensure independence of decision-making to promote lifelong learning
- allowing school communities and specialised professionals like teachers into the public decision-making process (ibid).

A comparison of the extent of decentralisation and the differences in the way distributed school governance is interpreted by the state in these two African countries (South Africa and Uganda) show similarities. The main similarity is particularly in the manner in which the state is reluctant to decentralise decision-making power to schools. According to Hofstede (1990:23) there is inequality in any society. Some people have more power than others and they are more able to determine the behaviour of others than vice versa. Some people have more status than other and some acquire more wealth than others. Such inequality
3.8 SYNTHESIS OF DEMOCRATIC GOVERNANCE IN UGANDA

Despite decentralisation, the Ugandan government has retained a unitary structure, where local schemes take place within an institutional structure planned and policed by the centre (Barkan, et al, 2004: iii). Although, in practice, hierarchical checks are ad hoc in nature, the perception is widespread that “the centre DBEs not back its policies with sanctions.” (ibid). Mukisa, Mugisha and Zeitlin (2007:5) find that there is hardly any channel for downward accountability in Uganda. Local communities can seldom demand accountability from local authorities directly, and local councils are docile and weak. Administrators do not feel they have to account to local councils and communities for their performance. Rubongoya (2007:285) also contends that Uganda’s decentralisation process falls short of achieving its service delivery targets. Some of the reasons he cites for this, are the lack of autonomy of the local governments, austere fiscal control by central government and capacity restrictions. He suggests that the shortcomings in the process of decentralisation experienced could be corrected by structuring it diligently. Public service delivery has to be in tandem with the community being serviced and with the due consideration for the needs of the poor (Rubongoya, ibid).

Considering both the political systems in Uganda and South Africa one is left with a perception that the inequality between people is problematic and in order to make society more equal, laws such as the Equity Act (S.A) have been promulgated and implemented in an attempt to force the concept of equality to work. Thus everybody should be equal regardless of status, wealth or power. However, there are not many societies where the ideal (equality) matches the real (unequal). Hofstede (2004: 52–60) coined the term power distance to describe the distribution of power in society namely “the extent to which the less powerful members of institutions and organisations within a society expect and accept that power is distributed unequally. This definition thus explains power distance from the value systems of the less powerful members of society. Countries with large power distances between the ‘rulers and the ruled’, according to Hofstede (2004:55) are:

- Might prevails over right; there is an unspoken consensus that there should be an order of inequality as such an order satisfies people’s need for dependence and it gives a sense of security both those in power and to those lower down the power hierarchy;
- The main source of power of the rulers are family and friends as well as the ability to use force which explains the military dictatorships in some countries;
Scandals involving persons in power are expected as well as that they will be covered up;
If things go wrong, the blame is apportioned to people lower in the hierarchy;
Where large power distances are present between the rulers and the ruled the political spectrum is characterised by strong right and left wings and a small centre;
Income is usually unequally distributed with very few rich and many very poor people;
Taxation of persons earning an income is used to provide social grants to the poorer and workless members of society;
Labour unions tend to be government controlled; where they are not ideologically based and involved in politics.

On the other hand Hofstede (2004:58) indicates that the following aspects are typically found in small power distance societies:

- The law should guarantee that everybody regardless of status has equal rights (the ideal);
- Power, wealth and status need not go together;
- Status symbols for persons in power are suspect and a Minister may go to work using public transport;
- The main source of power are one’s assumed expertise and one’s ability to give rewards;
- Scandals usually mean the end of a political career;
- Countries with small power distance value systems usually have pluralistic governments which can shift peacefully from one party or a coalition to another on the basis of free and fair election results;
- Taxation serves to redistribute income making income after taxes less unequal than before;
- Labour unions are independent and less oriented to ideology and politics; instead Unions focus on pragmatic issues on behalf of their members.

This researcher is of the opinion that the two African countries which have been discussed have school governance which is closer to the large power distance cultures, than they are to the smaller power distance characteristics. In such large power distance societies the power is centralised in as few hands as possible and subordinates expect to be told what to do. There are many supervisory positions structured into tall hierarchies where the power is
from the top of the hierarchy to the bottom and control of work is also done in a hierarchical way (Hofstede, 2004: 53-60).

Having discussed two African countries who seem to orientate towards large power distance this researcher will now discuss countries which fit the features of a low power distance namely Britain, followed by Sweden and Canada.

Liberalization, marketization and personalization are faithful to the new spirit of the individualized citizenry and this new thinking led Britain to abandon the traditional model of public school governance where control was vested in the Local education Councils and greater decision making power handed over to individualised schools (Giddens, 1998:2-3).

3.9 THE IMPLEMENTATION OF DEMOCRATIC GOVERNANCE IN BRITISH SCHOOLS

Various distributed governance models have been applied to school governance in Britain and whenever one proved ineffective it would be removed and replaced. In the light of these experiences with shared governance, it was felt that it would benefit this study to research school governance in Britain since it would provide a perspective of distributed school governance from a European outlook, which could assist school governance in South Africa in the future. The justification behind researching models of distributed school governance in Britain, Sweden and Canada, was because these countries have a longer history of decentralised modes of governance than S.A (Balarin & Caldwell 2008:12).

Distributed governance in British schools is quite clearly spelt out in the Schools White Paper entitled “The Importance of Teaching” published by The Department for Education and Employment (DfEE), which is similar to the South African DBE but it DBEs not have the same oversight function. The Department for Education and Employment (DfEE) is mainly concerned with the structure of the curriculum and school performance standards (DfEE, 1996:5). The Schools’ White Paper sets out a number of changes to the education system, including:

3.10 KEY TASKS AND RESPONSIBILITIES OF GOVERNING BODIES IN ENGLAND

According to the Organisation for economic co-operation and development, (OECD, 2008) in England, the majority of decision making is devolved to school level role-players, in contrast
to other European countries. The roles and responsibilities of governing bodies are legislated and among other duties, governors are responsible for training, recruitment, salary setting, performance review and dismissal of ineffective Principals and senior management (Balarin & Caldwell, 2008:13). Since the early 1980s England experienced a “revolution” in the governance of schools (OECD, 2008). The transfer of key responsibilities to school governing bodies from Local Authorities or LEA was a distinct move away from the previous model marked by granting of limited power to schools. The preceding form of governance gave local education authorities responsibility for the delivery of schooling and the formulation of the curriculum in each area. In the 1990s the new system transferred duties both downwards to schools as autonomous “suppliers” and upwards to central authorities responsible for establishing standards, Office for Standards (Ofsted, 1996/97:5). The national curriculum in the current school system determines highly detailed “standards” as well as performance targets measured through regular national testing of learners, this is similar to what S.A. has done with the Curriculum and Assessment Policy Statement (CAPS) (id). Most funding allocated to schools is in proportion to learner enrolments, (Brammer, Conolly, Fertig, James, & Jones, 2010:77-82). Each school has a high degree of operational autonomy which allows for local management (Brammer et al., 2010:77-80).

Local education districts are responsible mainly for governing the system as a whole, establishing local plans and contributing to school financing through local taxes. A school district encompasses a specific geographical area with defined boundaries (Centre for Educational Research and Innovation, 2010:4). In most areas, the head of the school district is called the superintendent. Normally, a school district includes primary schools, also called grade schools, middle or junior high schools, and high schools. A school district's boundaries may be the same as the boundaries of a city. Multiple school districts may exist within larger cities, and in rural areas, a school district may encompass several towns. A County District Office, like the Bedfordshire District Office is responsible for Bedfordshire and Dunstable-midland areas in Britain; it has a number of instruments for maintaining standards, including the specification of subjects and details of what is taught in the national curriculum, the setting of standard attainment tests like the Key Stage 2 for Grade 3. 4 and 5 and direct inspection of each school (Ofsted, 1996:5). Schools are granted the honour of “beacon” status if the level of performance is outstandingly high. The school that is awarded beacon status has a “whole-school” evaluation done by school inspectors. This whole school evaluation is done once the particular SGB has submitted a comprehensive report to the Office for Standards (Ofsted, 2001:11). Ofsted then evaluates the school and if its findings corroborate the SGB report, the honour is conferred on the school (Ofsted, id). However, Saunders (2000:5) highlights weaknesses with the "Beacon" schools, related to governance,
the main one being, sustainability of this status, when there are changes to the SGB. A further aspect is that SGBs adopt an elitist attitude and communities are placed under undue pressure. It also leads to a perception by other SGBs and schools in the area, as invidious, in implying that only Beacon schools exemplify good practice. Its positive effect is that SGBs reward teachers and head-teachers with higher salaries, which incentivise both the member of staff and the SGB (Saunders, 2000:3).

3.11 THE ACCOUNTABILITY OF SCHOOL GOVERNING BODIES IN BRITAIN

The aim of the changes mentioned above was "to put governing bodies and head -teachers under the greater pressure of public accountability, for better standards and to increase their freedom" (Department of Basic Education and Skills, 1992:18). The 1986 and 1988 Education Acts changed the constitution of governing bodies through significantly empowering them and augmenting their responsibilities. The reconstituted governing bodies allowed a greater role for individuals, such as those involved in business and industry and parents. This meant a reduced LEA and trade union representation on governing bodies. In terms of representation, elected and co-opted parents interests have numerical dominance on governing bodies. The 1986 Education Act also made it mandatory for Governors to publish an annual report and to arrange a meeting of all parents (DfEE, 1992:20). The Education Act 1988, and subsequent legislative reform, empowered governing bodies in relation to the management of individual schools. School governing bodies now had extensive powers in relation to the admission and exclusion of learners, financial responsibilities, recruitment and firing of staff and the determination of head-teacher salary levels. The governing bodies of Middle schools (Grade 3 to 6) had further powers since they were the official employer of those working within the school. Dunsire (1978:41) also argued that this was important that "the answer when given, or the account when rendered, is to be evaluated by the superior body, measured against some standard or some expectation, and the difference noted; and then praise or blame to be meted out or prohibitions applied". It is the connection of information with its evaluation and application of sanctions that gives 'accountability' or 'answerability' or 'responsibility' their full sense in ordinary organisational usage" Dunsire (id). One of the pre-requisites of effective culpability is that those given responsibility know whom they are responsible to, and for what aspect of performance. Similarly, those who delegate authority know whom to hold to account. Stewart (1984:16) avers that "the relationship of accountability, involving both the account and the holding to account can be analysed as a bond linking the one who accounts and is held to account, to
the one who holds to account. For accountability to be clear and enforceable the bond must be clear”. In addition to clarity there also needs to be an understanding on the process and content of the account. Stewart, (1984:5) state that accountability “presupposes agreement both about what constitutes an acceptable performance and about the language of defence to be used by role-players in defending their conduct”. The governing body as a whole is obliged by legislation to give an account of the performance of the school. School governing bodies are required to provide information to parents, the LEA, central government, and the Office of Her Majesty’s Inspectorate (OHMI). However, who do they feel accountable to? Governors in Warwickshire identified a range of groups. These included “the head and all staff, to the parents, the local community, local employers, other schools in the area, to the individual governors constituencies, the parish or diocesan authority and most strongly the children” (Beckett, Bell & Rhodes, 1991:101).

In the Schools White Paper DfEE (2010:71) entitled the importance of teaching the contribution made by school governors to the education system is recognised: SGBs are highly regarded because of the yeoman service they perform in the community through their positions on the SGB. They are responsible for crucial decisions like recruitment of teachers and Principal’s salaries. The “Importance of Teaching” sets out a number of changes to the education system, including giving greater autonomy to schools and providing the freedom to make day-to-day decisions thus, in turn, removing unnecessary duties and burdens, and allowing all schools to choose for themselves how best to develop’ (DfEE, 2010:12).

The Schools’ White Paper DfEE (id) also states that responsibility for school improvement will now primarily lie with head teachers (Principals), teachers and governors and as a result, schools will be held to account by parents and the community for their performance. The rationale for this is, that as the white paper states DfEE (2010:4) international evidence has shown that “countries which give the most autonomy to head teachers and teachers are the ones that do best.” Such accountability will require greater transparency through, for example, providing access to a range of information as well as the introduction of free schools. Together, these developments place a greater focus on governing bodies to support schools to fulfil their statutory duties. Overall, the roles and responsibilities of governors have changed and developed in recent years (DfEE, id).

The white paper includes suggestions about an increase in the number of schools gaining beacon status as well as the introduction of free schools. Together, these developments place a greater focus on governing bodies to support schools to fulfil their statutory duties. Since 1996 the roles and responsibilities of governors have changed and developed. The
suitability of the present forms of governance in schools in Britain and policy developments has seen governance become more purposeful than in the past where local authorities retained much of the decision making power for school governance (http://www.government.co.uk; Accessed on 26 December 2012).

The Local Government Group (LG Group) commissioned the National Foundation for Educational Research (NFER) to analyse the current model to ascertain the extent of accountability in school governance and consider alternative models that may be appropriate for the schools of the future. The evaluation comprised three main branches: a rapid review of literature, online surveys of governors and coordinators of governor services and qualitative namely case-study telephone interviews with a range of role players. The key principles and components of effective governance are considered more relevant to the governance of schools than a specific model that is followed. The feedback received showed that an effective governing body can have a valuable effect on school improvement (Bache, 2003:312). The majority of governors indicated that their governing bodies were effective and coordinators were also positive about the overall effectiveness of governing bodies. The research evidence showed that the stakeholder model is viewed as the most acceptable model of school governance, however it was noted that this model needed some improvements to ensure flexibility and fitness for purpose in the context of greater school autonomy. Research results (http://www.nfer.ac.uk/nfer/index.cfm?9B1E174FC29E-AD4D-066C-5357F1EBB20C; Accessed on 11 March 2014) also show that currently governors are mainly fulfilling monitoring and supporting roles (OFSTED, 1995:16). What emerged from the study as well was that, a minority of governors and coordinators felt that governing bodies were challenging head teachers or the senior leadership team to improve learner performance, representing the views of the local community about giving strategic direction, and carrying out self-evaluations (http://www.government.co.uk; Accessed on 26 December 2012).

The perception by many Governors in British schools was that the most important elements for ensuring effective governance would be a productive working relationship between the governing body and the senior leadership team, and an effective chairperson and clerk to support the governing body. Secondly they felt effective governance could be achieved when governors have a clear understanding of their role (and its limits) and an understanding of the strategic responsibilities of governing bodies. A crucial finding was that governors felt that critical to achieving strategic focus is the quality of the relationships between the head teacher, the chairperson of the SGB and the clerk. Governors commented
on the size of the governing body as the least relevant element of an effective governing body (Bache & Flinders, 2004:300).

3.12 SYNTHESIS OF DEMOCRATIC GOVERNANCE IN BRITAIN

When looking at the practical administration of schools and the developing of curricula, it is evident that school governance in England must be regarded as unique. In England, administration of the individual school has been almost entirely transferred from the decentralised level of the Local Authorities to the schools. However, decisions over the curriculum has been removed from the individual schools and together with responsibility for regular external assessment, transferred to the central government. The philosophy that supports this system is that of a market, in which suppliers' behaviour is controlled by central rules and, in particular, a prescriptive curriculum (OECD, 2004:30). Changes in economic stability can result in 'paranoia' which underlies the exhilaration for changes in forms of governance and lends it the sense of urgency embodied in the constant demand for 'change' and 'innovation' in the public sector (Stoker, 2002:432). Ronneberger (2008:140) argues that this objective, to repair the fabric of fragmented communities, is conceived in terms that draw heavily on the principles of 'conservative communitarianism'. When Sweden experienced the effects of the economic recession in the late 1990s, the principles of 'conservative communitarianism' came to the fore which resulted in the Swedish state re-visiting school governance (Jessop, 2004:56-60).

3.13. THE IMPLEMENTATION OF DEMOCRATIC GOVERNANCE IN SWEDISH SCHOOLS

In the United Kingdom (UK) the construction of markets and being an active member of the global economy was regarded as a fundamental ingredient in the renewal of education in the 1980s. For the same reasons, similar changes in Sweden took place a decade later. Sweden is the only country that has built its administrative structure around delegation of power. The present division of the central state administration into ministries and agencies is the result of the 1809 Instrument of Government re-establishing semi-autonomous agencies and boards in order to limit both the King's and the Parliament's influence over public administration. These boards and agencies attached to local municipalities defined the decentralisation of governance particularly in schools in Sweden (Rose, 1993:58).
3.14 SCHOOL GOVERNANCE IN SWEDEN

The Swedish education system has experienced a number of important reforms in the past 25 years which had a strong impact on the work of school administrators. During the 1990s, the education system was decentralised from the government to local authorities and schools in order to inspire innovation and flexibility in the system and to motivate local democracy; to reduce spending across the public sector; and to promote improved efficiency by introducing more market forces in education (for example, more competition among public schools and the encouragement of approved independent schools (Ekholm, 2005:366-375). The reasons behind the transformation of the system from a highly centralised to a highly decentralised one were thought to be rational. During the 1980’s the municipalities showed the state that they were proficient to manage their own affairs and mounting pressure from them that more autonomy is given to the municipalities resulted in decision-making powers being given to them. It was also a response to the extreme economic recession that Sweden experienced in the early 1990s. The government has retained overall responsibility in defining the national objectives and guidelines of education and curriculum. Municipalities have freedom to determine how they want to accomplish the national goals. While the government and parliament continue to play a substantial role in school education, the system is now goal and result-oriented. The framework and guidelines adopted by Parliament and the Government in the Swedish Education Act, ordinances, curricula, syllabi and timetables, allow the local authorities decide how school education is to be planned and what resources to apportion for this purpose out of Municipality budgets (The Swedish National Agency for Education, 2003:27).

The Swedish Education Act, states that all children shall have equal access to education and that all children shall enjoy this right, regardless of gender, where they live, or their social or economic circumstances. The Education Act states that the education shall “provide the pupils with knowledge and, in cooperation with the homes, promote their harmonious development into responsible human beings and members of the community.” Attention shall also be paid to students with special needs (Ekholm, 2005: 107-118).

The Swedish Education Act demands that a school Principal possesses a good knowledge of rules and regulations valid for Swedish schools. Principals must closely monitor the daily activities in their schools. The Principal is responsible for improving education in the different units of the school. Another pre-requisite for a Principal is to have acquired “pedagogical cognizance” through training and experience. The curriculum is included as part of the Principal’s responsibilities. The Principal is the custodian of the school. Governance of the
school must be ordered in such a manner that it works in tandem with National norms and standards (www.oecd.org/edu/schoolleadership; Accessed 2 October 2013).

Swedish school Principals’ receive their directives from the state. National steering committees and local governments generally prepare documents whose chief purpose is to develop Swedish schools. Documents from local steering bodies or agency attached to the municipality and members of these support structures are remunerated by the local municipality. They, for example, consist of instructions about how to manage the budget and economy, routines for information, different kind of policy-programmes which are valid for all activities run by the municipality (Swedish National Agency for School Improvement, 2006:608).

The Swedish National Agency for Education (Skolverket) evaluates, and administers the education system in Sweden. Every three years this agency submits to Parliament a synopsis on the position and performance of the system as a whole. This forms the foundation of a national development plan for schools. This agency also develops curricula and it has a contingent of inspectors similar to the inspectors in England (OECD,2000. Issues and Development in Public Management, Sweden, 2000:23). The municipal council committee (or committees) responsible for education is charged to insure that the objectives of the state contained in the curricula are achieved. Each municipality is charged with developing a school plan, which is then adopted by the municipal council. This plan sets out the methods the council plans to take to achieve the national education objectives. A written report documenting the quality of schools is provided by the municipal council on a regular basis (OECD, id).

Each individual school develops a similar plan outlining the school’s objectives in line with national goals. The head-teacher has complete responsibility for guaranteeing that the school achieves national curriculum goals. He/she must develop a school plan outlining how this will be done and it is regularly audited by the municipal body and incorporated in the latter’s report (OECD, ibid).

Part of the school report indicates whether the Principal spends some of his/her working time teaching classes or not. Most Principals choose not to teach a class mainly because of all the meetings inside and outside school that they have to participate in (Bergstrom & Sandstrom, 2002:17). What is notable is that Sweden DBEs not have SGBs or similar bodies in their school governance structure (Bergstrom & Sandstrom, id).
According to Bergstrom and Sandstrom (2002:19) the Swedish school system is defined by shared governance where individual school role –players participate in decision making of key issues with the municipal agencies. A main and critical goal of the highly decentralised system was to create more flexibility and to allow the individual schools to decide how they want to achieve the objectives set by government. Principals, teachers and other staff are responsible for the content and results of the education provided at each school. The Principal has overriding responsibility for interpreting national and local objectives into workable teaching objectives. All schools must prepare quality statements similar to the School Improvement Plan that S.A. schools are obliged to submit to their district offices at the start of the school year. The school’s plan of work reveals the content and organisation of teaching, among other things. The plan of work is a joint effort of teachers and the Principal again ensuring a buy-in by teachers. Principals are tasked with the responsibility of monitoring and development of their school, the pupils’ results and the school’s success in achieving its goals, as well as for ensuring the quality of the teaching provided. The Principal’s role includes responsibility for financial management, people management, the work organisation, environment, educational development and quality improvement. The Principal selects the teachers to work at the school (in response to open advertisements) and is able to negotiate individual employment and salary conditions within the limits set by local and national collective bargaining arrangements. Teachers have a high degree of autonomy for the selection of teaching methods and for student assessment at school level. However, there are some master templates which are designed by the state and which schools have to conform to. The core guidelines (“läroplan”) were rewritten in 1969, 1980 and in 1994; the 1994 (Lpo 94) is the master template for schools’ syllabi have to contain core sections as contained in the “läroplan”. The board of education of the municipality has been given much more power over and responsibility for school finance (Bergstrom, id). The state allocates a budget to the municipalities. They distribute the finance to the schools. At the school level the Principal, deputy Principal and teachers have significant power over the distribution of the money (www.oecd.org/edu/schoolleadership: Accessed 16 October 2013). Recruitment of teachers is a Municipal responsibility and is carried out by the local school, where the school management co-operates with the teacher unions not only about hiring new teachers, but also about the individual level of each teacher’s salary (www.oecd.org/edu/schoolleadership: Accessed 16 October 2013). The state still formulates the central objectives for the schools, but the schools are responsible for the educational process, to reach the goals and for the use of the resources that have been allocated to it (Swedish National Agency for School Improvement, 2006:608).
The Swedish school system is based on management by objectives. On the basis of the curriculum, each municipality is required to set out the general objectives for its school in a local school plan. Coupled with this, every school has to formulate a local work plan, based on the curriculum and local priorities (Swedish National Agency for School Improvement, id). Schools work closely with the two teachers unions which also have a formalised cooperation at national level. These unions and the Swedish Association of Local Authorities and Regions (SALAR) negotiate with the state over salaries and other working conditions and they speak with one voice (www.oecd.org/edu/schoolleadership: Accessed 12 December 2013).

In Swedish schools the Principals' responsibilities are varied and this becomes enormous in large compulsory public schools. However a rather common structure in the compulsory schools is to change from large school management areas with a team of school leaders that manage a cluster of schools to small school units where the common principle of "one school house - one leader" is practised. Where schools prefer larger school management areas, they are often divided into many working cells and in each of them a teacher has a responsibility as the unit-leader. In most such schools, both among larger compulsory schools and the upper secondary schools, the Principal and her/his assistants use these teachers as coordinators of the school management process (www.oecd.org/edu/schoolleadership: Accessed 12 December 2013). The Principal, her/his deputies and the unit-leaders meet regularly to decide on important local topics such as how the Local Working Plan is to be developed, money for teaching materials, in what way the teachers' in-service training will be organised during the coming year or what money there is need for, during the next year (Swedish National Agency for School Improvement, 2006:608).

In both compulsory schools and in upper secondary schools in Sweden the teachers have quite a strong position. The Principal calls the teachers to common meetings a few times during the school year to inform them about important school matters which are then discussed internally. If a change is proposed by somebody with power like the Principal, the usual pattern is that there is a consultation round among groups of teachers, before a decision is made (Swedish National Agency for School Improvement, ibid).

The teacher unions are also consulted in different matters like selections of new Principals, distribution of money in the school, in-service training plans of the school. The Teachers Unions are usually highly respected by the decision makers and they are important partners too, but sometimes also a clear obstacle for the Principal, when it comes to changes in
school structure and planning of teachers work. In a Swedish compulsory school there is also a committee in which school leaders regularly meet representatives of the teachers, the parents and the students (Swedish National Agency for School Improvement, 2006:608-609). In this committee the Principal has to inform the different parties and discuss with them about issues that are important to them, like changes of the structure of the geographical borders of the school management area, about the budget of the school, about the overall time planning of the school year, issues of bullying. In some compulsory schools this committee is used as a real decision-making body, in other schools it is merely a formal meeting where information is given. The state policy is that these committees with parental participation shall be real decision making bodies in the future (www.oecd.org/edu/schoolleadership; Accessed 14 December 2013).

3.15 STUDENT PARTICIPATION IN SCHOOL GOVERNANCE IN SWEDEN

In compulsory schools students are by law guaranteed influence in the school. Teachers are requested to involve their students in the planning of the education flow and school leaders are expected to involve the students in the decision-making process at the school. Since the end of the 1970’s it is a routine in compulsory schools that each class (in a class you usually find about 25 to 30 students) hold weekly "class councils" where the students and a few of their teachers discuss the inner life of the class. Decisions are taken in this body about changes of the day to day routines of work and of social life. In the upper secondary schools the students participate in decision-making at the school level in a school conference, which has the power to decide about important issues at the school (Höög, Johansson, & Olofsson, 2005:595). The budget is discussed and decided on. Policy decisions about issues like evaluation strategies that will be used in the school are taken there, as well as the type of subject knowledge testing at the school. This school conference has partly taken over the power that the Principal traditionally had. However the conference must not decide about issues where the Principal has the right to decide according to law and regulations. The Principal of the school is the chairperson of the school conference (Höög, Johansson, & Olofsson, ibid). The number of representatives of the staff shall be the same as the number of representatives elected by the students. In the upper secondary school the parents have no representatives in the decision-making bodies (Swedish National Agency for School Improvement, 2006:608).
3.16 TEACHERS’ SALARIES IN SWEDEN

Swedish schools use a system of individual salaries. Through this system schools can reward committed teachers. The system makes it possible to use some teachers’ best competencies in a better way (Ekholm, 2002:109).

The system can link better performance to better pay which is largely based on the school achieving national objectives. However, the system combines several objectives and in that sense certain aims of the system still have not been completely implemented, although it has been in place for a decade. A flaw of this system is that it is geared for the labour market and is not focussed on the individual schools’ peculiar strengths which reflect negatively on the performance-related part of the system (Lundahl, 2002a:634-636). The inviting salary system seems to serve the purpose of attracting young teachers rather well. The system has benefitted young teachers by paying them higher salaries, but it gives little or no recognition to experienced teachers who have achieved superior standards of professional performance (Fredriksson, 2009:299-310). First year teachers even before attaining a positive performance assessment can demand a high salary just in order to start in the school. When the school is in a district where educator shortages are at a peak, the school will be inclined to give in to the high salary demands of beginning teachers. The effect is that a large part of the budget is utilised for salaries and this erodes revenue which would have been invested to reward high standards of performance. The contentious salary system is a great concern for education policy makers (Woodfield & Gundy, 2003:882).

3.17 SYNTHESIS OF DEMOCRATIC GOVERNANCE IN SWEDEN

Sweden has three levels of decision-making, within which extensive devolution took place in 1991. At the national level, Parliament, the Ministry of Education and the National Agency for Education set general procedures. Municipalities decide how the objectives encapsulated in these guidelines will be implemented, and are fully responsible for administration and funding. They are responsible for using long-term planning to ensure the maintenance of suitable standards of educational delivery. Schools are responsible for interpreting and implementing the curriculum in line with national goals (Höög, Johansson & Olofsson, 2005:598-199). Central to this system are customised (local) working plans drawn up by the schools and school plans developed by the municipalities. However, in practice the extent to which municipalities govern school administration varies, some taking a more top-down and others a much more hands-off approach. Unlike in Sweden where economic depravity spurred on changed in public school governance, in Canada public school governance
arrangements adopted by a state are largely the result of political, cultural and economic role players (Pierre & Peters, 2000:2). In most countries, governance reforms have been part of a cohesive restructuring effort i.e., the reforms addressed decision-making authority for curriculum, finance, staff and evaluation in policies where the various components were designed as a package to fit together. In Canada it is a considerably different situation where reforms in the last decade have been introduced in something of a piecemeal fashion and, many have argued, the ad hoc reforms do not relate well to each other (Pierre and Peters, id).

3.18 THE IMPLEMENTATION OF DEMOCRATIC GOVERNANCE IN CANADIAN SCHOOLS

With two notable exceptions, the Canadian experience is very different from the countries discussed to this point. Whereas in South Africa, Uganda, England and Sweden the trend has been to decentralize authority from the state, the tendency in many Canadian provinces appears to be exactly the opposite. Federal governments in Canada seem bent on the creation of larger units through consolidation, (Alberta, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan), limiting the use of local fiscal powers (the exceptions being British Columbia, Manitoba, Quebec and Saskatchewan), increasing the central control over curriculum and authorising central evaluation processes (All provinces) (Bezeau, 2000:2-3).

While Britain and South Africa were endorsing reforms that established some form of individual school committee and increased their real decision making power, the majority of Canadian provinces did not place such school committees in actual decision making roles. The prevalent role for Canadian school councils or committees is strictly advisory to the school Principal. In Ontario, the government’s own Education Improvement Commission called for a clear role definition of such bodies but to date their (committees) brief has not been forthcoming. Exceptions to the general trend are found in British Columbia and Quebec where school committees have been created with real decision making power. The British Columbia legislation specifically refers to the importance of parental involvement in how schools function. Quebec has made the greatest progressive strides in terms of reform of all the Canadian provinces. Bill 180, an act to amend the Education Act (1997), gave schools specific meaningful responsibility (Bezeau, 2000:4). The Bill aimed to create a partnership between parents and professional school personnel. Possibly the most radical Canadian experiment with school committees transpired in New Brunswick. In 1996 the province abolished eleven school boards and these Boards were replaced with Parent committees.
Due to problems, such as widening the divide between the education system and taxpayers who did not have children in school a new, more regional level of school board has been introduced. These regional boards are much smaller than the number of original local school boards (Bezeau, ibid).

In Canada part of the inconsistency between provincial tendencies and those of the other countries discussed in this chapter is due to the political situation from which governance models were evolving. Prior to the need for provincial governments to limit or reduce educational expenditures, Canadian school boards had been amongst the most powerful municipal level governments in the Western world. The increase in the number of municipal boards meant an increase in the central governments’ control of school governance (Bezeau, 2000:8). In these cases it predictably meant decreasing the power of local school boards. Similarly, while most provinces advocate for active, strong, school councils or committees, they have not had their powers increased because to do so meant an increase of funding from the central government which was not forthcoming (Bish, 2001:18).

Canadian provincial education governance reforms show that many provinces have resorted to the creation of larger school boards through mergers or amalgamations in order to realise savings from a reduction of duplication (Bish, 2001:19). In Ontario, the education experience has been described by Williams (2003:10) as that the provinces of Ontario and Quebec are considering the possibility of legislation to enable ‘de-merging’ of previously merged municipal governments. Ontario recently received a recommendation to increase the level of school funding by 2.1 billion dollars (over post-amalgamation levels and as a result of funding cutbacks) from a Task Force that it established. (Education Equality Task Force, 2002:2).

Historically, governance of social organisations like hospitals, prisons and schools in Canada was firmly placed in the hands of strong leaders who it was assumed possessed a good understanding of their environment. The main challenge for an incumbent leader was relatively easy: do not upset the applecart, instead develop established and well-defined goals so that the institution would arrive at its desired destination. Clemens and Veldhuis (2002:89) explains the dedicated efforts made by social democrats to reform the education system over the past two decades because schools were largely oblivious of the political orientation of the current government which was of grave concern to the state. Bedard and Lawton’s (2000: 253) suggests that governance concepts under various ruling parties reveal the latter’s ideology, he discloses how Liberal government’s approach to collaboration, consultation, and consensus building, were markedly different from the Conservatives
politically mandated administrative agency. Like in S.A. SGBs are generally oblivious of the states’ ideology, so to in Canada school boards are rarely aware of the political objectives of the government (Bedard & Lawton, id).

This form of governance namely that is aligned to the ideology of the ruling party be it conservative, liberal or social capitalist like in South Africa, had attained massive public confidence and because of that no one sought any alternative. As Weber explains Canada followed a global trend which was defined by “deterministic, well-behaved mechanical processes where causality was simple because the whole was the sum of the parts” (Clemens & Veldhuis, 2002:19). Clemens and Veldhuis (2002:20) maintain that in Canada, the education system and educational reform is decided upon by the individual province and territory. In the 1990s Canadians expressed a desire for change and the result was widespread reform (Clemens & Veldhuis, id). These reforms involved in particular:

- A new form of governance emerged: a number of school boards merged to improve efficiency.
- School councils were established to encourage parental involvement.
- The disappearance of course streaming up to year 9 or 10.
- Monitoring and efficiency with educational expenditure.
- An optional national science framework.

The reforms also heralded the ‘foundation system’ a system which offers all districts a guaranteed minimum amount of support per student from government financial sources but still allows each district the power to tax themselves should they wish to supplement this guaranteed amount (Fernandez & Rogerson, 2006:862). While the foundation system is being used, governance arrangements tend to reflect a distribution of decision making authority where the state decides major revenue levels (supplemented by local levies), curriculum policy and teacher credentials while local decision makers distribute finances, according to district education needs, employ the teaching staff and negotiate teacher’s contracts (id).

There were differences in governance practices which developed when states, because of monetary exigencies, curtailed local tax raising powers and attempted to transfer control of the overall levels of money spent on education to the central government (Fernandez & Rogerson, 2006:865).

Ontario differed from the other states, where the pattern has been to re-centralize financial control at the provincial level and lessen it at the local board level while leaving individual
schools as minor partners. Researchers questioned whether in Ontario there was a viable role for locally elected boards of trustees in the province and governance arrangements do or do not have an effect on variables such as student achievement (Bedard & Lawton, 2000:253).

This centralist mentality spread through Canada, and manifested itself in the election of ‘right wing’ governments in Alberta and Ontario from the 1990s to 2010. Over this period, educational governance was defined by greater centralization, standardization of curriculum, results-based education, and increased accountability for student performance through standardized testing – regardless of the political ideologies of governing party. According to Anderson and Jafaar, (2007:102) and Ungerleider and Levin, (2008:23) this centralist philosophy defined school governance throughout this period.

Canada, Britain, America, Sweden and Germany are the key players in the global community that have subscribed to the increased pressure for accountability, marketisation and competition which are key elements of Neo–liberalism. Bedard and Lawton, (2000:253) contend that when neo-liberalism is the political ideology, election campaign and platform of the governing party; the repercussions are concrete changes in approaches to governance structures and the implementation of accountability mechanisms, this implies transparency both downwards to parents and communities and upwards to the central government. These structures will because of the need for public support and acceptance have to be decentralised in character (Bedard & Lawton, id). This was also the initial driving force for the ANC government opting to distribute school governance to local role-players, as mentioned above.

An analysis of the various ruling parties in Ontario reveal how their ideologies influence school governance. Firstly the analysis shows how the National Democratic Party’s’ (NDP) efforts to re-mould governance by providing “a strong tutelage role for the centre” were theatrically pre-empted by the Conservatives’ shift to a highly politicized Federal administrative agency much like Provincial Departments of Education in S.A. (Trent, Young & Lachapelle, 2003:317). Trent, Young and Lachapelle (ibid) further maintain, that although there was some overlap in their policy implementation, the Harris approach was qualitatively different from the NDP's monarchical vision directed at ensuring “greater accountability and standardisation to the education system, not to intrinsically alter the scales of power in favour of the centre” (Bedard & Lawton, 2000:253). This same finding is particularly apparent in comparisons between the Conservative and Liberal approaches to governance. The Conservatives governance changes were embedded almost entirely in monetary terms, with
centralised funding being the weapon used to control school board spending rather than a means of achieving equity (Bedard & Lawton, id). On the other hand the Liberals have insisted that the onus is on school boards to display fiscal prudence, they are toying with broader concepts of accountability and assessment for learning – what Jafaar and Anderson (2007:225) term “ethical-professional” accountability instead of “economic-bureaucratic” evaluation. Since 2003, the Liberals have traversed away from administrative agency and rapidly progressed toward a tutelage model of Education Governance Reform in Ontario: Neoliberalism in Context 22 education governance, providing resources and institutional supports from the centre to strengthen district efforts to improve student learning (Levin, 2008:56). Researchers such as Jafaar and Anderson (2007:215) also purport that Neoliberalism, favours the government of the day fulfilling a patriarchal role towards state-appointed bodies in “a political-economic imperative in the formation of government policy” (Fallon & Paquet, 2008:28-36).

3.19. SUMMARY

In general, while decentralisation is an espoused common aim of South Africa, Uganda, Britain, Sweden and Canada the extent to which it has been implemented has so far varied widely. Whereas decentralisation is still a work in progress in South Africa and Uganda, countries such as Britain, Sweden and some Canadian provinces are now facing demands for an increase in central measures to avoid the disintegration of quality standards feared as the outcome of an overly decentralised system. This global penchant for neoliberalism (market related outcomes therefore standards) has been the oracle for governance for the ANC led government in South Africa (Fedderke, de Kadt & Luiz, 2000:634). Fedderke, de Kadt and Luiz (2000:645) further contend that many ideas to eliminate waste of human effort in schools were undertaken in the spirit of scientific management, as state funded school education became conceived of as a business. They included:

- Cost accounting – concern with analysing the financial cost of providing education for learners reaching a particular grades;
- analysing measured learner development across schools in the district to determine their relative efficiency;
- calculating expenditure on teaching different subjects which was required for learners to reach a specific grade, as a basis for decisions on which subjects to offer and which to cut;
- reducing costs by increasing class sizes;
• introducing comprehensive record keeping, from the consumption of basic materials to measured learner outcomes;
• employing university assistance to assist with developing materials to train Principals – ACE
• rating teachers [Integrated Quality Management System-(IQMS)] learner progress curriculum delivery record keeping community and extra-curricular activities and student results] together with Principals and even school cleaners;
• design schools on the basis of the ‘factory system’ where learners circulate between specialist areas so that all spaces are in constant use; The school day was lengthened increasing the workload for teachers;
• maximising savings on school premises and operating costs (Hoyle & Wallace, 2005:75-76)

It becomes apparent that Education governance in Britain, Sweden, Canada and South Africa is based on scientific principles as found in the corporate world. In Uganda the motives seem more selfish given that it is a one–party state namely to ensure continued donor funding and political legitimacy. In South Africa the Institutional Development Support Officers’ (IDSO–like Britain’s’ school inspectors) choose to market their well–managed schools and to ‘sell’ these schools to the public on whose taxes goodwill and votes they depend (Parry & Moran, 1994:48). This metaphor has taken schools to the point of absurdity and very often they (officials) are unaware of the functions of the SGB and because of this, they tend to be dictatorial in instructions and decision-making, that are beyond their scope.

One of South Africa’s great constitutional scholars, Etienne Mureinik (de Vos 2011:1) spoke eloquently about the challenge that the new South African constitution (Act 108 of 1996) imposes on all government officials. The new constitutional dispensation virtually makes it mandatory and even demands that all decisions made by government officials be justified. Particularly because of its past, there exists a culture of authority in S.A. where those in positions of power make decisions which rests on their position in the system. In Democratic S.A. the constitution demands a shift from a culture of authority to a culture of justification.

This argument suggests that government officials need to develop the skills of reasoned judgment as part of the culture of justification. Reasoned judgment assumes an adequate understanding of the rules governing the education system, including the constitution, legislation, regulations, policy and provincial circulars (Anderson, 2006:579). It assumes the systemic engagement with the facts of a particular situation or problem. It also assumes that government officials understand not only the letter of the rules, but in some respects equally
important, they understand the spirit of the rules, what the drafters of the rules had intended by those rules (Sayed, 1999:141). Finally, and most importantly, government officials need to understand and this is where reasoned judgment comes in, that while most management decisions can be made with simple application of the rules, good management and leadership is measured by the successful application of reasoned judgment in complex and difficult instances or cases. Policies can be critiqued via appropriate consultative channels established for this purpose. However, such a process of consultation will not arise out of nothing like a “dark knight” as it necessitates that a dialogue be established between the various partners. Governance carries with it political connotations where the “who” says something is more important than the “what” is said. Thus if the school Principal echoes the words of the HoD of education then this is taken seriously. Any suggestion by anyone else is ignored. When this happens then some people are building power whilst others are losing power and hence there are “winners” and “losers” (Senge, 1997:273). This wielding of power over others is the essence of authoritarianism and in this sense a political environment is an authoritarian environment (Senge, 1997:274). Furthermore Senge (id.) says that such a political climate encourages game playing and blaming others. In order to build a non-political climate Senge (id.) states that we need to generate a climate where merit is the dominant force. In a climate where merit predominates, doing what is right also predominates over who wants what done. Furthermore Senge (id.) suggests that a climate where openness is present is essential. By openness he refers to both participative openness where one has the freedom to speak one’s mind but also reflective openness where one is prepared to challenge your own thinking.

This researcher is of the opinion that when distributed governance was initially mooted that this also implied a climate where dialogue between the partners could occur. Dialogue is unlikely to be stimulated in an environment characterized by hierarchical levels where legislation informs everyone what to do, when to do it and how to do it.

When provided with reasons or justification, role-players are less likely to believe that the manager is acting arbitrarily or simply acting on his or her authority (Aspin, 1995:30; Sayed, 1999:141; Karlsson, 2002:327). It is this researcher’s assertion based on personal experience that Education officials more often than not flout the constitution and are rarely if ever familiar with crucial established provincial policies at best they act as “fire-fighters” and only concern themselves with policies in as much as it affects their portfolios (Schumpeter, 1943:25).
However, the ubiquitous use of the term governance in various lay circles has been such that it has been criticised as a ‘buzzword’, meaning anything and nothing, lacking a universally shared frame of reference as to its exact meaning. To exacerbate confusion, governance is used irresponsibly by many government officials (Habermas, 1922:43).

There are also some scholars who argue that achieving an intelligent and democratic policy making, calls for the involvement of different constituencies and especially those citizens who traditionally lacked the power to access the policy-making process (Elías & Alkadry 2012:876). Elías and Alkadry (ibid) assert that the public’s ability to participate is far from settled. Cronin (1989:9) argues that “there exists both an uncertainty about the ability of the average voter to make policy and about the desirability of having elected officials make unilateral decisions”. Cronin alludes to the State’s lack of confidence in the SGBs ability to make key decisions (see Ministerial Review Committee) which explains why they constantly reduce the SGBs power. Bureaucracy trivializes the awareness of the public on certain matters. In S.A. the documented political objective of the ANC government is to make sure transformation of the workplace and other spheres of society take place in order to ensure its acceptance (which would also be, of its ideology) by the majority of the South African populace (Pandor, 2006:1). The courts play an essential role in controlling unjust and unlawful administrative actions that infringe the rights of schools such as the rights of governing bodies. However, these remedies have not acted as restrictions to unlawful bureaucratic action. It seems that the traditional methods of bureaucratic control (Van Wyk, 2004:49-54.) such as political control, or management control by strict discretionary guidelines, supervision and disciplinary action, and judicial review have not addressed the undemocratic nature of the education system and therefore the erosion of distributed school governance. The underlying notion of this study is that education shapes democracy, and in turn, democracy inevitably shapes education (Dieltiens, 2000:5). If a multi-party democracy remains hypothetical, and regular alteration in government becomes unlikely, analysts of democracy predict a slide towards authoritarianism where democratic institutions are eroded, sometimes to the point where the system degenerates into a hegemonic one-party rule (Matisonn, 2004:1).

The next chapter will provide an elucidation of concepts tenets and theories that are associated with distributed governance in public schools.
CHAPTER 4

RESEARCH DESIGN AND METHODOLOGY

Chapter 3 dealt with a comparison of education governance structures in Uganda, Sweden, Britain and Canada. Chapter 4 deals with the research methodology and data collection technique as well as ethical considerations that were undertaken in this study. The design of a research study begins with the selection of a topic and a research paradigm. A paradigm is basically a world view, a whole framework of beliefs, values and methods within which research takes place. It is this world view within which researchers work. It was the researchers’ view that the Mixed method paradigm would elicit the data required, since to determine participants’ perceptions one needs to be observant of nuances in a conversation or during interpersonal communication and to corroborate the qualitative data in order to obviate researcher bias.

4.1 INTRODUCTION

As this study used a Mixed method paradigm, the quantitative analysis of a set of data is first explained. Written responses from the questionnaire (see 4.11 below), which provided numerically scaled responses was done, using the SPSS 2.2 programme with statistical tests. Positivism underlies the quantitative approach in this study and relies heavily on numerical data and statistical analysis (Giddens, 1985:127). This was followed by the analysis of the qualitative data obtained from a series of focus group and one on one interviews. The verbal recorded data from respondents who participated in the study, were divided into themes and explained under these themes. Creswell,(1998:99) clarifies, that a "Qualitative analysis is an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting”.

4.2 MIXED METHODS

In general, Mixed methods research represents research that involves collecting, analysing, and interpreting quantitative and qualitative data in a single study that investigates the same underlying phenomenon, (Tashakkori, & Teddlie, 2009:283-286). When undertaking a Mixed methods study, the researcher uses quantitative research methods for one phase or stage of a research study and qualitative research methods for the other phase or stage of the
research study. This study involved integrating quantitative and qualitative approaches in generating new knowledge through sequential use of these two classes of methods to follow a line of inquiry, (Tashakkori, & Teddlie, 2009:283-317). When using Mixed methods, both the quantitative and qualitative elements are conducted sequentially before being mixed at the data interpretation stage. As suggested by Creswell, (2003:122) in this study a questionnaire was handed out to six schools across Gauteng followed by a series of one on one and focus group interviews. Mixed methods research is the type of research in which a researcher combines qualitative and quantitative research approaches (for example, for the use of qualitative and quantitative data collection, analysis, inference techniques) for the broad purposes of breadth and depth of understanding and corroboration, (Creswell, Plano, Clark, Gutmann, & Hanson, 2003:123). The embedded strategy in data interpretation, can enhance the analysis of different sets of data, used in the Mixed method study (Creswell, Plano and Clark 2011:411)

Creswell, Shope, Plano, Clark, and Green, (2006:1-11) elucidate the embedded strategy, "one data set provides a supportive secondary role". In relation to this study, the quantitative data set was used in a supportive, subordinate role, (Creswell, et al, 2006:9). Creswell et al, (2006:1-11) recommend that the embedded, triangulated, and exploratory categories all include qualitative dominant design variants, in which emphasis is placed on the qualitative and the constructivist-interpretive model. In this study categories of questions from the questionnaire (see 4.11) provided quantifiable data while the rest of the questions in the questionnaire together with the series of interviews provided a large amount of data that lent itself to qualitative analysis. It is for this reason that the researcher indicates that the qualitative portion of the analysis was the dominant approach (Mason, 2006:10). This allowed the researcher to embark on a ‘qualitatively driven’ approach to mixing methods which offered prospects for engendering novel ways of understanding the complexities and contexts of social experience namely public school role-player’s perceptions about school governance and for enhancing the capacity for social explanation and generalization, (Mason, 2006: id). It was felt that this approach can employ and support some of the best principles of qualitative enquiry, (Mason, 2006: id). This process, can benefit ways in which qualitative researchers have sought to develop constructivist epistemologies, and to engage with tricky methodological issues especially around questions of interpretation and explanation. This view is further defended by Onwuegbuzie and Leech, (2004: 770–792) who maintain that combining different data sets in Mixed methods strategies enhances transferability, generalizability and practical significance (Onwuegbuzie & Leech, 2004: 780–792)
In this case, Wiersma (2000:14) explains that in regard to the way data are presented, qualitative research depends heavily on narrative accounts namely the series of interviews with school role-players, while quantitative research is based on statistical results (see 4.11 below). Wiersma and Jurs (2005:220) affirms that quantitative data often involve random sampling, so that each individual has an equal probability of being selected and the sample can be generalized to the larger population. In this study when the questionnaires were distributed to schools the researcher had no knowledge of who the members of the SGB in that particular school were. It follows that respondents who completed the questionnaires were not known to the researcher, which rendered this a random sample of SGB members in the schools concerned.

Babbie and Mouton (2006:53) describe the function of qualitative research as the description and understanding instead of the prediction and explanation of human behaviour. De Vos, Strydom, Fouché, and Delport, (2005:74) assert that the qualitative approach in its widest sense refers to research that stimulates respondent's accounts of meaning, experience or perceptions. Fortune and Reid (in De Vos, Strydom, Fouché, and Delport, 2005:74) elucidate that as knowledge is amassed, the research focus may shift and data collection may be adapted accordingly. According to Gall, Borg and Gall (1996:767) qualitative research is an enquiry that is based on the assumption that individuals construct social reality in the form of meanings and interpretations, and that these constructions tend to be momentary and situational. Accordingly, the overriding methodology in qualitative research is to explore these meanings and interpretations by studying cases and individuals rigorously in natural settings, so that realistic and original information is obtained. Birley and Moreland (1998:40) contend that qualitative data gathering is not a stereotypical process, but a process of data conception as well. The researcher gathers data, and also creates new data on the basis of observed findings whilst interviewing participants. Le Compte and Preissle (1993:158) describe data as “…any kind of information that researchers can identify and accumulate to facilitate answers to their questions”. Bogdan and Biklen (1982:73) also mention that data include materials which researchers record, like interview transcripts and participant observation field notes as well as conversation prior to and after the interview. The research instruments selected by the researcher was one-on-one interviews and focus group interviews which will be discussed later. Van Wyk (1996:128) acknowledges that the qualitative researcher has to gather descriptive rather than numerical data. She further asserts that the data, in this case, are used inductively to lead to a conclusion based on the phenomenon that is observed. According to Fetterman (1984:29-36), data have a descriptive outcome, often involving the development of a theory. Fraenkel and Wallen (1990:379) suggest that the aim of the qualitative researcher is not to generalize results to other
situations but to extend the understanding within the context of a particular situation. In this study, the perspectives of role-players in the school towards distributed governance cannot be generalised to other schools in South Africa, although the criteria for selecting the sample are indicative of schools throughout South Africa. The insights obtained in case studies can have an influence on governance and future research (Merriam, 1998:6).

The data gathering technique used in this study was exploratory, with the purpose of finding out school role-players’ perceptions on current school governance. This then should act as indicators of the attitudes of the respondents to school governance and the recent changes to the governance of schools.

4.2 THE RESEARCH DESIGN

Wiersma and Jurs (2005: 4) describe the characteristics of the systematic nature of the research process briefly as follows:

Figure 1: Research Process
(Adapted from Wiersma & Jurs, 2005: 4)

In order to ensure that this study was a systematic inquiry, this study employed the dimensions of both quantitative and qualitative approaches in a Mixed Method research design. Kumar (1999:74) describes a ‘research design’ as “…a procedural plan adopted by the researcher to answer the research questions validly, objectively and accurately”. Sellitz, Jahoda, Deutsch and Cook (1962: 50) in Kumar (ibid) see a research design as “...the arrangement of conditions for the collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy and procedure”. This study targets a specific population, namely the educators, Principals, and parents who serve on the SGB as well as the Institution Development Support Officer (IDSO) and a Curriculum Education Specialist (CES), who support schools; they are studied in respect of the same problem. Kumar (1999: 81) recommends this method as useful in obtaining the overall picture as it stands at the time of the study, which implies relevance in determining the perceptions of role-players about implementation of policies, changes to school -related legislation and its effect on distributed governance. Mixing during data analysis occurs when
the quantitative and qualitative strands are mixed during the stage of the research process when the researcher is analysing the two sets of data. First, the researcher quantitatively analyses the data from the quantitative strand and qualitatively analyses the data from the qualitative strand. The researcher further analyses the quantitative and qualitative data to validate and corroborate each other in rhetoric that facilitates comparisons and interpretations, (Kumar, 1999: 81).

4.3 BACKGROUND TO THE STUDY

This study may be viewed as a contemporary study since it investigates phenomenon within its real-life context where the parameters are not clearly evident, as such it illuminated school role-players’ perspectives on school governance. It should benefit a cross-section of South African and international counterparts who have an interest in education in South Africa (Yin, 1989:13). Strauss and Corbin (1990:17) define ‘qualitative research’ as “…a technique that produces results that are not attained by means of statistical procedures”. This study is concerned with the perceptions of role-players serving on the SGB, concerning distributed governance; a qualitative approach is therefore the most suitable technique for the majority of the data collected (Zengele, 2004:68). The qualitative analysis will be supported by the results obtained from the analysis of Section A and all the closed questions from Section B and C formulated in terms of scaled intervals and analysed using quantitative techniques.

Marshall and Rossman (2006: 53) assert that when a study is concerned with perceptions, it is better to study human behaviour in real life situations, thus for qualitative studies, context is also important. Marshall and Rossman (2006: 53) further assert that when feelings and values are involved, the researcher needs to have an intrinsic understanding, which can be captured by means of face-to-face interaction. Qualitative research is an interpretative naturalistic approach which is conducted in its natural setting, attempting to make sense of or interpreting phenomena in terms of the peculiar meanings people bring to them (Denzin & Lincoln, 1994:2). These characteristics of qualitative research are particularly applicable to this study because it seeks to determine how a group perceives, school governance and the relationship between individuals’ within the school situation. The context influences the way different role players define or conceive of school governance. What is equally vital are the subtleties of various role-players’ perceptions and interpretations of and reactions to school governance reforms. However, it is this researcher’s experience that the various role-players are influenced by the various legislative mandates and the way in which these directives have been communicated to them. Most persons involved with school governance appear to
be so caught up in the legislative parameters that they find it very difficult to interpret this legislation in a unique and creative way and tend to just regurgitate that which was given in the first instance. In addition to this, “people tend to obey he who has the gold” and hence officials from the Department of Basic Education are hesitant to provide any criticism of legislation as they are not allowed to voice any criticism of Departmental policy in public. It has also been this researcher’s experience that the vast majority of teachers are so used to working with and following legislative mandates that they would be like a “fish out of water” if the mandates were removed. The mandates about what, where and how to teach and manage are so numerous that they are merely accepted as the “way things around here are done”.

The above indicates that conducting research to discover peoples’ perceptions is riddled with complexities which demands that the researcher steps back and adopts a neutral stance so that the data obtained will be reliable and valid. This is an exploratory study and the researcher cannot comment on distributed governance as an expert, instead the study will report on evidence gleaned from different sources. Key policy documents regulations and policies as well as changes related to school governance together with new data on school governance will be analysed. The summary of the dual stages are provided below.

### 4.5 DATA COLLECTION

The data for this research was firstly collected from applicable documents, participating school Principals and school governing body volunteer members by means of written answers to the questionnaires. The written answers to the open-ended questions (see Item C21 & D20; Appendix E) of the Principal, parent teacher groups as well as the two officials were analysed as qualitative data. Secondly, qualitative data was collected by conducting focus group and one on one interviews with purposely selected schools and their SGBs. An interview guide (see Appendix F) was used to direct the content of the semi structured interviews (Merriam, 2008:72). The researcher entered the field with an open mind as recommended by Glaser and Strauss (1967: 33), mainly because the researcher has not been involved with school governance for seven years. During this time many changes in policy and governance occurred in the school environment. Denscombe (2007:90-91) supports this stance, when he recommends the following principle, the researcher…..

“Embarks on a voyage of discovery.” Glaser and Strauss (1967: 33), caution the researcher when they contend that an “open mind should not be a blank mind”. The researcher entered the field with adequate knowledge and experience about the workings of the SGB and school but did his utmost not to allow this knowledge to cloud the interaction with
respondents and his objectivity. It is noteworthy that a large percentage of the feedback received through the interviews surprised the researcher and provided new insights about the current power of the SGB, and therefore the notion of distributed governance as it is currently applied in schools in South Africa. In adherence with what is postulated by Denscombe (2007:90-91) a constant comparative analysis of data was made, following each interview. This analysis involved comparing and contrasting codes, categories and concepts, constantly measuring them against the literature, acts and policies affecting schools—as embedded in the SASA.

4.5.1 Stage one: document review and analysis of legislation focused on structures and processes that support school governance

The review of documents included school policies which was partnered with an analysis of developments linked to post 1994 policies in general and the SASA in particular. This stage provided vital background information which facilitated a clear understanding of school governance currently being practised. This analysis cleared away any misconceptions in this researcher’s perception about current school governance and the legislated decision-making powers accorded to SGBs. Stage one provided direction and focus when interviewing the SGBs.

4.5.2 Stage two: data collection in schools

Stage 2 involved data collection in six schools one in Lenasia South, one rural school in Eikenhof (Gauteng), a combined school in Johannesburg South one school in the Ennerdale area (predominantly occupied by people of Coloured decent; areas in the south of Gauteng), an ex-Model C school in Johannesburg (an affluent area), and a school in Benoni (on the East Rand).

Emails were sent to the Gauteng Department of Basic Education and to the Directorate: Knowledge and Resources and permission to conduct the research was received on 24 January 2014. Where available, E-mails and telephonic communication preceded interviews at schools, since appointments and other logistical issues had to be attended to in order to facilitate the interviews.

Semi-structured interviews with the principal, educator the learner representative, the Chairperson and other parent representatives were conducted. Observation of the school and its surroundings was undertaken, since certain school based policies relate to the plant and its surroundings.
This stage of the fieldwork provided data to establish the larger environment within which school governance processes are occurring and reflect on the variations across schools in terms of socio-economic and political contexts. The National quintile ranking was used to choose schools for the sample, schools were chosen according to poverty indicators (quintile) and resources available.

The guiding criterion employed in selecting the schools for this study was not whether they represented the totality of schools in South Africa or even in one province, but rather that they made up a volume of types of schools in the south and east of Gauteng that comprised the collective case study. They were selected as they are scattered along a range of criteria, including level of resources according to the DBE’s Quintile ranking. Coupled with these criteria the schools are differently positioned in respect of school governance and other educational reforms and influence exerted by unions. The two broad types of schools are target and better-positioned schools. This study’s brief defines a target school as one that has a low level of resources (financial as well as physical, human, social and capital resources) and the school population hails from households where income levels are relatively low. A better positioned school is one with a measurably higher level of resources, parental education levels are higher and household income is higher. The schools ranking in terms of the National Norms and Standards for School Funding (NNSSF) (DBE, 1998) was the basis to determine the relative income of the school and surrounding community. The NNSSF regulations are compiled by every province supplying a resource list, which ranks schools in the province in terms of the “condition of the school and the relative poverty of the school community” A key consideration in the choice of schools was choosing two “no-fee” schools (target schools) because by declaring a school “no-fee” school, the State impacts on a key decision making function of the SGB as explained in Chapter one. Choosing a better positioned or markedly better resourced school should reveal major differences in perceptions about governance.

4.6 DATA GATHERING TECHNIQUES

Birley and Moreland (1998:40) argue that data gathering is not merely data gathering as such, but a process of data creation as well. While the researcher is gathering data, new data will be created on the basis of observed findings whilst interviewing participants. Le Compte and Preissle (1993:158) describe data as “…any kind of information that researchers can identify and accumulate to facilitate answers to their questions”. Bogdan and Biklen (1992:73) also mention that data include materials which researchers record, like interview transcripts and participant observation field notes. One on one interviews and
focus group interviews will now be briefly discussed as they were the research instruments selected by the researcher.

4.6.1 The research instruments

The research instruments used in this study are discussed below. Hofstee (2006:115) describes a research instrument as any method that can be used to obtain the data that are to be analysed.

4.6.2 One on one interviews

This study, used semi structured one on one interviews, because they provided in-depth information on the issue being investigated. Probing happens when the researcher asks the same questions in different forms and in a different order. Bogdan and Biklen (ibid) mention that by using semi-structured interviews the researcher can be assured of getting comparative data on the same issues across subjects. This study is cross-sectional, which will enhance the reliability and validity of data. Van Wyk (1996:131) says that the purpose of an interview is to allow the interviewer to enter into the other person's perspective. Interviews provide in-depth information about a specific issue or question because the information is not quantifiable, therefore it is called a qualitative research data gathering technique.

Interviews gather a broad range of information from a few subjects. The researcher interprets this attribute of interviews as time-saving, since it is not always easy to get respondents to freely discuss matters relating to school governance; fear of possible victimization can render Principals and educators reluctant participants. On (www.socialscienceresearchmethods.net: Accessed on 9 November 2014) and Merriam (2008:72) explain that unstructured interviews are a method where questions can be changed or adapted to meet the respondents' intelligence, understanding or belief.

The researcher, indeed, adapted the questions according to the academic and educational levels of the respondents, seeing that educators, Principals, and parent members were involved. The researcher chose to adapt the lingua franca for parents that do not have English as mother tongue.

Fontana and Frey (2005:361) regard interviewing as “...one of the most common and most powerful ways to try to understand our fellow human beings themselves”. The researcher is also of the opinion that interviews assisted the researcher to rid himself of prior
misconceptions that were constructed through vague observations. This misconception may be explained in terms of the researcher arriving with certain preconceived ideas about why people behave the way they do, and leaving the interview scene with different and more scientifically acquired conceptions.

Scientifically acquired data can be analysed to reach sound conclusions. Van Wyk’s statement (1996:131) that “…the basic thrust of qualitative interviewing is to minimize the imposition of predetermined responses when gathering data” confirms the probability that the researcher may come to the interview scene with preconceived ideas. Thus, questions in an unstructured interview should be such that the respondent is given a chance to express him/herself comfortably. Burgess (1989:102), says that the unstructured interview employs a set of themes and topics to generate questions in the course of the conversation. Rubin and Rubin (1995:56) also indicate that the aim of interviewing is to obtain information-rich data to build theories that describe the setting or explain the phenomena. The fact that the interviewer determines the tone of the interview process DBEs not give him/her the power to influence the respondents’ answers.

4.6.3 The value of one-on-one interviews

Van Wyk (1996:150) mentions that “…the epistemic value of a qualitative investigation like interviews is accessed by means of the participant’s feelings, beliefs, thoughts, and actions” in other words meaning is derived from the subject’s perspective. De Vos, Strydom Fouché and Delport (2002:340) assert that the interviews as a qualitative approach in its broadest sense refers to research that elicits participant accounts of meaning, experience or perceptions. Burrows and Kendall, (2007: 244-253) explain that as knowledge is accumulated, the research focus may shift and data collection may be adapted accordingly. In keeping

The website (www.usr.rider.edu) and De Vos, Strydom, Fouché and Delport (2002:341) advocate that interviews should be conducted while observing the following:

• The interviewer should establish rapport with the respondents. In this study this will be accomplished by an introduction of the researcher and the object of the study allowing the respondents express themselves freely.

• The interviewer has to describe the project.
• The respondents’ informed consent will be obtained. All the respondents will be requested to give their consent for the interview to be recorded.

To promote a discussion during interviews the interviewer has to:

• seek clarity through pertinent probing without making it look like an interrogation process;

• reflect on something important that the respondent said and seek further clarity;

• encourage participants to pursue a line of thought where the researcher found information to be quite interesting;

• comment on the respondent’s idea by injecting his own idea in order to stimulate the respondent to say more;

• say something to tease, spur on or challenge the respondent in a friendly way to continue talking; and

• summarize the person’s ideas to see if he really understood what was said.

Some interviewees may become too involved in the interview process which might result in the respondent rambling. The researcher should entertain this as the aim is to elicit as much information as possible to understand the actual implications of distributed governance from the opinions of school role-players about its implementation.

The fact that the researcher is a former-educator, school Principal and deputy director will allow for some leverage in terms of determining data reliability. Respondents should identify with the researcher’s background and experience in Education while the researcher should be wary of “waffling” by respondents. Then researcher will introduce credentials and attributes in the educational arena which should prove beneficial for the researcher during the data gathering stage.

The researcher is of the opinion that it is important to be wary of kinesics in the interpersonal communication episode (Seidman, 1991: 56-57). Hofstee (2006:136) advises that nodding, looking puzzled and smiling can sometimes be more effective than verbal communication. He also indicates that sometimes the best way of gaining more information is to remain silent while the respondent is answering a question. Where the researcher thinks the response is irrelevant, probing will be undertaken to clarify certain responses.
Thomas and Thomas (on www.dinf.ne.jp) give the following suggestions for effective interviews, namely:

- Allow the respondents to introduce themselves within the group as an ice breaker, and explain the nature of the research;
- Make sure that the research question is clear;
- Clearly express the purpose of the interview;
- Start with a neutral question to facilitate the free flow of information;
- Use open-ended questions so that the respondent can choose the answer;
- Keep the interview short;
- In the end, summarise the points reported and ask the respondent if the summary is correct.

4.7 FOCUS GROUP INTERVIEWS

Marshall and Rossman (2006:114) contend that focus group interviewing originated from the field of marketing research, but has been widely adapted to the social sciences. They further explain that this method ensures that people need to listen to others’ opinions and understanding to form their own views. Krueger (1988:18) mentions that focus group interviewing came into being in the 1930’s by scientists who doubted the accuracy of traditional information gathering methods. Krueger (ibid) DBEs not, however, specify these methods. This doubt, according to Krueger (1988: 18), led to the approach whereby the emphasis shifted from the interviewer to the interviewee. Focus group interviews refer to a situation whereby the interviewer asks very specific questions about a topic, after considerable research has been conducted, (Denzin & Lincoln, 1994:365). Krueger (1988:18) defines a ‘focus group’ as “…a carefully planned discussion designed to obtain perceptions in a defined area of interest in an accommodating, non-threatening environment”. Krathwohl, (2004:290) states that the focus group interview begins with broad questions and with non-directive responses. It then moves to semi-structured questions and finally to structured ones. For the purposes of this study, the area of discussion is the participants’ perceptions of distributed governance in schools.
Merton, Fiske and Kendall (1988:xxi) criticise focus group interviewing on the basis that plausible interpretations are taken from groups and are then easily treated as valid. The researcher, however, argues this point on the basis that if the sample used during focus group interviewing is representative, it becomes reasonable to treat the data as valid and reliable. Such data can possibly be used to generalize findings and provide suitable recommendations and conclusions.

The researcher also argues that in situations where one respondent becomes more vocal and intimidates the others, bias is inevitable. The researcher should ensure that there is no intimidation of other respondents or domination of a discussion by focusing on everyone within the group. A good researcher can manage a difficult situation by being diplomatic when calling such a person to order.

Foch-Lyon and Trost (1981:92) state that focus group interviews are helpful in answering questions of ‘how’ and ‘why’ people behave as they do. Morgan and Krueger (1997:15) add that when conducted in a non-threatening and lenient manner, focus group interviews become useful when working with people who have limited power or influence in life in general. This may apply to educators at school level who are always at the receiving end of instructions from the Principal and education department officials. Van Wyk (1996:151) also mentions that focus group interviews are more suitable in South Africa where democracy prevails. .All the focus group interviews in this research will be audio-recorded, using the voice activated Sanyo Talk Book Voice activated system (Vas) and the Olympus WS-110 (ICLD) digital voice recorder that operates on the Dragon Naturally Speaking software package as back-up mechanism. It is consequently only suitable for recording voice and transferring data to a laptop for storage and to play back. The use of this sophisticated equipment will enable the researcher to participate fully during the interviews without having to take notes. The recorded data will be professionally transcribed afterwards. A copy of one of the transcriptions will be attached as part of the appendices.

In this research educators and parents are regarded as the key informants who, according to Le Compte and Preissle (1993:166), have special knowledge and are willing to share this knowledge with the researcher. The reasons why educators and parents have been regarded as key informants are because they are the ones on the receiving end of policy implementation, and educators have to implement the policies in the classroom. The researcher assumes that if the policies are implemented in such a way that the educators’ rights are threatened, teaching and learning activities suffer and this may lead to detrimental effects on learners.
During the discussion of the findings in the next chapter it will be noticed that educators are still harassed in schools, as procedures are not always followed during policy implementation. It is also for this reason that the researcher ensured that no Principal was present during the interviews with the educators who may feel too intimidated to express themselves without restraint. The researcher also made sure that there was neither a district official nor any educator present when Principals were interviewed, for the same reasons.

All the focus group interviews took place in the respondents “natural setting”, that is, at school. The educators, Principals and parents will be interviewed after school hours in order not to interfere with teaching and learning activities. Interviewees will consist of groups of between three and eight respondents.

Glesne and Peshkin (1992:74) noted that interviewing more than one person at the same time sometimes proves useful. They mentioned that some topics are better discussed by a small group of people who know each other. In the case of SGBs they constitute a homogeneous group who share a common interest. In most cases the core of this group has spent a large amount of time together, in meetings in solving conflict situations. This camaraderie will augur well in an interview situation since they would put their heads together when questions are posed. Educators will not feel that they would be harassed by the Education authorities since they respond as a group. It is not easy to assemble educators after school hours and after a long “teaching” day. The researcher undertook to provide them with light refreshments and soft drinks, because they were tired and hungry at that time of the day (14h30). The interviews lasted about one hour per session; each interview took approximately five sessions.

The SGBs were interviewed in groups, and asked the same questions in order to determine the reliability and validity of the data. It is also important to mention that while the Principals of schools are regarded as educators, they are also the managers of the schools and they are expected to ensure that the policies are implemented properly. To be able to do this they have to avoid bias and favouritism during the execution of their duties. Principals are considered to possess the required skills and competence to manage schools effectively. Principals are also under constant pressure from the DBE to communicate policies to the educators, while they face similar pressure from educators to communicate their concerns to the DBE. Likewise, it is the Principals who seem to resist policies that may have negative effects on the ability of educators to perform their duties properly. Focus group interviews are therefore seen as suitable for Principals and SGBs so as to freely discuss common experiences in schools.
Schurink and Schurink (1998:2-5) describe focus group interviews as a purposive discussion of a specific topic or related topics between nine to twelve people with similar backgrounds and common interests. However, Krueger (1994:18) says that on a simple research question the number of respondents in a focus group may range from three to four.

Krueger and Casey (2000:71) suggest that a focus group interview should consist of six to eight participants, because smaller groups have more potential to freely discuss their experiences. It is important to note that it was easier to arrange larger groups of educators than it was to organize Principals and parents. This will later be discussed when the findings are presented.

Thomas, McMillan, McColl, Hale and Bond (in Rabiee, 2004:655-660) describe focus group interviewing as a technique involving participants that are not necessarily representative but focused on a particular topic. The focus group should have similar socio-characteristics and be comfortable talking to the interviewer and to one another. Burrows and Kendall (1997:244-253) on the other hand, explained that the respondents are selected because of their knowledge of the study area. All the respondents selected in this study for the focus group interviews are experienced professionals. Thomas et al. (in Rabiee, 2004:655-660) commented that one of the distinct features of focus groups is its group dynamics, hence the data generated are often deeper and richer than the data obtained from one-on-one interviews. The researcher made use of focus group interviews when conducting interviews with educators, Principals and parents.

A sense of guilt may also stem from the fact that interviewees are only following orders from above, so they might need the protection and comfort of being among colleagues.

4.7.1 Characteristics of focus group interviews

Schurink and Schurink (1998:2-5) recommend that focus groups in an interview scenario, should consist of a small group of homogeneous individuals, to ensure maximum validity of findings. Therefore only small groups were interviewed from the same school, during a session.

Focus group interviews were selected for this study because of their ability to develop participatory action when doing research on education stakeholders. Focus group interviews also have the tendency to give the respondents the impression that they are in total control of the situation. However, according to Schurink and Schurink (ibid) focus group interviews do have advantages and disadvantages.
4.7.2 The advantages of focus group interviews

According to Schurink and Schurink, (ibid) focus group interviews:

• Are cost and time effective, as researchers and respondents can be at the same place at the same time;

• Allow respondents to interact with the researcher regarding the information and subject matter under investigation;

• Reveal the respondents’ world views and the social processes that we know little of; and

• May also allow clarification of misconceptions as respondents can answer questions after they have been clarified. The researcher can then process the information and produce a report in a short space of time.

Marshall and Rossman (2006:114) assert that this method allows for the studying of participants in an atmosphere that is more natural than the artificial experimental circumstances and more relaxed than a one-on-one interview. They also agree that the cost is relatively low, as focus group interviews provide quick results, since more people are interviewed at the same time.

According to Rabiee (2004:656), recruiting participants for a focus group interview can be a big challenge, especially if the informants belong to a low income or minority ethnic group. This inferiority complex, she explains, results from the lower self-esteem that interferes with the ability to express themselves freely in a group. However, in this study this was not the case as all the respondents are professionals and form part of minority ethnic groups. In terms of income, educators in South Africa are considered to be among the highest paid civil servants.

Rabiee’s view (ibid) that it can be a challenge to assemble a group, is true, because some members might not be available, citing personal commitments after work.

4.7.3 The questions

Stewart and Shamdasani (1990:65) together with Krueger (1988:62) propose that there has to be fewer questions when conducting focus group interviews. Stewart and Shamdasani (1990:65) also hold the view that the questions should be ordered from the general to the
more specific. This the researcher will accomplish by asking an open-ended question, then probing further on the same issue. The above-mentioned authors also indicate that questions of greater importance should be placed early and those of lesser importance near the end.

In this research study there will be three questions that are in line with the main questions and the sub-questions posed in chapter one, namely

- What is meant by governance and how is it related to school effectiveness?
- What are the perceptions of the various stakeholders about their current involvement in school governance?
- How can distributed governance play a role in the effective governance of schools and what are the perceptions of educators about it?
- What guidelines can be drawn from distributed governance which can be used in schools to improve current governance?

The above four questions were considered by the researcher to be equally important, as opposed to Stewart and Shamdasani’s (id) view. These questions need a lot of probing during the interviews. The same questions will be asked in all the interviews to determine the reliability and validity of findings.

Lord (1997:222) said that perceptions can be measured by asking direct questions about thoughts, feelings and opinions at the same time. He further emphasises that perceptions can also be measured by indirect means. To increase the possibility that the respondents would reveal their true feelings and opinions, the researcher used open-ended questions that would promote an in-depth discussion by the research participants during interviews. Lewis (2000:4) supports this questioning strategy when she suggests that open-ended questions allow respondents to answer from a variety of dimensions. The researcher avoided questions starting with “why?” because, Krueger (1988:62) argues, that they force participants to provide quick answers that may seem too intellectual or inappropriate for the situation. Rather, most questions started with “how?” and “what?”

The purpose of the questions will be to determine:

- The expected conditions in schools policy implementation;
Attitudes to changes in policies handed down from the DBE;

The implications of changes to school governance for the school

The responses will be discussed in the next chapter.

4.8 QUESTIONING TECHNIQUES

The rationale for the selection of certain scaled items to the questionnaire was that these items would provide a profile and demographic information about the respondents. The categorical data so collected could then be used as independent variables when analysing the dependent scaled variables. However, the main focus of this study was on collecting qualitative data from focus groups and one-on-one interviews.

The researcher made every effort to be conscious of the Hawthorne effect which implies that the participants tell the researcher what they think the researcher wants to hear, not their actual perceptions. Respondents could possibly behave this way because of fears of recrimination or victimisation by the State or when under investigation they act differently when realising that they are under observation by the Principal or school management personnel.

The researcher, because of a protracted period of interacting with teachers, was able to determine the Hawthorne effect on the part of the respondents and dealt with it appropriately by probing further and listening carefully whilst also taking note of the body language of the respondents. The Hawthorne effect is a term coined in 1955 by Landsberger (in Creswell, 2003:184). If the researcher DBEs not know the participants well the Hawthorne effect may interfere with the reliability and validity of the data collected.

Throughout the study the researcher followed Mouton’s (1996: 17-19) four images of scientific inquiry, namely:

- The epistemic model of research, which defines research as the pursuit of truth suggesting that the researcher search for the truth. The researcher, for example, wanted to know to what extent the involvement of teacher unions at school level influences the teaching and learning programmes. In other words, DBEs the involvement promote or hamper the effective policy implementation at school? The researcher is of the opinion that once the relevant data have been collected, suitable recommendations can be made to alleviate problems in schools. As Valsiner (2006:601) has written: “The social representation
system of a society at some historical period may selectively guide the researcher to seek general knowledge, or, through denying the possibility of general knowledge, let the researcher be satisfied by descriptions of 'local knowledge'." The articulation of suitable recommendations leads to the next stage, solving the problem.

- The sociological model, whereby the researcher undertakes a study in order to come up with problem-solving strategies. This inquiry happens despite the fact that social research DBEs not prescribe, but recommends solutions for the world to become a better place for those who live in it.

- The economic model whereby research is regarded as the production of knowledge. Stehr (1994, in: Mouton, 1996:19) refers to scientists or academics as “knowledge workers”. This researcher agrees with this view since academics' main task involves analysing and interpreting data. The theories that emanate from these exercises is when the truth is detected. This then becomes a commodity to be utilized by other scientists to find solutions to similar problems. This unique body of knowledge becomes the intellectual property of those who conduct research, and consequently of their educational institutions, and it is then made available to those who are interested in the subject. Mouton (2008:100) hypothesises about data reliability by explaining ‘reliability’ as implying that different researchers could produce the same results in different places if the same instruments were used. Finally, research is a project management model, whereby the researcher has to formulate a research design, raise funding in order to collect the required data in the correct way, and is subject to a time frame for each stage of the enquiry.

To ascertain reliability, the researcher used the same set of questions in all the interviews. Kumar (1999:140) describes ‘reliability’ as an inference that is the researchers' “measuring tool” which has to ensure his/her work is consistent and accurate. Verbatim accounts of transcripts were used during data analysis and transcribed from the audio tape recordings using word to text conversion via a digital computer application. Kumar (1999:140) argues that it is, however, impossible to have a research tool that is 100% reliable. Kumar (id) further argues that it is not because an instrument cannot be perfectly reliable, but rather due to the fact that it is impossible to control the role players affecting reliability. He explains these role players as:

- The wording of the questions - a slight ambiguity in the wording may cause the respondents to interpret the questions differently at times. If this happens during the interviews, the researcher will rephrase some of the questions. Since what is being
measured is perceptions; respondent’s moods may affect the reliability of the data presented.

- The regression effect of an instrument - respondents may feel that they have been too negative or too positive towards the issue. The second time they may express themselves differently. This could also happen after the researcher switches off the recording device, as the respondents start giving new and essential information as “off the record data”. This had occurred previously when the researcher conducted interviews. The researcher could not use such data in observance of ethical principles.

The researcher attempted to ensure both the validity and the reliability of the study, by heeding what Mouton (1996:112) suggests; the researcher avoided giving any indication that answers to the questions were known; the researcher assumed a relaxed but serious appearance which projected an image of trustworthiness and respect; the respondents were assured at the commencement of the interview, of strict confidentiality of all statements made during the discussions. It is the researcher’s view, based on previous experience that despite Mouton’s (1996:112) advice, this researcher avoided responding positively or negatively to answers, the researcher adopted a “poker face” namely being objective but showing a keen interest throughout.

4.9 ANALYSIS OF DATA

Interviews were recorded using a voice recorder with the permission of the participants. The transcripts of the interviews and field notes will be analysed using voice recording to text digital software. Data will be particularly selected, coded, annotated and compared. Organisers or key concepts used for describing, explaining and understanding the process of school governance in South Africa will include: development of policy and practices in school governance since 1994; school culture regarding governance and democratic participation; individual perceptions of democratic participation and governance variations.

4.10 THE TRANSCRIPTION OF DATA

The researcher is required to enter the world of the respondents under study in order to observe their environment and in order to empathise with them. “The researcher engaged in symbolic interaction is expected to interpret actions, transcend rich description and develop a theory which incorporates concepts of self, language, social setting and social object (Schwandt 2001:124).The formulated theory should be elucidated in a manner that creates
an eidetic picture. Two American scholars, Glaser and Strauss used these principles and developed a more structured and systematic procedure for collecting and analysing qualitative data. A Critical theoretical perspective was used to analyse data. Denscombe (2007:98) suggests that the constant comparative method of data is useful for this purpose. Codes were created as they emerged and then compared and contrasted as they occurred against “existing versions.” These codes were created while analysing the data collected via the interviews and not established prior to the research activity (Denscombe ibid).

4.10.1 Quantitative aspects

Descriptive statistics was used in this study to explain the quantifiable data in the closed questions in Section A-1,2,3,4 Section B-8,9,10 Section C-11,12,14, 15,19,20,22,24,28,29,33,36,39,41,43 and 45. These were analysed in terms of frequencies, percentages histograms and tables, followed by a discussion of results. Percentages of responses were interpreted and compared with the findings from the qualitative data. The meaning of these findings were evaluated and synthesised into propositions describing the relationships, trends and perspectives of the categories of themes relating to democratic school governance (Leedy & Ormond, 2005: 150). These findings were synthesised or integrated with the qualitative findings and literature.

4.10.2 THE RESEARCHER’S SUBJECTIVITY

Sherman and Webb (1998:178), suggest that qualitative research cannot be carried out by people who see themselves as divorced from the group or person they are interviewing will negatively influence the data collected.

In this research the researcher is a former educator, school head of department, Principal of at least two schools and deputy director of the DBE. The researcher’s current occupation as lecturer in the Department of Applied Communicative Skills at the University of Johannesburg augured well when interviewing respondents.

4.11 ETHICAL CONSIDERATIONS

Bailey (1978:384) asserts that seeking informed consent is probably the most common method in medical and social research. He further indicates that consent should be voluntary and without pressure of any kind. The researcher observed all the above ethical principles. In order to comply with ethical considerations, the researcher ensured that • letters asking for consent to conduct the interviews were sent to all the participants;   • permission must be
granted by the participants to record the interviews; the identities of all the participants will be kept confidential; and code names will be used especially with the lower ranking employees. Krathwohl (2004:215) provides a distinction between confidentiality and privacy. He describes ‘confidentiality’ as the control of access to information, and ‘privacy’ as a person’s interest in controlling boundaries between the self and others. Participants will be informed that the interview findings would be kept safely and then be destroyed after three years.

Kumar (1999:194-195) cites the following ethical issues:

• Avoid bias - the researcher will not deliberately hide what was found in the study with the intention to falsify data.

• Use appropriate methodology - the researcher ensured that the method, sampling and instruments are suited to the study.

• Correct reporting - data will not change to suit the researcher’s interest.

• The use of information – the respondents were informed that information used in this study was done to avoid any intentional harm to them.

Pseudonyms will be used for school names to guarantee the confidentiality of the participants. The researcher will also use the region according to Departmental demographic labels instead of specific areas in cases where there is only one school in that area which will lead to easy identification of the school being discussed.

4.12 SUMMARY

This chapter emphasised the objectives and aims of the study in order to provide a detailed account of the methodology employed. The use of a questionnaire, focus group interviews and one-on-one semi-structured interviews were discussed in detail. The rationale for the use of these gathering data techniques was explained. The researcher further explained how the data was analysed in order to change it into information. The use of the Mixed method research design in this study was explained and justified. Clarity regarding the choice and size of the sample was also provided, which included the limitations expected during data gathering. Finally, the ethical considerations to be observed by the researcher were explained. In chapter 5 the numerical data was interpreted and reported using descriptive
statistics (a quantitative method) and synthesised with the findings from the verbal responses transcribed from the interviews (a qualitative method).
CHAPTER 5

DATA COLLECTION TECHNIQUES ANALYSIS AND INTERPRETATION

This chapter presents the structure of the questionnaire and the data obtained from the interviews with role-players involved in and associated with school governance in public schools in Gauteng. The data obtained was analysed using both quantitative and qualitative methods. The quantitative analysis included tables on responses from seven closed-ended questions as these are suitable for descriptive analysis. A brief explanation was given on why qualitative responses were suitable for the study. The qualitative data was analysed using thematic analysis of SGB functions of financial management, appointment and promotion of staff, Union involvement in school governance and learner admissions.

5.1 INTRODUCTION

Chapter one gave an overview and the intention for undertaking this research. Chapter two explored the relevance of Critical theory for this study and clarified the key concepts of democracy and analysed various orientations to substantive democracy and a historical overview of democracy by outlining how the South African education system had developed to become a highly centralised and bureaucratic system during the twentieth century. Chapter three comprised a review of the literature on countries that have a decentralised system of governance in education. Chapter three also explained that our education system was transformed, to afford a greater degree of parental participation through democratically elected school governing bodies after the attainment of democracy in South Africa in 1994. Chapter 4 dealt with the research methodology and data collection techniques as well as ethical considerations that were adopted in this study. It further analysed democratic provisions in legislation and highlighted certain bureaucratic practices through amendments to legislation, which serve to constrain participatory democracy in education. There appears to be a consensus that school governance in South Africa should undergo a distributive governance transformation in the interest of advancing democracy in South Africa.

This Chapter is concerned with analysing the data collected from the questionnaires and the interviews.
5.2 QUANTITATIVE ANALYSIS: DESCRIPTIVE STATISTICS

5.1.1 ANALYTICAL TECHNIQUES

Descriptive statistics was identified as the most suitable method of classifying data, which could be quantified and then explained from the statistics; this method was selected for the questions on the questionnaire which yielded scaled responses.

The construct to be measured was governance of public schools, as dictated by State policies and the perceptions of SGB members towards these amended policies. Seventy questionnaires were handed out to SGB members in the sample of schools as well as to the two Education officials. This questionnaire is pivotal, since it impacts on the responses in the interviews and will serve in the triangulation. In the questions Section A-1,2,3,4 Section B-8,9,10 Section C-11,12,14, 15,19,20,22,24,28, 29,33, 36,39,41,43 and 45 percentages of responses will be interpreted and represented graphically. These questions act as the precursor to the findings obtained from the interviews and have a bearing on the objectives of this study (Clark & Van Der Westhuizen, 2007: 334).

All the sub-groups within the SGB namely the Principals, the parents and the teachers within the SGB in the sample of schools as well as, two senior education officials associated with these schools, held the strong opinion that the decision–making powers attached to key functions accorded to SGBs in 1996, had changed now, such as, that schools must decide on learner admission, the issue that the Head of Department (Education) should accept the SGBs recommendation in the appointment and promotion of educators.

5.1.2 ANALYSIS OF QUANTITATIVE ITEMS

The emphasis in this research was on the analysis of the qualitative data and hence the research sample for the quantitative data is limited to the schools where the research was conducted. Hence no inferences are made regarding the population and the sample is relative to these schools only. The total number of teaching staff at these schools was 249 educators and there were 68 SGB members who represented these schools. The frequencies of questionnaires returned from each school is provided in Table 2.
Table 2: Frequencies of questionnaires returned in the sample

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
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<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LS</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>22.9</td>
</tr>
<tr>
<td>Ei</td>
<td>10</td>
<td>13.9</td>
<td>14.3</td>
<td>37.1</td>
</tr>
<tr>
<td>ZP</td>
<td>11</td>
<td>15.3</td>
<td>15.7</td>
<td>52.9</td>
</tr>
<tr>
<td>GL</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>75.7</td>
</tr>
<tr>
<td>En</td>
<td>8</td>
<td>11.1</td>
<td>11.4</td>
<td>87.1</td>
</tr>
<tr>
<td>Bn</td>
<td>7</td>
<td>9.7</td>
<td>10.0</td>
<td>97.1</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>2.8</td>
<td>2.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: Author initiated)

Table 2 reveals that 70 questionnaires were completed and returned, representing the sample of schools in the study. The highest cumulative percent of returned questionnaires were from the ex-Model C schools labelled GL - 75.7% and Bn- 97.1% which is indicative of the high number of parents that are willing to participate in the governance of their schools. In sharp contrast to this are the No-fees schools labelled, ZP-15.3% En-11.4%, Ei-13.9%, which can be interpreted as parents and teachers who lack confidence in the SGB, possibly because of its loss of power. The 70 SGB members represent approximately 14000 parents/caregivers, who they communicate with socially, since they are part of those communities and as elected representatives their perceptions should also be held by a proportion of those 14000 people (Townsend, 2010:24-29). This should compel the State and all role-players to take heed of these findings, as it impacts on school governance currently and has implications for the future of school governance.

5.1.3 QUINTILE RANKING OF SCHOOL (A2)

The National Norms and Standards for School Funding (NNSSF) policy (SA, 1998) legislates funding to schools by dividing them into national quintiles based on the relative wealth of the surrounding community. The poverty score of each school assigns it to a quintile rank which, is based on a predetermined formula, governs the amount of funding the school receives; thus it is supposed to be a pro-poor mechanism used to determine the amount of funding for individual schools (National Norms and Funding, SA, 1998). Quintile 5 represents the least poor schools and quintile 1 the poorest schools. This research grouped quintiles 1, 2 and 3 into one group and quintiles 4 and 5 into the second group as shown in Table 3.
Table 3: The frequencies of the quintile group in the sample.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>Q1+2+3</td>
<td>37</td>
<td>51.4</td>
<td>52.9</td>
</tr>
<tr>
<td></td>
<td>Q4+5</td>
<td>33</td>
<td>45.8</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>72</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Table 3 indicates that 51.4% of the schools in the sample were schools in Quintiles 1, 2 and 3 which range from poor to the poorest school and was the largest portion of the sample while 45.8% are schools that are in quintiles 4 and 5 and are supposed to be well resourced according to the Quintile ranking. The sample therefore is balanced and is a good representation of schools in Gauteng according to the quintile ranking.

5.1.2 NUMBER OF EDUCATORS EMPLOYED AT THE SCHOOL (A4 BINNED)

The number of educators per school is determined by the Post Provisioning Norm (PPN) which allocates educator posts according to the number of learners in the school. However, in fee-paying schools the SGB is allowed to supplement the number of educators by paying them from school fees collected. In this way such schools are able to reduce the class sizes considerably and this is perceived to be a large advantage. In this research the one school which was a no-fee paying school had 1247 learners and 32 educators paid by the state which gives a ratio of 39 learners per class. In another fee paying school which had 952 learners and 40 educators the class size was 24, which is considerably smaller than was the case for the no-fee-paying school. Proportionately the fee-paying school should have 25 educators paid by the state but they are able to employ an extra 15 educators which makes an enormous difference with respect to work load of the educators and makes the difficult task of learners discipline and individual learner attention much easier. For this research the educators have been placed into two categories as indicated in Table 4.
Table 4: The frequencies of the educator allocation in the sample.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;= 40</td>
<td>36</td>
<td>50.0</td>
<td>51.4</td>
<td>51.4</td>
</tr>
<tr>
<td>41+</td>
<td>34</td>
<td>47.2</td>
<td>48.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5.2.3 TYPE OF SCHOOL (A5REC)

There were responses in only the categories as shown in Table 5.

Table 5: Frequency table of the type of school (A5Rec).

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban school</td>
<td>52</td>
<td>72.2</td>
<td>74.3</td>
<td>77.1</td>
</tr>
<tr>
<td>Farm school</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Sources: Authors initiated)

The data in Table 5 represents the two types of schools in Gauteng. This province, being the most commercialised and industrial of the nine provinces, attracts people from across S.A., Africa and globally, because of job opportunities and the hope of a better life. This has given rise to an increase in "make – shift", (in shipping containers and dilapidated buildings) urban schools in and around Johannesburg. This research therefore chose more urban schools (72.2%) and fewer farm/township (22.2%) schools which would be representative of the demographics in Gauteng.

5.2.4 Number of members on the SGB of the school (A6Rec)

The two categories of the number of members will depend on the size of the school. However both groups with 12 and 15 members could be considered to be large.
Table 6: Frequencies of the two number of SGB member groups.

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;= 11</td>
<td>54</td>
<td>75.0</td>
<td>77.1</td>
<td>77.1</td>
</tr>
<tr>
<td>12+</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: Author initiated)

The data from table 6 indicates that SGBs with the larger number of members on the SGB are the fee-paying schools. The policy (SASA, Act 84 of 1996) prescribes...that “the size of the SGB should be in accordance with the learner population and also parent members should be in the majority”. The size of the SGB allows for better decision making and division of labour given the many activities the SGB has to undertake. The larger the SGB the larger the knowledge base, which poses a greater challenge to state control as their legislative policies can be interpreted by many persons, including professionals such as lawyers and advocates. A large SGB is possibly better at harnessing greater financial resources which impacts positively on all aspects of school governance.

5.2.5 FREQUENCIES OF THE TWO GENDER GROUPS (B6)

The frequencies of the two gender groups serving on the SGB is given in Table 7.

Table 7: Frequencies of the two gender groups serving on the SGB in the sample.

<table>
<thead>
<tr>
<th>Valid</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>41</td>
<td>56.9</td>
<td>58.6</td>
<td>58.6</td>
</tr>
<tr>
<td>Female</td>
<td>29</td>
<td>40.3</td>
<td>41.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: Author initiated)

The data in Table 7 indicates that the SGB members are 1.4 males to every one female respondent in the sample. The SGBs in these schools are dominated by male representatives. Most SGBs in the sample had more male chairpersons, only one SGB,
Ennerdale had a female chairperson. This could be because females in South Africa traditionally have more domestic and family commitments, which does not allow them to attend SGB meetings and take on time consuming responsibilities. Another reason could be that because SGBs and the other Education structures are male dominated female members do not feel their “voices as being heard” or that their contributions are appreciated. This negative perception could be borne out of the fact that many female applicants appear to be marginalised, when they apply for a promotion, as has been noted in this study.

5.2.6 THE LANGUAGE OF INSTRUCTION AT YOUR SCHOOL (B8)

The original 12 categories was collapsed to three only and the frequencies of the language of instruction are given in Table 8.

Table 8: Frequencies of the three language of instruction groups in the sample.

<table>
<thead>
<tr>
<th>Language</th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sotho</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>22.9</td>
</tr>
<tr>
<td>Afrikaans</td>
<td>8</td>
<td>11.1</td>
<td>11.4</td>
<td>34.3</td>
</tr>
<tr>
<td>English</td>
<td>46</td>
<td>63.9</td>
<td>65.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing System</td>
<td>2</td>
<td>2.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8 reveals what the language of teaching and learning in the different schools are, Sotho (22.2%) is the parent members’ mother tongue and the language of instruction and learning in the majority of farm schools in Gauteng, it leads to communication problems with District officials who cannot converse in Sotho. Afrikaans (11.1%) is the major language in the Ennerdale (coloured) community. While although the other schools have a large black African, learner population the language of teaching and learning is English (63.7%). The sample is representative of the languages that are prevalent in Gauteng farm, township and urban schools.

5.2.7 CURRENT POSITION IN THE SCHOOL

The three items concerned were grouped into educators and parents and the frequencies of the responses in the sample are given in Table 9.
Table 9: Frequencies of the two current position occupied groups in the sample.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educators</td>
<td>29</td>
<td>40.3</td>
<td>43.3</td>
<td>43.3</td>
</tr>
<tr>
<td>Parents</td>
<td>38</td>
<td>52.8</td>
<td>56.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>93.1</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>5</td>
<td>6.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The data from Table 9 indicates that 52.8% parents are in the majority on SGBs and this is in keeping with what is prescribed in the SASA, (Act 84 of 1996). The fact that parents make up the majority (section 23(9)) of the governing body demonstrates the importance of their involvement on the SGB.

5.2.8 THE PERCEIVED SUPPORTIVE ROLE OF TEACHER UNIONS IN THE EMPLOYMENT OF EDUCATORS (C38)

There were two possible responses namely yes (1) they play a supportive role and no (2) they do not play a supportive role. The responses received are displayed in Table 10.

Table 10: Frequencies regarding the supportive role that teacher unions play in the employment of educators.

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>22.9</td>
</tr>
<tr>
<td>No</td>
<td>54</td>
<td>75.0</td>
<td>77.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The data in Table 10 indicate that 77.1% of the respondents have the perception that teacher unions do not play a supportive role in educator employment. This is disconcerting as one of the functions of a teacher union should be to ensure employment for educators. The largest teacher union in South Africa is the South African Teachers Union (Sadtu) and about 70% of teachers are affiliated to Sadtu. This union has a socialist policy where the concept of equity has its roots. The concept of Equity is a multidimensional concept and in South Africa it goes hand in glove with the philosophy of affirmative action or positive...
discrimination (which in itself is contradictory) and it is enshrined in the Constitution, (Act 108 of 1996) to provide resources to those who have been most disadvantaged (Ndlovu, 2012:40). Du Preez & Grobler (1998:29-43) reveal that the Hunter Review Committee (HRC) indicated that the concept of equity assumes the “equal treatment of the unequal is not necessarily equitable and thus requires an approach which takes into account the need to provide a basis for treating people equally in order to ensure equity”. It would seem that the government believe that the Employment Equity Act of 1995 is the basis which is referred to above and which is aimed at rectifying the injustices of the past? The counterpoint as raised by Du Preez & Grobler (id.) is also something that needs to be considered namely that there is nothing wrong in a SGB taking steps to enhance the quality of education provision even if this results in such schools as being perceived as being superior as far as education provision is concerned. It would seem that the respondents in this research have a negative perception about state intervention and the removal of powers from the SGB as well as about the present role of teacher unions in teacher employment.

5.3 THE DEPENDENT VARIABLES IN THE QUESTIONNAIRE

Item C12 asked respondents as to how familiar they were with the functions of the SGB as legislated in the SASA (Act 84 of 1996). They had to give their answer on a 10 point interval scale where 10 meant extremely familiar and 1 meant not at all familiar with the SGB functions. The histogram of the data distribution indicates that the data is negatively skew as the vast majority of the respondents believed that they were at least knowledgeable to very knowledgeable with respect to their SGB functions (figure 1).
The mean score of 8.47 and median of 9.00 indicates that the majority of the respondents had the perception that they had very good knowledge of the functions of the SGB according to SASA. The result is that the data is negatively skew and hence non-parametric statistical procedures are needed to test the various independent variables.

Item C18 asked respondents to indicate the extent of satisfaction with the changes in the SGB functions since its first inception in 1996. They had to respond on a 10 point interval scale where 10 indicated that they were extremely satisfied and 1 indicated that they were not at all satisfied. The distribution of the data is provided in the histogram in figure 2.
The mean of 2.56 indicates that the majority of the respondents could be classified as being not satisfied. The median of 2.0 also indicates that 50% of the respondents answered 2 or less on the scale. The distribution is thus positively skew as the mode and median lie to the left of the mean in figure 4.2 and independent variables will be tested using non-parametric statistical procedures.

Item C13 asked respondents their perceptions regarding their expectations of the functionality of the SGBs. If the SGB was functioning better than expected they had to code 5 whilst a code of 1 indicated much worse than expected. The middle value of 3 indicated that they were functioning as expected. In the light of 3 being a middle value this researcher collapsed the five categories to three namely worse than I expected (1), as I expected (2) and better than I expected (3). The distribution of data is shown by the histogram in figure 3.
Figure 4: Histogram showing the data distribution in the dependent variable expectations of the SGB.

The mean of 1.36 indicates that the majority of the respondents are rather disappointed in the functioning of the SGB as they indicate a negative perception of worse than I expected. The median of 1 indicates that at least 50% of the respondents indicated that the SGB was functioning worse than expected. The data is positively skew and non-parametric procedures need to be utilised when testing independent variables. This finding needs to be seen in the light of the ideal versus the real value as our expectations are usually higher than that which we actually do. Nevertheless such a low rating of expectations of the SGB should be a matter of concern as it is a reflection on the democratic value of shared decision making and parental involvement in matters which concern the community.

Item C17 asked respondents their opinion as to whether they believed that the SGB functions as initially proposed in SASA, Act 84 of 1996 were still the same. They had five categories to respond to namely definitely completely changed (1) at one pole and exactly the same (5) at the other pole. The data distribution is indicated by the histogram in figure 4.
Figure 5: Histogram showing the data distribution in the dependent variable changes to the SGB functions since 1996.

The mean of 2.20 indicates a majority perception that the changes were made to limit the power of the SGB (note the value of 2 in item B17). The median value of 2.0 indicates that at least 50% of the respondents scored this value. The data distribution could thus be said to be positively skew and would need to be tested using non-parametric statistical procedures. Whatever the motivation for changing the initial SGB functions, the respondents clearly have the perception that it was a political in nature as power is involved namely more for the state and less for the parents.

The four variables C12, C18, C13 and C17 all measure the extent of some sort of behaviour or its frequency of occurrence and in this research they will serve as the dependent variables. The independent variable is the one manipulated by the researcher and in this research they are mostly quasi-independent variables as the participants already belong to that particular group due to some inherent characteristic such as age, gender, quintile of school and so on. Thus this researcher will determine the participants score on the independent variable such as male or female and so on. The manipulation of the independent variable is done in order to see if the score changes on the other variable namely the dependent variable. As an example male respondents will achieve a certain
mean or average score on the knowledgeability of SGB functions while female respondents should achieve a different mean score. Thus by changing the independent variable one presumes that the participants’ behaviour will also change and the dependent variable measures that behaviour.

When two independent groups are involved the non-parametric procedure is normally the Mann-Whitney U-test (Mouton, 1996: 540).

5.4 COMPARING TWO INDEPENDENT GROUPS USING RANKING PROCEDURES

The comparison of the two gender groups will be the first to be discussed.

5.4.1 GENDER AS INDEPENDENT VARIABLE (B6)

The appropriate hypotheses for the gender groups could be:

Ho – There is statistically no significant difference between the mean ranks of male and female respondents with respect to the following dependent variables:

- HoUC12 – Knowledgeability of the functions of the SGB
- HoUC18 – Extent of satisfaction with changes in SGB functions
- HoUC13 – Expectations of the functionality of the SGB
- HoUC17 – Perceptions of functions of SGB changing since first inception

Ha – There is a statistically significant difference between the mean ranks of male and female respondents with respect to the following dependent variables:

- HaUC12 – Knowledgeability of the functions of the SGB
- HaUC18 – Extent of satisfaction with changes in SGB functions
- HaUC13 – Expectations of the functionality of the SGB
- HaUC17 – Perceptions of functions of SGB changing since first inception

The appropriate data for the two independent conditions Mann-Whitney test are provided in Table 11.
Table 11: Mean ranks and test statistics of the two gender groups with respect to the following dependent variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Group</th>
<th>Mean Rank</th>
<th>Z</th>
<th>p-value</th>
<th>Effect size (r)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledgeability of the functions of the SGB (C12)</td>
<td>Male</td>
<td>35.60</td>
<td>0.05</td>
<td>0.960</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>35.36</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extent of satisfaction with changes in SGB functions (C18)</td>
<td>Male</td>
<td>41.48</td>
<td>-3.07</td>
<td>0.001</td>
<td>** 0.37</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>27.05</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>Male</td>
<td>38.38</td>
<td>-1.73</td>
<td>0.083</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>31.43</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perceptions of functions of SGB changing since first inception (C17)</td>
<td>Male</td>
<td>42.88</td>
<td>-3.88</td>
<td>0.000</td>
<td>** 0.46</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>25.07</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01 but p<0.05)

Effect size (r): 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large

The data in Table 11 indicate that male and female respondents differ statistically significantly in their mean ranks with respect to the extent of satisfaction with changes in SGB functions (C18) and the perceptions of functions of SGB changing since first inception (C17) only. Hence the null hypotheses for these two variables (role players) cannot be accepted. In both these variables the female respondents had lower mean ranks and hence the females are the group with the highest number of lower ranks indicating that female respondents are statistically significantly less satisfied with the changes in the SGB functions than male respondents are (C18). As many female educators are concerned with the SGB appointments in a temporary capacity, it is possible that they have been more negatively influenced with the changes that have occurred with respect to teacher appointments.
Female respondents are also of the opinion that the functions of the SGB have changed to a greater extent than male respondents are.

5.4.2 QUINTILE RANKING (A2REC)

Only those independent variables where significant differences were present will be discussed. As the hypotheses are similar to those set under gender they will not be discussed again. The only dependent variable that showed statistically significant differences in the mean ranks was the variable (C12) knowledgeability of the functions of the SGB. The appropriate data was:

\[
(U_{Q1+2+3} = 30.93; U_{Q4+5} = 40.62; Z = -2.090; p = 0.037; r = 0.25).
\]

The respondents from the poorer schools indicate that they are less knowledgeable regarding the SGB functions than are the respondents from the more affluent schools.

5.4.3 NUMBER OF EDUCATORS APPOINTED (A4BINNED)

The number of educators appointed were grouped into less than or equal to 40 and 41 or more. Statistically significant differences were found to be present in the expectations of the functionality of the SGB (C13) and in the dependent variable perceptions of the functions of SGB changing since first inception (C17). The results applicable are given in Table 12.

Table 12: Mean ranks and test statistics of the two number of educators groups with respect to the following dependent variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Group</th>
<th>Mean Rank</th>
<th>Z</th>
<th>p-value</th>
<th>Effect size (r)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>&lt; = 40</td>
<td>29.15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>41 +</td>
<td>42.22</td>
<td>-3.311</td>
<td>0.001 **</td>
<td>0.40</td>
</tr>
<tr>
<td>Perceptions of functions of SGB changing since first inception (C17)</td>
<td>&lt; = 40</td>
<td>27.81</td>
<td>-3.506</td>
<td>0.000 **</td>
<td>0.42</td>
</tr>
<tr>
<td></td>
<td>41 +</td>
<td>43.65</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01 but p<0.05)
Effect size (r): 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large
The data in Table 12 indicates that the smaller staff complement have the lower expectations regarding the functionality of the SGB. The respondents with 40 or fewer educators on their staff also indicated that the functions of the SGB had changed to a larger extent than the 41+ group of respondents believed this to be the case. A cross tabulation between A4 and C17 for example, indicates that 47.2% of respondents who were from the 40 or smaller group indicated that the SGB functions had definitely completely changed compared to only 11.8% from the 41+ group who indicated this. It is possible that the smaller schools were more influenced by the changes to the SGB functions especially those regarding the appointment of additional teachers.

5.4.4 THE NUMBER OF SGB MEMBERS (A6REC)

The numbers of SGB members were binned using SPSS 22.0 and two groups were suggested namely 11 or fewer members and 12 or more members. The appropriate data is given in Table 13.

Table 13: Means ranks and test statistics of the two SGB groups with respect to the following dependent variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Group</th>
<th>Mean Rank</th>
<th>Z</th>
<th>p-value</th>
<th>Effect size (r)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledgeability of the functions of the SGB (C12)</td>
<td>&lt;=11</td>
<td>32.67</td>
<td>-2.250</td>
<td>0.024*</td>
<td>0.27</td>
</tr>
<tr>
<td></td>
<td>12+</td>
<td>45.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extent of satisfaction with changes in SGB functions (C18)</td>
<td>&lt;=11</td>
<td>38.36</td>
<td>-2.273</td>
<td>0.023*</td>
<td>0.27</td>
</tr>
<tr>
<td></td>
<td>12+</td>
<td>25.84</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>&lt;=11</td>
<td>38.14</td>
<td>-2.458</td>
<td>0.014*</td>
<td>0.29</td>
</tr>
<tr>
<td></td>
<td>12+</td>
<td>26.59</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01but p<0.05)

Effect size (r): 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large

The data in Table 13 indicate that the respondents with the larger SGB number believed that their knowledgeability of the SGB functions was greater than those with the smaller SGBs. It is possible that more sharing of available knowledge occurs between the larger SGBs or that there are more persons to select from and hence a wider selection of candidates improves...
the selection of persons knowledgeable about SGB functions. However, when it comes to the extent of satisfaction with the changes to SGB functions the respondents with the larger SGB numbers are less positive about their levels of satisfaction with the changes to the SGB functions. The same is true for the expectations of the functionality of the SGB.

5.4.5 HOW HAVE THE CHANGES TO THE SGB FUNCTIONS AFFECTED THE SCHOOL (C20?)

Item C20 asked respondents whether the changes to the SGB functions had influenced the school negatively (1) or positively (2). The appropriate data is summarised in Table 14.

Table 14: Mean ranks and test statistics of the two influenced groups with respect to the following dependent variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Group</th>
<th>Mean Rank</th>
<th>Z</th>
<th>p-value</th>
<th>Effect size (r)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extent of satisfaction with changes in SGB functions (C18)</td>
<td>Negatively</td>
<td>31.16</td>
<td>-4.131</td>
<td>0.000**</td>
<td>0.49</td>
</tr>
<tr>
<td></td>
<td>Positively</td>
<td>56.50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>Negatively</td>
<td>32.58</td>
<td>-3.257</td>
<td>0.001**</td>
<td>0.42</td>
</tr>
<tr>
<td></td>
<td>Positively</td>
<td>49.53</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Perceptions of functions of SGB changing since first inception (C17)</td>
<td>Negatively</td>
<td>31.40</td>
<td>-3.995</td>
<td>0.000**</td>
<td>0.48</td>
</tr>
<tr>
<td></td>
<td>Positively</td>
<td>55.33</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01 but p<0.05)
Effect size (r): 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large

The response to C20 was overwhelmingly negative as 82.9% of the respondents indicated that they believed that the changes had influenced the schools negatively while only 17.1% had positive responses. The data in Table 14 corroborates this finding in the sense that the respondents who were negative in their response to item C20 also had statistically significantly lower mean ranks than those respondents who were positive to C20. The relatively large effect sizes of the three dependent variables also indicate the importance or practical significance namely that of positive thinking. From the data it appears as if respondents who were positive about the changes to the SGB were also more positive in
their satisfaction and the functionality after the changes than were the group with a negative response to item C20. It is also paramount that such negative perceptions are changed as they can lead to greater dissatisfaction about SGB functionality providing the state with reasons to further limit the functions of the SGB. The result could be one of usurping even further powers from the SGB bringing with it a “greater insistence on uniformity imposed by norms and standards which are generally applicable so that they are attainable by all and should not be exceeded even by those who can attain relatively more (Du Preez, 1997: 12)”.

5.4.6 LANGUAGE OF INSTRUCTION (A8)

The language of instruction was recoded to three groups (see 5.4.5 and Table 15). When testing three or more groups the non-parametric equivalent of the ANOVA test is the Kruskal-Walls test (Field, 2009: 560). The Kruskal-Wallis test, tests the mean ranks of all three groups and if a difference is found at this level then the three groups are, for example, tested pair-wise by using a Mann-Whitney U-test.

The Kruskal-Wallis tests indicated that three of the dependent variables namely C13, C17 and C18 indicated significant differences. No differences could be found regarding the knowledgeability of the SGB functions as specified in SASA. The language of instruction groups were Sotho, Afrikaans and English of who the vast majority (65.7%) indicated that it was English. Sotho as language of instruction was provided by 22.9% of respondents who, given the demographics of South Africa, are all presumably Black. The Afrikaans language of instruction respondents are all from Ennerdale and compose only 11.4% of the three language of instruction groups. Ennerdale is a suburb which has traditionally been inhabited by Coloured persons and they are mostly Afrikaans speaking. Thus one has three racial groups involved namely Whites and Indians (English), Blacks (Sotho) and Coloureds (Afrikaans). The results for the Kruskal-Wallis tests were:

[C18-H (2) = 22.61; p = 0.000; C13-H (2) =17.05; p=0.000; C17-H (2) =18.17; p=0.000]. The box-plots indicated that the pair-wise comparisons are likely to be between the Sotho and Afrikaans groups and the English and Afrikaans groups. Using a Mann-Whitney U-test can lead to Type 1 errors (falsely rejecting the null hypothesis) but this problem can be overcome by using a Bonferroni correction which involves that instead of using p = 0.05 one makes use of 0.05/3= 0.0167. The probability value of 0.05 is thus made more stringent and instead of using the 5 in 100 one uses 2 in 100. The appropriate results are given in Table 15.
Table 15: Mean ranks and test statistics of the three language of instruction groups with respect to the following dependent variables.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Groups</th>
<th>$\bar{R}_u - \bar{R}_v$</th>
<th>Z</th>
<th>Adj. p value</th>
<th>r</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extent of satisfaction with changes in SGB functions (C18)</td>
<td>So vs. Afr.</td>
<td>-37.53</td>
<td>-4.480</td>
<td>0.000**</td>
<td>0.88</td>
</tr>
<tr>
<td></td>
<td>Eng. vs. Afr.</td>
<td>32.79</td>
<td>4.424</td>
<td>0.000**</td>
<td>0.60</td>
</tr>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>So vs. Afr.</td>
<td>-27.22</td>
<td>-3.81</td>
<td>0.000**</td>
<td>0.78</td>
</tr>
<tr>
<td></td>
<td>Eng. vs. Afr.</td>
<td>24.77</td>
<td>3.92</td>
<td>0.000**</td>
<td>0.53</td>
</tr>
<tr>
<td>Perceptions of functions of SGB changing since first inception (C17)</td>
<td>So vs. Afr.</td>
<td>-34.00</td>
<td>-4.16</td>
<td>0.000**</td>
<td>0.85</td>
</tr>
<tr>
<td></td>
<td>Eng. vs. Afr.</td>
<td>27.17</td>
<td>3.75</td>
<td>0.000**</td>
<td>0.51</td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01 but p<0.05)

Effect size (r): 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large

The data in Table 15 indicates that the respondents with Afrikaans as medium of instruction differ statistically significantly from both Sotho and English medium of instruction respondents. It is possibly easier to interpret the differences in one examines the mean scores of the three groups namely $(\bar{x}_{So} = 2.13; \bar{x}_{Afr} = 6.63; \bar{x}_{Eng} = 2.00)$. The respondents from schools with Afrikaans as medium of instruction have the highest mean score and at most it can be said that they are moderately satisfied with the changes in the SGB functions while the other two groups are not satisfied with the changes in the SGB functions. One should remember that the Afrikaans medium of instruction contained only eight respondents and this would certainly influence the mean.

The expectations with respect to the functionality of the SGB of the Sotho and English medium of instruction respondents was that it was worse than what they expected. The Afrikaans medium of instruction respondents were of the opinion that the functionality was on par with their expectations.

The data in Table 15 also indicate that the perceptions of the Sotho and English medium of instruction respondents was that the functions of the SGB had changed and this was mainly to limit the power of the SGB. The Afrikaans medium of instruction respondents had a mean
score of 5.13 indicating that they believed that the functions had only changed slightly since 1996. The general trend of the data in all three of the dependent variables was one of Afrikaans medium of instruction respondents being more positive about the changes in SGB functions than the other two groups. This finding would be applicable to this sample only and is not a finding which can be generalised except possibly that respondents were negative about SGB functions.

5.4.7 YOUR CURRENT POSITION OCCUPIED IN THE SCHOOL (C9, C10 AND C11)

The three items concerned were grouped into educators and parents and the frequencies of the responses in the sample are given in Table 4.8

Table 16: Frequencies of the two current position occupied groups in the sample

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educators</td>
<td>29</td>
<td>40.3</td>
<td>43.3</td>
<td>43.3</td>
</tr>
<tr>
<td>Parents</td>
<td>38</td>
<td>52.8</td>
<td>56.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>67</td>
<td>93.1</td>
<td></td>
<td>100.0</td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>5</td>
<td>6.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The data from Table 16 indicates that 52.8% parents are in the majority on SGBs and this is in keeping with what is prescribed in the SASA, The fact that parents make up the majority (section 23(9)) of the governing body demonstrates the importance of their involvement on the SGB.

The two groups formed were briefly discussed under 5.2.7 and in Table 16. The four dependent variables were tested and only C12 the knowledgeability of the functions of the SGB showed statistically significant differences across the two independent groups. The result was: \( U_{Ed} = 22.43; U_{Par} = 42.83; p = 0.000; r = 0.55 \). The parents believe that they are very knowledgeable regarding the functions of the SGB while the educators believe that they are knowledgeable. It is possible that the parent component which includes the SGB chairperson were selected because of their espoused knowledge of the SGB functions in SASA and its amendments. The effect size is large and hence this finding has practical significance which could be situated in a belief that a good SGB knows its functions well and that they serve the interests of the community. Parents who are knowledgeable about their
functions probably also contribute towards a climate of collaboration between educators and the SGB.

5.4.8 PERCEPTIONS OF THE SUPPORTIVE ROLE THAT TEACHER UNIONS PLAY IN TEACHER EMPLOYMENT (C38)

There were two response categories to this item namely yes (1) and No (2). The appropriate data is displayed in Table 16.

Table 17: Frequencies regarding the supportive role that teacher unions play in the employment of educators

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>16</td>
<td>22.2</td>
<td>22.9</td>
<td>22.9</td>
</tr>
<tr>
<td>No</td>
<td>54</td>
<td>75.0</td>
<td>77.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>70</td>
<td>97.2</td>
<td>100.0</td>
<td></td>
</tr>
<tr>
<td>Missing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>2</td>
<td>2.8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>72</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The data in Table 17 indicate that 77.1% of the respondents have the perception that teacher unions do not play a supportive role in educator employment. This is disconcerting as a teacher union should be supportive of educators’ interests in a just and fair manner. The largest teacher union in South Africa is the South African Teachers Union (Sadtu) and about 70% of teachers are affiliated to Sadtu. This union has a socialist policy where the concept of equity has its roots. The concept of Equity is a multidimensional concept and in South Africa it goes hand in glove with the philosophy of affirmative action or positive discrimination (which in itself is contradictory) and it is enshrined in the Constitution to provide resources to those who have been most disadvantaged (Ndlovu, 2012:40). Du Preez (1997:9) indicates that the Hunter Review Committee (HRC) indicated that the concept of equity assumes the “equal treatment of the unequal is not necessarily equitable and thus requires an
Table 18: Mean ranks and test statistics of the supportive role that teacher unions play in teacher employment regarding the following role players.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Group</th>
<th>Mean Rank</th>
<th>Z</th>
<th>p-value</th>
<th>Effect size (r)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knowledgeability of the functions of the SGB (C12)</td>
<td>Yes</td>
<td>23.78</td>
<td>2.76</td>
<td>0.006**</td>
<td>0.33</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>38.97</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expectations of the functionality of the SGB (C13)</td>
<td>Yes</td>
<td>43.34</td>
<td>-2.16</td>
<td>0.030*</td>
<td>0.28</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>33.18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extent of satisfaction with changes in SGB functions (C18)</td>
<td>Yes</td>
<td>47.38</td>
<td>-2.80</td>
<td>0.005**</td>
<td>0.33</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>31.98</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

** = Statistically significant at the 1% level (p<0.01)
* = Statistically significant at the 5% level (p>0.01 but p<0.05)

Effect size (r): - 0.1 to 0.29 = small; 0.30 - 0.49 = Moderate; 0.50+ = Large

The data in Table 18 indicates that respondents who said yes to the supportive role of teacher unions in teacher employment had a statistically significantly lower mean rank than respondents who said that unions do not play a supportive role. Thus those who said no that teacher unions do not play a supportive role had the perception that they had more than adequate knowledge of the SGB functions. There were 77.1% respondents who answered no to the supportive role of teacher unions and only 22.9% who answered yes. Respondents who answered no probably have had personal experience with respect to the role that teacher unions play in teacher appointments and it appears to be largely negative. In this sense the item had an inverse relationship namely the greater the knowledge of SGB functions the less supportive one believes teacher unions are of teacher employment. It is possible that SGBs would wish to appoint educators in a temporary capacity and to do so according to the free-market principles of competitive salaries whereas the teacher unions advocate the same pay as that which permanently employed teachers receive.

With respect to the expectations of the functionality of the SGB (C13) respondents who answered yes to the supportive role of SGBs had a significantly higher score than those who said no to the supportive role of SGBs in teacher appointments. Thus the yes respondents also had a somewhat more positive expectations of the functionality of the SGBs.
Respondents who answered yes to the supportive role of teacher unions were also more comfortable with the changes to the SGB functions since 1996 as they had a higher mean rank indicating greater support (C18).

5.5 QUALITATIVE RESEARCH

The interviews were used to probe the perceptions of respondents regarding their perceptions, opinions and knowledge with respect to:

- The functions of the SGB and how policies and amendments to these have affected school governance;
- School governance with particular reference to the promotion and appointment of teaching staff, finance and admission to public schools;
- Key indicators and experiences of SGB members regarding Teacher Unions and their influence on school governance.

The qualitative data gathering techniques are firstly briefly discussed

5.5.1 THE RESEARCH INSTRUMENTS

The research instruments used in this study are discussed below. Hofstee (2006: 115) describes a research instrument as any method that can be used to obtain the data that are to be analysed.

5.5.2 ONE-ON-ONE INTERVIEWS

Kumar (1999:109) indicates that any person-to-person interaction between two or more individuals with a specific objective in mind is called an interview. This study, used focus group and one-on-one interviews, because they provide in-depth information on the issue being investigated.

Cohen and Manion (1998:271) and Hitchcock and Hughes (1995:157) assert that focus group interviews are more flexible because the interviewer can probe more deeply and overcome the common inclination of respondents to anticipate questions. Probing happens when the researcher asks the same questions in different forms and in a different order. Bogdan and Biklen, (2003:95) avers that by using focus group interviews the researcher can be assured of getting comparative data on the same issues across subjects. This study is cross-sectional, which will enhance the reliability and validity of data.
Van Wyk (1996:131) affirms that the aim of an interview is to allow the interviewer to enter into the other person’s perspective. Interviews provide detailed information about a specific issue or question because the information is not quantifiable into numbers, therefore it is called a qualitative research data gathering technique.

As much as quantitative methods gather a small amount of data from many subjects, interviews as a qualitative method gathers extensive information from a few subjects. The researcher interprets this aspect of interviews as time-saving, however the initial process in arranging the interview is time-consuming as is gaining participants’ confidence so that they can spontaneously discuss matters relating to possible flaws in policy implementation. Experience has shown that it is a fear of possible victimization, and “gagging” conditions that officials impose on schools which limits the trust between persons and hence the amount of honest information obtained.

McLeod, (2014:1-5) and (www.socialscienceresearchmethods.net) describe unstructured interviews as a method where questions can be adapted or syntax changed to meet the respondents’ level of education, understanding or belief. The researcher, re-constructed and re-arranged the questions for the interviews to suit the participant’s namely senior education officials as opposed to parents from the rural school and sought the service of an interpreter to allow for the lingua franca of some respondents in the latter sub-group. Fontana and Frey (1994:361) regard interviewing as “…one of the most common and most powerful ways to try to understand our fellow human beings themselves.”

The necessary form required by the University of Johannesburg’s Higher Education Ethics Committee was completed by the researcher and submitted to the Committee confirming that the study guarantees respondents’ confidentiality and anonymity. Permission to conduct interviews was sought from the Gauteng Department of Basic Education-District D 11 and 12. The researcher was informed to communicate with the Gauteng Department of Basic Education: Knowledge Management and Research Unit, when the necessary criteria were satisfied, permission was granted by the director of the above unit, to conduct interviews with role-players, subject to certain conditions.

The entire research comprised forty six questions. The questionnaire contained three sections A, B and C. It was compulsory that respondents answer sections A and B requiring Profile Information. A verbal appeal was made to participants to answer the closed questions in Section C. The rest of the questions were included so that participants could familiarise themselves with the amendments to SASA, (Act 84 of 1996). The researcher’s experience as teacher, Head of Department (school, both locally and internationally) and Principal of a
number of schools in Gauteng, was that professional personnel and parents very rarely acquaint themselves with Education laws. The same questionnaire was circulated to all the respondents with the same instructions. Participants were allowed three months to complete the compulsory sections, the researcher made a minimum of five visits to each school to collect the completed questionnaires from the different categories of participants. Principals and officials returned the completed questionnaires after their interviews had ended, since they wanted to corroborate information such as the amendment to the hiring of SGB educators.

Data collection was initiated by a personal visit to selected high schools in Gauteng. Interviews were conducted in a total of seven schools: a Secondary and Primary school (known as a Combined school), a Technical Secondary school and four Primary schools. One rural primary or farm school, one Urban Combined school and one Technical Secondary school in the Johannesburg South area, one ex Model C in Johannesburg, one primary school in a township in Johannesburg South and another in Ekhurleni East (Benoni). Structured questionnaires were distributed by a hand-out system to specific persons namely two Gauteng Department of Basic Education officials – Curriculum Education Specialist (CES), IDSO (Institution Development Support Officer) six Principals, six chairpersons and fifty four SGB members (both teachers and parents including two RCL-learners). Accordingly, research was initiated by distributing questionnaires to the selected sample of schools. The objective behind this exercise was to establish the level of knowledge of the respondents about the phenomenon, Distributed governance in public schools in Gauteng and role-players’ knowledge of the recent amendment to policies which affect SGBs’ powers.

5.6 THE THEORETICAL PERSPECTIVE

Van Wyk (1996:128) recognises a researcher who uses Mixed methods as one who has to gather descriptive data, and numerical data. She further contends that the data, in this case, is used crucially to lead to a conclusion, based on the phenomenon that is observed. According to Fetterman (1988:6) data that have a descriptive outcome, is always situated within a theory which in the context of this study is Critical Theory.

Critical Theory promotes a critical consciousness. Drawing from this critical position a critical stance towards what is generally accepted as the social convention of school governance, and existing contradictions in which power relations dominate (Guba, 1990:49). Critical Theory is one that attempts to understand people’s perceptions, attitudes and understanding of a particular situation. Denscombe (2007:89) emphasises that the Critical Theory approach
is ideally suited when there is a need to connect what is verbalised to what happens in a real life situation.

5.6.1 CRITICAL THEORY IN DATA ANALYSIS

Hammersley (1995:30) is convincing when he maintains that Critical Theory would render “transparent what had previously been hidden, and in doing so, initiate a process of self-reflection in individuals or groups, designed to achieve liberation from the domination of past constraints”... In the context of this study the researcher established if Education policies and amendments to the South African Schools Act (SASA - Act 84 of 1996) have been introduced to reduce the power of the School Governing Body (SGB), which is contrary to the original intention of the South African Schools Act (Act 84 of 1996). This change in the power afforded the SGB was evident in how school role players perceived their functions from when it first originated in 1996 and up to now in 2015. To obtain school role-player's perceptions, the researcher analysed recorded oral and written data which was collected. The fact that the researcher chose to manually transcribe recorded data favours what Glaser and Strauss (1967:33) assert, that armchair theorising is fruitless, if it is not supported by evidence. Cohen, Manion and Morrison, (2007:27) posits that Critical Theory is unique when it is associated with this type of investigation; its efficacy lies in the manner in which the data is analysed. In order to realise the advantages in using Critical Theory, data was analysed by making use of the constant comparative method to facilitate critiquing. This method demands that the researcher compares and contrasts, categories and concepts, as they emerge, constantly evaluating them against amendments to sections as enshrined in the SASA (Act 84 of 1996). Thus by implication it never allowed the researcher to veer from events related to school governance. This supports what Denscombe (2007:99) refers to as “based on empirical reality."

The study was not only conducted to establish what was taking place “at school level" but also with the aim to make valuable recommendations emanating from the conclusions drawn, which would make distributed governance in schools meaningful and return the decision—making power that SGBs are meant to have, as supposedly enshrined in the South African Constitution (Act 108 of 1996). To achieve this objective, this study was positioned in accordance with Descombe’s (2007:122) recommendation that a study should not only be undertaken to gain new insights of a problem, but also to “…set out to alter things” that are educationally and socially unacceptable.

Premised on the critique of the oppressive nature of institutional structures and other arrangements, that reproduce and maintain domineering ideologies (the ANC State’s idea of
social transformation) and social inequalities brought about by a narrow focus on redress and equity (Henning, Van Rensburg & Smit; 2004:23). Critical Theory promotes a critical consciousness. Drawing from this critical position, a critical stance was adopted which accepted that public school governance as a social convention, consists of existing contradictions in which power relations dominate (Guba, 1990:49). Hammersley (1995:30) asserts that this critical stance can best be achieved during the lengthy interviews with a selected sample of participants. The researcher listens closely as the participants describe their everyday experiences related to the familiar environment and must be alert to subtle yet meaningful cues in every participant’s expression (Kinesics), questions and occasional side tracks. Denscombe (2007:89) describes a typical interview as a casual conversation, with the respondent doing most of the talking and the researcher doing most of the listening, Leedy and Ormrod (2005:144) and Locke (2001:59) assert that the researcher mentally tests a good theory during this interaction, by determining whether it works for the particular study. As has been stated earlier it was found that Critical Theory is best suited for this study because it is concerned with the liberation of the individual from the bondage of exploitation and domination.

5.7.1 PARTICIPANTS

The researcher purposely selected schools based on their quintile ranking and poverty indicators, Leedy and Ormrod (2005:144). The qualitative part of the study used a non-random and purposive sample. Accordingly, the researcher purposely approached District Education officials who because of their years of experience as educators and as officials are experts in school management, a CES (Deputy Director) and an IDSO (Institutional Development Support Officer) from two districts who were willing to participate in this study. These senior education officials were selected because they too have administration experience, actual knowledge of school governance and the practice of shared governance in public schools in Gauteng. Leedy and Ormrod (2005:144) suggest purposeful sampling of between 5 and 25 individuals in a Mixed method study. The researcher conducted six focus group and one on one interviews with each group consisting of between five and 15 role-players, with an average of eleven SGB members in six schools and two Education officials totaling seventy participants until a level of saturation was reached. The saturation effect was reached when the researcher felt that no new information of substantive value was gained from conducting further interviews (Leedy & Ormrod, id).
**Table 16: Functions of the School Governing Body -SASA.**

**QUESTION:** As a member of the SGB are you familiar with the functions of the SGB according to the SASA?

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head of Department –1 Benoni Public Primary School;</td>
<td>I have served on the SGB for 13 years, when the SGBs were established in 1996, it was because it was crucial in the Education of any child that the parents play an active role, they didn’t just want the educator and Principal’s perspective but also that of the parents. Interview 12</td>
<td>SGB - Decision- making power as per SASA -1996</td>
<td>School Governance: with management and leadership</td>
<td>SASA: Section 20 and 21;</td>
</tr>
<tr>
<td></td>
<td>They wanted the school involved because we are closest to the community so we know the parents. (Interview 12, Ln. 562 -588)</td>
<td>Conduit between parents and school.</td>
<td>Parents’ espoused role</td>
<td>Financial Management</td>
</tr>
<tr>
<td></td>
<td>I know that the SGB is in charge of governance, finance and to know the difference between Management and the SIP- the school improvement plan where they have to help, then there is fund raising. Maintenance and also helping in the smooth running of the school all policies they are in charge of. (Interview 4, Ln. 23-27)</td>
<td>Attempt to meet Constitutional mandate of shared decision-making</td>
<td>Assumed Power over school governance</td>
<td>Appointment and Promotion of Staff</td>
</tr>
<tr>
<td>Head of Department –2 Benoni Public Primary School B3</td>
<td>Functions of SGB is governance of school. SGB is responsible for oversight function; implementation of policies.</td>
<td>Knowledge of SGB functions through experience.</td>
<td>The SGB in partnership with the State</td>
<td>Key involvement in school governance</td>
</tr>
<tr>
<td>Head of Department –2 Johannesburg South Combined School - Z5</td>
<td>Fundraising-governance: the running of the school assist with the financial management of the school. They are in charge of school policies-staffing: promotions, permanency. Interview 6</td>
<td>Financial management, school policies and staffing.</td>
<td>Espoused distributive school governance (The SGB in espoused partnership with the State)</td>
<td>Smooth running of the school</td>
</tr>
<tr>
<td>CES: Official</td>
<td>In my case the functions are still the same. (Interview 3, Ln.13)</td>
<td>Knowledge of SGB functions</td>
<td>Distributed school governance</td>
<td>School legislation on the nature and functions of a SGB</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------------------------</td>
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</tr>
<tr>
<td>Principal: En 1</td>
<td>Now SGBs have all the powers to do whatever is in tune with the policy of the Department to change the environment. (Interview 3, Ln.14-19)</td>
<td>Implementation of policies: Fundraising, staffing, promotions.</td>
<td>Change in decision-making power of SGB since 1996</td>
<td>School legislation to match the Constitutional principles of co-operative school governance.</td>
</tr>
<tr>
<td>En: Group</td>
<td>In my case the powers are still the same</td>
<td>Espoused function of SGB: Financial management, Appointment of staff (permanent appointments)</td>
<td>Distributed school governance (The SGB in partnership with the State) Regulatory compliance</td>
<td>Compliance management</td>
</tr>
</tbody>
</table>
As all Acts in South Africa must fall within the parameters set by the Constitution of South Africa (Act 108 of 1996) the South African Schools Act (SASA-Act 84 of 1996) was formulated to comply with the Constitutional principles of co-operative school governance. Accordingly the SASA stipulates that (Potgieter, Visser, van der Bank, Mothata &Squelch, 1997:19):

- Your activities as the governing body of the school must preserve the peace, national unity and indivisibility of the Republic, which means that there must be harmony and stability
- You must secure the well-being of all stakeholders in education
- You must provide effective, transparent, accountable governance for your school
- You must co-operate with one another in mutual trust by:
  - Encouraging friendly relations
  - Helping and supporting one another
  - Informing one another of, and consulting one another on matters of common interest, which means working together in harmony
  - Coordinating your actions
  - Keeping to agreed procedures; and
  - Avoiding legal actions against one another

From these important aspects stipulated in the SASA it can be assumed that working together in harmony also pertains to the relationship between the State and the parents concerned with the functions of cooperative governance. Hence any amendments to the SASA should be based upon thorough deliberations between the state and its partners and not be the result of a one-sided authoritative abuse of power by the state. The SASA is, however, not the only legislation which prescribes the actions of school governance. Among other important acts to consider are the Constitution (Act 108 of 1996), the National Education Policy Act (Act 27 of 1996), the Labour Relations Act (Act 66 of 1995), The Educators Employment Act of 1998, The Equity Act (Act 55 of 1998) as well as the Employment Equity Amendment Act (Act 47 of 2013). All of these Acts relate to the function concerning the appointment of teachers in some or other way and hence impact on collaborative governance. It is against this legislative bombardment of regulations, policies and rules created by these Acts against which one must determine sub-themes and themes. It was thus expected that the respondents would indicate compliance with the mandated functions. All the participants had a basic idea of their key functions on the SGB such as staffing, finances, governance and participative decision-making. However, one HoD's
comments reiterates the governments’ *original vision* in granting the SGB functions to enable it to participate in school governance namely: “The development plan, maintenance and the smooth running of the school, they (the SGB) are in charge of all policies” (Interview 4 Ln 25-27).
**Table 17: Changes to SGB functions.**

**Question:** “Have your decision making powers changed in any way from when SGBs were first established in 1996?”

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus group: Interview 10, 533-538</td>
<td>We have many decision making functions like interacting between the parents and the school, amending policies and the main one being drawing up the budget. The LTSM and most importantly that the school runs smoothly.</td>
<td>Decision-making. Communication with parents. Policy making Planning (budget) School management</td>
<td>Co-operative School-DBE, PED, and District office do not support SGBs with functions</td>
<td>SASA: Section 20 and 21 Leadership and management</td>
</tr>
<tr>
<td>Focus group Interview 11, 535</td>
<td>Not to my knowledge</td>
<td>Status quo maintained</td>
<td>Governance DBE, P.E.D and District do not help or support SGBs. Resistance to change</td>
<td>Homeostasis (attempts to maintain a balance at all times)</td>
</tr>
</tbody>
</table>
A number of respondents were confused when asked whether they thought their functions had changed. They immediately maintained that their functions have not changed. The researcher spontaneously re-worded the question to "Have your decision making powers changed in any way from when SGBs were first established in 1996?"

Later during questioning on other functions this group clearly indicated that they now had clarity and that they felt that their functions had indeed changed. It would appear as if their initial response was the result of being unaware of the various amendments to legislation. However, this answer can also be seen as spontaneous resistance to change which, according to Sengé (1990: 88) almost always arises from threats to traditional norms and ways of doing things. Often these norms are woven into the fabric of established power relationships. The norm is entrenched because the distribution of authority and control is entrenched. It is likely that the SGB members in the focus group are so used to doing things according to educational laws, regulations and Departmental policies that they are not capable of thinking outside of the legislative parameters and hence a spontaneous resistance is present. Sengé (id.) suggests that instead of pushing harder to overcome this resistance to change, artful leaders discern the source of the resistance and focus directly on the implicit norms and power relationships within which the norms are embedded. If we wish to achieve any form of authentic collaborative governance this researcher is of the opinion that one would need to look much more closely at the power relationships present in our hierarchical and bureaucratic education system as it is inclined to foster a "boss and subordinate relationship". In addition Morgan (1997:17) indicates that the persons in a bureaucracy who question the wisdom of why things are always done in a certain way are more often than not seen as troublemakers.
**Table 18: Changes to these functions: Financial responsibility.**

**Question:** How has the amendment to sections of financial management affected your school compared with an ex-Model C school in Gauteng? Are you aware of any amendments to the appointments and payments to SGB appointed teachers?

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focus group: Interview 10, 533-538)</td>
<td>Yes, the allowances they give the teachers. (Interview 7, Ln.358) Now the amendments affect that. The SGB don’t have the right to use funds to appoint SGB teachers. (Interview 7, Ln.367-368)</td>
<td>Decision-making and communication with parents curtailed.</td>
<td>Co-operative School</td>
<td>SASA: Section 20 and 21;</td>
</tr>
<tr>
<td>Principal: P4</td>
<td>We have an SGB teacher, she has been appointed as acting Head of Dept. she gets an acting allowance. (The amendment), how will we explain the extra amount we pay her? SGB teachers earn as well as government teachers in ex Model C schools. Smaller classes are encouraging for teachers. The children get a better Education. The one on one contact time is poor unlike in ex Model C schools. (Interview 7, Ln.355-372)</td>
<td>Policy making</td>
<td>Widens divides between schools in terms of Governance</td>
<td>(Leadership and management)</td>
</tr>
<tr>
<td></td>
<td>Planning (budget) School management Status quo maintained School becomes dysfunctional</td>
<td>DBE, P.E.D and District dictatorial to SGBs. State resistant to change</td>
<td>Amendments promote legal actions by SGBs against the DBE Homeostasis (attempts to maintain a balance at all times). State wants power at all costs</td>
<td></td>
</tr>
</tbody>
</table>
Table 19: Changes to these functions: Financial responsibility.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>P/P GROUP</td>
<td>If you have SGB teachers, you would get better learners and better education, smaller classes, more affluent parents since they can pay the higher school fee. These parents will be able to give the school support because of their skills since they have a better level of Education. As the amount of fees will obviously mean more human resources and therefore the quality of education should be better. (Interview 7, Ln.377-383)</td>
<td>SGBs in ex-Model C schools want quality schooling Capable of efficient financial management</td>
<td>DBE, PED, and District office ignore SGBs with functions and a partnership with SGBs</td>
<td>Co-operative School SASA: Section 20 and 21. Governance by SGB not DBE, P.E.D and District. (Leadership and management)</td>
</tr>
<tr>
<td>Principal G4</td>
<td>The Dept. has very little “on the ground” experience in terms of the behaviour of parents during the admission process. A fee which is deducted from school fees/or refunded, curbs multiple applications at different schools and creates a sense of responsibility with the applicant.</td>
<td>Collect additional funds and schools can afford more resources No knowledge indicates unilateral decisions not communicated</td>
<td>Shared School Governance-the partnership only exists from the SGBs side Changes not applicable to his circumstances ignored. Resistant to change Homeostasis (attempts to maintain a balance at all times).</td>
<td></td>
</tr>
</tbody>
</table>
### Table 20: Changes to these functions: Financial responsibility.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>P/S Principal</td>
<td>Certainly not as far as the Dept. is concerned, any educators employed by the SGB must be paid by the SGB, the dept. absolves itself from any payments.</td>
<td>State reneges responsibility to SGB.</td>
<td></td>
<td>Co-operative School</td>
</tr>
<tr>
<td>Focus group</td>
<td>I am aware that all payments made to SGB teachers has to receive the approval of the Dept.</td>
<td>SGB pays SGB teachers</td>
<td>Governance is one sided</td>
<td>(Leadership and management)</td>
</tr>
<tr>
<td>P/P GROUP</td>
<td>They don’t accept any liability, they want to monitor the SGB they relinquish responsibility when it suits them. Admissions has financial implications, with classes of 42 and 43. The dept. then looks at our total role and then gives us a matching number of teachers, so on paper it is 40-1 but not in reality. The SGB then has to appoint teachers, which they will pay from school funds.</td>
<td>State only monitors SGB</td>
<td></td>
<td>DBE, P.E.D and District act as “watchdogs”.</td>
</tr>
<tr>
<td>B6: Focus group</td>
<td>Physically, our classroom size caters for 28, we don’t have enough textbooks and these children cannot speak a word of English. It is not shared governance.</td>
<td>State unconcerned about standards</td>
<td></td>
<td>Homeostasis (attempts to maintain a balance at all times). Regulation Control (Autocratic – we will do it this way)</td>
</tr>
<tr>
<td>Principal G1</td>
<td>I do not see how schools can function without school fees. The quintiles are allocated wrongly</td>
<td>Finance a key resource for school governance</td>
<td></td>
<td>Shared School Governance- the partnership only exists from the SGBs side.</td>
</tr>
</tbody>
</table>
In Table 21 the responses received from participants gave a clear indication of their attitude to the amendment affecting SGB appointments. Respondents from the school in Ennerdale were positive about the changes to the SGB. They were also more positive in their satisfaction about the functionality of their SGB. When they were questioned about the amendments to legislation affecting school governance these groups displayed negative perceptions to the changes to SGB’s decision making power. It is in the interest of effective school governance that such negative perceptions are changed as they can lead to greater dissatisfaction about SGB functionality, providing the state with reasons to further limit the functions of the SGB. The result could be one of removing even more powers from the SGB and bringing with it a greater insistence on centrality by the state. Miller and Fox, (1997: 19-39) advise that “collective public’s” (SGBs) perceptions, hinges on the assumption that policymakers (State) gather information about requirements of the people being served. This researcher could not find evidence that the state had gathered sufficient information from all stakeholders concerned to make such far-reaching amendments regarding financial resources and it seems as if the motive behind this legislation was political and probably justified according to the NNSSP policy and the state’s drive to achieve equity.
### Table 21: School finances - No fee schools.

**Question:** Has the SGB’s decision-making power been affected? Are you aware of any amendments?

<table>
<thead>
<tr>
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<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Z: Group 1</td>
<td>We are a no-fees school and the funding we receive is “ring-fenced” meaning the funds must be used for specific purposes and can’t be used for any other purpose. So we are at a terrible disadvantage. In order to have sports we have to fund-raise at the end of the year if the money is there we have to apply to GDE to use the money because it can’t be used for the functioning of the school each day. Well they see us as children of a lesser God.</td>
<td>SGB loses financial responsibility.</td>
<td>State assumes school management and teachers are contractually bound follow Teachers have a fear of losing their jobs. Control as a source of power</td>
<td>State control is part of ANC strategy Shared School Governance-the partnership only exists from the SGBs side</td>
</tr>
<tr>
<td>Official</td>
<td>It’s coming out of Polokwane resolutions. It was conceived of as a poverty, alleviation strategy which would allow for the poorest of the poor learner to go to school without having to pay school fees. For me it has failed at what it supposed to do.</td>
<td>Use of regulation to control activities (Big brother watching you)</td>
<td>SGBs lost decision – making power through amendments and policies. Official uses ANC rhetoric but admits the system has failed. Hegemony of state influence used to control school SGB’s power of appointment has definitely been diminished</td>
<td>Using policies to diminish SGB power Regulation control</td>
</tr>
</tbody>
</table>
One of the major functions derived by analysing the data was that many management actions which have the intention of “doing good” in fact do more harm than could have been imagined. In fact one could see the NNSSP policy, introduced by the state, as an attempt to increase the control it has over public schools with respect to financial management. Withdrawing this function from the SGB merely leads to resistance or counter-control which undermines the initial attempt of state control. Thus the state’s act of control itself sets up consequences that work against its intended improvement in effectiveness. It is almost if each solution leads to a new problem. In a similar way one could reason that a bureaucratic structure such as that set up by legislation has both benefits and disadvantages. The benefits are orderliness and efficiency. Some of the disadvantages are that it increases the power and authority which supervisors of the policy have by virtue of their position, it increases the levels of dissatisfaction and frustration of SGB members, it also increases the complaints, resistance and militancy of the SGB members which leads to a need for more protection from community hostility and this leads to further legislation from the state to again increase control. Thus it seems as if bureaucratic structures implemented in a one-sided way generate inner contradictions that defeat the purpose for which they were set up, leading to a continuing pattern of negation and counter-negation (Morgan, 1997:287). The introduction of the NNSSP policy may thus have had the noble intentions of equity which were to be achieved via redistribution of human and physical resources. However, by introducing fee-paying and non-fee paying schools in the form of quintile groupings just seems to have widened the gap between the previously advantaged and disadvantaged schools. It is suffice to say that had the state collaborated more widely with school governing bodies then it is possible that many of the dysfunctional consequences of the NNSSP policy could have been avoided.

From the data in Table 22 participant responses from two of the three “No-fee schools” vehemently decried the decision by the Member of the Executive Council (MEC) to declare the school a “no-fee paying” school and then fail to adequately provide these schools with financial resources to ensure quality education; since either the amount of money or the regulations restricting the use of the grant, had adversely affected the school. The quintile ranking of the one school does not match that of a “no-fees” school, “It’s a misnomer because we are Quintile 5.” The responses of the role-players of two of the three SGBs, affected by this bureaucratic action, was that they were punished and also that their schools are now disadvantaged across the spectrum, resulting in a negative perception of the Department of Basic Education (DBE), revealed in the words, “we are children of a lesser God” (Interview 4, Ln 236). The response is a warning to the DBE that SGBs in the No-fees schools are disturbed by the States’ actions in declaring their schools totally dependent on
State funding. Having removed another key function the SGB is questioning its partnership in distributed or cooperative school governance. These actions by the state exacerbate the rift in this already fragile partnership because SGBs were not consulted. This leads to Motala and Pampallis, (2005:28) stating that “the state needs to take corrective action concerning the inequalities caused by insufficient funding particularly in “No-fee” schools. This study was conducted in 2014, only five years since the implementation of the NNSSF, and the disparities between schools have widened through the introduction of “No-fees” schools, instead of improving as gleaned from responses received.
**Table 22: Appointment and promotion of staff question 1.**

Question 1: What is your perception of the following? You recommended three people, originally it was a tacit agreement that one of the three that are listed hierarchically would be accepted as the most suitable to fill the promotion post or vacant position. Today the amendment states clearly that the HOD will make the appointment.

<table>
<thead>
<tr>
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<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official</td>
<td>I think the HOD will not accept the SGB’s recommendation and appoint someone else because my understanding is that he may or she may request the top 5 or any number as were short listed. I think there is a proviso, if the HOD decides not to accept the SGB’s choice, he can only do it on equity or capacity; equity based on race or gender. He has to justify over-ruling the recommendation of the SGB. The SGB chairperson must be informed in writing. (Interview 6, Ln.155-162)</td>
<td>SGBs and candidates feel incompetent since selection is made by an outsider.</td>
<td>Top-down structure with the State on top. Strong arm tactics to control SGB</td>
<td>SASA: Section 20 and 21; Leadership and management</td>
</tr>
<tr>
<td></td>
<td></td>
<td>School community is marginalised there is no place for Indians (Amendment to the Equity Act)</td>
<td>No partnership between State and SGB. State assumes school management and teachers are contractually bound and so must follow instructions</td>
<td></td>
</tr>
</tbody>
</table>

Shared School Governance-No partnership.
Using policies to diminish SGB power.
Subjective legislation-capacity and affirmative action.
Table 23: Appointment and promotion of staff question 2.

<table>
<thead>
<tr>
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<th>Sub-theme</th>
<th>Themes</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Official</td>
<td>I think the HOD will not accept the SGB’s recommendation and appoint someone else because my understanding is that he may or she may request the top 5 or any number as were short listed. I think there is a proviso, if the HOD decides not to accept the SGB’s choice, he can only do it on equity or capacity; equity based on race or gender. He has to justify over- ruling the recommendation of the SGB. The SGB chairperson must be informed in writing. (Interview 6, Ln.155-162) You know there exists the spirit and the letter of the law. I don’t think it’s where it is when it started. The spirit was that the SGB would become this accountable body. However in its application there were problems like Nepotism bribery and that is why you had to curtail the powers of the SGB (emphasis added). (Interview 6, Ln.163-167)</td>
<td>Decision-making.</td>
<td>Top-down structure with the State on top.</td>
<td>SASA: Section 20 and 21;</td>
</tr>
<tr>
<td>Official: CES</td>
<td>Presently you have cases where the candidate is not accepted for, either representatively or capacity. (Interview 4, Ln.163-164)</td>
<td>SGBs have lost their power since 1996</td>
<td>Strong arm tactics to control SGB</td>
<td>(Leadership and management)</td>
</tr>
</tbody>
</table>

Question 3: In a hypothetical case, in promotion and appointments, if the HOD DBE isn’t want to accept your choice of 1,2 or 3 and chooses no 7 not because of equity, because obviously you considered all of this since you are guided by the guidelines set and issued each time there’s interviews. Do you know if this has ever happened?

<table>
<thead>
<tr>
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<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official: CES</td>
<td>No it is definitely not the same, where they had greater authority at inception, now curtailed for eg. The appointment of educators has been taken over by the HOD. SGBs merely make recommendations their recommendations can be accepted but the final say, lies with the HOD. (Interview 8, Ln.171-178.)</td>
<td>SGBs and candidates feel incompetent since selection is made by an outsider School community is marginalised there is no place for Indians Reversed apartheid SGB’s part is tokenism</td>
<td>No partnership between State and SGB State assumes school management and teachers are contractually bound and so must follow instructions SADTU ensures ANC strategy SADTU knows it can control the SGB and the State will do nothing to stop them (collusion).</td>
<td>Shared School Governance- the partnership only exists from the SGBs side State uses Alliance members (SADTU) to take control of schools. Control through terms of employment Equity or capacity subjectively used for control</td>
</tr>
<tr>
<td>Principal 1</td>
<td>Likewise, they felt as bad as I did. As we were going through the motions which was a painstaking and lengthy process the spade work was done and the HOD goes ahead and appoints the person on face value. We didn’t know what values this person would bring to the school but we were certain from what our recommended candidate had revealed when she acted in the post, that the school would benefit if she was appointed as HOD. (Interview 8, Ln.187-197.)</td>
<td>State DBEs not respect SGB as partner. DBEs not inform school about their (State’s) decision. SGBs feel they are sacrificing their time to no avail. State’s position is entrenched because of “pay-back” from black African appointees</td>
<td>More control by State through SADTU appointments. State uses policies to control Principals and teachers. The State tries SGBs patience to show that they are in control –power struggle</td>
<td>Shared School Governance-the partnership only exists from the SGBs side</td>
</tr>
</tbody>
</table>
### Table 24: Appointment and promotion of staff question 3.

**Question 4:** Did the SGB not have recourse or did you just accept it. In other instances the matter was referred to the courts for adjudication. Did you consider that option?

<table>
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<tr>
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<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal: P4</td>
<td>No a grievance was lodged. The grievance was accepted and, the dept. felt that the ruling that they made would stand and they would not change it based of our reasons. (Interview 8, Ln.199-201.)</td>
<td>SGBs have lost their power since 1996</td>
<td>The State seldom if ever upholds SGBs grievance</td>
<td>SASA: Section 20 and 21;</td>
</tr>
<tr>
<td>Principal: G1</td>
<td>No, the school had been disadvantaged. The functions attached to this post, having to be carried by other HODs (school) was unfair and burdensome. (Interview 8, Ln.205-209.)</td>
<td>SGBs and candidates feel incompetent since selection is made by an outsider</td>
<td>Teachers are overburdened because of bureaucratic malpractices.</td>
<td>Leadership and management</td>
</tr>
<tr>
<td>G5: Focus Group</td>
<td>You asked what has changed, there’s a lot more interference now.</td>
<td>School community is marginalised there is no place for Indians -reversed apartheid</td>
<td>School is disadvantaged by State’s injustice.</td>
<td>Shared School Governance- the partnership only exists from the SGBs side</td>
</tr>
<tr>
<td>Principal: G1</td>
<td>If we look at our last interview we recommended three, which was: a female and a non-white. The post was for Life Orientation the applicant should have had experience in We short-listed three and we are still waiting for a decision.</td>
<td>Unions not allowed to express differences, they are silent observers Circular 20 and 21-2012.</td>
<td>State’s interference in SGB functions. State assumes school management and teachers are contractually bound and so must follow instructions</td>
<td>Teachers do not accept new incumbent’s credentials</td>
</tr>
<tr>
<td>G5: Focus Group</td>
<td>All that hard work goes through the window. (Interview 9,Ln.228-235)</td>
<td>The School feels it had to settle for an inferior candidate Legitimate expectation from the candidate who acted in post – to be appointed</td>
<td>Even if SGBs follow policies the State finds other reasons to choose another candidate.</td>
<td>Breakdown in shared governance</td>
</tr>
<tr>
<td>Principal: En 1</td>
<td>If you have your observers present then they act as police. We are not concerned with the individual who’s going to gain from this or being bought. (Interview 10, Ln.326-241) State’s power to hire and fire staff.</td>
<td>SADTU’s actions are sanctioned by the State. GDE proves they are in total control</td>
<td>SADTU police instead of observing the process.</td>
<td>SGBs feel they are being used by the State as pawns</td>
</tr>
</tbody>
</table>
The data in Table 25, indicates that the majority of respondents have the perception that the SGB has lost some of its original functionality for example in having had the major influence when teachers were appointed or promoted. This is epitomized by Principal Z’s response “So presently you have a number of cases where the candidate is not accepted for the same reasons, either representivity or capacity” (Interview 4, Ln.163-164). This response contextualizes the perceptions of the majority of interviewees, and acts as an indicator of respondents’ perception of the SGBs perceived loss of power. Respondents’ negative perceptions germinate from instances where their (SGBs) recommendations were ignored and instead another candidate who was not ranked in the first three was chosen for the promotion post. The Head of Department (GDE) in ninety percent (90%) of such cases justifies the choice as based on representivity which SGBs find questionable since “Representivity” as mandated by the Equity Act is not being representative of the population demographics of the country. This does not augur well for distributed or shared school governance as the state’s action clearly reveals a total disregard for SASA’s (Act 84 of 1996), promise of distributed school governance. The State accomplishes this by not allowing a climate wherein a commitment to a partnership can be cultivated and nurtured which causes SGBs to become disgruntled. This negative perception mainly occurred amongst the female respondents. The reason is probably that in most schools in the sample females were the preferred candidates by the SGBs, however male incumbents were placed in the posts. This could engender indifference and reluctance to participate in other issues, since respondents do not view their participation as effective. This type of bureaucratic structure hinders taking rapid decisions that facilitate the rapid changes introduced by distributed or collaborative efforts in school governance and management (Grobler, Bisschoff & Beeka, 2012:40-45).
Table 25: Union involvement in school governance question 1.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Principal: B2</td>
<td>Unions over-play their role. They want to be more the chairperson than the Union rep. There are cases where Principals were involved together with the union. When we look how SADTU and COSATU are working, you can see they are aligned. So we know that we have to have to buy in. (Interview 10, Ln. 605-618)</td>
<td>Collusion - SADTU, State (Departmental officials)</td>
<td>School management</td>
<td>Circulars 42/2006, 43/2006, 47/2005 and 55/2008 Collective Agreement No 2 of 2005 ,Labour Relations Act (Act 66 of 1995 (LRA) in the ELRC, indicates the role of teacher unions in processes as that of observers</td>
</tr>
<tr>
<td>Principal: P4</td>
<td>SADTU, supports staffing in a negative way. If Educators complain about the Principal or management , the SADTU dictate the way working conditions should be. It can impact negatively on the day to day running of the school. (Interview 8, Ln.626-631)</td>
<td>SADTU undermine SGBs.</td>
<td>School governance</td>
<td>SGBs must be passive Sate directs</td>
</tr>
<tr>
<td>Principal: En1</td>
<td>SADTU is observant when it comes to the law that affects their members. They will favour their members’ cause above others. They are manipulative. Their knowledge is laws necessary for a particular cause. (Interview3, Ln.546-549)</td>
<td>Nepotism (by SADTU) – no consideration for merit. Their members must be favoured at all costs. Democracy is subject to interpretation</td>
<td></td>
<td>SADTU- State’s strategic partner SADTU uses coercive power to undermine school management and SGBs SADTU dictatorial making SGBs and schools dysfunctional.</td>
</tr>
<tr>
<td>B 3 and 4: group</td>
<td>Unions know that with this school runs smoothly, but there are times when they over-play their role. They want to be more the chairperson than the Union rep.</td>
<td>Cash for posts</td>
<td>Unprofessional members behaviour encouraged by the State and SADTU</td>
<td>SADTU- achieves its own ends</td>
</tr>
</tbody>
</table>
Table 26: Union involvement in school governance question 2.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
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<tbody>
<tr>
<td>Official</td>
<td>I think the way the legal system around these issues, allows for those steps to take place. It allows for an appeal process. There is cost-factor involved and it is compromising in terms of time. It is taking a teacher out of the classroom each time this happens which is an administrative headache for the school. Every time you go that route somebody is out of school, Principal or teacher. (Interview 4, Ln. 576-577)</td>
<td>Capable of controlling the whole school through strength of numbers.</td>
<td>Use of regulation to control activities (Big brother watching you)</td>
<td>Restrictive regulations control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No Defined roles SADTU uses</td>
<td>State controls funds SGBs cannot use it for legal action</td>
<td>School is dysfunctional State will assume control</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Collusion within State departments</td>
<td>Intimidation and corruption</td>
<td>State wants to re-centralise school governance</td>
</tr>
</tbody>
</table>
From the data in Table 26 & 27 it can be inferred that the climate in two of the three township schools in the sample is inordinately politicised and this has a detrimental effect on the functionality of the schools. Through SADTU’s Socialist influence it becomes clearer why 80% of our country’s schools, of which all were previously disadvantaged, are classified as dysfunctional (Taylor, 2006:2-3). Furthermore, it seems clear that participatory features and principles of democracy will have to receive much greater emphasis if SGBs are to be considered effective and integral components of school governance. Only one SGB felt that Unions play a supportive role in school governance. In this school the SADTU had a pervasive role among the staff. For example, it is known in the area that one of the respondents was involved in financial impropriety at school and it is felt that because he was well connected with SADTU’s senior leaders, the matter was “swept under the carpet” by the Gauteng Department of Education (GDE).
Table 27: Learners admission question 1.

Question 1 I assume that your admissions policy is drawn up based on the guidelines as set out by the Department namely 1-35/40. In January each year learner enrolment statistics are sent to the DBE. Is this process followed in your school

<table>
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<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
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</thead>
<tbody>
<tr>
<td>Principal: En1</td>
<td>The Principal or SGB, cannot declare the school full because the department has the right to verify and if they find there is space, they can say you have to take the child (Interview 2, Line 227-231)</td>
<td>Capable of controlling the whole school through strength of numbers.</td>
<td>Use of regulation to control activities (Big brother watching you)</td>
<td>Restrictive regulations control</td>
</tr>
<tr>
<td>Focus Group: EN</td>
<td>With admission much as the SGB seems to have the power the Department controls. They tell us what needs to happen and how it needs to, we don’t have any power with admissions. (Interview 3, Line 232-235)</td>
<td>No Defined roles</td>
<td>Control through instructions and amended legislation</td>
<td>School is dysfunctional State will assume control</td>
</tr>
<tr>
<td>Focus Group: ZP</td>
<td>This boy is going to be 20 he hasn’t been to school last year. He came with a computer generated report which only had marks for term 1. He had gone to District and they sent him to another high school, they said they are full. Then the district told them to come to here. The letter from the district instructed us to take the learner.</td>
<td>State manipulates policies and legislation to control learner admissions. SGBs intimidated and are bullied</td>
<td>State controls funds SGBs cannot use it for legal action</td>
<td>District DBEs not consult SGB</td>
</tr>
<tr>
<td>Focus Group: HOD-Z</td>
<td>If they want to, they will instruct us to take the child. So the SGB’s power has been limited.</td>
<td>Principal must follow regulations District instructs employees and ignores SGB.</td>
<td>School policies flouted</td>
<td>School governance is moving towards centralisation</td>
</tr>
</tbody>
</table>
### Table 28: Learner admission question 2.

**Question 2:** What about your staff complement; DBEs it match the number of learners. Who ultimately controls admissions SGB or State?

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal: O1</td>
<td>The primary school, ratio is 40 -1 per class unit and the Dept. expects you to stick to this and in our school’s case there is an influx of people from other Provinces departments’ will send more pupils to the school, the SGB has no say in this. It is instructed to take the pupils immaterial of whether classes have reached the 40-1.so classes are than 40 and it becomes unmanageable.</td>
<td>Bureaucracy overrides SGB and management (they have no power when it comes to admissions)</td>
<td>No Shared School Governance</td>
<td>Restrictive regulations control schools</td>
</tr>
<tr>
<td>Principal: P4</td>
<td>It puts a strain on the ablution facilities, the schools were built for 25 pupils per class financial problems the school cannot Parents think the school is oversubscribing and they put us under pressure; from a curriculum point of view the problem is insurmountable. An educator that has to teach up to three learning areas, monitor – assess and mark this large number of books. Monitoring assignments, class work and tests for that huge number of learners the paperwork becomes impossible for the teacher. More importantly it leads to poor results.</td>
<td>Learners placed by district despite age and other frole players Bureaucrats “Big-Brother” attitude No fees school leads to poor results</td>
<td>School policies ignored</td>
<td>If School is dysfunctional State will assume control</td>
</tr>
</tbody>
</table>
Table 29: Learner admission question 3.

<table>
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<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
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</thead>
<tbody>
<tr>
<td>Principal: P4</td>
<td>No, the staff ratio is 40-1 so if the class exceeds 40 the dept. DBEs not negotiate on that. The School Time Table DBEs not work out physically for the number of children you have, subjects like Mathematics and Science where you have “splits” or like Physical Education where boys and girls are split. So your no. of teachers don’t match the Time tables you have, you will have five or six time tables in excess, will need six educators so that all teaching time is used optimally. This is the burden of the SGB, the SGB together with Management must now allocate those time tables. These educators will be paid by the SGB which impacts on the finances of the school.</td>
<td>Physical resources inadequate SGBs blamed by community. If resources are needed SGBs forced to raise funds The Morkel Model 40:1 ignored by Bureaucracy any class size.</td>
<td>SGB has to provide additional funding, but State controls through amendments to legislation</td>
<td>State controls learner admissions No Shared School Governance</td>
</tr>
<tr>
<td>Focus Group: G4</td>
<td>We have a good relationship with our district.</td>
<td>School fear victimisation by officials</td>
<td>Coercion by State</td>
<td>State reserves power over the school</td>
</tr>
<tr>
<td>Focus Group: B1</td>
<td>It becomes unmanageable for the teacher. The learner feels uncomfortable in the class, I must say we are the best school in the south we set high standards. (Interview 9,476-479)</td>
<td>Communication in the form of instructions to Principal Devoid of sharing or consultation</td>
<td>State DBEs not honour their role in shared School Governance.</td>
<td>SGBs perceive the State as having usurped their power as per SASA</td>
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</tbody>
</table>
Table 30: Learner admission question 4.

<table>
<thead>
<tr>
<th>Participant</th>
<th>Evidence</th>
<th>Sub-theme</th>
<th>Themes</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal: G4</td>
<td>What the Rivonia did for admissions on the one hand was damning and on the other hand the dept. now is cautious about the SGB. We've got an admissions committee the chairman has turned children away on many occasions. In this area you cannot “school hop,” our policy talks about 35:1 in some cases we have gone beyond the 35 to 1 but not in our grade 1 class. Our issue is not with district but beyond that.</td>
<td>SGB power is limited. State’s prerogative to fill the school without consulting SGB</td>
<td>The State ignores the principles of collaborative decision making</td>
<td>School admission policies ignored</td>
</tr>
<tr>
<td></td>
<td></td>
<td>State amends policy at will</td>
<td></td>
<td>Control through instructions and amended legislation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The State controls admission and DBEs not consult SGBs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal: En1</td>
<td>GDE controls admissions. When we do policies especially admissions we do not take out anything nationally and provincial guidelines.</td>
<td>The State not the SGB determines school capacity</td>
<td>State has all the power most SGBs treated like children</td>
<td>SGBs draw up policies but the state still controls admissions</td>
</tr>
<tr>
<td></td>
<td>You accept what you are told. (Interview 3, Ln.454-463)</td>
<td>District instructs school, admission can be done throughout the year.</td>
<td>SGBs feel the State has reneged on the promise of a partnership</td>
<td>State demands obedience</td>
</tr>
</tbody>
</table>
The SASA, (Act 84 of 1996), indicates that a founding principle behind establishing SGBs in 1996 was “to take all reasonable means within its means to improve the quality of education provided to all learners at the school (section 36(1) SASA-Act 84 of 1996). When the GDE ignores the schools’ admission policy as indicated by respondents in Tables 29, 30 and 31, despite having ratified it and affirming that it was in accordance with National and Provincial guidelines, it negates the ability to provide quality education, since large learner numbers impact negatively on all areas of teaching and learning. In the government of National Unity post 1994 one of the main areas of disagreement between the two political parties namely the Nationalist Party (NP) which ruled South Africa from 1948 to 1993 and the African National Congress (ANC) is reflected in this quote:

The central areas of conflict between the ANC and many of the opposition parties, in particular the Nationalist Party, has been over the distribution of policy making power between governing bodies on the one hand, and the provincial and national education departments on the other. The central aim of the NP has been to free governing bodies to make their own policy on a school by school basis. Since they (ANC) no longer have control over schools, it is in their interests to keep state control over schools to a minimum (White Paper 2, 1994).

This is not the case as we note from the responses in table 31, learner admissions to public schools has become a bone of contention, where the State resorts to extreme measures to force schools to admit learners. Van Deventer (1998:51) is of the opinion that the extent of the State’s prescriptive regulation and intervention of all aspects of admission guidelines, in effect annuls any real partnership and power-sharing with the SGB. He maintains that parents and school governing bodies are incidental partners in name only, because the Department of Basic Education (DBE), has centralised decision-making. Consequently, Van Deventer (ibid.) asserts that true participation by representatives of school communities in decision-making on key policy issues is absent.

5.8 SYNTHESIS OF FINDINGS

The descriptive statistics, analysed quantitatively, confirm that there is agreement with the qualitative data regarding the object of this research study namely an analysis of distributed governance of schools and the perceptions of the school role-players regarding amendments to policies which impact on the governance of the school. The quantitative finding of C12 - It is possible that the parent component (which includes the SGB chairperson) were selected to complete the questionnaire because of their espoused
knowledge of the SGB functions in SASA (Act 84 of 1996) and its amendments. The effect size was large and hence this finding has practical significance which could be situated in a belief that a good SGB knows its functions well and that they serve the interests of the community. Parents who are knowledgeable about their functions probably also contribute towards a climate of collaboration between educators and the SGB. This is supported by responses received from the interviews from the ex- Model C School which has the largest number of members on the SGB namely 15. Their knowledge of SGB functions was shown in the quote “we are a quintile 5 school….subsidies are available to parents with financial problems. A budget reflects the needs of the individual schools and cannot be prescribed to by “benchmark” indicators. The AGM and parents decide the figure based on the needs of the school. The department is now cautious about the SGB. They are saying we need to work together so admissions falls within the ambit of the SGB”. This can be contrasted with the response received from the township no-fee school namely “Ja…there is a change, since 1996 and I’ll be looking in terms of appointments and same collective agreements were entered in article 2, 2005 the SGB has a role to play instead of earlier where it was, now they don’t employ they interview and recommend. This respondent uses SADTU rhetoric but confuses SGB functions with typical SADTU jargon, used to impress other staff members. Another result of the quantitative analysis of (C18), which resulted in the finding that “as many female educators are concerned with the SGB appointments in temporary appointments it is possible that they have been more negatively influenced with the changes that have occurred with respect to teacher appointments. Female respondents are also of the opinion that the functions of the SGB have changed to a greater extent than male respondents are”. This matched a number of responses received from interviews with focus groups where females were in the majority namely “we recommended three as we had to follow the departmental criteria which was: a female and a non-white. We short-listed three and we are still waiting for a decision.” At the time of the interview the SGB had been waiting for seven months for the GDE’s decision.

Another quantitative finding that can be corroborated by qualitative data was A2. The finding was “in this research the one school which was a no-fee paying school had 1247 learners and 32 educators paid by the state which gives a ratio of 39 learners per class. In another fee paying school which has 952 learners and 40 educators the class size was 24, which is considerably smaller then was the case for the no-fee-paying school.” Proportionately the fee-paying school should have 25 educators paid by the state but they are able to employ an extra 15 educators which makes an immense difference with respect to the work load of their educators. The Curriculum Education Specialist’s (Official) response, epitomises responses received during interviews, a) you cannot employ additional teachers and b) you cannot
remunerate educators for anything extra that they do; so educators who are at no-fee paying schools will watch their counterparts being rewarded, for good performance. Therefore you are continuing to widen the gap. A Principal in another no-fee school confirmed that his school’s academic performance had deteriorated because they could not afford the human resource required to implement intervention strategies in the form of giving educators a stipend for after-hours tuition to assist learners who under-perform. An interview with a focus group from a township school, further confirmed that because of the large classes and the learner teacher ratio of 40:1… “monitoring assignments, class work and tests for that huge number of learners, the paperwork becomes impossible for the teacher” .Ironically the Ministerial Review committee reflected on what had nullified SASA’s (Act 84 of 1996), hope to provide quality education for all when they indicated that:

There are now more black children than white children in most former white schools in the country. Without a refinement of the system of checks and balances, unfettered choice will favour the ability of already privileged groups, and the newly-privileged middle-class (Black African), it must be said, to operate what are essentially public resources (emphasis added) for the sectional and sectarian good (Ministerial Review Committee, 2003:39).

The quantitative analysis of item C20 was overwhelmingly negative as 82.9% of the respondents indicated that they believed that the changes to SGB functions since 1996 had influenced the schools negatively. With respect to the role of teacher unions the quantitative analysis of C38 indicated that there were 77.1% respondents who answered “no” to the supportive role of teacher unions and only 22.9% who answered “yes”. Respondents who answered no probably had personal experience with respect to the role that teacher unions play in teacher appointments and it appears to be largely negative. Ninety percent (90%) of the responses received in the interviews emphatically declared that the SADTU proved to be unconstructive. One respondent had this to say, namely “I don’t think Unions are supportive, when they go there just to check for their member. According to my own observation the unions are supportive somehow a bit more observant when it comes to the law that affects their members. The big union would champion its members’ cause by dictating the way working conditions should be. Okay, the unions I know, are supportive of staffing in a negative way. There are times when they over-play their role”. Taylor (2006:2-3) argues that good schools are well-organised institutions which nurture a strong work ethic, the ability to perform under pressure, and a sense of initiative and accountability; they educate learners, both in the way they function and in the values they embrace, that proficiency and principle, not patronage and corruption, is the route to sustainable success.
This chapter has provided the results of the analysis of the quantitative and qualitative data. It presented the data through descriptive statistics relating to the decision-making authority of the school role-players. A large number of the respondents confirmed that there have been a dramatic reduction to their decision making powers which were originally accorded to SGBs in financial management, admissions and the appointment and promotion of educators. This implies that SGBs are being reduced to “puppets” and there is an urgent need for a process of positive change to be effected; a process that involves numerous steps including the introduction of a collaborative relationship between National- Provincial Education, schools and District officials. It is clear that the education system in Gauteng is defined by a stringent bureaucratic administration, misunderstanding (manipulation?) of the principles of democracy, which results in tensions in the system. The senior education official’s perceptions show that, at times, there are tensions between the national government and provincial government, provincial administration and politicians, district administration and school governing bodies. These tensions impact on the existing power relationships in the education system. The qualitative findings revealed that the power relations remain largely centralised and in favour of bureaucracy, but that political activism by the dominant teachers’ union (SADTU) has disrupted many schools by interfering with processes as expressed by a chairperson, “I find unions particularly SADTU, very undermining, they undermine the authority of the Principal and they ignore the authority of the SGB.” The tensions that result from structural features of the education system indicate the extent of the underlying undemocratic nature of the system. The tensions are not being resolved by present practices because the present structures do not allay the challenges. Instead, it seems the politicisation of schools and the bureaucratic imposition of a particular brand of transformation namely conformity to bureaucratic instructions, exacerbates the challenges in the system and confirms that there is a reversal of decentralisation and the visibility of the centralised nature of the education system signaled by the pervasive influence of SADTU during the appointment of educators and the bureaucratic attitude of officials with the admission of learners. However, this study has also shown that there is a real concern by SGBs to promote democratic school governance in order to increase the effectiveness of schools by their desperate plea for a forum for recourse as discovered in most of the interviews. It is generally agreed that democracy is desirable and advantageous also our constitution holds that all levels of government work in harmony (Duvenage, W. www@SABC3fokus20July2014 –Accessed on 20 July 2014). The SGB being the fourth tier of government should feel that they are respected and so too their decisions. Where and if it
is discovered that they are lacking in certain areas of governance, then more training, education, openness and accountability is needed to improve democratisation of the system.
CHAPTER 6

A SYNTHESIS OF THE FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the rationale of this researched study, and discusses the findings as well as recommendations and proposes a revised model for future public school governance.

6.1 INTRODUCTION

The aim of this chapter is to provide a deductive reasoning on the findings of the study after the analysis and interpretation was done, as indicated in chapter 5. The deductive reasoning is done by first providing a summary of the study in order to highlight the aims, and to provide a rationale for the study. The summary should help the researcher to revisit the main aspects that were deliberated upon and which ought to assist in advocating suitable recommendations for distributed school governance. The general aim of this research is to investigate the perceptions of school role-players, towards distributed governance as currently practised in Gauteng schools.

In order to research the problem in greater depth it is necessary to reduce the research problem to more specific sub-problems such as:

- What is meant by governance and how is it related to school effectiveness?
- What are the perceptions of the various role-players about their current involvement in school governance?
- How can distributed governance play a role in the effective governance of schools and what are the perceptions of role-players about it?
- What guidelines can be drawn from distributed governance which can be used in schools to improve current governance?

6.2 SUMMARY OF THE STUDY

Chapter one, dealt with the background of the thesis and what necessitated this study. Included in this, was a description of the context and rationale of the problem statement, the aims of the study, research questions, clarification of concepts, research methodology, demarcation of the field of investigation and parameters of the research. In general the
researcher postulated from experience, observation and conversations with educationists whether the model of governance as practiced in schools was intended by the SASA and if it required revision. This is encapsulated in the statement “Have the institutional character of democratic states really changed their modes of governance, the social partners they engage with and the developmental goals they prioritize” (Heller, 2001 131-163).

The problem statement highlighted the uncertainties and misunderstandings that exist with role-players in schools about their part played in school governance. It is vital to reiterate the object of this study, which is the distributed governance of schools and the perceptions that role-players have with respect to the various dimensions involved. The construct to be measured will be governance of schools, as dictated by State policies and the perceptions of role-players towards these policies and their implementation.

Therefore, chapter one explained the focus of this study to consider the theories of Action employed by the State on the one hand and the school role players on the other. Due to the nature of schools as institutions involving an input and an output, these perspectives from Political systems’ theory was also applied in this study. Findings were analysed deductively and the closed questions in sections A, B and C of the questionnaire were analysed quantitatively. Descriptive statistics was used to explain these findings. Then data gathered through the focus group and one-on- one interviews was analysed qualitatively. The quantitative and qualitative findings were compared for commonalities or disparities. This allowed the researcher to discover the relationship between the State and SGBs in terms of distributed school governance in Gauteng public schools. What became evident was the bureaucratic endeavours to re-centralise public school governance. The State’s frustration in not achieving control over school governance is expressed in the words of the then Minister of Education, Naledi Pandor, who saw SGBs and medium of instruction as two of the six "doors of learning and culture that are difficult to open or that offer controlled access to what lies within" (Education Budget Debate, 17 May 2005). This foretells of the State’s intention to impose its hegemony over school governance by any means.

In chapter two the concepts of hegemony and political power from the perspective that these two concepts entrench, the nation state and the ideology of the ANC government was analysed. In this regard Matisonn (2004:1-2) maintains that if a multi-party democracy remains putative, and regular changes in government becomes unlikely, political analysts of democracy predict a swing towards authoritarianism, where democratic institutions are eroded, sometimes to the point where the system degenerates into a hegemonic one-party rule (Matisonn, 2004:1). This study also reviewed literature on the implementation of
decentralised school governance in Uganda, Sweden, Britain and Canada. The purpose was to investigate and compare how decentralised governance in education works in these countries. The literature review was insightful, the application of distributed school governance resulted in success stories in some of the sample countries and in Uganda it was hampered by changes in regimes with differing political agendas; however valuable lessons were learnt which are pertinent to this study.

Chapter three explained the concepts, tenets and theories that are associated with distributed governance in public schools in South Africa. According to Political Systems theory liberal democracy which the School Governing Body was fashioned on, central characteristics are: (Rodinell, Cullought, & Johnson, 1989: 57-87).

- political authority stems from the people;
- political, economic, social and cultural systems are determined by the people which ensures ownership and sustainability;
- governance must be exercised either directly through the public involvement of all citizens in all facets of their lives by complete inclusion, deliberation and shared decision-making, or
- indirectly through accountable and reactive representatives where representatives are chosen by majority vote according to formal procedures for free and fair elections by all the eligible adult citizens;
- state protection of political and civil liberties which is a defining and formal feature of democracy;
- the power of democratic institutions and pluralist interests that are controlled by monitoring, evaluation and the separation of government powers;
- equality of opportunities, equality before the law, as well as equal respect and consideration for the individual exists and is a compulsory social condition within the community without hereditary or arbitrary differences of rank or privilege;
- a civic attitude of active communitarian participation in public life that spurns idiosyncratic self-centered approaches.

South Africa as a relatively fledgling constitutional democracy, has integrated the liberal, republican, participatory and direct models of democracy into a complex system of government and social institutions. These are based on democratic principles and values such as private autonomy, public autonomy, equality, equity, human dignity, no unfair
discrimination, culpability, transparency and openness. As a utilitarian democracy it appeals to the general public because ideally it contains appealing characteristics. In opposition to South Africa, Uganda, following civil war, President Museveni sought to reconstruct the state from the bottom up, through local “Resistance Councils”, which were subsequently transformed into Local Councils. Post-apartheid restructuring in South Africa emphasized the importance of sub-national levels by adopting the term “separate spheres of government” in its new constitution (Onyach-Olaa, 2003:12).

Through reference to the constitutional text and analysing education legislation, it was exhibited that democracy and the law are inseparably linked and co-exist dependently. The nature and design of democracy is structured and specifically defined by the constitutional principles, values and rights that apply to state as well as societal institutions. Moreover, legislation such as the South African Schools Act and policy instruments, established the democratic foundation and sanction the participatory principles of openness, accountability, responsiveness and power-sharing between government and school governing bodies. The dove-tailing of democracy and the law makes it incumbent on all participants interested in the furtherance of democracy and effective education to possess sufficient knowledge of the law and democratic principles. The review of case law also highlighted certain controversial bureaucratic practices that constrain democracy in education and flout legislation affecting Education. The document review and the researcher’s observation raised important concerns about bureaucratic misapplication of democratic principles. Coupled with the misuse of democratic principles by state officials was the different perspectives role players in Education structures attached to policies, which require elucidation, it is merely generic and could differ among groups and individuals, this is best explained in table 32 below. In interpreting the different role-players’ (SGBs and officials) perspective of school governance, one needs to recognise that groups and individuals have different motives which is explained in the column legislation in practice.

**Table 31: Policy and practice.**

<table>
<thead>
<tr>
<th>Level</th>
<th>Advocated legislation</th>
<th>legislation in practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>National DBE</td>
<td>SASA, Act 84of 1996, and the SGB ensures stakeholder participation SGBs promote democracy and citizenship SGBs promote equity and quality</td>
<td>Focus on the SGB carrying out stated functions in order that schools run smoothly</td>
</tr>
<tr>
<td>Provincial PED</td>
<td>SASA and the establishment of SGBs ensures role-players (parent, learner and school personnel) participation in school</td>
<td>SGB follows the rules as laid down in SASA, Act 84 of 1996</td>
</tr>
</tbody>
</table>
| **School** | Governance is about the efficient management of schools.  
SGBs should support the SMT to ensure efficient functioning of schools. | Reliance on Principal and School Management Team (SMT) to provide direction for the schools.  
Professionals like bureaucrats know what is best. |
| --- | --- | --- |
| SASA and SGBs ensure immediate school role-players (parents, learners, school personnel) participation in school governance to promote democracy and citizenship. | SGBs prime function is support for school to ensure it functions efficiently.  
Principal and SMT act as conduit between District and officials. Policies are relayed to SGBs by Principal or SGB - teacher representatives.  
Community is homogenously represented.  
SGBs generally interpret distributed governance as being elected onto the SGB and abiding by State’s policies especially former HOD, HOR &DET schools. |

Adapted: from Naidoo (2005:57)

The findings revealed a meaningful difference in the SGB’s practical application of policies by some of the role players in the sample schools. Potgieter (2007:109) avers that the section 20 list of comprehensive-looking functions might mistakenly lead one to conclude that school governing bodies have meaningful powers in school governance. Potgieter, (2007:110-111) expands this further when he says that certain functions of the school governing body, such as the power to determine the admission policy of a public school (section 5(5) of South African Schools Act 84 of 1996) and the Employment of Educators (section 16(A) are functions restricted by national policies and provincial law which in effect give school governing bodies, decision-making power that is limited. Potgieter (2007:112) suggests that these functions appear to be substantial at first glance, but place such restraining conditions on school governing bodies that the actual power remains in the hands of government officials.
6.3 A SYNTHESIS OF THE FINDINGS

6.3.1 FUNCTIONS OF THE SGB

Rimmerman (1997:48) argues that at all levels of society, citizens wish to expand their sense of civic responsibility. In other words, citizens wish to go beyond voting and participate meaningfully in decisions that will affect the quality of their lives in both their communities and workplaces.

All the respondents interpreted their functions in a predictable way; namely, to support and maintain efficient management at their schools. It was clear that the SASA and the election of SGBs have had some positive effects in affirming the parents’ rights to participate and share in the governance of the school through making crucial decisions at school level. An interview with a group from Ennerdale shows their belief in the power of the SGB: EN2: I beg to differ SGB elections only, come in 2003, before 1996 there were school boards and PTA’s and we had limited powers and now the SGBs have all the powers to do whatever is in tune with the policy of the Department to change the environment etcetera. Yes of course it has changed previously we didn’t have power like now. (Interview 3, Ln.14-18).

However it is important to state that only two respondents spoke about their functions in relation to democracy or shared governance. In general, SGBs defined their functions narrowly limiting it to support for efficient management. This is in keeping with the prescriptive role suggested by official policy definitions that the SGB fulfil “a strategic steering role linked to policy setting” (DBE, 1996). The centralised philosophy that informs DBE policies originates in directives like this, about how and when the SGB should participate in decision making, since it is obviously preferred from the State’s theory of Action- in practice, that the Principal should be the influential decision maker, focus on the SGB carrying out stated functions in order that schools run smoothly.

6.3.2 Recommendation 1

The National and Provincial Education departments should change their philosophy and dispense with their traditional authority role and allow other role players a greater voice and help to educate them in a supportive and participative environment, or else the idea of distributed school governance will remain elusive (Somech, & Maayan, 2006:343-347).
6.3.3 Changes to these functions:

- Financial Management

The School Governing Body is assigned the substantial task of managing the finances of the school such as establishing a school fund, preparing a budget annually, collecting and administering school fees, keeping the financial records, appointing an accountant and supplementing the school’s resources. (Davies, 1999:64). In the court case between Schoonbee and others vs. MEC for Education, Mpumalanga and Another (unreported case No. 33750/01, (T)); the issue of accountability was raised. The question was whether the Principal or the SGB was to be held responsible and accountable for the management of school funds.

The findings revealed that most SGBs have a negative perception of their financial management function and rely on the Principal and School management for guidance and execution when it comes to income and expenditure. The National Norms and Standards for School Funding, (SA 2007:54) as well as the “No fee school” policy, has produced a negative effect on staff and SGBs alike in the sample of schools in the study. Respondents felt that the quintiles were incorrectly arrived at, that the Government’s allocation of funds for schools were in some instances inadequate and the regulations governing its distribution were restrictive.

Previously all schools had to complement the state school allocation with the collection of school fees. In current policy, a fee charging school (previously all schools) can now apply to the Provincial Education Department (PED) to be declared a no-fees school (emphasis added), should it qualify. This would entitle the school to an increased allocation by the state to offset revenues previously generated through school fees. The lists of no-fees schools are determined provincially by the PED, using a standard national procedure. Each school is assigned a poverty score using data from the community in which the school is located. The three poverty indicators utilised for this purpose are income, unemployment rate and level of education of the community which are weighted to assign a poverty score for the community and school. It will then be assigned to one of the poverty qualities determined nationally. The quintile R554, is referred to as the adequacy benchmark and the schools will receive either; this minimum amount or more (the no-fees schools) or less (the fees schools) than this benchmark depending on where they fall. These amounts refer to per learner allocation, per school category. (DBE, 2006: 31). Schools falling in quintiles 1, 2, and 3 (the poorest, i.e. no-fees schools) would receive allocations of R738, R677 and R554 per learner respectively and 100% of learners would be covered in these categories. The percentage of learners who
receive these allocations also differs. The allocation would target respectively, 30%, 27.5% and 22.5% of learners in quintiles 1, 2 and 3. By comparison, richer schools (fee schools) would now receive less than the adequacy benchmark of R369 and R123 for quintiles 4 and 5 respectively. (Sayed, 2008:25).

The findings in this study contradict what the “No fees” policy hoped to achieve, educational equality between the affluent and the poorer schools. In reality the gap is fast becoming a chasm, as the department official so conclusively admits: There was never ever going to be a possibility of parity. So I think we are deepening poverty and the differences between our learners. (Interview 6, Ln. 288-291). In all the interviews with SGBs from the No fees schools the respondents did not mention that they had applied to the PED for a change in status, they in fact suggest, that it was foisted upon them, The Department, the SGB doesn’t. (Interview 4, Ln 275). Principal Z is confused about how his school became a No fees school, since policy states that it is applicable to quintiles 1, 2 and 3, but his school falls under quintile 5, So from my personal experience we have been declared a no fees school, for poverty alleviation etc. and you may continue speaking about it, but unfortunately now that I have experienced it, I can say it leads to a drop in standards. Ever since we have become a “no fees” paying school our results here dropped. It’s a misnomer because we are Quintile 5. (Interview 5, Ln. 266-286).

The recognition of the two-tier system that developed as a consequence of the fee policy is acknowledged in the document and is viewed as an unintended outcome of the policy.

Ironically, given the emphasis on redress and equity, the funding provisions of the Act appear to have worked thus far to the advantage of public schools patronised by middle-class and wealthy parents. The apartheid regime favoured such communities with high-quality facilities, equipment and resources. Vigorous fund-raising by parent bodies, including commercial sponsorships and fee income, have enabled many such schools to add to their facilities, equipment and learning resources, and expand their range of cultural and sporting activities. Since 1995, when such schools were required to down-size their staff establishments, many have been able to recruit additional staff on governing body contracts, paid from the school fund (DBE, 2006: 10).

The responses from Principals and other members of SGBs emphatically confirm that instead of narrowing the disparities between the ex-Model C schools and the poorer public schools the No fee schools still remain in the doldrums.
Yet another school in the sample experienced a different problem where an SGB paid teacher who has been at the school for ten years has been afforded an acting HOD position. The SGB teacher is given an acting allowance in keeping with the added responsibilities. However when the researcher made the SGB aware of the amendment to the legislation, governing remuneration for SGB teachers, the SGB realised that their practice is irreconcilable with section 27(2) of South African Schools Act which provides that: that if SGB paid teachers, who participate in the provision of an extra-curricular programme, are not allowed to receive a stipend for anything other than their expenses and such expenses must be approved by the Head of Department (Education). What arises from this, is that the SGB is disgruntled at the loss of power in an area that is their creation, *sphere of influence*. Findings also revealed that SGBs are continuing to pay allowances to SGB teachers because associational evidence is strong and should guide planning: “high performing schools are associated with qualified experienced teachers, accessible textbooks and learning materials, and the optimal use of instructional time”, (Jansen 2004, xiii).

Jansen’s discovery that top performing schools firstly “require qualified experienced teachers” resonates what has been said before “good teachers produce good results”. All three No fee schools in the sample, lament the fact that their schools cannot achieve good results because of the lack of adequate financial resources. When made aware of the particular amendments to Educational legislation, they concurred that their former decision – making power is being usurped by the State.

All funds disseminated by the State in terms of the Norms and Standards for Funding (SA 2007:54), become school funds (funds to be administered by the school governing body) once paid into the school fund, it imposes the liability on the governing body of accountability for the way such funds are dispersed. In the interview with the school in Benoni, participants show how officials disregard National policy and use bureaucratic manipulation to achieve, dubious ends. The following remark by a respondent in the school in Benoni reveals how Education officials flout National policy:

> Another issue we would like to raise, of this nature, is last year when our LTSM allocation was used up, we received an extra amount of money. First we were told by the dept. that they didn't have money, then they give us this money. However we were instructed that we have to buy books from Edusolutions and no other supplier. (Interview 11, Ln.620-625).

The actions above and in particular the Education District official’s instruction in this instance: “we have to buy books from Edusolutions and no other supplier” disregards a
fundamental regulation governing the use of school funds. It is clearly stated that all monies received by the school must be deposited into the school fund account and purchases must be done by acquiring three quotations from different suppliers. Criteria set by the school’s finance committee will determine who the supplier would be. This entire process is stymied by the District director who instructs a school to buy from Edusolutions. This scenario played out throughout schools in Gauteng in 2013, SGBs did not “raise dust” about it, because of the additional monetary allocation, which meant more textbooks for learners. They were grateful for the additional funds, but the researcher was informed in 2013, that an ex-Model C’s SGB refused to buy textbooks from Edusolutions and after threatening legal action, the school was allowed to purchase from its own supplier.

6.3.4 Recommendation 2:

It would be in the interest of distributed governance and possibly prevent future legal battles between the school and Education Authorities, if section 27(2) of South African Schools Act is amended accordingly. Like with all SGB expenditure, allowances will be subject to regular audits, then questionable expenses will be discovered and dealt with as stipulated. The deciding indicators for the PED declaring a school a No fee school is, income, unemployment rate and level of education of the community. Although the participants conceded that parents at no-fee schools are still authorised to do fund raising and perform the functions of the school governing body, respondents felt “the parents of these schools are no longer committed as they feel nothing is at stake anymore”.

Principal EN1, shared an interesting phenomenon with regard to the funding of no-fee schools. He said these no-fee schools experience, the anomalous situation where they were all given section 21-status, namely additional functions were allocated to the schools to be able to pay for their own expenses. However, simultaneously with these section 21-functions, the department laid down very strict financial guidelines and conditions that have the effect that these schools have no leeway to spend any money at their own discretion.

EN2: As far as that is concerned, we are also a section 21 school Then seeing that we a section 21 school, we would get an actual budget in our bank account. It is worked out per learner but it is normally worked out to 1, 1 of which the bulk, exactly 60% goes to LTSM, 12% to maintenance, the rest service. So we pay our own electricity like you do at home, whatever breaks here, we fix it ourselves. The school allocation is developed using five considerations. These include; the rights of learners, the minimum basic package to ensure quality education, prices of goods and services, national distribution of income difference and poverty, and finally the state budget (DBE, 2006: 25). The document specifies what
items are covered by this allocation Most of the items catered for, fall into what can be termed consumable items (stationery, maintenance, services like electricity) the only item that is, textbooks which is directly related to learning (DBE, id).

There is a contradiction in terms, to expect such a school to supplement its financial shortfall with fund raising activities. In the revised governance model recommended in this study, the Area Advisory Council will contain retired business people who will have a network of successful business affiliates, they can plead the case of the school in need of donations for an “Academic Intervention Programme” for instance. The researcher’s knowledge and observation of the area surrounding one of the No- fee schools, precludes the notion that all the parents/caregivers in that locality, have no income or there exists a high unemployment rate, there are a number of small and medium enterprises such as “house shops” in the area, so the policy should allow the school to elicit school fees from parents/ caregivers that are of the means to pay the school fee or an instalment payment system can be entered between the parent and the school. The following statement from the National Education Advisory Board confirms that the No fee school policy, was a panacea for parents’ apathy about their financial responsibility, *This is compounded by an apparent lack of consequences for those who do not pay: 'parents who could pay decided not to do so when they learnt that children would not be sent away from school'* {National Education Advisory Board- (NEAB 2009,: 2: Accessed 21 July 2014)}. Parents who have no means to pay school fees, should be required to furnish evidence of their inability to pay school fees, this is borne out of the Principal’s response, *Believe me, when we were a fees paying school, even if we got 25% of our school fees we were better off(Interview 5, Ln. 266-286).* Obviously, the available finances and affordability determine the practicality of education policies. The importance of equitable financial redress is a prominent concern to accomplish the Constitutional imperative of affording all schools the ability to provide everyone with the right to quality education. This is not an illusion, in the previous dispensation, ex House Of Delegates’ (HOD) schools (Indian), with meagre resources produced academics and professionals that vied with counterparts from the countries’ finest private schools.

**6.4 APPOINTMENT AND PROMOTION OF STAFF**

The findings from the interviews showed that participants’ perception towards the amendment to the policy determining the appointment and promotion of educators was that SGBs had lost their decision- making power over this crucial function. Even prior to this, state interference in this SGB function has resulted in the courts arbitrating and interpreting the pertinent legislation to decide who actually has the power to appoint Educators. The
tendency and amendment to policy to centralise control over education has resulted in disagreements over the decentralised authority of school governing bodies to appoint educators. Four of the SGBs in the sample confirmed that they feel that they no longer have the power to appoint or promote Educators as Principal 1 declares: *No it is definitely not the same, where they had greater authority at inception, now it has been limited and curtailed for example the appointment of educators is no longer the ambit of the SGB but has been taken over by the HoD.* A school governing body chairperson explained that “the school governing body’s powers are curtailed by the interference during appointment of educators.” It was clear from several responses that the educator recruitment-appointment provision process is unsatisfactory and upsets orderly education. A disheartened school Principal described the bureaucratic interference as follows:

The others were discarded on racial lines, it was argued by the Dept. that the management of the school was almost totally Indian and therefore the post was given to a Coloured incumbent. (Interview 8, Ln.178-184.).

The finding above relates unequivocally to Critical theory and what the researcher contends in Chapter 1, namely that SGBs as the fourth tier of the ANC led government are expected to reflect ANC ideology in order to maintain the ruling party’s hegemony (Johnson, 2011:18). A paramount criteria in selecting a candidate for a promotion post is that “the State is an affirmative action employer.” C.Loggenberg reports in what she entitles “Vote to benefit from Affirmative action” in the 2014 election campaign, President J.Zuma promised coloured people, that if they voted for the ANC they would reap the benefits of Affirmative action. He praised the people for helping the ANC to prevent the closure of 20 schools in the Western Cape. (Eye witness News 23 May 2014, accessed on 19 June 2014).

Political motives and policies to promote transformation as noted above are also applied in a bureaucratic manner. Officials often impose bureaucratic decisions that disregard the traditions and culture of a particular school. We short-listed three and we are still waiting for a decision. (Int: If the HoD doesn’t accept your recommendation can he appoint another incumbent) P 5: Yes he can. You asked what has changed, there’s a lot more interference now. G4: All that hard work goes through the window. Interview 9.

Changes and decisions are sometimes enforced unilaterally by the PED. The respondents indicated that the HoD or his representative often or always appoints educators to schools without regard to school governing body recommendations.
All decisions are subject to national and provincial level guidelines, which in many of the most important areas means the councils (SGBs) effectively, have little power. For instance, personnel decisions are subject to nationally-negotiated salary, hiring and promotion standards. Principal candidates are interviewed and recommended by the school-interviewing committee but approved by the provincial ministry. (Gershberg & Winkler, 2003:17).

All major political philosophers since Plato indicated the need for an appropriate form of education, which will induct new rulers into the arts of government (Parry, 1994: 47). It has been a central objective of many regimes to attempt to establish political systems or to reform societies (Tarrant, 1989:6). Owing to Rousseau’s influence, the revolutionaries of the French Revolution purposely adopted an education system aimed at socializing all French citizens into nationhood and civic republican responsibility (Rousseau, 1968:187). Tarrant (1989:5) suggests that, in the most prevailing sense, in all educational theories may be construed as political theories, because educational systems can transmit norms of citizenship and thus directly or indirectly influence political attitudes.

Dewey (1916:115), is acknowledged as the most influential philosopher on education and democracy, stressed that schools are not only needed for educational but also for political reasons since schools will produce, the electorate of the future. This relates to Political systems theory and the different theory of Action applied by the two parties. The Department of Basic Education’s Principal and only criteria used in selecting a candidate for a promotion post is that “the State is an affirmative action employer.” Responses in this study point to this as one of the key influences when a candidate is appointed instead of the SGBs recommended incumbent.

6.3.5 Recommendation 3:

Education should aim to develop and instill the appropriate civic attitudes and noble qualities where individual autonomy and the freedom in private lives is tolerated as well as prized, while in public affairs everyone keeps to the law. As Aristotle (2000:28) pointed out, proper democratic rule requires that the private or selfish interests, whether of the one, the few or the majority, should be set aside in favour of the common good, which in this case would be the school. Furthermore, it was Dr. Mamphela Ramphele, leader of a political party, who said that, South Africans had yet to embed a basic democratic culture that held people to standards of appropriate behaviour in a post-struggle democracy (Samodien, 2008:8). She asserted that systematic education for democracy is needed to change the mentality of the people and to ensure that the commitments of the Constitution will be met and upheld.
(Samodien, id). Officials from all three structures of Education, must buy into decisions and human resources that will promote the interests of the school and its community. Again the revised model recommended in this study will provide a selection of experienced professionals who will be a resource for a school during the process of appointment or promotion of Educators. At some time during their tenure they would have encountered nepotism and other fraudulent behaviour which the official in the study uses to justify the shift of power from the SGB to the HOD in the process of appointment or promotion of Educators. These members of the AAC would advise the school promotion committee on many issues and if that did not have effect they would have recourse of reporting their suspicions, to the Education Authorities. Their conclusions will be supported by first hand evidence since they would be on site. A similar idea is implemented in Uganda and Sweden and has produced positive results: Project Management Committees are formed, consisting of members of the community concerned, to oversee implementation and ensure accountability of those implementing the projects. One of the most significant achievements has been to increase the transparency of decision-making, since once the choices about available resources are out in the open, it is difficult for city officials to take those decisions back behind closed doors.

6.5 THE SOUTH AFRICAN DEMOCRATIC UNION’S INVOLVEMENT IN SCHOOL GOVERNANCE

The findings from the interviews that the dominant teachers’ union, viz. South African Democratic Teachers Union (hereafter referred to by its acronym SADTU) plays a vociferous and disruptive role in many of the schools was evident from the facial expressions and body language of so many respondents. The following statement gives a clear overview of the extent of SADTU’s meddling role in the appointment processes and the politicisation of schools. The perceptions of a respondent who held an important portfolio in local government and a chairperson of an SGB, goes beyond confirming what other respondents felt when he says:

I find unions particularly SADTU very undermining they undermine the authority of the Principal they ignore the authority of the SGBs and they basically hold educators and the Dept. to ransom because they agitate and intimidate. They use vile language and brute force, if they have members that they feel were not treated fairly they won’t approach the situation from a balanced point of view, they would just take their members word for it and then attack authority. In my experience as SGB chairperson for seven years, I found SADTU in the main undermining Education. SADTU, yes is a
political organisation it was a voice for the workers like National Union of Mine Workers South Africa (NUMSA) is. In the past they played a pivotal role in changing S.A around worker rights but now they have selfish motives for power for spaces, you often get appointments linked to their positions in the union and so they get senior appointments. So your head office personnel are confused whether they are shop stewards union members or officials and their roles become blurred. The best example is in 2013 when they wanted to apportion blame for Limpopo they chose the Director General, whereas the fault lay with Provincial government, since DBE design policy and the different provinces implement these policies. So provinces inability to implement shows a lack of skills and capacity, but who did the union target, wasn’t those officials but the Minister of Basic Education and the DG and so the DG had to take the fall. (Interview 12, Ln.763-780).

Interviews with five schools confirmed the sentiments expressed by the Chairperson in the interview above, that the union is affiliated to the Congress of South African Trade Unions (COSATU) and is responsible for the politicisation of schools. The only teachers’ union that is affiliated to COSATU is the South African Democratic Teachers’ Union (SADTU). This validates what the researcher claimed in Chapter 2 of this study that Pressure from the largest teacher union the South African Democratic Teachers, an affiliate of COSATU for permanency for temporary teachers, a significant number being SADTU members and that its members be promoted faster.

When a matter enjoys attention in the public domain then jurisprudence deems it as having legal capacity and to pose legal implications in the future:

Harper and Masondo reported in City Press that “plum posts, including those of Principal and deputy Principal are being sold for upwards of R30000,00”. A Principal who preferred to remain anonymous for fear of reprisals said “ When this thing started in the 1990s, they were demanding around R 11000 for a promotion post. Now it starts at R30000.”(News 24 23 May 2014, Accessed on 6 June 2014), Harper and Masondo verify the above responses in their article entitled:

6.5.1 FRAUDULENT BEHAVIOUR- HOW THE SCAM WORKS?

The following list of steps provides a detailed account of the manner in which SADTU officials and members fraudulently facilitate the obtaining of a promotion post in a school:

- A teacher who wants to land a promotion identifies the position
• Typically, this is a job that they know the incumbent will soon be leaving, either because they are retiring or because they are resigning from the department.

• That teacher then approaches a local Sadtu official who they know to be involved in selling positions for cash and hands over a minimum of R30000, 00.

• The Sadtu official then meets with members of the school governing body and department officials to rig the process.

If the post is filled, the school governing body is used to agitate against the incumbent if necessary to force them out of the post.

• The school governing body then recommends the teacher who paid for that job to the selection panel.

• The selection panel, which contains paid–off officials from the department, then ratifies the governing body’s recommendation;

•  

\textit{The teacher gets the job. (City Press 27 April 2014, accessed on 24 June 2014).}

Zwelinzima Vavi Cosatu general secretary said “In November I wrote a letter to SADTU general secretary. Mugwena Maluleka asking him to investigate allegations that senior Sadtu officials were selling positions. But the investigation was not done” Vavi requested the investigation prior to the killing of the South coast Principal, however M.Maluleka said an investigation was carried out and the officials were exonerated. The latter contended that the “allegations were part of a political campaign to discredit the union.” In 2012 National Teacher’s Union (Natu) protested in Durban about M.Mathonsi’s supposed sale of a director position in the provincial education department. In Limpopo Ronald Moroatshehla, sent a list of six names to the Education MEC Dikeledi Magadzi insisting they be appointed to senior positions in circuit and district offices. The relevancy of the media reports to these findings, is that what respondents perceive about the relationship between Education structures, officials and SADTU’s negative impact on schools is given credibility. City Press is in possession of the list which also contains the name of a relative of R.Moroatshehla. In the North West province, A. Thompson, Natu’s deputy president confirms that they demanded former Natal premier Zweli Mkhize investigate the corruption around posts. The premier responded by appointing retired Judge Vuka Tshabalala to set up an enquiry in to the allegations against SADTU. However the enquiry “never got off the ground.” Natu is in the process of appealing to the public protector- Thuli Madonsela to probe this matter.
In the North West (N.W.) province the Dept. of Education secured the services of Nexus forensic services to establish whether Sadtu had underhandedly secured the appointment of senior officials in the Bojanala district. N.W. Education Department spokesperson, Brian Setswambung said that the findings reveal that “Sadtu had influenced the appointment of senior officials” (City Press 10 August 2014, accessed on 30 August 2014).

As was asserted in Chapter 1 of this study because Cosatu is a political affiliate of the Tri Partite Alliance, corruption of this magnitude will go unnoticed by the DBE as is evident by the following, the acting director –general of the National Basic Education (NBE) department, Panyaza Lesufi, said he was unaware of any racket. His solution spells the doom of distributed school governance and hurls a thunderous blow to democracy, the DBE was proposing it should exclusively handle the recruitment and promotion of Principals and their deputies instead of SGBs. What currently happens is that School Governing Bodies choose the Principal and the deputy and then recommend to the department. We are saying the whole process should be done by the department. It will go a long way towards preventing such things.” (City Press 27 April 2014, accessed on 24 June 2014).

6.5.2 Recommendation 4:

Cereseto, (2010: 26-30) reminds us of the centrality of the teacher and cites the conclusions from the McKinsey Report 4 on the world’s best-performing school systems: the quality of an education system cannot exceed the quality of teachers, the only way to improve outcomes is to improve instruction; and achieving universally high outcomes is only possible by putting in place mechanisms that ensure that schools deliver high-quality instruction to every child. Throughout this study researchers and academics like Jansen, (2001:271-292) – have been cited as highlighting the importance of skilled meritorious educators as the main ingredient for top achieving schools. It is imperative that SADTU’s corrupt and disruptive behaviour be halted before anarchy makes schools ungovernable. This study concurs with the recommendation that the DBE should outsource the selection process to an employment agency, with personnel trained in human relations to manage the filling of promotional posts in the DBE, PED and at the District offices (Zengele, 2009:203).

This study recommends that the AAC should act as the “watchdog” over the promotion posts process at township schools, AACs that are in close proximity to ex Model C schools should be used for neutrality and objectivity. These Area Advisory Committee should contain a number of white members who it has been sown are capable of warding off, SADTU’s intimidation tactics. This is supported by the SGB of the ex-Model C in this study: G7: Some do and others overstep their mark. In a recent interview, the SGB chairperson had to instruct
the large union to confine itself to observing, which its mandated status was. A study on teacher unions in S.A states that:  Black educators claim that there is no visible teacher union involvement in White-controlled schools, and that is why the filling of promotional posts goes smoothly. (Zengele, 2009:204).

6.6 LEARNER ADMISSIONS

“School fees must not be allowed to become an obstacle in the schooling process, or a barrier preventing access to school especially as far as the most marginalised are concerned” (DBE 2006:45).

Int: What is your attitude to the following? “No school may charge any registration or administration fee “School fees are subject to a State formula”.

G1: The Department has very little “on the ground” experience in terms of the behaviour of parents during the admission process. A fee which is deducted from school fees/or refunded curbs multiple applications at different schools and creates a sense of responsibility with the applicant. A budget reflects the needs of individual schools and cannot be prescribed to by “benchmark” indicators. The AGM and parents decide the figure based on the needs of the school and quality service delivery.

The majority of respondents were of the opinion that schools not the provincial department should decide on the admission of learners. The Principal (G1) from the ex-Model C school in this study, was cautious about admissions: “In this area we do not allow school hopping sand we work closely with our district”. A possible reason for the less resolute stance by this SGB might be the fact that they are very aware of the constitutional prohibitions and the legal provisions regulating admission policies. Nevertheless, it is significant that the school governing body members were aware of the recent case involving Rivonia primary and the outcome. The Constitutional Court ruled in the case of the admission of a learner to grade one, in favour of the Head of Department, however the judge's interpretation of legislation affecting the admission of learners to public schools, which grants the HOD the power to admit more learners to a school even if this is in opposition to the school's Admission Policy is perceived by most SGBs in the sample as diminishing the power of the SGB. Despite the implication of defying the contents of SASA in relation to learner admissions, ex-Model C schools still circumvent warnings against using parents' financial standing to bar a child from the school. The covert intention of the above response from the respondent from the ex-Model C school is clear. Registration fees are charged which is normally 10% of the annual
school fee which in this case is R20000, therefore the registration fee is R2000. If the parents cannot afford the registration fee, they cannot gain admission for the child at that school and in this way the school attracts the wealthier and elite bourgeoisie. The districts’ stance towards such a transgression is succinctly outlined by another SGB member of this school: Our chairman has turned children away on many occasions. Just recently now if you are at a school in the area you cannot “school hop,” our policy talks about 35-1, in some cases we have gone beyond the 35 to 1 but not in our grade 1 class. However we are fortunate we have a good relationship with our district.

The different versions of policy implementation is extensive for education to operate as an unqualified right. A range of limitations like, the exemptions and no- fees policies should make access to all public schools possible. Unfortunately schools that focus on maintaining their exclusivity which their affluent parents have bought, devise mechanisms which significantly impact on the ability of the poor to fully access these schools. The crucial argument stemming from this position, suggests that the constitution bestows education as an unqualified right and any overt or covert restrictions that impede this right, do not fulfil this constitutional decree (Sayed, 2008:23).

In all the other schools the declaration by SGBs, that the school is full, is ignored by the District and Principals are compelled to accept more learners. In the case of the rural school in the sample the learner teacher ratio can reach 50:1. We can empathise with respondents that become despondent, from public schools where officials use their bureaucratic power to compel the Principal to accept more learners. If the Principal is recalcitrant he/she will be threatened with punitive measures including being charged with misconduct. The researcher personally experienced such threats as Principal.

6.5.3 **Recommendation 5:**

Obviously the correct, noble and lasting solution is for the State to provide more financial resources to underprivileged schools and more schools in areas where due to people migration have experienced an increase in learner population. SASA-Section 3(3) obliges the MEC to “ensure that there are enough school places so that every child who lives in his or her province can attend school . . .” Section 3(4) obliges the MEC, if he or she cannot comply with subsection (3) because of a lack of capacity existing at the time of commencement of the Act, to “take steps to remedy such lack of capacity as soon as possible” and to “make an annual report to the Minister on the progress achieved in doing so”.

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Under pressure from the NGO- Equal Education, the Minister of Basic Education recently promulgated draft norms and standards, but these are so vague and nonsensical that they would be of little use in the current case, nor would it be of use to improve the infrastructure and the management of learner placement at schools. Thus the draft norms and standards require that a school be provided with “adequate sanitation facilities that promote health and hygiene standards and that comply with all applicable laws”; “basic water supply which complies with all relevant laws; and “where reasonably practicable, a school should be provided with some form of connectivity for purposes of communication. “We do not need more plans or amendments to be developed what we need is concrete action” (Pierre De Vos’ blog Jan 11, 2013; Accessed on 30 June 2014).

An obligatory duty imposed on the Department of Basic Education is the execution of distinct and detailed minimum norms and standards to guarantee that each school provides education of a basic minimum quality in an environment conducive to learning. The Minister of Basic Education then has to publish a Table of Norms and standards that all public schools must adhere to. These minimum norms and standards will determine the number of learners that could be admitted to each school because of its infrastructure and resource. This would, also empower the Department to induce schools to admit more learners in cases where children would otherwise be deprived an education. This would result in a somewhat even distribution of learners across schools. Officials will then demand that the ratio of 40:1 is maintained by all public schools.

6.7 TENSIONS IN POWER / DEMOCRATIC CLIMATE

One of the sources of tension is the real or perceived inequality between previously advantaged and previously disadvantaged schools. This underlying tension is evident from the following statements by school governing bodies in this study:

This confirms what the researcher earlier avers, that there is definite ignorance or misunderstanding of the democratic requirements of accountability and responsibility. This statement by a Principal expresses a consensus of perspectives of schools in this study: So in conclusion it’s not shared governance in fact most things are dictated to you. The majority of respondents confirmed that tension exists between what was promulgated in 1996 and manifested in the SASA as distributed governance, with the bureaucracy granted a monitoring role in the main in the education system. The latter instead of monitoring with the aim to develop, prescribe to schools, despite the SGBs shared role in school governance. Participants in this study through their verbal and written responses unequivocally confirmed
the reduction of powers of school governing bodies, resulting from a series of amendments to the Schools Act (Beckmann, 2007:13).

Uncompromising or illicit decision-making by the education officials is illustrative of bureaucratic actions that displays contempt for the democratic principles which are fundamental in the education system. An example is the case of Simela v MEC for Education, Eastern Cape (2001) the Provincial Department of Basic Education failed to secure the prerequisite consent from educators to be transferred, when the entire Professional staff of a school was “seconded” to other schools as punitive action. (Smit, 2007:94). According to Smit (id), the first requirement to justify the transfer or appointment in terms of section 8 (1) (a) of the Employment of Educators Act (SA, 1998) is that an affected educator must give prior approval and agree to the proposed appointment, transfer or promotion. The educators were merely given copies of the report of a “task team”, which established that they were all guilty of several acts of misconduct. The educators sought a court order preventing the Department of Basic Education from taking any steps to implement their transfers, and applied for reinstatement to the posts from which they had been transferred (Smit, 2007:94). The court held that the provisions attached to the transfer (or appointment) of educators in the Employment of Educators Act require the consent of the affected educators. No such consent had been obtained. With regard to the exercise of bureaucratic authority, Francis AJ expressed the court’s opinion as follows:

The Constitution (Act 108 of 1996) affords everyone "the right to administrative action that is lawful, reasonable and procedurally fair." This means that every exercise of public power must, in order to be constitutional, be mandated by law, be performed in good faith by a decision-maker who has not misconstrued his or her powers, be rational, and be conducted with due regard to the rules of natural justice.

In this vein there was tension caused by the following bureaucratic decision that affected Educators’ through an official’s dictate to transfer HoDs (school). It certainly affected them psychologically, in that they had become demotivated and anxious. It could have resulted in a serious threat to their health, since they were of an advanced age. That aside, experience has revealed that they would have been unproductive during this time, which would have the concomitant effect on curriculum delivery and resultant learner results.

I would like to mention something that affected us; HoDs were instructed to take up posts at an adjoining school. We refused to accept this, we went to the district office and told them in no uncertain terms, that we would not accept this instruction. Ln.83-85. This was a unilateral decision and they said to a colleague, you can go there
because you are retiring next year, so it doesn’t matter to you. Imagine the person gave forty years of his life to this school and this community and then just to be uprooted and sent away, how do you feel to be treated like that, in your last years..Ln.93-94.

The etymological roots of the notion of “governance,” is mostly about “steering” (setting a general direction, monitoring whether the “ship” is progressing in the right direction) Scheerens (2004). Giroux (1995:6) declares that democratic values and principles cannot effectively be entrenched and transferred to learners if an education system is bureaucratic or exhibits autocratic values and principles.

6.8 SYSTEMIC WEAKNESSES

The South African Constitution,(Act 108 of 1996) makes provision for an integrated form of democracy incorporating representative, shared and direct traditions in the system. The pervasive evidence of the socialist and elitist traditions of democracy present in the South African political and social system suggests that disadvantageous features like the neo-liberal favouring of the affluent and talented, the continued disadvantaging of the “have-nots”, combination of egocentric decision-making, dominance of the ANC hegemony, wasteful and corrupt or authoritarian exclusivity and bureaucracy are all entrenched in the system.

There is convincing evidence from the findings that all these flaws are an integral part of the South African democratic system and permeate its sub-systems like public school governance.

6.9 RECOMMENDATIONS FOR FUTURE GOVERNANCE

The researcher asserts that the current model of school governance is in need of revision. This study highlighted certain controversial bureaucratic practices that constrain the participatory, deliberative and liberal democratic principles which is the core of distributed school governance. These constrictions emanated from the perceptions of the school role players. Then, who better than they should suggest what form a revised model of school governance should take as defined in this response:

Parents and the State have to empower school governing bodies and we have to hold the SMT accountable, so that is the thin line between the State and SGBs,
because financial accountability is governed by an Act -the PFMA. Unfortunately if you interpret the South African Schools Act to the letter, it holds the HOD accountable, because finance is his preserve. HR functions also depends as to who your Ministry is, namely the MEC. There should be sharing of responsibility in terms of finance and HR with clear oversight from the DBE and guidance, because sometimes your SGB might not be competent and mismanagement comes into play. There must be monitoring, auditing and evaluation; Head Office needs to play that role. In our case (school’s) we had an external Auditor and this was good. (Interview 11, Ln.760-769).

Suggestions to improve democratic governance in the education system includes the removal of acrimonious amendments by returning the decision making powers of SGBs, a more acute monitoring evaluating and auditing of SGBs and an advisory resource in all the major Geographic areas in Gauteng linked to the Macro(DBE), Meso(PED and GDE) and Micro(schools) levels of Education which will improve governance and the social function of education. Furthermore, this study has identified the need for an improvement to the current model of governance as a solution.

South Africa has participated in The Third International Mathematics and Science Study (TIMSS) carried out in 1994/1995 in 1999, and in 2003(Howie, 2004:157-162). Eight years appear to have made little or no difference, as South Africa performed last on all three versions of this assessment and at least as far below the average, if not worse, in 2003 as in 1995 or 1999. South Africa’s implications for school governance as Bloch (2009:152) reminds us, the brutal truth is that education is a complex field. Enslin (1993:3) contends that education is a complex and contested concept that picks out a variety of activities, including centrally controlled governance guidelines and fluctuating teaching and learning guidelines. Similarly Wilson (1988: 84) argues that education structures are inseparably linked to concepts and values that are indistinct, contentious, and hence very much in need of reengineering.
Figure 6: Proposed revised educational governance model.
Various researchers among whom are (Karlsson, 2002:333; Visser, 2006:359; Naidoo, 2004:125 and M.H.Smit, 2007:459) recommended the development of a new model for public school governance. The findings from this study uncovered that school governance as is currently practiced in public schools in particular, do not concur with the model for school governance as proposed in the South African Schools Act. This qualitative study distinctly showed that a revised model of school governance should be developed to address the major flaws in the present model of school governance. Accordingly, by virtue of the research findings and conclusions, as evaluated assessed and synthesised by the discussions in the preceding paragraphs, it is recommended that a revised model, which is diagrammatically illustrated in Figure 5.32 should be applied to improve distributed school governance in South Africa.

6.10 AREA ADVISORY COUNCIL (AAC)

Based on the theoretical premise of Figure 5.52 - model to remedy amendments to policies which serve to limit the powers originally given to SGBs, which renders Shared governance in the school system meaningless, the researcher recommends that a revised model of school governance should be applied with the added feature as shown in Figure 5.32.

An Area Advisory Council (AAC) should be established in terms of the South African Schools Act, (Act 84 of 1996) for every school area or Education district, namely the town or geographical area closest to the cluster of schools to act as a resource; to advise and support school governing bodies as its core function. This model suggests that the AAC with its fund of experienced professionals and community leaders will contain the expertise and knowledge to guide defunctive school governing bodies and advise National, Provincial and District Education officials about proposed amendments and their repercussion, they will possess the experience singularly and as a unit to deal with school governance issues at all levels. Three to five representatives from the Area Advisory Councils will be elected to liaise with the DBE to inform them about problems and developments at schools so that the DBE can become more conversant with matters “on the ground”. Section 4(m) of National Education Policy Act firstly, contains the principle that policies should be developed to include public participation in the development of education policy. This principle includes the democratic principles of deliberation, openness, transparency and accountability above. Secondly, section 4(m) expressly refers to the democratic principle of participation in governance of all aspects of the education system by representation of stakeholders by providing as follows:
Principle 4(m): ensuring broad public participation in the development of education policy and the representation of stakeholders in the governance of all aspects of the education system.

This is a significantly important provision, in the context of this study, because it affirms the principle that National Education policy should allow for participation in governance in all aspects of education. The national education policy therefore encourages democracy in the education system and its institutions.

The reason for this suggestion is to limit the further centralisation of school governance. The next steps in education decentralisation in South Africa would appear to be obvious: build on what already exists provide monitoring and technical assistance to help resolve local problems before they become crises; and foster the communication and exchange of successful experiences in order to facilitate bonding between schools without making comparisons which will lead to poorer schools being further demoralised. The AAC would in essence:

1. Identify goals, priorities and needs for effective school governance
2. Set budget priorities
3. Advise schools and the HOD on the selection and evaluation of Principals and deputy Principals
4. Advise the HOD on the selection and evaluation of teachers
5. Evaluating curricula
6. Re-establish extracurricular programmes in schools
7. Improving community support for schools
8. Advise the SGB on the best possible course of action in student or parent problems or complaints
9. Raising money to supplement “No fee paying” schools
10. Being a conduit for school governance between SGBs and State Education structures

The researcher views the underlying principle behind establishing the AAC will be that it can engage in constructive debate about shared governance concerns, embrace the opportunity to “get things done” effectively through collective practices, thus bringing efficiency closer to distributed governance in public schools. Evidence suggests that there is “fundamental rationality and intelligence in democratic processes” that could greatly enhance collaborative
Education policy making and therefore distributed school governance (Lindblom & Woodhouse, 1993: 23-24).

6.11 CONCLUDING REMARKS

The quality of governance in education, can be evaluated by looking at three types of relationships. The first is the reaction of government to the needs and demands of citizens, especially the parents of young children. The second is the capacity of the system to deliver the services that satisfies those needs and demands. The third is accountability (by schools through the power SGBs possess) to the parents and citizens they serve. In a highly centralized education system like Uganda was, or to a large extent South Africa pre-democracy, citizens were directed and intolerance to questioning authority was the order of the day.

When decentralisation is recommended in developing countries the overall motive is more concerned with political development than with service delivery as is evident in Uganda Britain, Canada and South Africa. Decentralisation is most often also a multi-dimensional issue, not an educational one. The overriding thinking has to do with the notion that sub-national levels of government have some “right” to determine certain aspects of service provision in their jurisdictions. This underpins the theoretical models that conclude that the education governance system in South Africa is derived from and linked to the political and historical occurrences within the society.

When some responsibilities are decentralized to different levels of government, these relationships can become considerably more complex associations that underpin well-functioning systems. In South Africa SASA undeniably transferred key decision-making powers to schools through their SGBs, at times in worst case scenarios, when relationships went awry, the courts provided a sense of direction and SGBs were confident that they could through shared governance provide or play a crucial role in providing quality education in their schools. In theory one could have an education system where none of these partnerships work or are necessary, and where pure teacher professionalism and commitment lead to good results. However with the abuses that SADTU is capable of, it makes the latter elusive. The documents and literature reviewed followed by the descriptive statistical evidence and lastly the perceptions of role-players from six SGBs and two officials, undeniably suggest a recentralisation of decision-making powers in respect of the main functions conferred upon SGBs, which formed the focus of this study: amendments to recommendations of staff appointment by the SGB, levying of school fees, the utilisation of
school funds and admission of learners to public schools (Beckmann, 2007:14). Malherbe (2006:247) argued that the formal structures for co-operation and negotiation between the national and provincial spheres with regard to education have become “little more than a one-way traffic system” resulting in the centralising tendencies and policies of national government. Van Deventer (1998:51) contended that the extent of the state’s prescriptive regulations and interference of all aspects of admission policies, norms and standards for funding and financial administration guidelines, in reality does away with any real partnership or power-sharing. Normally it is advantageous to have an education system with both centralised and decentralised features. The centralisation of matters and policies of general import such as school financing and the educator provision formulae should enhance the operative functioning of the education system. However, this should be balanced with the stipulation to decentralise decision-making power in order to accommodate local disparities and the peculiar requirements of each school community. The trend towards increased centralisation of decision-making power of local school governing bodies is confirmed by this study as the senior education officials (2) school Principals (99%), and (86.7%) of the school governing body members, regarded the education system as becoming centralised and thus displaying unidentifiable features of distributed governance as originally intended. Increased centralisation by virtue of politically motivated assumptions of local decision-making authority, undermines the participatory purpose of the South African Schools Act. This is validated by a chairperson and active political figure’s reaction:

Whereas before they were involved in the hiring of Principals and educators, determining school policies on admission on codes of conduct, on management of finances and now there’s a lot of grey areas. Through that, a lot of gaps, fraud and corruption has crept in. A policy is a guideline it’s not cast in stone, the way people perceive policies as if they are laws. Policy by its nature is a guide, it is how we interpret it and there’s always an exception. However the directives from head office are much more specific, SGBs and Principals cannot go against it because it’s centrally located so power is vested in DBE and its branches. We had a lot more power when it came to the appointment and promotion of teachers as long as we had union reps and the process was seen to be fair, we actually determined who becomes Principal and who gets promoted, we made the appointment. Now in the new amendment scenario Head Office is highly present in the process than before. (Interview 11, Ln 715-726).

The HODs in the Benoni schools’ plight and the chairperson’s response relate directly Critical theory which defines social control as the competence and expertise of the authority
system to engender and underpin the belief that its leaders and institutions are interested in the public good- not in the reality of its politically motivated goals. Such a cultural purpose begs, dictates and presupposes an authority system that must be legitimate in order to harvest acceptance (Kwenda, 2003:238). One of the fundamental problems faced by the State is to harness such legitimacy. Once the public is convinced that the authority has the public interest in mind, society then accepts this authority. In order to reap the fruits of this acceptance, those in power must socialise the public into accepting the prevailing authority system. Socialisation can be overt via church, home, and school or they can be covert such as through messages that lack explicit political content but actually are exceptionally, politically relevant (Enslin, & Horsthemke, 2004: 545–558). This entreaty to the public’s behaviour is an effort to contour desirable behaviour, attitudes, and values (Kwenda, 2003:238-241). The surreptitious reversal to recentralisation by the State can only be interpreted as an urgent desire to return social control to the government. The chairperson and ex-politician’s responses recapitulates the majority of responses: Its initial intention was to give a fair amount of powers to SGBs, it’s my opinion that it has now been watered down and they are centralising most of the powers to districts and DBE and in fact SGBs have largely become ceremonial and fund raising entities, so today that is there main functions. (Interview 11 Ln 711-714).

Decentralizing Governance: The decentralization of decision-making in education, either through devolution to lower levels of government or through delegation of responsibilities to the school, has the potential for stronger accountability and improved governance. In Canada, Sweden, Britain and Uganda, systems like the School Based Management (SBM) one, provides greater clarity as to who is responsible for which education decisions, and a system of shared responsibilities that hold particular role players accountable.

The Impact of poor governance on Education gives rise to many of the problems observed in the current educational system in South Africa. These problems include [a] failure of resources—books, instructional materials, construction materials—to reach the school; [b] ghost teachers; [c] high rates of absenteeism among teachers and Principals; [d] poor teacher deployment with large differences in class size between schools; [e] low attention by teachers to learners because they cannot tutor on a one- on- one basis; [f] wastage of resources within schools. The 7, 5 (seven point five) billion rand spent on Learner Teacher Support Material (LTSM) and other requirements to make the delivery of the Outcome based curriculum a reality, is now gathering dust in school stock rooms, because of the 2012 implementation of the Curriculum and Assessment Policy Statements (CAPS).
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APPENDIX A: Research Permission

Gauteng Department of Basic Education (District D11)

The District Director

3 December 2013

Dear Madam Director

Request for permission to collect data for doctoral study

I am conducting a study for my Doctor of Education thesis entitled THE PERCEPTIONS OF ROLE-PLAYERS IN GAUTENG PUBLIC SCHOOLS REGARDING DISTRIBUTED GOVERNANCE. I need to conduct focus group interviews with School Governing Bodies at schools in the Lenasia South, Eikenhof and Alberton areas, between January and December 2014. Interviews will be conducted at times suitable to the SGB concerned and telephonic/personal appointments will be made. Since parent members will also be interviewed, interviews will have to take place after school hours and will not disrupt teaching and learning.

In order to establish a conducive atmosphere and to facilitate the data collection process, the proposed venue would be the particular school. It is presumed that the research findings will contribute towards improved collaboration between the various stakeholders- school, district and national level and eventually the whole country.

Your kind assistance and response in granting me this rare opportunity will be very highly appreciated and feedback will be provided in the form of a copy of the completed thesis.

Kind Regards

.............................

M.R. Pather

Researcher, Lecturer (University of Johannesburg) Ex Deputy Director (DBE).

Contact – magasp@uj.ac.za Tel:011 559 5566 Cell: 0845631089
APPENDIX B: Research Approval Letter

GDE RESEARCH APPROVAL LETTER

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<th>Date:</th>
<th>23 January 2014</th>
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<tbody>
<tr>
<td>Validity of Research Approval:</td>
<td>10 February to 3 October 2014</td>
</tr>
<tr>
<td>Name of Researcher:</td>
<td>Pather M.R.</td>
</tr>
<tr>
<td>Address of Researcher:</td>
<td>1835 Petrea Street</td>
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<tr>
<td>Telephone Number:</td>
<td>011 559 5556 / 084 563 1089</td>
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<td>The perceptions of role-players in Gauteng Public Schools regarding distributed governance</td>
</tr>
<tr>
<td>Number and type of schools:</td>
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<td>District/s/HO:</td>
<td>Ekurhuleni South; Gauteng East and Johannesburg South</td>
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Re: Approval in Respect of Request to Conduct Research

This letter serves to indicate that approval is hereby granted to the above-mentioned researcher to proceed with research in respect of the study indicated above. The onus rests with the researcher to negotiate appropriate and relevant time schedules with the school/s and/or offices involved to conduct the research. A separate copy of this letter must be presented to both the School (both Principal and SGB) and the District/Head Office Senior Manager confirming that permission has been granted for the research to be conducted.

The following conditions apply to GDE research. The researcher may proceed with the above study subject to the conditions listed below being met. Approval may be withdrawn should any of the conditions listed below be flouted:

Office of the Director: Knowledge Management and Research
9th Floor, 111 Commissioner Street, Johannesburg, 2001
P.O. Box 7710, Johannesburg, 2000 Tel: (011) 365 0500
Email: David.Makhado@gauteng.gov.za
Website: www.education.gpg.gov.za
APPENDIX C: Structured Questionnaire

DEPARTMENT OF EDUCATIONAL MANAGEMENT

QUESTIONNAIRE

CONTACT: Mr Magas R. Pather Faculty of Humanities University of Johannesburg Tel: +27 11 5595566
Fax 27 11 559 5696
Email: magasp@uj.ac.za

Respondent No: ..................................................................................................................................

Name of School: ................................................................................................................................

School Address................................................................................................................................

Contact No’s.: ............................................................................................................................

Date: ............................................................................................................................

SECTION A: PROFILE INFORMATION

<table>
<thead>
<tr>
<th>1. Area where school is situated: (Please specify)...............................</th>
<th>2. In which Quintile ranking is your school? Please Specify:</th>
</tr>
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<tbody>
<tr>
<td>(Please specify).................................</td>
<td>Quintile 1 ☐</td>
</tr>
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<td></td>
<td>Quintile 2 ☐</td>
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<td></td>
<td>Quintile 3 ☐</td>
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<table>
<thead>
<tr>
<th>3. How long has this school been in operation?</th>
<th>5. District in which the school is</th>
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<tbody>
<tr>
<td>Less than 6 months ☐</td>
<td>Urban school ☐</td>
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<tr>
<td>Between 6 months and 12 months ☐</td>
<td>Farm school ☐</td>
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<tr>
<td>Between 1 years and 2 years ☐</td>
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<tr>
<td>Between 2 years and 3 years ☐</td>
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<td>Other (Please specify)..........................</td>
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SECTION B: PERSONAL DETAILS

6. Gender

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7. What is your age?

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10. What is the language of instruction of the school?

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<thead>
<tr>
<th></th>
<th>Zulu</th>
<th>Ndebele</th>
<th>Sotho</th>
<th>Swazi</th>
<th>Xhosa</th>
<th>Tsonga</th>
<th>Tswana</th>
<th>Venda</th>
<th>Sepedi</th>
<th>English</th>
<th>Afrikaans</th>
<th>Other</th>
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SECTION C

8. What is your current position in the school?

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<th></th>
<th>Educator</th>
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</table>

9. IF you are a member of the school management team, what position do you hold?

<table>
<thead>
<tr>
<th></th>
<th>Principal</th>
<th>Deputy Principal</th>
<th>H.O.D</th>
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<td>2</td>
<td>3</td>
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10. Do you serve on the School Governing Body, if yes what position do you hold on the SGB?

<table>
<thead>
<tr>
<th></th>
<th>Parent</th>
<th>Chairperson</th>
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<td>5</td>
<td>7</td>
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</table>
11. As a member of the SGB are you familiar with the functions of the SGB according to S.A.S.A? Please use a scale of 1 to 10, where 10 means EXTREMELY KNOWLEDGEABLE and 1 means NOT FAMILIAR WITH THE SGB FUNCTIONS AT ALL.

12. Please STATE whether the you think your SGB is functioning according to your expectations-1 better, 2 worse or 3 exactly the same as you expected?

<table>
<thead>
<tr>
<th>Overall</th>
<th>You</th>
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<tbody>
<tr>
<td>Much better than I expected</td>
<td>5</td>
</tr>
<tr>
<td>Somewhat better than I expected</td>
<td>4</td>
</tr>
<tr>
<td>Exactly as I expected</td>
<td>3</td>
</tr>
<tr>
<td>Somewhat worse than I expected</td>
<td>2</td>
</tr>
<tr>
<td>Much worse than I expected</td>
<td>1</td>
</tr>
</tbody>
</table>

13. What, if anything, do you dislike about the SGB? What else? RECORD

14. What, if anything, do you like about the SGB? What else? RECORD VERBATIM

15. Please list the functions of the SGB?

16. Do you think these functions are the same as when SGBs were first elected in 1996?

<table>
<thead>
<tr>
<th>Function</th>
<th>Overall</th>
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<tbody>
<tr>
<td>Exactly the same</td>
<td>5</td>
</tr>
<tr>
<td>Slightly changed</td>
<td>4</td>
</tr>
<tr>
<td>Changed in favour of the SGB</td>
<td>3</td>
</tr>
<tr>
<td>Changed to limit the power of the SGB</td>
<td>2</td>
</tr>
<tr>
<td>Definitely completely changed</td>
<td>1</td>
</tr>
</tbody>
</table>

17. If there any changes, how comfortable are you with the changes? Please use a scale of 1 to 10, where 10 means EXTREMELY SATISFIED and 1 means NOT SATISFIED AT ALL.

18. Are there functions of the SGB that have changed recently? If yes which ones?

19. How has the change(s) affected the school?

<table>
<thead>
<tr>
<th>Negatively</th>
<th>Positively</th>
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<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Question</td>
<td>Answer</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>20. Explain fully how the change has impacted on the school?</td>
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<tr>
<td>21. Do you have any concerns or fears about the power of the SGB? What are these?</td>
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<tr>
<td>22. What change(s) if any would you propose to the functions if the SGB?</td>
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<tr>
<td>23. Are you aware of the The Education Laws Amendment Act (100 of 1997) sub-section 6 to section 20 of SASA</td>
<td>Yes</td>
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<td></td>
<td>No</td>
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<tr>
<td>24. IF YES: Please explain what it states?</td>
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<tr>
<td>25. Do you think your school needs school fees?</td>
<td>Yes</td>
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<tr>
<td></td>
<td>No</td>
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<tr>
<td>26. DBEIs the &quot;no school fee&quot; policy affect the financial situation at the school?</td>
<td>Yes</td>
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<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>27. Please explain fully if and how these amendments to the Act affect the finances of the school:</td>
<td></td>
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</table>

240
(1), the Minister must by notice in the Government Gazette annually determine the national quintiles for public schools or part of such quintiles which must be used by the Member of the Executive Council to identify schools that may not charge school fees.

28. No public school may charge any registration or administration fee.

29. The right of the school to charge school fees in terms of subsection (10) is limited to an amount equal to the sum obtained if the actual amount received from the State is deducted from the adequacy benchmark level of funding per learner.

30. If a school governing body, or any other person without the authority of the school governing body, pays any remuneration or gives any financial benefit contemplated in subsection (1) to an educator without prior approval of the employer, the amount of money paid must be recovered by the Head of Department on behalf of the school from:

(a) members of the school governing body who took that decision, excluding a member of the school governing body who is a minor.

or

(b) any person who made such payment without the authorization of the school governing body.
31. Are there any Educators employed by the SGB?

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<tr>
<td>Yes</td>
<td>1</td>
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<td>No</td>
<td>2</td>
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32. How DBEs the Educators Employment Act, 1994 (EEA) impact on the employment of SGB educators?

33. How DBEs Section 20(1) (i) of SASA affect the appointment of SGB educators?

34. Are there any Educators who have been appointed permanently?

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<td>Yes</td>
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<td>No</td>
<td>2</td>
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35. DBEs Section 6(3) of EEA also influence the employment of SGB educators, please explain what effect it has on the appointment of SGB educators? (Please see below)

The governing body or the council, as the case may be, must submit a list of:-

(i) at least three names of recommended candidates; or

(ii) fewer than three candidates in consultation with the Head of Department, in order of preference to the Head of Department
36. How does the Educators Employment Act, 1994 (EEA) impact on the employment/promotion of educators?

(d) When the Head of Department considers the recommendation contemplated in paragraph (c), he or she must, before making an appointment, ensure that the governing body or council, as the case may, has met the requirements in paragraph (e).

(e) If the governing body or council, as the case may be, has not met the requirements in paragraph (b), the Head of Department must decline the recommendation.

(f) Despite the order of preference in paragraph (c) and subject to paragraph (d), the Head of Department may appoint any suitable candidate on the list.

Please explain fully.

37. Do you feel Teacher Unions play a supportive role in the employment of Educators?

| Yes | 1 |
| No  | 2 |

38. If your answer was no please explain?

Please explain fully.

39. Do you feel Teacher Unions play a supportive role in the promotion of Educators?

| Yes | 1 |
| No  | 2 |
40. If your answer was no please explain?

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<th>Answer</th>
<th>Details</th>
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41. DBEs your school have a language policy?

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<th>Answer</th>
<th>Details</th>
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<tr>
<td>Yes</td>
<td>1</td>
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<td>No</td>
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42. If yes, who drew up this policy? Explain fully.

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43. DBEs your school have a code of conduct?

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<th>Answer</th>
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<tr>
<td>Yes</td>
<td>1</td>
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<td>No</td>
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44. If yes, who drew up this policy? Explain fully.

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THANK YOU FOR YOUR PARTICIPATION
APPENDIX D: Interview Schedule Sheet

INTERVIEW SCHEDULE

- Interview 1 with School A  Rural Primary  Eikenhof-Johannesburg
- Interview 2 with School B  Urban Technical  Johannesburg South;
- Interview 3 with School Z  Rural Combined  Johannesburg South;
- Interview 4 with School D  Urban Primary  Johannesburg South;
- Interview 5 with School E  Urban ex Model C  Johannesburg Central
- Interview 6 with School F  Urban Primary  Ekhurleni East (Benoni);
- Interview 7 with a Senior Official G of Johannesburg Central;
- Interview 8 with a Senior Official H of Johannesburg South.

Approximately five interviews were conducted with each school because of the different focus groups and individuals.

INTERVIEWS 4, 5 and 6

INTERVIEWER: Please, you can be assured that it is confidential- no names are needed, I am Magas Pather a lecturer at the University of Johannesburg and an ex-PRINCIPAL Z.

What are the broad functions of the SGB? We are talking about the areas where the SGB has decision making powers.

Z2: I know that the SGB is in charge of governance, finance and to know the difference between Management and the SIP- the school improvement plan where they have to help, then there is fund
raising. The development plan and maintenance and also helping in the smooth running of the school all policies they are in charge of.

INTERVIEWER: Excellent _________ has the power of the SGB changed 2013 2014?

Z4: With admission much as the SGB seems to have the power the Department controls. They tell us what needs to happen and have it needs to happen and we are told to do what is requested so that we don’t have any power or influence on admissions.

INTERVIEWER: Thank you so much, I want to ask madam here, I happened to overhear the other day and today a matter concerning admissions, will you please elaborate?

I must say I meant to congratulate her as an ex-PRINCIPAL Z Madam handled it expertly. I couldn’t stop thinking about the incident as the whole day. It is so good to have teachers with that knowledge, to handle such matters because this was a difficult one.

Madam can you recall what happened and it proves what was just said now.

Z2: This boy is going to be 20 anytime this year and he hasn’t been to school for the rest of last year, for the whole year.

He came with a computer generated report which only had marks for term 1, then they came here looking for space. He had gone to _______ and they sent him to District, saying they are full. Then the district told them to come to IP. I asked the learner why he didn’t go to school for a whole year. Then the father who was a bit tipsy admitted that the boy was naughty and refused to go to school.

INTERVIEWER: When I arrived today I noticed the PRINCIPAL Z had the boy and the parent in his office.

Z2: Yes, the letter from the district instructed us to take the learner.

INTERVIEWER: So did your school abide by the instruction?

Z2: The fraudulent report and because of his age, he is 20 already. We explained to them that this boy can’t be placed in grade 8 since the other children in grade 8 are only 13-14 and he’s from North West and the computer generated report with three marks is very
questionable. This boy supposed to be in grade 12. How can we take this big boy to be with the smaller children in grade 8 and again the father was lying. Then we called the school and the school said, the father was insisting, when the PRINCIPAL Z came we told him then they left with the recommendation that they go to the ABET class.

The department controls what needs to happen and how it should happen so the SGB just ______ what it is told.

INTERVIEWER: My question despite where you sent them if the District insisted on you taking the child?

Z3: You know with us because of our PRINCIPAL Z said go and tell that guy I am not taking that child here, but if they want to they will send the child and instruct us to take the child. So the SGB’s power has been limited.

INTERVIEWER: Do you need money to run the school?

Z4: We are a no-fees school and the funding we receive is “ring-fenced” meaning the funds must be used for specific purposes and ______ be used for any other purpose. So we are at a terrible disadvantage. In order to have sports we have to fund-raise at the end of the year if the money is there we have to apply to GDE to use the money because it can't be used for the functioning of the school each day.

INTERVIEWER: If that grant or funds you get from the government can you use it to pay an SGB teacher. Do you have an SGB _____ teacher?

Z2: We not at all that will not be allowed. Yes last year we did have a SGB teacher and we had to do fund raising to pay the teacher. Last year when the PRINCIPAL Z went to a PRINCIPAL Zs meeting, he was told by the.

We are not allowed to have an SGB paid teacher as a “no-fees” paying school. This is done because we are children of a lesser God, because we are not human enough. Sometimes although we have permanent teacher we identify a SGB teacher as the one we need, is that very one who will allow the rest a bit of free time. Now you understand we’re going to lose one teacher, so the workload of that one teacher will be given across; when you have that two frees and three frees, the frees will go then how do we manage our teachers, as administrators and HOD’s, it becomes a problem.

INTERVIEWER: I can imagine.
Z4: When Samuel was here that time I was a HOD but teaching a full load I had only one free, how did I do my admin work? I couldn’t manage the work of my teachers, I just went on.

INTERVIEWER: Then you just hope for the best.

Z4: Yes

INTERVIEWER: So the “no fees school” in your opinion, sorry who declared it a no fees school?

Z4: The Department, the SGB DBEn’t.

INTERVIEWER: The reason I ask you that madam because the SGB is in charge of finance.

Z2: Yes although the SGB is in charge in finance the Department by declaring it a no fee school actually has the decision-making power.

Oh another thing is the recommendation for teacher’s promotions.

INTERVIEWER: Yes, I was coming to that.

Z2: We run with the show interviewing, shortlisting and so on and so forth then you recommend only to find they take someone. You can only recommend they overrule your recommendation and take whoever they want from the people.

INTERVIEWER: I am using your school as my benchmark because of those Model C schools are longer in existence. Their school fees are in the vicinity of 10 and 20 000. When I put the question to them you have SGB teachers there have been changes to the way you remunerate and appoint the SGB teachers. What is your response to this?

They said no, no give us five days. When I came back they looked down and said you (Interviewer) were right, we were not aware of these amendments.

Z3: What I was talking about the teachers that are going to be paid by the GDE, the SGB is responsible for shortlisting and interviewing. Then we can recommend 1, 2, 3 but then they decide who they want to appoint at times without even considering A or B there are dynamics, whereas they don’t know the needs of the school.

INTERVIEWER: This is another function, who has the power to appoint the SGB or the Department of Basic Education.

Z4: It is still the Department they only use the SGB. Let me explain the reason for this, I did read it, it was in the newspaper. GDE feels
that if something goes wrong and they are sued, a teacher is appointed and he has a history of child molester and we don’t know about it. They know about it, they can verify it if the teacher is good or not on those grounds.

Z2: I don’t think so because we send the forms to them and they can check and also what about SACE isn’t it their job to check the teachers record? Even if you hire someone i.e. by the SGB, if you are not SACE registered we cannot hire you. It is SACE’s job to check the teacher’s history it’s the code of ethics for all.

INTERVIEWER: What is the part played by Unions when it comes to the function basket-permanency, promotions and appointments?

Z2: Hi I don’t think Unions are supportive, when they go there just to check for their member I don’t think that is fairness on their part it’s just to check for their members.

INTERVIEWER: Madam are you saying that instead of watching that the process is fair, they are only looking out or favoring their members you are right.

There is one more thing that I need to say.

Please carry on Madam.

Z3: It is about the nutrition in this school, since we are “no fee” paying school it has been one supplier. There have been problems with the supplier they have been recorded and sent to the district but nothing has been done, the supplier is still being appointed; still been given the tender and the quality of food is terrible. It means the SGB there is nothing they can do. The food last week’s issue they bring it rotten to us, we’ll shout the drivers, anyway they are just the messengers and they will beg us to take the food; just take then throw it away we can’t carry it to the next school. So at times I will say a child must get a fruit, do we say fruit in the season? Like we were in January it was supposed to be Mango but we only got Banana and apples; pears. There’s no control, at times it is too much and they keep on bringing the same stuff. They’re leading us with so that they issue on invoice and getting paid.

INTERVIEW 5
T/L Department of Basic Education official.
Functions of the SGB is the governance of the school so they are responsible for the oversight function which is that of implementation of policies.

INTERVIEWER: Has the functions of SGB’s changed from 1996 to now? Allow me to re-phrase. Have the decision making powers of SGB’s changed in any way to your knowledge?

Int6- OFFICIAL: For me there’s one particular function that has changed since 1996- the idea that the SGB would be completely responsible for promotions or to safely recommend candidates to full promotion posts and that included the recommendation around PRINCIPAL Z’s posts as well. The legislation changed later to state that there should be a member of the district ideally the IDSO but it could be anybody appointed to be a resource to the SGB but again it is about recommendation not appointment. It has always been about recommendation but now you have the additional member that has to be present on the panel.

INTERVIEWER: I just want to throw a spanner in the works if I may. We recommended three people then it was a tacit agreement that one of the three- they were tested hierarchically would be accepted as to fill the promotion post or chosen position. Today the amendment states clearly that the HOD will make the appointment.

OFFICIAL: I think the HOD will not accept the SGB’s recommendation and appoint someone else because of my understanding is that he may or she may request the top 5 or any number as were short listed. I think there is a proviso if the HOD decides not to accept the HOD’s choice, he can only do it on equity or capacity. *See Freddy. I.e. equity based on race or gender. He has to justify over ruling the recommendation of the SGB. The SGB chairperson must be favored in writing.

INTERVIEWER: But the fine line, the two just need clarity. Where DBEs the actual power lie now as opposed to 1996? I want to clarify something in the promulgation of the SGB, the express idea was to share governance with the state; do you agree? They were given specific decision making powers. Do they still have it?

OFFICIAL: You know there exists the spirit and the letter of the law. I don’t think it’s where it is when it started. The spirit was that the SGB would
become this accountable body. However in its appreciation there were problems like Nepotism bribery and that is why you had to slow movement to curtail the powers of the SGB.

PRINCIPAL Z: So presently you have a number of cases where the candidate is not accepted for the same reasons, either representatively or capacity.

INTERVIEWER: Then we have the right of appeal.

OFFICIAL: Yes, you do have the right of appeal.

INTERVIEWER: All that said right to appeal we have cases where the HOD’s decision was contested and the matter was referred to the courts for adjudication and yet it is an education-related matter, because it is in the interest of the child.

I think the way the legal system is put together around these issues, it allows for those steps to take place it allows for an appeal process. It allows for mediation and conciliation, one has to say it’s a democracy and you accept those steps. As tedious as time consuming as it is. As costly as this is because each time a candidate is turned down and appeals against this there is cost-factor involved and it is compromising in terms of time as well. It is taking each time this happens a teacher from the school. Every time you go that route somebody is out of school, PRINCIPAL Z or teacher.

INTERVIEWER: Lets speak about the next function finance, we had a situation where we had section 21 where SGB’s could apply for added functions. LISM, Maintenance services-Today we have a new thing “No fees school” what’s your opinion on “No fees school?” Who declares it a “No fees school”.

OFFICIAL: It’s coming out of Polokwane resolutions. It was conceived of as a poverty, alleviation strategy which would allow for the poorest of the poor learner to go to school without having to pay school fees. For me it has failed at what it supposed to do. If we start, right from the beginning the figures that were involved, it was impossible for a no fee school, whether that school was going to receive a the top notch amount per learner to compete with a learner from a fee paying school where they were giving 40% exemption from school fees because a school that charges a R1000 per learner is going to get that amount of money, plus its getting its subsidy of about R200 per
learner; Whereas a “no fees” school is only getting R600 000 if they getting a 1000 learners. There was never ever going to be a possibility of parity. So I think we are deepening poverty and the differences between our learners.

PRINCIPAL Z: Let me add to that, my personal experience with a “no fees” paying schools the money is “ring fenced” 60% for LISM and so forth and you cannot overlap or divert funds. You have this situation where there’s excursions, transport and so forth. Then you don’t have the liberty to pay for things like affiliation fees for sports, buying kits because there’s no money budgeted for it. Then there’s a R35 000 for daily expenses which I’ve worked out to R3500 per month for 10 months because July and December are not counted. So from my personal experience we have been declared a no fees school, so for poverty alleviation etc. and you may continue speaking about it but unfortunately now that I have experienced it, I can say it leads to drop in standards. Every sense we have become a “no fees” paying school our results here dropped.

INTERVIEWER: And you feel it is as a direct result of being a no fees paying school?

PRINCIPAL Z: It is gradually dropping one wants to know why you have always been of the top five of the (underprivileged) schools, why’s disadvantaged it dropping and personally I’ve picked up because we have the necessary funds to finance intervention programs or strategies. The other day we had to fill in forms for excursions and the IDSO and he says to us, “but you know you’re not supposed to charge children for excursions because you are a “no fees” paying school. Then my argument is then who is going to fund it. Where must the funds come from? He says no the SGB must fund-raise. Now we don’t have the Woolworths, Checkers and Metropolitans-life in our area. SGB’s that have parents working in these company’s partner them with their schools and in so doing get them to donate and/or sponsor their schools. Now you talking about a poverty alleviation program, where we are considered a rural school situated in an area where parents are so poor they can’t afford to pay school so what is the purpose of fund-raising. So I am saying here with regards to that the poor are becoming more disadvantaged and those that are more affluent. They’re getting a better quality of Education and therefore producing better results. So that to me personally the Segregation is still there.
OFFICIAL: Not only that you have got your section 38 a) which allows for the remuneration of teachers. So if you cannot collect fees and the only money you can get is through fund-raising, you cannot employ additional teachers and b) you cannot remunerate educators for anything extra that they do so educators who are at no-fee paying school will watch their counterparts being rewarded, for good performance so you are continuing to widen the gap. You don’t have money for technology and you have to ensure given the Limpopo crisis that every child has a test look. So you cannot afford to divert funds.

PRINCIPAL Z: A classic example for LTSM would be, in 2013 we had to spend because of the CAPS program we had to set aside at least 80% of our budget for CAPS the first year it was grade 1 to 3 and grade 10. Second year grade 4, 5-6 grade 11 third phase third year was grade 5-6 and 9 with the 20% left we must buy stationery and we must supply the whole schools grade 1-12.

INTERVIEWER: So parents don’t buy stationery?

PRINCIPAL Z: It’s a no fees paying school.

OFFICIAL: D.E policy says the, child is admitted to the full program of the school.

PRINCIPAL Z: Personally our children are further disadvantaged because they cannot be exposed to Educational activities outside the classroom.

OFFICIAL: Let us remember there are children who have never been to a hall or had popcorn and have gone to the movies, because they come from informal settlements and rural areas.

INTERVIEWER: Did the SGB recommend this “no-fees” school?

PRINCIPAL Z: No, in our case because of the area. The MEC declared it a “no-fee school”

INTERVIEWER: So your quintile would be?

PRINCIPAL Z: It’s a misnomer because we are Quintile 5. Believe me, when we were a fees paying school even if we got 25% of our school fees we were better off. We could pay for transport to encourage teachers to
go to sports’ workshops and the like. It gave us the latitude or freedom to use the money in such a way that intervention programs. It would even supplement the maintenance budget. Now if you walk through the school you will find 5 to 6 broken windows, because we are waiting for the first “trench” hasn’t come in. We have to wait for 31 May when the first trench comes, it delays the progress that the school can make, it delays, development or even making the school conducive for learning and teaching.
APPENDIX E: South African School Act

SOUTH AFRICAN SCHOOLS ACT
NO. 84 OF 1996

[View Regulation]

[ASSENTED TO 6 NOVEMBER, 1996]

[DATE OF COMMENCEMENT: 1 JANUARY, 1997]

(Unless otherwise indicated)

(English text signed by the President)

This Act has been updated to Government Gazette 34620 dated 19 September, 2011.

as amended by

Education Laws Amendment Act, No. 100 of 1997
Education Laws Amendment Act, No. 48 of 1999
Education Laws Amendment Act, No. 53 of 2000
Education Laws Amendment Act, No. 57 of 2001
Education Laws Amendment Act, No. 50 of 2002
Education Laws Amendment Act, No. 1 of 2004
Education Laws Amendment Act, No. 24 of 2005
Education Laws Amendment Act, No. 31 of 2007
Basic Education Laws Amendment Act, No. 15 of 2011

To provide for a uniform system for the organisation, governance and funding of schools; to amend and repeal certain laws relating to schools; and to provide for matters connected therewith.

Preamble.—WHEREAS the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation; and

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

WHEREAS it is necessary to set uniform norms and standards for the education of learners at schools and the organisation, governance and funding of schools throughout the Republic of South Africa;

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CHAPTER 1
DEFINITIONS AND APPLICATION OF ACT

1. Definitions.—(1) In this Act, unless the context indicates otherwise—


[Definition of “Constitution” substituted by s. 1 (b) of Act No. 100 of 1997.]

Wording of Sections

“Council of Education Ministers” means the Council of Education Ministers established by the National Education Policy Act, 1996 (Act No. 27 of 1996); “dangerous object” means—

(a) any explosive material or device;

(b) any firearm or gas weapon;
(c) any article, object or instrument that may be employed to cause bodily harm to a person or damage to property, or to render a person temporarily paralysed or unconscious; or

(d) any object that the Minister may, by notice in the Gazette, declare to be a dangerous object for the purpose of this Act;

[Definition of “dangerous object” inserted by s. 4 (a) of Act No. 31 of 2007.]

“education department” means the department established by section 7 (2) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), which is responsible for education in a province;

“educator” means any person, excluding a person who is appointed to exclusively perform extracurricular duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at a school;

[Definition of “educator” substituted by s. 6 (a) of Act No. 48 of 1999.]
“member of staff” means a person employed at a school;

“Member of the Executive Council” means the Member of the Executive Council of a province who is responsible for education in that province;

“Minister” means the Minister of Basic Education;

[Definition of “Minister” substituted by s. 4 (b) of Act No. 15 of 2011.]

Wording of Sections

“no fee threshold” means the level of funding per learner contemplated in the norms and standards for school funding applicable to a public school which enables the Minister to declare a school a no fee school in terms of this Act;

[Definition of “no fee threshold” inserted by s. 1 (a) of Act No. 24 of 2005.]

“norms and standards for school funding” means the national norms and standards for the funding of schools determined by the Minister in terms of section 35;

[Definition of “norms and standards for school funding” inserted by s. 1 (a) of Act No. 24 of 2005.]

“officer” means an employee of an education department appointed in terms of the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), or the Public Service Act, 1994 (Proclamation No. 103 of 1994);

“parent” means—

(a) the biological or adoptive parent or legal guardian of a learner;

[Para. (a) substituted by s. 4 (c) of Act No. 15 of 2011.]

Wording of Sections

(b) the person legally entitled to custody of a learner; or

(c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education at school;

“Principal” means an educator appointed or acting as the head of a school;

“province” means a province established by section 124 of the Constitution;

“provincial legislature” means a provincial legislature contemplated in section 125 of the Constitution;

“public school” means a school contemplated in Chapter 3;

“Registrar of deeds” means the registrar of deeds referred to in section 2 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);

[Definition of “Registrar of deeds” inserted by s. 1 (a) of Act No. 100 of 1997.]
“school” means a public school or an independent school which enrols learners in one or more grades from grade R (Reception) to grade twelve;

[Definition of “school” substituted by s. 1 (c) of Act No. 100 of 1997 and by s. 6 (b) of Act No. 48 of 1999.]

Wording of Sections

“school activity” means any official educational, cultural, recreational or social activity of the school within or outside the school premises;

[Definition of “school activity” inserted by s. 4 (c) of Act No. 31 of 2007.]

“school fees” means school fees contemplated in section 39 and includes any form of contribution of a monetary nature made or paid by a person or body in relation to the attendance or participation by a learner in any programme of a public school;

[Definition of “school fees” inserted by s. 1 (b) of Act No. 24 of 2005.]

“this Act” means this Act and all regulations promulgated under this Act.

[Sub-s. (1), previously s. 1, amended by s. 1 of Act No. 50 of 2002.]

Wording of Sections

(2) Footnotes appearing in this Act must not be used in the interpretation of any provision of this Act.

[Sub-s. (2) added by s. 1 of Act No. 50 of 2002.]

Wording of Sections

def: Constitution of Act 84 of 1996 prior to amendment by Act 100 of 1997

Wording of Sections

def: educator of Act 84 of 1996 prior to amendment by Act 48 of 1999

Wording of Sections

def: Minister of Act 84 of 1996 prior to amendment by Act 15 of 2011

Repealed Act

P 138 of 1994 has been repealed by s 137(1) of Act 76 of 1998

Wording of Sections

def: parent par(a) of Act 84 of 1996 prior to amendment by Act 15 of 2011

Wording of Sections

def: school of Act 84 of 1996 prior to amendment by Act 100 of 1997

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2. Application of Act.—(1) This Act applies to school education in the Republic of South Africa.

(2) A Member of the Executive Council and a Head of Department must exercise any power conferred upon them by or under this Act, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996).

(3) Nothing in this Act prevents a provincial legislature from enacting legislation for school education in a province in accordance with the Constitution and this Act.

3. Compulsory attendance.—(1) Subject to this Act and any applicable provincial law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first.

(2) The Minister must, by notice in the Government Gazette, determine the ages of compulsory attendance at school for learners with special education needs.

(3) Every Member of the Executive Council must ensure that there are enough school places so that every child who lives in his or her province can attend school as required by subsections (1) and (2).

(4) If a Member of the Executive Council cannot comply with subsection (3) because of a lack of capacity existing at the date of commencement of this Act, he or she must take steps to remedy any such lack of capacity as soon as possible and must make an annual report to the Minister on the progress achieved in doing so.

(5) If a learner who is subject to compulsory attendance in terms of subsection (1) is not enrolled at or fails to attend a school, the Head of Department may—
(a) investigate the circumstances of the learner’s absence from school;

(b) take appropriate measures to remedy the situation; and

(c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1).

(6) Subject to this Act and any other applicable law—(a) any parent who, without just cause and after a written notice from the Head of Department, fails to comply with subsection (1), is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months; or (b) any other person who, without just cause, prevents a learner who is subject to compulsory attendance from attending a school, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

4. Exemption from compulsory attendance.—(1) A Head of Department may exempt a learner entirely, partially or conditionally from compulsory school attendance if it is in the best interests of the learner.

(2) Every Head of Department must maintain a register of all learners exempted from compulsory school attendance.

5. Admission to public schools.—(1) A public school must admit learners and serve their educational requirements without unfairly discriminating in any way.

(2) The governing body of a public school may not administer any test related to the admission of a learner to a public school, or direct or authorise the Principal of the school or any other person to administer such test.

(3) No learner may be refused admission to a public school on the grounds that his or her parent—

(a) is unable to pay or has not paid the school fees determined by the governing body under section 39;

(b) DBEs not subscribe to the mission statement of the school; or

(c) has refused to enter into a contract in terms of which the parent waives any claim for damages arising out of the education of the learner.

(4) (a) The admission age of a learner to a public school to—

(i) grade R is age four turning five by 30 June in the year of admission;

(ii) grade 1 is age five turning six by 30 June in the year of admission.

(b) Subject to the availability of suitable school places and other educational resources, the Head of Department may admit a learner who—
(i) is under the age contemplated in paragraph (a) if good cause is shown; and

(ii) complies with the criteria contemplated in paragraph (c).

(c) The Minister may, by regulation, prescribe—

(i) criteria for the admission to a public school, at an age lower than the admission age, of an underage learner who complies with the criteria1;

(ii) age requirements for different grades at a public school.

(d) For the purpose of paragraph (b) (i), good cause shown means that—

(i) it can be shown that exceptional circumstances exist which necessitate the admission of an underage learner because admission would be in his or her best interest; and

(ii) the refusal to admit that learner would be severely detrimental to his or her development.

[Sub-s. (4) substituted by s. 2 of Act No. 50 of 2002 with effect from 1 January, 2004.]

Wording of Sections

(5) Subject to this Act and any applicable provincial law, the admission policy of a public school is determined by the governing body of such school.

(6) In determining the placement of a learner with special education needs, the Head of Department and Principal must take into account the rights and wishes of the parents of such learner.

(7) An application for the admission of a learner to a public school must be made to the education department in a manner determined by the Head of Department.

(8) If an application in terms of subsection (7) is refused, the Head of Department must inform the parent in writing of such refusal and the reason therefor.

(9) Any learner or parent of a learner who has been refused admission to a public school may appeal against the decision to the Member of the Executive Council.

Footnotes

1It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable and effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

(a) learners are admitted on an equitable basis;

(b) there is no unfair discrimination to learners;

(c) the admission is fair to the individual learner as well as other learners in the classroom;
(d) recognition is given to the diversity of language, culture and economic background;
(e) notice is taken of the differences between urban and rural environments; and
(f) the physical, psychological and mental development of the child is taken into account.

Footnote

1 It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable and effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

(a) learners are admitted on an equitable basis;
(b) there is no unfair discrimination to learners;
(c) the admission is fair to the individual learner as well as other learners in the classroom;
(d) recognition is given to the diversity of language, culture and economic background;
(e) notice is taken of the differences between urban and rural environments; and
(f) the physical, psychological and mental development of the child is taken into account.

Wording of Sections

s 5(4) of Act 84 of 1996 prior to amendment by Act 50 of 2002

5A. Norms and standards for basic infrastructure and capacity in public schools.—

(1) The Minister may, after consultation with the Minister of Finance and the Council of Education Ministers, by regulation prescribe minimum uniform norms and standards for—

(a) school infrastructure;
(b) capacity of a school in respect of the number of learners a school can admit; and
(c) the provision of learning and teaching support material.

[Sub-s. (1) amended by s. 5 of Act No. 15 of 2011.]

Wording of Sections

(2) The norms and standards contemplated in subsection (1) must provide for, but not be limited to, the following:

(a) in respect of school infrastructure, the availability of—

(i) classrooms;
(ii) electricity;
(iii) water;
(iv) sanitation;
(v) a library;
(vi) laboratories for science, technology, mathematics and life sciences;
(vii) sport and recreational facilities;
(viii) electronic connectivity at a school; and
(ix) perimeter security;
(b) in respect of the capacity of a school—
(i) the number of teachers and the class size;
(ii) quality of performance of a school;
(iii) curriculum and extra-curricular choices;
(iv) classroom size; and
(v) utilisation of available classrooms of a school;
(c) in respect of provision of learning and teaching support material, the availability of—
(i) stationery and supplies;
(ii) learning material;
(iii) teaching material and equipment;
(iv) science, technology, mathematics and life sciences apparatus;
(v) electronic equipment; and
(vi) school furniture and other school equipment.

(3) When determining policy in terms of sections 5 (5) and 6 (2) a governing body must comply with the norms and standards contemplated in subsection (1).

(4) A governing body must, within a period of 12 months after the Minister has prescribed the norms and standards contemplated in subsection (1), review any policy that it has determined in terms of sections 5 (5) and 6 (2) to ensure that such policy complies with the norms and standards.

[S. 5A inserted by s. 5 of Act No. 31 of 2007.]

Wording of Sections

s 5A(1) of Act 84 of 1996 prior to amendment by Act 15 of 2011
6. Language policy of public schools.—(1) Subject to the Constitution and this Act, the Minister may, by notice in the Government Gazette, after consultation with the Council of Education Ministers, determine norms and standards for language policy in public schools.

(2) The governing body of a public school may determine the language policy of the school subject to the Constitution, this Act and any applicable provincial law.

(3) No form of racial discrimination may be practised in implementing policy determined under this section.

(4) A recognised Sign Language has the status of an official language for purposes of learning at a public school.

6A. Curriculum and assessment.—(1) The Minister must, by notice in the Government Gazette, determine—

(a) a national curriculum statement indicating the minimum outcomes or standards; and

(b) a national process and procedures for the assessment of learner achievement.

(2) The curriculum and the process for the assessment of learner achievement contemplated in subsection (1) must be applicable to public and independent schools.

[S. 6A inserted by s. 3 of Act No. 50 of 2002.]

6B. Non-discrimination in respect of official languages.—The governing body of a public school must ensure that—

(a) there is no unfair discrimination in respect of any official languages that are offered as subject options contemplated in section 21 (1) (b); and

(b) the first additional language and any other official language offered, as provided for in the curriculum, are offered on the same level.

[S. 6B inserted by s. 6 of Act No. 15 of 2011.]

7. Freedom of conscience and religion at public schools.—Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary.

8. Code of conduct.—(1) Subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school.

(2) A code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process.
(3) The Minister may, after consultation with the Council of Education Ministers, determine guidelines for the consideration of governing bodies in adopting a code of conduct for learners.

(4) Nothing contained in this Act exempts a learner from the obligation to comply with the code of conduct of the school attended by such learner.

(5) (a) A code of conduct must contain provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.

(b) The code of conduct must also provide for support measures or structures for counselling a learner involved in disciplinary proceedings.

[Sub-s. (5) substituted by s. 6 of Act No. 31 of 2007.]

Wordings of Sections

(6) A learner must be accompanied by his or her parent or a person designated by the parent at disciplinary proceedings, unless good cause is shown by the governing body for the continuation of the proceedings in the absence of the parent or the person designated by the parent.

[Sub-s. (6) added by s. 4 of Act No. 50 of 2002.]

(7) Whenever disciplinary proceedings are pending before any governing body, and it appears to such governing body that it would expose a witness under the age of 18 years to undue mental stress or suffering if he or she testifies at such proceedings, the governing body may, if practicable, appoint a competent person as an intermediary in order to enable such witness to give his or her evidence through that intermediary.

[Sub-s. (7) added by s. 4 of Act No. 50 of 2002.]

(8) (a) An examination, cross-examination or re-examination of a witness in respect of whom a governing body has appointed an intermediary under subsection (7), except examination by the governing body, must not take place in any manner other than through that intermediary.

(b) Such intermediary may, unless the governing body directs otherwise, convey the general purport of any question to the relevant witness.

[Sub-s. (8) added by s. 4 of Act No. 50 of 2002.]

(9) If a governing body appoints an intermediary under subsection (7), the governing body may direct that the relevant witness must give his or her evidence at any place which—

(a) is informally arranged to put that witness at ease;

(b) is arranged in a manner in which any person whose presence may upset that witness, is outside the sight and hearing of that witness; and

(c) enables the governing body and any person whose presence is necessary at the
relevant proceedings to hear, through the medium of any electronic or other devices, that intermediary as well as that witness during his or her testimony.

[Sub-s. (9) added by s. 4 of Act No. 50 of 2002.]

Wording of Sections

s 8(5) of Act 84 of 1996 prior to amendment by Act 31 of 2007

8A. Random search and seizure and drug testing at schools.—(1) Unless authorised by the Principal for legitimate educational purposes, no person may bring a dangerous object or illegal drug onto school premises or have such object or drug in his or her possession on school premises or during any school activity.

(2) Subject to subsection (3), the Principal or his or her delegate may, at random, search any group of learners, or the property of a group of learners, for any dangerous object or illegal drug, if a fair and reasonable suspicion has been established—

(a) that a dangerous object or an illegal drug may be found on school premises or during a school activity; or

(b) that one or more learners on school premises or during a school activity are in possession of dangerous objects or illegal drugs.

(3) (a) A search contemplated in subsection (2) may only be conducted after taking into account all relevant role players, including—

(i) the best interest of the learners in question or of any other learner at the school;

(ii) the safety and health of the learners in question or of any other learner at the school;

(iii) reasonable evidence of illegal activity; and

(iv) all relevant evidence received.

(b) When conducting a search contemplated in subsection (2), the Principal or his or her delegate must do so in a manner that is reasonable and proportional to the suspected illegal activity.

(4) Where a search contemplated in subsection (2) entails a body search of the learners in question, such search may only—

(a) be conducted by—

(i) the Principal, if he or she is of the same gender as the learner; or

(ii) by the Principal’s delegate, who must be of the same gender as the learner;

(b) be done in a private area, and not in view of another learner;
(c) be done if one adult witness, of the same gender as the learner, is present; and
(d) be done if it DBEs not extend to a search of a body cavity of the learner.

(5) Any dangerous object or illegal drug that has been seized must be—
(a) clearly and correctly labelled with full particulars, including—
(i) the name of learner in whose possession it was found;
(ii) the time and date of search and seizure;
(iii) an incident reference number;
(iv) the name of person who searched the learner;
(v) the name of the witness; and
(vi) any other details that may be necessary to identify the item and incident;
(b) recorded in the school record book; and
(c) handed over to the police immediately to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(6) If the police cannot collect the dangerous object or illegal drug from the school immediately, the Principal or his or her delegate must—
(a) take the dangerous object or illegal drug to the nearest police station; and
(b) hand the dangerous object or illegal drug over to the police to dispose of it in terms of section 31 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

(7) The police officer who receives the dangerous object or illegal drug must issue an official receipt for it to the Principal or to his or her delegate.

(8) The Principal or his or her delegate may at random administer a urine or other noninvasive test to any group of learners that is on fair and reasonable grounds suspected of using illegal drugs, after taking into account all relevant role players contemplated in subsection (3).

(9) A learner contemplated in subsection (8) may be subjected to a urine or other non-invasive test for illegal drugs only if—
(a) the test is conducted by a person of the same gender;
(b) it is done in a private area and not in view of another learner;
(c) one adult witness, of the same gender as the learner, is present;

(d) the sample is clearly and correctly labelled with full particulars as contemplated in subsection (5), with the necessary changes; and

(e) a device contemplated in subsection (11) is used.

(10) The Principal or his or her delegate must—

(a) within one working day, if practicable, inform the parent that a random test or search and seizure was done in respect of his or her child; and

(b) inform the learner and his or her parent of the result of the test immediately after it becomes available.

(11) The Minister must—

(a) identify the device with which the test contemplated in subsection (8) is to be done and the procedure to be followed; and

(b) publish the name of this device, and any other relevant information about it, in the Gazette.

(12) A learner may be subjected to disciplinary proceedings if—

(a) a dangerous object or illegal drug is found in his or her possession; or

(b) his or her sample tested positive for an illegal drug.

(13) Any disciplinary proceedings in respect of a learner must be conducted in terms of the code of conduct contemplated in section 8.

(14) No criminal proceedings may be instituted by the school against a learner in respect of whom—

(a) a search contemplated in subsection (2) was conducted and a dangerous object or illegal drug was found; or

(b) a test contemplated in subsection (8) was conducted, which proved to be positive.

[S. 8A inserted by s. 7 of Act No. 31 of 2007.]

9. Suspension and expulsion from public school.—(1) The governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension.

[Sub-s. (1) amended by s. 7 of Act No. 48 of 1999 and substituted by s. 2 (a) of Act No. 24 of 2005.]
Wording of Sections

(1A) A governing body must conduct disciplinary proceedings in the manner contemplated in section 8 against a learner within seven school days after the suspension of such learner.

[Sub-s. (1A) inserted by s. 2 (a) of Act No. 24 of 2005.]

(1B) If disciplinary proceedings are not conducted within seven school days after the suspension of a learner, the governing body must obtain the approval of the Head of Department for the continuation of the suspension of such learner.

[Sub-s. (1B) inserted by s. 2 (a) of Act No. 24 of 2005.]

(1C) A governing body may, if a learner is found guilty of serious misconduct during the disciplinary proceedings contemplated in section 8—

(a) impose the suspension of such learner for a period not longer than seven school days or any other sanction contemplated in the code of conduct of the public school; or

(b) make a recommendation to the Head of Department to expel such learner from the public school.

[Sub-s. (1C) inserted by s. 2 (a) of Act No. 24 of 2005.]

(1D) A Head of Department must consider the recommendation by the governing body referred to in subsection (1C) (b) and must decide whether or not to expel a learner within 14 days of receiving such recommendation.

[Sub-s. (1D) inserted by s. 2 (a) of Act No. 24 of 2005.]

(1E) A governing body may suspend or extend the suspension of a learner for a period not longer than 14 days pending the decision by the Head of Department whether or not to expel such learner from the public school.

[Sub-s. (1E) inserted by s. 2 (a) of Act No. 24 of 2005.]

(2) A learner at a public school may be expelled only—

(a) by the Head of Department; and

(b) if found guilty of serious misconduct after disciplinary proceedings contemplated in section 8 were conducted.

[Sub-s. 2 substituted by s. 2 (b) of Act No. 24 of 2005.]

(3) The Member of the Executive Council must determine by notice in the Provincial Gazette—

(a) the behaviour by a learner at a public school which may constitute serious misconduct;

(b) disciplinary proceedings to be followed in such cases;
(c) provisions of due process safeguarding the interests of the learner and any other party involved in disciplinary proceedings.

(4) A learner or the parent of a learner who has been expelled from a public school may appeal against the decision of the Head of Department to the Member of the Executive Council within 14 days of receiving the notice of expulsion.

[Sub-s. 4 substituted by s. 2 (c) of Act No. 24 of 2005.]

(5) If a learner who is subject to compulsory attendance in terms of section 3 (1) is expelled from a public school, the Head of Department must make an alternative arrangement for his or her placement at a public school.

(6) A learner who has appealed in the manner contemplated in subsection (4), must, pending the outcome of the appeal, be given access to education in the manner determined by the Head of Department.

[Sub-s. 6 added by s. 2 (d) of Act No. 24 of 2005.]

(7) The Head of Department, in determining the manner of attendance contemplated in subsection (6)—

(a) must take reasonable measures to protect the rights of other learners at the public school; and

(b) may consider an alternative method of providing education to the learner contemplated in subsection (6).

[Sub-s. 7 added by s. 2 (d) of Act No. 24 of 2005.]

(8) If the Head of Department decides not to expel a learner as contemplated in subsection (2), the Head of Department may, after consultation with the governing body, impose a suitable sanction on the learner.

[Sub-s. 8 added by s. 2 (d) of Act No. 24 of 2005.]

(9) If the Head of Department decides not to impose a sanction on the learner, the Head of Department must refer the matter back to the governing body for an alternative sanction in terms of the code of conduct contemplated in section 8, other than expulsion.

[Sub-s. 9 added by s. 2 (d) of Act No. 24 of 2005.]

(10) The governing body must implement the sanction contemplated in subsection (8).

[Sub-s. 10 added by s. 2 (d) of Act No. 24 of 2005.]

(11) (a) If an appeal in terms of subsection (4) by a learner who has been expelled from a public school is upheld by the Member of the Executive Council, the Member of the Executive Council must ensure that a suitable sanction is
then imposed on the learner within 14 days of the date on which the appeal was upheld.

(b) For the purposes of the imposition of a suitable sanction contemplated in paragraph (a), the provisions of subsections (8) and (9) apply with the changes required by the context.

[Sub-s. (11) added by s. 7 of Act No. 15 of 2011.]

Wording of Sections

s 9(1) of Act 84 of 1996 prior to amendment by Act 48 of 1999

s 9(1) of Act 84 of 1996 prior to amendment by Act 24 of 2005

10. Prohibition of corporal punishment.—(1) No person may administer corporal punishment at a school to a learner.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which could be imposed for assault.

10A. Prohibition of initiation practices.—(1) A person may not conduct or participate in any initiation practices against a learner at a school or in a hostel accommodating learners of a school.

(2) (a) Any person who contravenes subsection (1) is guilty of misconduct and disciplinary action must be instituted against such a person in accordance with the applicable code of conduct, prescribed in sections 8 and 18A of this Act and Schedule 2 to the Employment of Educators Act, 1998 (Act No. 76 of 1998).

(b) In addition to paragraph (a), a learner may institute civil action against a person or a group who manipulated and forced that learner to conduct or participate in any initiation practices.

(3) For the purposes of this Act, “initiation practices” means any act which in the process of initiation, admission into, or affiliation with, or as condition for continued membership of, a school, a group, intramural or extramural activities, inter schools sports team, or organisation—

(a) endangers the mental or physical health or safety of a person;

(b) undermines the intrinsic worth of human beings by treating some as inferior to others;

(c) subjects individuals to humiliating or violent acts which undermine the constitutional guarantee to dignity in the Bill of Rights;

(d) undermines the fundamental rights and values that underpin the Constitution;

(e) impedes the development of a true democratic culture that entitles an individual to be treated as worthy of respect and concern; or
(f) destroys public or private property.

(4) In considering whether the conduct or participation of a person in any initiation practices falls within the definition of subsection (3), the relevant disciplinary authority referred to in subsection

(2) (a) must take into account the right of the learner not to be subjected to such practices.

[S. 10A inserted by s. 5 of Act No. 50 of 2002.]

11. Representative council of learners.—(1) A representative council of learners at the school must be established at every public school enrolling learners in the eighth grade or higher, and such council is the only recognised and legitimate representative learner body at the school.

[Sub-s. (1) substituted by s. 3 of Act No. 100 of 1997 and by s. 1 (a) of Act No. 57 of 2001.]

Wording of Sections

(2) Subject to policy made in terms of section 3 (4) (g) of the National Education Policy Act, 1996 (Act No. 27 of 1996), the Member of the Executive Council must, by notice in the Provincial Gazette, determine the functions and the procedures for the establishment and election of representative councils of learners.

[Sub-s. (2) substituted by s. 1 (b) of Act No. 57 of 2001.]

Wording of Sections

(3) The Member of the Executive Council may, by notice in the Provincial Gazette, exempt a public school for learners with special education needs from complying with subsection (1) if it is not practically possible for a representative council of learners to be established at the school.

CHAPTER 3
PUBLIC SCHOOLS

Wording of Sections

s 11(1) of Act 84 of 1996 prior to amendment by Act 100 of 1997

s 11(1) of Act 84 of 1996 prior to amendment by Act 57 of 2001

Wording of Sections

s 11(2) of Act 84 of 1996 prior to amendment by Act 57 of 2001

12. Provision of public schools.—(1) The Member of the Executive Council must provide public schools for the education of learners out of funds appropriated for this purpose by the provincial legislature.
(2) The provision of public schools referred to in subsection (1) may include the provision of hostels for the residential accommodation of learners.

(3) (a) A public school may be—

(i) an ordinary public school;

(ii) a public school for learners with special education needs; or

(iii) a public school that provides education with a specialised focus on talent, including sport, performing arts or creative arts.

(b) Subject to the relevant provisions of this Act, the Minister must determine norms and standards for school funding and norms and standards for governance and educator provisioning for public schools contemplated in paragraph (a) (iii).

[Sub-s. (3) substituted by s. 8 of Act No. 15 of 2011.]

Wording of Sections

(4) The Member of the Executive Council must, where reasonably practicable, provide education for learners with special education needs at ordinary public schools and provide relevant educational support services for such learners.

(5) The Member of the Executive Council must take all reasonable measures to ensure that the physical facilities at public schools are accessible to disabled persons.

(6) Nothing in this Act prohibits the provision of gender-specific public schools.

Wording of Sections

s 12(3) of Act 84 of 1996 prior to amendment by Act 15 of 2011

12A. Merger of public schools.—(1) Subject to subsection (2), the Member of the Executive Council may, by notice in the Provincial Gazette, merge two or more public schools into a single school.

(2) Before merging two or more public schools the Member of the Executive Council must—

(a) give written notice to the schools in question of the intention to merge them;

(b) publish a notice giving the reasons for the proposed merger in one or more newspapers circulating in the area where the schools in question are situated;

(c) give the governing bodies of the schools in question and any other interested persons an opportunity to make representations within a period of not less than 90 days from the date of the notice referred to in paragraph (b);

(d) consider such representations; and
(e) be satisfied that the employers of staff at the public schools have complied with their obligations in terms of the applicable labour law.

(3) If one or more of the schools that are to be merged in terms of subsection (1) are public schools on private property, the Member of the Executive Council must also—

(a) notify the owner of the private property of his or her intention to merge the schools in question;

(b) consider his or her contractual obligations in terms of the agreement contemplated in section 14;

(c) renegotiate his or her obligations in terms of the existing agreement if necessary; and

(d) negotiate a new agreement in terms of section 14 if the single school contemplated in subsection (1) is to be situated on private property.

(4) The single school contemplated in subsection (1) must be regarded as a public school.

(5) All assets, liabilities, rights and obligations of the schools that are merged, must, subject to the conditions of any donation, bequest or trust contemplated in section 37 (4), vest in the single school.

(6) (a) The governing bodies of the schools that are merged must have a meeting before the merger to constitute a single interim governing body comprising of all the members of the governing bodies concerned.

(b) The interim governing body must decide on the budget and differences in codes of conduct and school fees, as well as any issue that is relevant to the merger or which is prescribed, until a new governing body is constituted in terms of sections 23 and 28.

(7) The governing body of a public school to be merged, may appeal to the Minister against the decision as contemplated in subsection (1).

[S. 12A inserted by s. 8 of Act No. 48 of 1999.]

13. Public schools on State property.—(1) In this section, immovable property owned by the State includes immovable property held in trust on behalf of a tribe by a trust created by statute.

(2) Subject to section 20 (1) (k), a public school which occupies immovable property owned by the State has the right, for the duration of the school’s existence, to occupy and use the immovable property for the benefit of the school for educational purposes at or in connection with the school.

(3) The right referred to in subsection (2) may only be restricted—

(a) by the Member of the Executive Council; and

(b) if the immovable property is not utilised by the school in the interests of education.
(4) The Member of the Executive Council may not act under subsection (3) unless he or she has—

(a) informed the governing body of the school of his or her intention so to act and the reasons therefor;

(b) granted the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action;

(c) duly considered any such representations received.

(5) The right contemplated in subsection (2) is enforceable against any successor in title to the owner of the immovable property in question.

(6) No immovable property owned by the State and occupied by a public school may be alienated unless an agreement contemplated in section 14 has been concluded between the Member of the Executive Council and the prospective owner of the immovable property.

(7) The Registrar of deeds may not execute, attest to or register a transfer deed in respect of the immovable property in question unless the owner has provided the Registrar of deeds with proof of the agreement contemplated in subsection (6).

[Sub-s. (7) substituted by s. 4 (a) of Act No. 100 of 1997.]

Wording of Sections

(8) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to the right contemplated in subsection (2).

(9) On application by the owner and on production of the owner’s copy of the title deed, the Registrar of deeds must endorse on the title deed and in his or her records the fact that a public school has been established on the land in terms of this Act.

[Sub-s. (9) added by s. 4 (c) of Act No. 100 of 1997.]

Wording of Sections

s 13(7) of Act 84 of 1996 prior to amendment by Act 100 of 1997

14. Public schools on private property.—(1) Subject to the Constitution and an expropriation in terms of section 58 of land or a real right to use the property on which the public school is situated, a public school may be provided on private property only in terms of an agreement between the Member of the Executive Council and the owner of the private property.

[Sub-s. (1) substituted by s. 2 of Act No. 53 of 2000.]

Wording of Sections
(2) An agreement contemplated in subsection (1) must be consistent with this Act and in particular must provide for—

(a) the provision of education and the performance of the normal functions of a public school;

(b) governance of the school, including the relationship between the governing body of the school and the owner;

(c) access by all interested parties to the property on which the school stands;

(d) security of occupation and use of the property by the school;

(e) maintenance and improvement of the school buildings and the property on which the school stands and the supply of necessary services;

(f) protection of the owner’s rights in respect of the property occupied, affected or used by the school.

(3) The provisions of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply to a real right, excluding ownership, acquired by the State, a public school or another party in terms of an agreement contemplated in this section.

(4) The right contemplated in subsection (3) is enforceable against any successor in title to the owner of the immovable property in question.

(5) Despite subsection (3), a Registrar of deeds must endorse on the title deed of the affected property that the property is subject to an agreement contemplated in this section, if the Registrar of deeds receives—

(a) an application for such endorsement by the owner of the property, or the Member of the Executive Council or any other holder of a right contemplated in subsection (3), together with the title deed of the property; and

(b) affidavits by the owner of the property and the Member of the Executive Council stating that an agreement contemplated in this section has been concluded.

[Sub-s. (5) amended by s. 5 (a) of Act No. 100 of 1997 (English only).]

Wording of Sections

(6) The Minister must, after consultation with the Council of Education Ministers, make regulations regarding the minimum requirements of an agreement contemplated in this section.

(7) The Registrar of deeds may cancel any endorsement made in accordance with subsection

(5) if the owner of the property submits an affidavit from the Member of the Executive Council of the province in which the public school is situated to the effect that such public school has been closed in terms of section 33.

[Sub-s. (7) inserted by s. 5 (b) of Act No. 100 of 1997.]
(8) Any transfer duty, stamp duty, fees or costs payable in respect of the registration of a right in terms of subsection (3) may be paid in full or in part from funds appropriated by the provincial legislature for that purpose, but the public school contemplated in subsection (1) is not responsible for such duties, fees or costs.

[Sub-s. (8), previously sub-s. (7), renumbered by s. 5 (b) of Act No. 100 of 1997.]

Wording of Sections

s 14(1) of Act 84 of 1996 prior to amendment by Act 53 of 2000

Wording of Sections

s 14(5) of Act 84 of 1996 prior to amendment by Act 100 of 1997

Wording of Sections

s 14(8), (7) of Act 84 of 1996 prior to amendment by Act 100 of 1997

15. Status of public schools.—Every public school is a juristic person, with legal capacity to perform its functions in terms of this Act.

16. Governance and professional management of public schools.—(1) Subject to this Act, the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act.

[Sub-s. (1) substituted by s. 2 of Act No. 57 of 2001.]

Wording of Sections

(2) A governing body stands in a position of trust towards the school.

(3) Subject to this Act and any applicable provincial law, the professional management of a public school must be undertaken by the Principal under the authority of the Head of Department.

(4) The Head of Department may close a public school temporarily in the case of an emergency if he or she believes on reasonable grounds that the lives of learners and staff are endangered or that there is a real danger of bodily injury to them or of damage to property.

[Sub-s. (4) added by s. 9 of Act No. 48 of 1999.]

(5) When the Head of Department decides that the school should be re-opened, he or she must inform the governing body and the Principal of the date on which the school must reopen.
(6) The Principal or a person designated by the Head of Department must inform the educators and parents of the date contemplated in subsection (5).

(7) If a new public school is provided in terms of section 12, the governance of that school vests in the Head of Department until a governing body has been constituted in terms of this Act.

Wording of Sections

s 16(1) of Act 84 of 1996 prior to amendment by Act 57 of 2001

16A. Functions and responsibilities of Principal of public school.—(1) (a) The Principal of a public school represents the Head of Department in the governing body when acting in an official capacity as contemplated in sections 23 (1) (b) and 24 (1) (j).

(b) The Principal must prepare and submit to the Head of Department an annual report in respect of—(i) the academic performance of that school in relation to minimum outcomes and standards and procedures for assessment determined by the Minister in terms of section 6A; and

(ii) the effective use of available resources.

(c) (i) The Principal of a public school identified by the Head of Department in terms of section 58B must annually, at the beginning of the year, prepare a plan setting out how academic performance at the school will be improved.

(ii) The academic performance improvement plan must be—

(aa) presented to the Head of Department on a date determined by him or her; and

(bb) tabled at a governing body meeting.

(iii) The Head of Department may approve the academic performance improvement plan or return it to the Principal with such recommendations as may be necessary in the circumstances.

(iv) If the Head of Department approves the academic performance improvement plan the Principal must, by 30 June, report to the Head of Department and the governing body on progress made in implementing that plan.

(v) The Head of Department may extend the date contemplated subparagraph (iv) on good cause shown.

(2) The Principal must—
(a) in undertaking the professional management of a public school as contemplated in section 16 (3), carry out duties which include, but are not limited to—

(i) the implementation of all the educational programmes and curriculum activities;

(ii) the management of all educators and support staff;

(iii) the management of the use of learning support material and other equipment;

(iv) the performance of functions delegated to him or her by the Head of Department in terms of this Act;

(v) the safekeeping of all school records; and

(vi) the implementation of policy and legislation;

(b) attend and participate in all meetings of the governing body;

(c) provide the governing body with a report about the professional management relating to the public school;

(d) assist the governing body in handling disciplinary matters pertaining to learners;

(e) assist the Head of Department in handling disciplinary matters pertaining to educators and support staff employed by the Head of Department;

(f) inform the governing body about policy and legislation;

[Para. (f) amended by s. 9 of Act No. 15 of 2011.]

Wording of Sections

(g) provide accurate data to the Head of Department when requested to do so; and;

[Para. (g) amended by s. 9 of Act No. 15 of 2011.]

Wording of Sections

(h) assist the governing body with the management of the school's funds, which assistance must include—

(i) the provision of information relating to any conditions imposed or directions issued by the Minister, the Member of the Executive Council or the Head of Department in respect of all financial matters of the school contemplated in Chapter 4; and

(ii) the giving of advice to the governing body on the financial implications of decisions relating to the financial matters of the school;

[Para. (h) added by s. 9 of Act No. 15 of 2011.]

(h) take all reasonable steps to prevent any financial maladministration or mismanagement by any staff member or by the governing body of the school;
(j) be a member of a finance committee or delegation of the governing body in order to manage any matter that has financial implications for the school; and

(k) report any maladministration or mismanagement of financial matters to the governing body of the school and to the Head of Department.

17. Governing body serving two or more schools.—(1) The Member of the Executive Council may determine that the governance of two or more public schools must vest in a single governing body if it is in the best interests of education at the schools in question.

(2) The Member of the Executive Council may not act under subsection (1) unless he or she has—

(a) given notice in the Provincial Gazette of his or her intention so to act;

(b) given interested parties an opportunity to make written submissions within a period of not less than 30 days; and

(c) considered all such submissions.

18. Constitution of governing body.—(1) Subject to this Act and any applicable provincial law, the governing body of a public school must function in terms of a constitution which complies with minimum requirements determined by the Member of the Executive Council by notice in the Provincial Gazette.

(2) A constitution contemplated in subsection (1) must provide for—

(a) a meeting of the governing body at least once every school term;

(b) meetings of the governing body with parents, learners, educators and other staff at the school, respectively, at least once a year;

(c) recording and keeping of minutes of governing body meetings;

(d) making available such minutes for inspection by the Head of Department; and
(e) rendering a report on its activities to parents, learners, educators and other staff of the school at least once a year.

(3) The governing body must submit a copy of its constitution to the Head of Department within 90 days of its election.

18A. Code of conduct of governing body.—(1) The Member of the Executive Council must, by notice in the Provincial Gazette, determine a code of conduct for the members of the governing body of a public school after consultation with associations of governing bodies in that province, if applicable.

(2) The code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment dedicated to the improvement and maintenance of a quality governance structure at a public school.

(3) All members of a governing body must adhere to the code of conduct.

(4) The code of conduct must contain provisions of due process, safeguarding the interests of the members of the governing body in disciplinary proceedings.

(5) The Head of Department may suspend or terminate the membership of a governing body member for a breach of the code of conduct after due process.

(6) A member of the governing body may appeal to the Member of the Executive Council against a decision of a Head of Department regarding the suspension or termination of his or her membership as a governing body member.

[S. 18A inserted by s. 6 of Act No. 50 of 2002.]

19. Enhancement of capacity of governing bodies.—(1) Out of funds appropriated for this purpose by the provincial legislature, the Head of Department must establish a programme to—

(a) provide introductory training for newly elected governing bodies to enable them to perform their functions; and

(b) provide continuing training to governing bodies to promote the effective performance of their functions or to enable them to assume additional functions.
(2) The Head of Department must ensure that Principals and other officers of the education department render all necessary assistance to governing bodies in the performance of their functions in terms of this Act.

(3) The norms and standards for school funding must include—

(a) criteria for authorising a governing body association to perform the functions contemplated in subsection (4);

(b) criteria relating to any financial implications that would be incurred or costs that would have to be paid by the Head of Department in relation to the performance of the functions contemplated in subsection (4);

(c) guidelines relating to the nature, content, extent and duration of the functions contemplated in subsection (4); and

(d) criteria for granting a governing body an allocation for contribution towards membership of a recognised governing body association.

[Sub s. (3) added by s. 10 of Act No. 15 of 2011.]

(4) (a) The Head of Department may request a recognised governing body association or other appropriate training authority to train members of a governing body of a particular school or group of schools and to build the capacity contemplated in section 25 (4).

(b) For the purposes of paragraph (a), the Head of Department—

(i) must enter into an agreement with the governing body association;

(ii) must specify the nature, content, extent, duration and financial implications of the training in the agreement contemplated in subparagraph (i); and

(iii) may include a request for the training of members of a governing body of a school that is not a member of the governing body association requested to conduct the training in the agreement contemplated in subparagraph (ii).

[Sub s. (4) added by s. 10 of Act No. 15 of 2011.]

20. Functions of all governing bodies.—(1) Subject to this Act, the governing body of a public school must—

(a) promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;

(b) adopt a constitution;

(c) develop the mission statement of the school;

(d) adopt a code of conduct for learners at the school;
(e) support the Principal, educators and other staff of the school in the performance of their professional functions;

(eA) adhere to any actions taken by the Head of Department in terms of section 16 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), to address the incapacity of a Principal or educator to carry out his or her duties effectively;

[Para. (eA) inserted by s. 9 (a) of Act No. 31 of 2007.]

(f) determine times of the school day consistent with any applicable conditions of employment of staff at the school;

(g) administer and control the school’s property, and buildings and grounds occupied by the school, including school hostels, but the exercise of this power must not in any manner interfere with or otherwise hamper the implementation of a decision made by the Member of the Executive Council or Head of Department in terms of any law or policy;

[Para. (g) substituted by s. 9 (b) of Act No. 31 of 2007.]

Wording of Sections

(h) encourage parents, learners, educators and other staff at the school to render voluntary services to the school;

(i) recommend to the Head of Department the appointment of educators at the school, subject to the Employment of Educators Act, 1998 (Act No. 76 of 1998), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

[Para. (i) substituted by s. 3 of Act No. 57 of 2001.]

Wording of Sections

(j) recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

(jA) make the recommendation contemplated in paragraph (j) within the time frames contemplated in section 6 (3) (l) of the Employment of Educators Act, 1998 (Act No. 76 of 1998).

[Para. (jA) inserted by s. 9 (c) of Act No. 31 of 2007.]

(k) at the request of the Head of Department, allow the reasonable use under fair conditions determined by the Head of Department of the facilities of the school for educational programmes not conducted by the school;
(l) discharge all other functions imposed upon the governing body by or under this Act; and

(m) discharge other functions consistent with this Act as determined by the Minister by notice in the Government Gazette, or by the Member of the Executive Council by notice in the Provincial Gazette.

(2) The governing body may allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine, which may include the charging of a fee or tariff which accrues to the school.

(3) The governing body may join a voluntary association representing governing bodies of public schools.

(4) Subject to this Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public school may establish posts for educators and employ educators additional to the establishment determined by the Member of the Executive Council in terms of section 3 (1) of the Educators’ Employment Act, 1994.

(5) Subject to this Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law, a public school may establish posts for non-educators and employ non-educator staff additional to the establishment determined in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

(6) An educator and a non-educator employed in a post established in terms of subsection (4) or (5) must comply with the requirements set for employment in public schools in terms of this Act, the Labour Relations Act, 1995 (Act No. 66 of 1995), and any other applicable law.

(7) A public school may only employ an educator in a post established in terms of subsection (4) if such educator is registered as an educator with the South African Council of Educators.

(8) The staff contemplated in subsections (4) and (5) must be employed in compliance with the basic values and principles referred to in section 195 of the Constitution, and the frole players to be taken into account when making appointments include, but are not limited to—
(a) the ability of the candidate;
(b) the principle of equity;
(c) the need to redress past injustices; and
(d) the need for representivity.

[Sub-s. (8) added by s. 6 of Act No. 100 of 1997.]

(9) When presenting the annual budget contemplated in section 38, the governing body of a public school must provide sufficient details of any posts envisaged in terms of subsections (4) and (5), including the estimated costs relating to the employment of staff in such posts and the manner in which it is proposed that such costs will be met.

[Sub-s. (9) added by s. 6 of Act No. 100 of 1997.]

(10) Despite section 60, the State is not liable for any act or omission by the public school relating to its contractual responsibility as the employer in respect of staff employed in terms of subsections (4) and (5).

[Sub-s. (10) added by s. 6 of Act No. 100 of 1997.]

(11) After consultation as contemplated in section 5 of the National Education Policy Act, 1996 (Act No. 27 of 1996), the Minister may determine norms and standards by notice in the Gazette regarding the funds used for the employment of staff referred to in subsections (4) and (5), but such norms and standards may not be interpreted so as to make the State a joint employer of such staff.

[Sub-s. (11) added by s. 6 of Act No. 100 of 1997.]

Wording of Sections
s 20(1)(g) of Act 84 of 1996 prior to amendment by Act 31 of 2007

Wording of Sections
s 20(1)(i) of Act 84 of 1996 prior to amendment by Act 57 of 2001

Wording of Sections
s 20(1)(k) of Act 84 of 1996 prior to amendment by Act 53 of 2000

21. Allocated functions of governing bodies.—(1) Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:

(a) To maintain and improve the school’s property, and buildings and grounds occupied by the school, including school hostels, if applicable;
(b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;

(c) to purchase textbooks, educational materials or equipment for the school;

(d) to pay for services to the school;

(dA) to provide an adult basic education and training class or centre subject to any applicable law; or [Para. (dA) inserted by s. 10 (b) of Act No. 48 of 1999.]

(e) other functions consistent with this Act and any applicable provincial law.

(2) The Head of Department may refuse an application contemplated in subsection (1) only if the governing body concerned DBEs not have the capacity to perform such function effectively.

(3) The Head of Department may approve such application unconditionally or subject to conditions.

(4) The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons.

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

(6) The Member of the Executive Council may, by notice in the Provincial Gazette, determine that some governing bodies may exercise one or more functions without making an application contemplated in subsection (1), if—

(a) he or she is satisfied that the governing bodies concerned have the capacity to perform such function effectively; and

(b) there is a reasonable and equitable basis for doing so.

22. Withdrawal of functions from governing bodies.—(1) The Head of Department may, on reasonable grounds, withdraw a function of a governing body.

(2) The Head of Department may not take action under subsection (1) unless he or she has—

(a) informed the governing body of his or her intention so to act and the reasons therefor;

(b) granted the governing body a reasonable opportunity to make representations to him or her relating to such intention; and

(c) given due consideration to any such representations received.

(3) In cases of urgency, the Head of Department may act in terms of subsection (1) without prior communication to such governing body, if the Head of Department thereafter—

(a) furnishes the governing body with reasons for his or her actions;
(b) gives the governing body a reasonable opportunity to make representations relating to such actions; and

(c) duly considers any such representations received.

(4) The Head of Department may for sufficient reasons reverse or suspend his or her action in terms of subsection (3).

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal against the decision to the Member of the Executive Council.

23. Membership of governing body of ordinary public school.—(1) Subject to this Act, the membership of the governing body of an ordinary public school comprises—

(a) elected members;

(b) the Principal, in his or her official capacity;

(c) co-opted members.

(2) Elected members of the governing body shall comprise a member or members of each of the following categories:

(a) Parents of learners at the school;

(b) educators at the school;

(c) members of staff at the school who are not educators; and

(d) learners in the eighth grade or higher at the school.

(3) A parent who is employed at the school may not represent parents on the governing body in terms of subsection (2) (a).

(4) The representative council of learners referred to in section 11 (1) must elect the learner or learners referred to in subsection (2) (d).

(5) The governing body of an ordinary public school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.

(6) A governing body may co-opt a member or members of the community to assist it in discharging its functions.

(7) The governing body of a public school contemplated in section 14 may co-opt the owner of the property occupied by the school or the nominated representative of such owner.

(8) Subject to subsection (10), co-opted members do not have voting rights on the governing body.

[Sub-s. (8) substituted by s. 11 (a) of Act No. 48 of 1999.]
(9) The number of parent members must comprise one more than the combined total of other members of a governing body who have voting rights.

(10) If the number of parents at any stage is not more than the combined total of other members with voting rights, the governing body must temporarily co-opt parents with voting rights.

[Sub-s. (10) added by s. 11 (b) of Act No. 48 of 1999.]

(11) If a parent is co-opted with voting rights as contemplated in subsection (10), the cooption ceases when the vacancy has been filled through a by-election which must be held according to a procedure determined in terms of section 28 (d) within 90 days after the vacancy has occurred.

[Sub-s. (11) added by s. 11 (b) of Act No. 48 of 1999.]

(12) If a person elected as a member of a governing body as contemplated in subsection (2) ceases to fall within the category referred to in that subsection in respect of which he or she was elected as a member, he or she ceases to be a member of the governing body.

[Sub-s. (12) added by s. 11 (b) of Act No. 48 of 1999.]

24. Membership of governing body of public school for learners with special education needs.—(1) The following categories of persons must be represented on a governing body of a public school for learners with special education needs, in each case by a member or members of the respective category:

(a) Parents of learners at the school, if reasonably practicable;

(b) educators at the school;

(c) members of staff at the school who are not educators;

(d) learners attending the eighth grade or higher, if reasonably practicable;

(e) representatives of sponsoring bodies, if applicable;

(f) representatives of organisations of parents of learners with special education needs, if applicable;

(g) representatives of organisations of disabled persons, if applicable;

(h) disabled persons, if applicable; and

(i) experts in appropriate fields of special needs education.

(j) the Principal in his or her official capacity.
(2) Subject to this Act, the Member of the Executive Council must, by notice in the Provincial Gazette, determine the number of members in each category referred to in subsection (1) and the manner of election or appointment of such members at every public school for learners with special education needs within his or her province.

(3) A notice contemplated in subsection (2) must give interested parties an opportunity to make written submissions within a period of not less than 30 days.

(4) The Member of the Executive Council must consider all such submissions, and thereafter may alter the notice contemplated in subsection (2).

25. Failure by governing body to perform functions.—(1) If the Head of Department determines on reasonable grounds that a governing body has ceased to perform functions allocated to it in terms of this Act or has failed to perform one or more of such functions, he or she must appoint sufficient persons to perform all such functions or one or more of such functions, as the case may be, for a period not exceeding three months.

(2) The Head of Department may extend the period referred to in subsection (1), by further periods not exceeding three months each, but the total period may not exceed one year.

(3) If a governing body has ceased to perform its functions, the Head of Department must ensure that a governing body is elected in terms of this Act within a year after the appointment of persons contemplated in subsection (1).

(4) If a governing body fails to perform any of its functions, the persons contemplated in subsection (1) must build the necessary capacity within the period of their appointment to ensure that the governing body performs its functions.
26. Recusal by members of governing body.—A member of a governing body must withdraw from a meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member has a personal interest.

27. Reimbursement of members of governing body.—(1) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.

(2) No member of a governing body may be remunerated in any way for the performance of his or her duties.

28. Election of members of governing body.—Subject to this Act and any applicable provincial law, the Member of the Executive Council must, by notice in the Provincial Gazette, determine—

(a) the term of office of members and office-bearers of a governing body;

(b) the designation of an officer to conduct the process for the nomination and election of members of the governing body;

(c) the procedure for the disqualification or removal of a member of the governing body or the dissolution of a governing body, for sufficient reason in each case;

(d) the procedure for the filling of a vacancy on the governing body;

(e) guidelines for the achievement of the highest practicable level of representivity of members of the governing body;

(f) a formula or formulae for the calculation of the number of members of the governing body to be elected in each of the categories referred to in section 23 (2), but such formula or formulae must provide reasonable representation for each category and must be capable of application to the different sizes and circumstances of public schools; and

(g) any other matters necessary for the election, appointment or assumption of office of members of the governing body.

29. Office-bearers of governing bodies.—(1) A governing body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.

(2) Only a parent member of a governing body who is not employed at the public school may serve as the chairperson of the governing body.

(3) In the case of a public school for learners with special education needs any member of the governing body elected from the categories of persons referred to in section 24 (1) (a), (e), (f), (g).
(h) and (i) may serve as the chairperson of that governing body.

[Sub-s. (3) added by s. 12 of Act No. 48 of 1999.]

30. Committees of governing body.—(1) A governing body may—

(a) establish committees, including an executive committee; and

(b) appoint persons who are not members of the governing body to such committees on grounds of expertise, but a member of the governing body must chair each committee.

(2) A governing body of an ordinary public school which provides education to learners with special education needs must establish a committee on special education needs.

31. Term of office of members and office-bearers of governing bodies.—(1) The term of office of a member of a governing body other than a learner may not exceed three years.

(2) The term of office of a member of a governing body who is a learner may not exceed one year.

(3) The term of office of an office-bearer of a governing body may not exceed one year.

(4) A member or office-bearer of a governing body may be re-elected or co-opted, as the case may be, after the expiry of his or her term of office.

32. Status of minors on governing bodies of public schools.—(1) A member of a governing body who is a minor may not contract on behalf of a public school.

(2) A member of a governing body who is a minor may not vote on resolutions of a governing body which impose liabilities on third parties or on the school.

(3) A member of a governing body who is a minor incurs no personal liability for any consequence of his or her membership of the governing body.

33. Closure of public schools.—(1) The Member of the Executive Council may, by notice in the Provincial Gazette, close a public school.

(2) The Member of the Executive Council may not act under subsection (1) unless he or she has—

(a) informed the governing body of the school of his or her intention so to act and his or her reasons therefor;

(b) granted the governing body of the school a reasonable opportunity to make representations to him or her in relation to such action;

(c) conducted a public hearing on reasonable notice, to enable the community to make representations to him or her in relation to such actions; and
(d) given due consideration to any such representations received.

(3) If a public school is closed in terms of subsection (1) all assets and liabilities of such school must, subject to the conditions of any donation, bequest or trust contemplated in section 37 (4), devolve on the State unless otherwise agreed between the Member of the Executive Council and the governing body of the school.

33A. Prohibition of political activities during school time.—(1) No party-political activities may be conducted at a school during school time determined by the governing body of the school in terms of section 20 (1) (f).

(2) The party-political activities contemplated in subsection (1) include, but are not limited to—

(a) campaigning;
(b) the conducting of rallies;
(c) the distribution of pamphlets and fliers; and
(d) the hanging or putting up of posters and banners.

(3) A member of a political party may not, for the purposes of conducting party-political activities, encroach on the school time.

(4) A school may not allow the display of material of a party-political nature on its premises unless such party-political material is related to the curriculum at the school.

[S. 33A inserted by s. 11 of Act No. 15 of 2011.]

CHAPTER 4

FUNDING OF PUBLIC SCHOOLS

34. Responsibility of State.—(1) The State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in education provision.

(2) The State must, on an annual basis, provide sufficient information to public schools regarding the funding referred to in subsection (1) to enable public schools to prepare their budgets for the next financial year.

35. Norms and standards for school funding.—(1) Subject to the Constitution and this Act, the Minister must determine national quintiles for public schools and national norms and standards for school funding after consultation with the Council of Education Ministers and the Minister of Finance.

(2) The norms and standards for school funding contemplated in subsection (1) must—

(a) set out criteria for the distribution of state funding to all public schools in a fair and
equitable manner;

(b) provide for a system in terms of which learners at all public schools can be placed into quintiles, referred to as national quintiles for learners, according to financial means;

(c) provide for a system in terms of which all public schools in the Republic can be placed into quintiles referred to as national quintiles for public schools, according to the distribution of learners in the national quintiles for learners; and

(d) determine the procedure in terms of which the Member of the Executive Council must apply the criteria contemplated in paragraph (a).

[S. 35 substituted by s. 3 of Act No. 24 of 2005.]

Wording of Sections

36. Responsibility of governing body.—(1) A governing body of a public school must take all reasonable measures within its means to supplement the resources supplied by the State in order to improve the quality of education provided by the school to all learners at the school.

(2) Despite subsection (1), a governing body may not enter into any loan or overdraft agreement so as to supplement the school fund, without the written approval of the Member of the Executive Council.

[Sub-s. (2) added by s. 5 of Act No. 57 of 2001.]

(3) If a person lends money or grants an overdraft to a public school without the written approval of the Member of the Executive Council, the State and the public school will not be bound by the contract of lending money or an overdraft agreement.

[S. 36 amended by s. 5 of Act No. 57 of 2001. Sub-s. (3) added by s. 5 of Act No. 57 of 2001.]

Wording of Sections

(4) (a) A governing body may, with the approval of the Member of the Executive Council—

(i) lease, burden, convert or alter immovable property of the school to provide for school activities or to supplement the school fund of that school; and

(ii) allow any person to conduct any business on school property to supplement the school fund.

(b) A governing body may not allow any activity on school property that is hazardous or
disruptive to learners or prohibited by this Act.

[Sub-s. (4) added by s. 12 of Act No. 15 of 2011.]

(5) For the purposes of subsection (4), “school property” means immovable property owned by the State, including property contemplated in sections 13 and 55 and any immovable property bought by a school from the school funds or donations to the school.

[Sub-s. (5) added by s. 12 of Act No. 15 of 2011.]

Wording of Sections s 36 of Act 84 of 1996 prior to amendment by Act 57 of 2001

37. School funds and assets of public schools.—(1) The governing body of a public school must establish a school fund and Administer it in accordance with directions issued by the Head of Department.

(2) Subject to subsection (3), all money received by a public school including school fees and voluntary contributions must be paid into the school fund.

(3) The governing body of a public school must open and maintain one banking account, but a governing body of a public school may, with the approval of the Member of the Executive Council, invest surplus money in another account.

[Sub-s. (3) substituted by s. 6 (a) of Act No. 57 of 2001.]

Wording of Sections

(4) Money or other goods donated or bequeathed to or received in trust by a public school must be applied in accordance with the conditions of such donation, bequest or trust.

(5) All assets acquired by a public school on or after the commencement of this Act are the property of the school.

(6) The school fund, all proceeds thereof and any other assets of the public school must be used only for—

(a) educational purposes, at or in connection with such school;

(b) educational purposes, at or in connection with another public school, by agreement with such other public school and with the consent of the Head of Department;

(c) the performance of the functions of the governing body; or

(d) another educational purpose agreed between the governing body and the Head of Department.

(7) (a) Money from the school fund of a public school may not be paid into a trust or be used to establish a trust.
(b) If a trust was established from a school fund of a public school or if such money was paid into a trust prior to 1 January 2002, such trust or payment is invalid and the money must be paid back into the school fund.

(c) A governing body of a public school may not collect any money or contributions from parents to circumvent or manipulate the payment of compulsory school fees and to use such money or contributions to establish or fund a trust, and if such money or contributions of parents were paid into a trust prior to 1 January 2002, the trust must pay such money or contributions into the school fund.

[Sub-s. (7) inserted by s. 6 (b) of Act No. 57 of 2001.]

Wording of Sections

s 37(3) of Act 84 of 1996 prior to amendment by Act 57 of 2001

38. Annual budget of public school.—(1) A governing body of a public school must prepare a budget each year according to prescriptions determined by the Member of the Executive Council in a Provincial Gazette, which shows the estimated income and expenditure of the school for the following financial year.

[Sub-s. (1) substituted by s. 7 of Act No. 57 of 2001.]

Wording of Sections

(2) Before a budget referred to in subsection (1) is approved by the governing body, it must be presented to a general meeting of parents convened on at least 30 days’ notice, for consideration and approval by a majority of parents present and voting.

(3) The notice contemplated in subsection (2) must also inform the parents that the budget will be available for inspection at the school at least 14 days prior to the meeting.

[Sub-s. (3) added by s. 7 of Act No. 50 of 2002.]

Wording of Sections

s 38(1) of Act 84 of 1996 prior to amendment by Act 57 of 2001

38A. Prohibition of payment of unauthorised remuneration, or giving of financial benefit or benefit in kind to certain employees.—(1) Subject to subsection (2), a governing body may not pay or give to a state employee employed in terms of the Employment of Educators Act, 1998 (Act No. 76 of 1998), or the Public Service Act, 1994 (Proclamation No. 103 of 1994), any unauthorised—

(a) remuneration;

(b) other financial benefit; or

(c) benefit in kind.

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(2) A governing body may apply to the employer for approval to pay a state employee any payment contemplated in subsection (1).

(3) Such application must be lodged in writing in the office of the employer and must state—
(a) full details of the nature and extent of the payment;
(b) the process and resources that will be used to compensate or remunerate the state employee; and
(c) the extent of compliance with section 20 (5) to (9).

(4) The governing body must make the application contemplated in subsection (2) at least four months prior to the finalisation of the school's budget.

(5) Despite subsection (1), a governing body may pay travel and subsistence expenses relating to official school activities but such expenses may not be greater than those that would be payable to a public servant in similar circumstances.

(6) An employer must not unreasonably refuse an application contemplated in subsection (2).

(7) In considering the application, the employer must take into account—
(a) the implications for the employer in terms of the employment contract and labour law;
(b) whether the service concerned in the application will interfere with the normal service delivery of the employee;
(c) whether the service concerned in the application has already been paid for by the employer; and
(d) whether the additional remuneration, other benefits or benefits in kind support the core activities and functions of the school.

(8) The payment contemplated in subsection (1) must be reflected in the school's budget, as presented to the general meeting of parents as contemplated in section 38 (2).

(9) If a governing body pays remuneration or gives any financial benefit or benefit in kind contemplated in subsection (1) to an employee without prior approval of the employer, the amount of money paid or benefit given must be recovered by the employer on behalf of the school from members of the governing body who took that decision, excluding a member of the governing body who is a minor.

(10) A governing body may appeal to the Member of the Executive Council against—
(a) the refusal by the employer of an application contemplated in subsection (2); or
(b) the failure of the employer to provide a decision on an application contemplated in subsection (2) within three months after the lodging of the application in the office of the employer.

[S. 38A inserted by s. 2 of Act No. 1 of 2004.]

39. School fees at public schools.—(1) Subject to this Act, school fees may be determined and charged at a public school only if a resolution to do so has been adopted by a majority of parents attending the meeting referred to in section 38 (2).

(2) A resolution contemplated in subsection (1) must provide for—

(a) the amount of school fees to be charged;

(b) equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay school fees; and

(c) a school budget that reflects the estimated cumulative effect of—

(i) the established trends of non-payment of school fees; and

(ii) the total, partial or conditional exemptions granted to parents in terms of the regulations contemplated in subsection (4).

[Sub-s. (2) substituted by s. 4 (a) of Act No. 24 of 2005.]

Wording of Sections

(3) The governing body must implement a resolution adopted at the meeting contemplated in subsection (1).

(4) The Minister must, after consultation with the Council of Education Ministers and the Minister of Finance, make regulations regarding the equitable criteria and procedures referred to in subsection (2) (b).

(5) No public school may charge any registration, administration or other fee, except school fees as defined in section 1.

[Sub-s. (5) added by s. 4 (b) of Act No. 24 of 2005.]

(6) A public school may not charge a parent of a learner at that school different school fees based on curriculum or extramural curriculum within the same grade

[Sub-s. (6) added by s. 4 (b) of Act No. 24 of 2005.]

(7) Despite subsection (1), the Minister must by notice in the Government Gazette annually determine the national quintiles for public schools or part of such quintiles which must be used by the Member of the Executive Council to identify schools that may not charge school fees.
(8) The Minister may make a determination in terms of subsection (7) only if sufficient funding, not less than the no fee threshold, has been secured to fund learners at the schools affected by the determination.

(9) The Member of the Executive Council must identify and draw a list of all the schools contemplated in subsection (7) within his or her province.

(10) The Minister must—

(a) consider the list of schools identified in terms of subsection (9);

(b) compare the list with the determination contemplated in section 35 (1); and

(c) publish the list per province, in the Government Gazette if it complies with the determination.

(11) The schools contemplated in subsection (7) may, despite that subsection, charge school fees if they receive less than the no fee threshold from the provincial education department.

(12) The right of the school to charge school fees in terms of subsection (11) is limited to an amount equal to the sum obtained if the actual amount received from the State is deducted from the no fee threshold.

(13) Subject to subsection (7), the Member of the Executive Council may, after consultation with the relevant governing bodies, annually by notice in the Provincial Gazette identify additional public schools within his or her province that, although they have not been included in the list of schools contemplated in subsection (10) (c), may not charge school fees.

(14) The schools contemplated in subsection (13) must be the schools that have been ranked as the poorest schools in that province falling outside the list of schools contemplated in subsection (10) (c).
(15) The Member of the Executive Council may act in terms of subsection (13) only if sufficient funding has been secured in the province to fund learners in the schools affected by such action.

[Sub-s. (15) added by s. 13 of Act No. 15 of 2011.]

(16) For the purposes of subsection (15), "sufficient funding" means funding that is not less than the no fee threshold.

[Sub-s. (16) added by s. 13 of Act No. 15 of 2011.]

Wording of Sections

s 39(2) of Act 84 of 1996 prior to amendment by Act 24 of 2005

40. Parent’s liability for payment of school fees.—(1) A parent is liable to pay the school fees determined in terms of section 39 unless or to the extent that he or she has been exempted from payment in terms of this Act.

(2) A parent may appeal to the Head of Department against a decision of a governing body regarding the exemption of such parent from payment of school fees.

(3) In deciding an appeal referred to in subsection (2), the Head of Department must follow due process which safeguards the interests of the parent and the governing body.

41. Enforcement of payment of school fees.—(1) A public school may by process of law enforce the payment of school fees by parents who are liable to pay in terms of section 40.

(2) The exemption from payment of school fees must be calculated according to the regulations contemplated in section 39 (4).

(3) The exemption from payment of school fees in terms of this Act is calculated retrospectively from the date on which the parent qualifies for the exemption.

(4) A public school may act in terms of subsection (1) only after it has ascertained that—

(a) the parent DBEs not qualify for exemption from payment of school fees in terms of this Act;

(b) deductions have been made in terms of regulations contemplated in section 39 (4), for a parent who qualifies for partial exemption; and

(c) the parent has completed and signed the form prescribed in the regulations contemplated in section 39 (4).

(5) Despite subsection (4), a public school may act in terms of subsection (1) if—
(a) that school can provide proof of a written notification to the parent delivered by hand or registered post that the parent has failed to apply for exemption contemplated in section 39; and

(b) despite the notice contemplated in paragraph (a), the parent fails to pay the school fees after a period of three months from the date of notification.

(6) A public school may not attach the dwelling in which a parent resides.

(7) A learner may not be deprived of his or her right to participate in all aspects of the programme of a public school despite the non-payment of school fees by his or her parent and may not be victimised in any manner, including but not limited to the following conduct:

(a) Suspension from classes;

(b) verbal or non-verbal abuse;

(c) denial of access to—

(i) cultural, sporting or social activities of the school; or

(ii) the nutrition programme of the school for those learners who qualify in terms of the applicable policy; or

(d) denial of a school report or transfer certificate.

[S. 41 substituted by s. (5) of Act No. 24 of 2005.]

Wordings of Sections

s 41 of Act 84 of 1996 prior to amendment by Act 24 of 2005

42. Financial records and statements of public schools.—The governing body of a public school must—

(a) keep records of funds received and spent by the public school and of its assets, liabilities and financial transactions; and

(b) as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Member of the Executive Council.

43. Audit or examination of financial records and statements.—(1) The governing body of a public school must appoint a person registered as an auditor in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005), to audit the records and financial statements referred to in section 42.
Wording of Sections

(2) If the audit referred to in subsection (1) is not reasonably practicable, the governing body of a public school must appoint a person to examine and report on the records and financial statements referred to in section 42, who—

(a) is qualified to perform the duties of an accounting officer in terms of section 60 of the Close Corporations Act, 1984 (Act No. 69 of 1984); or

(b) is approved by the Member of the Executive Council for this purpose.

(3) No person who has a financial interest in the affairs of the public school may be appointed under this section.

(4) If the Member of the Executive Council deems it necessary, he or she may request the Auditor-General to undertake an audit of the records and financial statements of a public school.

(5) A governing body must submit to the Head of Department, within six months after the end of each financial year, a copy of the annual financial statements, audited or examined in terms of this section.

(6) At the request of an interested person, the governing body must make the records referred to in section 42, and the audited or examined financial statements referred to in this section, available for inspection.

Wording of Sections

s 43(1) of Act 84 of 1996 prior to amendment by Act 31 of 2007

44. Financial year of public school.—The financial year of a public school commences on the first day of January and ends on the last day of December of each year.

CHAPTER 5

INDEPENDENT SCHOOLS

45. Establishment of independent school.—Subject to this Act and any applicable provincial law, any person may, at his or her own cost, establish and maintain an independent school.

45A. Admission age to independent school.—(a) The admission age of a learner to an independent school to—

(i) grade R is age four turning five by 30 June in the year of admission;

(ii) grade 1 is age five turning six by 30 June in the year of admission.

(b) An independent school may admit a learner who—

(i) is under the age contemplated in paragraph (a) if good cause is shown; and
(ii) complies with the criteria contemplated in paragraph (c).

(c) The Minister may, by regulation, prescribe—

(i) criteria 2 for the admission to an independent school at an age lower than the admission age of an underage learner who complies with the criteria;

(ii) age requirements for different grades at an independent school.

(d) For the purpose of paragraph (b) (i), good cause shown means that—

(i) it can be shown that exceptional circumstances exist which necessitate the admission of an underage learner because admission would be in his or her best interest; and

(ii) the refusal to admit that learner would be severely detrimental to his or her development."

[S. 45A inserted by s. 8 of Act No. 50 of 2002 with effect from 1 January, 2004.]

Footnotes

2 It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable, effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

(a) learners are admitted on an equitable basis;

(b) there is no unfair discrimination to learners;

(c) the admission is fair to the individual learner as well as other learners in the classroom;

(d) recognition is given to the diversity of language, culture and economic background;

(e) notice is taken of the differences between urban and rural environments; and

(f) the physical, psychological and mental development of the child are taken into account.

Footnote

2 It is acknowledged that criteria for admission of an underage learner are complex and take some considerable time to develop. The criteria must be reliable, effective and their proper implementation will require the training of evaluators. The criteria must be based on an educationally sound basis in order to ensure that—

(a) learners are admitted on an equitable basis;

(b) there is no unfair discrimination to learners;
(c) the admission is fair to the individual learner as well as other learners in the classroom;
(d) recognition is given to the diversity of language, culture and economic background;
(e) notice is taken of the differences between urban and rural environments; and
(f) the physical, psychological and mental development of the child are taken into account.

46. Registration of independent school.—(1) No person may establish or maintain an
independent school unless it is registered by the Head of Department.

(2) The Member of the Executive Council must, by notice in the Provincial Gazette,
determine the grounds on which the registration of an independent school
may be granted or withdrawn by the
Head of Department.

(3) A Head of Department must register an independent school if he or she is satisfied that—

(a) the standards to be maintained by such school will not be inferior to the standards in
comparable public schools;

(b) the admission policy of the school DBEs not discriminate on the grounds of race; and

(c) the school complies with the grounds for registration contemplated in subsection (2).

(4) Any person who contravenes subsection (1) is guilty of an offence and upon conviction
liable to a fine or imprisonment for a period of three months.

47. Withdrawal of registration of independent school.—(1) No withdrawal of the
registration of an independent school is valid unless—(a) the owner of such independent
school has been furnished by the Head of Department with a notice of
intention to withdraw the registration, stating the reasons why such
withdrawal is contemplated;

(b) the owner of such independent school has been granted an opportunity to make written
representations to the Head of Department as to why the registration of
the independent school should not be withdrawn; and

(c) any such representations received have been duly considered.

(2) The owner of an independent school may appeal to the Member of the Executive Council
against the withdrawal of the registration of such independent school.

48. Subsidies to registered independent schools.—(1) The Minister may, by notice in the
Government Gazette, determine norms and minimum standards for the
granting of subsidies to independent schools after consultation with the
Council of Education Ministers and the Financial and Fiscal Commission
and with the concurrence of the Minister of Finance.

(2) The Member of the Executive Council may, out of funds appropriated by the provincial
legislature for that purpose, grant a subsidy to an independent school.
(3) If a condition subject to which a subsidy was granted has not been complied with, the Head of Department may terminate or reduce the subsidy from a date determined by him or her.

(4) The Head of Department may not terminate or reduce a subsidy under subsection (3) unless—

(a) the owner of such independent school has been furnished with a notice of intention to terminate or reduce the subsidy and the reasons therefor;

(b) such owner has been granted an opportunity to make written representations as to why the subsidy should not be terminated or reduced; and

(c) any such representations received have been duly considered.

(5) The owner of an independent school may appeal to the Member of the Executive Council against the termination or reduction of a subsidy to such independent school.

49. Declaration of independent school as public school.—(1) The Member of the Executive Council may, with the concurrence of the Member of the Executive Council responsible for finance, enter into an agreement with the owner of an independent school in terms whereof such independent school is declared to be a public school.

(2) Notice of the change of status contemplated in subsection (1) must be published in the Provincial Gazette.

50. Duties of Member of Executive Council relating to independent schools.—(1) The Member of the Executive Council must, by notice in the Provincial Gazette, determine requirements for—

(a) the admission of learners of an independent school to examinations conducted by or under the supervision of the education department;

(b) the keeping of registers and other documents by an independent school;

(c) criteria of eligibility, conditions and manner of payment of any subsidy to an independent school; and

(d) any other matter relating to an independent school which must or may be prescribed in terms of this Act.

(2) Different requirements may be made under subsection (1) in respect of different independent schools.

(3) The Member of the Executive Council must allow the affected parties a reasonable period to comment on any requirement he or she intends to determine under subsection (1).
51. Registration of learner for education at home.—(1) A parent may apply to the Head of Department for the registration of a learner to receive education at the learner's home.

(2) The Head of Department must register a learner as contemplated in subsection (1) if he or she is satisfied that—

(a) the registration is in the interests of the learner;
(b) the education likely to be received by the learner at home—
   (i) will meet the minimum requirements of the curriculum at public schools; and
   (ii) will be of a standard not inferior to the standard of education provided at public schools; and
(c) the parent will comply with any other reasonable conditions set by the Head of Department.

(3) The Head of Department may, subject to subsection (4), withdraw the registration referred to in subsection (1).

(4) The Head of Department may not withdraw the registration until he or she—

(a) has informed the parent of his or her intention so to act and the reasons therefor;
(b) has granted the parent an opportunity to make representations to him or her in relation to such action; and
(c) has duly considered any such representations received.

(5) A parent may appeal to the Member of the Executive Council against the withdrawal of a registration or a refusal to register a learner in terms of this Act.

CHAPTER 6

TRANSITIONAL PROVISIONS

52. Transitional provisions relating to schools other than private schools.—(1) Any school which was established or was deemed to have been established in terms of any law governing school education in the Republic of South Africa and which existed immediately prior to the commencement of this Act, other than a private school referred to in section 53 is deemed to be a public school.

(2) The assets and liabilities which vested in a school contemplated in subsection (1) immediately prior to the commencement of this Act, vest in the public school in question.

(3) Funds and other moveable assets used by, or held for or on behalf of, a public school contemplated in subsection (1) and which in law are the
property of the State, remain at the disposal of the school, and devolve on the school on a date and subject to conditions determined by the Minister by notice in the Government Gazette, after consultation with the Council of Education Ministers.

(4) Any transaction entered into prior to the commencement of this Act by a school contemplated in subsection (1), which had the effect of transferring funds or other assets of such school to another person or body without value, is invalid.

53. Transitional provisions relating to private schools.—A private school which was registered or deemed to have been registered under the provisions of a law regulating school education in the Republic of South Africa and which existed immediately prior to the commencement of this Act, is deemed to be an independent school.

54. Transitional provisions relating to governing bodies.—(1) The Minister must, after consultation with the Member of the Executive Council and by notice in the Government Gazette, determine dates—

(a) by which the election of members of governing bodies at all public schools in a province must be finalised in terms of this Act; and

(b) from which the governing bodies referred to in subsection (1) (a) must function in terms of this Act.

(2) Different dates may be determined in terms of subsection (1) (b) in respect of governing bodies in the different provinces.

(3) Any governing body, management council or similar authority of a public school, which existed immediately prior to the commencement of this Act, continues to function until the day before the date on which the relevant governing body is elected and must perform all the functions it performed prior to the commencement of this Act which a governing body can lawfully perform in terms of this Act.

(4) Until a governing body begins to function in terms of subsection 1 (b), such governing body of a school deemed to be a public school in terms of section 52 (1) must perform the functions lawfully performed by its predecessor which are capable of being performed by a governing body in terms of this Act.

55. Transitional provisions relating to immovable property of certain schools.—(1) The immovable property of a school which was declared to be a state-aided school under section 29 (2A) of the Education Affairs Act, 1988 (House of Assembly) (Act No. 70 of 1988), devolves upon the State on a date determined by the Minister by notice in the Government Gazette.

(2) The Minister may determine different dates in respect of different schools under subsection (1).
(3) Any notice determining a date or dates referred to in subsection (1) or (2) must grant all interested parties a period of not less than 30 days in which to make written submissions.

(4) The Minister must consider all such submissions received, and thereafter may alter any notice referred to in subsection (1).

(5) Any transfer duty, stamp duty, other fees or costs payable as a result of the transfer of the immovable property contemplated in subsection (1) must be paid in full or in part from funds appropriated by Parliament for that purpose.

(6) The Minister may, with the concurrence of the Minister of Finance, direct that no transfer duty, stamp duty, other fees or costs contemplated in subsection (5) be paid in respect of a particular transfer under this section.

(7) The rights of third parties with claims against the school in respect of the immovable property affected by the transfer contemplated in this section are not extinguished by the transfer and—

(a) a third party acquires no right of execution against the immovable property as a result of such transfer alone;

(b) a third party is obliged to excuse the school in question if the school fails to meet its commitments to the third party; and

(c) the State indemnifies such a third party in its claims against the school which were secured by the immovable property, but the third party DBEs not acquire a greater right against the State than that which it had against the school prior to the transfer.

(8) The fact that compensation for any land and real rights in or over land expropriated in terms of subsection (1) has not been finalised or paid, DBEs not impede the transfer of such land and real rights in or over land to the State.

(9) Until the date contemplated in subsection (1), a public school referred to in that subsection may not let, sell or otherwise alienate its immovable property, or grant to any person any real right thereon or servitude thereon without the written consent of the Member of the Executive Council.

(10) Any claim for compensation arising from subsection (1) must be determined as contemplated in the Constitution.

(11) The officer in charge of the deeds office or other office where the immovable property of a school is registered, must, on submission of the title deed in question, make such endorsement on the title deed and such entry in the register as may be required to register the transfer of the immovable property.

[Sub-s. (11) added by s. 9 of Act No. 100 of 1997 and substituted by s. 13 of Act No. 48 of 1999.]

Wording of Sections
(12) Any immovable property belonging to the State which was used by a school and not transferred or endorsed into the name of the school contemplated in subsection (1) remains the property of the State.

[Sub-s. (12) added by s. 9 of Act No. 100 of 1997.]

(13) Any immovable property which was transferred into the name of a school contemplated in subsection (1) must, if such school is subsequently closed in terms of this Act or any other applicable law, devolve upon the State.

[Sub-s. (13) added by s. 9 of Act No. 100 of 1997.]

Wording of Sections

s 55(11) of Act 84 of 1996 prior to amendment by Act 48 of 1999

56. Transitional provisions relating to public schools on private property.—If an agreement contemplated in section 14 DBEs not exist at the commencement of this Act in respect of a school, standing on private property and which is deemed to be a public school in terms of section 52 (1), the Member of the Executive Council must take reasonable measures to conclude such an agreement within six months of the commencement of this Act.

57. Transitional provisions relating to private property owned by religious organisation.—If the owner of the private property referred to in section 56 is a religious organisation, such owner may require that the agreement contemplated in section 14 must recognise, in an appropriate manner consistent with this Act, the distinctive religious character of the school.

CHAPTER 7

GENERAL PROVISIONS

58. Expropriation.—(1) The Member of the Executive Council may, if it is in the public interest to do so, expropriate land or a real right in or over land for any purpose relating to school education in a province.

(2) The Member of the Executive Council must give notice in the Provincial Gazette of his or her intention to expropriate in terms of subsection (1).

(3) A notice contemplated in subsection (2) must—

(a) identify the land or any real right in or over the land;

(b) give interested parties an opportunity to make written submissions regarding the expropriation within a period of not less than 30 days; and

(c) invite any person claiming compensation as a result of the expropriation to enter into negotiations with the Member of the Executive Council in that regard, and draw attention to the provisions of subsection (5).
(4) The Member of the Executive Council may, after considering all such written submissions, expropriate the land or any real right in or over the land referred to in subsection (3) by notice in the Provincial Gazette.

(5) Any expropriation contemplated in subsection (4) takes effect immediately even though compensation payable in respect of such land or real right in or over such land has not been finally determined or paid.

(6) If the Member of the Executive Council and an owner of the land or real right fail to reach agreement regarding the payment of compensation, either party may refer the matter to a court for determination, or they may agree to refer the dispute to an arbitrator for arbitration.

(7) The arbitrator determines the time, venue and procedures which apply in the arbitration.

(8) The arbitrator determines the dispute and makes a written award giving reasons for such award as soon as possible after the arbitration, and his or her determination is binding.

(9) The arbitrator may not make an award of costs.

(10) The arbitrator is paid, out of moneys appropriated for this purpose by the provincial legislature, such fees and allowances as the Member of the Executive Council may determine, with the concurrence of the Member of the Executive Council responsible for finance.

(11) Any transfer duty, stamp duty, other fees or costs payable as a result of any transfer of land or a real right contemplated in subsection (1) may be paid in full or in part from funds appropriated by the provincial legislature for that purpose.

(12) Any claim to compensation arising from the expropriation contemplated in subsection (4) must be determined as contemplated in the Constitution and this section.

58A. Alienation of assets of public school.—(1) The Head of Department has the right to compile or inspect an inventory of all the assets of a public school.

(2) No person may alienate any assets owned by a public school to another person or body without the written approval of the Member of the Executive Council.

(3) Despite subsection (2), the Member of the Executive Council may—

(a) determine that certain categories of assets below a certain value may be alienated without his or her written approval; and

(b) determine and publish the value contemplated in paragraph (a) by notice in the Provincial Gazette.

(4) The assets of a public school may not be attached as a result of any legal action taken against the school.

[S. 58A inserted by s. 6 of Act No. 24 of 2005.]
58B. Identification of underperforming public schools.—(1) The Head of Department must, annually, from the report contemplated in section 16A (1) (b) and from other relevant reports, identify any public school that is underperforming in relation to any matter referred to in subsection (2) (a), (b) or (c).

(2) The Head of Department must issue a written notice to the school contemplated in subsection (1), if he or she is satisfied that—

(a) the standard of performance of learners is below the standards prescribed by the National Curriculum Statement and is likely to remain so unless the Head of Department exercises his or her power in terms of this Act;

(b) there has been a serious breakdown in the way the school is managed or governed which is prejudicing, or likely to prejudice, the standards of performance; or

(c) the safety of learners or staff is threatened.

(3) The written notice contemplated in subsection (2) must inform the school that it must—

(a) within 14 days after delivery of the notice, respond to the notice; and

(b) as soon as possible after that response, provide the Head of Department with a plan for correcting the situation.

(4) The Head of Department must take all reasonable steps to assist a school identified in terms of subsection (1) in addressing the underperformance.

(5) Without limiting the nature and extent of the steps contemplated in subsection (4), the Head of Department must consider—

(a) implementing the incapacity code and procedures for poor work performance referred to in section 16 of the Employment of Educators Act, 1998 (Act No. 76 of 1998);

(b) withdrawing the functions of the governing body in terms of section 22; or

(c) appointing persons in terms of section 25 to perform the functions or specified functions of the governing body.

(6) The counselling of the Principal as contemplated in Item 2 (5) (b) (ii) of Schedule 1 to the Employment of Educators Act, 1998 (Act No. 76 of 1998), may include the appointment of an academic mentor to take over the functions and responsibilities of the Principal for the period determined by the Head of Department.

(7) In order to assist the Minister in carrying out his or her duties referred to in section 8 of the National Education Policy Act, 1996 (Act No. 27 of 1996), the Member of the Executive Council must report to the Minister within three months
after the end of a school year on the action taken by the Head of Department in regard to an underperforming public school.

[S. 58B inserted by s. 11 of Act No. 31 of 2007.]

58C. Compliance with norms and standards.—(1) The Member of the Executive Council must, in accordance with an implementation protocol contemplated in section 35 of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), ensure compliance with—

(a) norms and standards determined in terms of sections 5A, 6 (1), 20 (11), 35 and 48 (1);

(b) minimum outcomes and standards set in terms of section 6A; and

(c) performance standards contemplated in Item 2 (2) of Schedule 1 to the Employment of Educators Act, 1998 (Act No. 76 of 1998),

(in this section jointly referred to as “norms and standards”).

(2) The Member of the Executive Council must ensure that the policy determined by a governing body in terms of sections 5 (5) and 6 (2) complies with the norms and standards.

(3) The Member of the Executive Council must, annually, report to the Minister the extent to which the norms and standards have been complied with or, if they have not been complied with, indicate the measures that will be taken to comply.

(4) Any dispute between the Minister and a Member of the Executive Council in respect of noncompliance with the norms and standards contemplated in subsection (1) must—

(a) be dealt with in accordance with the principles of co-operative governance referred to in section 41 (1) of the Constitution and the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005); and

(b) whenever necessary, be settled in accordance with Chapter 4 of the Intergovernmental Relations Framework Act, 2005.

(5) The Head of Department must comply with all norms and standards contemplated in subsection (1) within a specific public school year by—

(a) identifying resources with which to comply with such norms and standards;

(b) identifying the risk areas for compliance;
(c) developing a compliance plan for the province, in which all norms and standards and the extent of compliance must be reflected;

(d) developing protocols with the schools on how to comply with norms and standards and manage the risk areas; and

(e) reporting to the Member of the Executive Council on the state of compliance and on the measures contemplated in paragraphs (a) to (d), before 30 September of each year.

(6) The Head of Department must—

(a) in accordance with the norms and standards contemplated in section 5A determine the minimum and maximum capacity of a public school in relation to the availability of classrooms and educators, as well as the curriculum programme of such school; and

(b) in respect of each public school in the province, communicate such determination to the chairperson of the governing body and the Principal, in writing, by not later than 30 September of each year.

[S. 58C inserted by s. 11 of Act No. 31 of 2007.]

59. Duty of schools to provide information.—(1) A school must make information available for inspection by any person, insofar as such information is required for the exercise and protection of such person’s rights.

(2) Every school must provide such information about the school as is reasonably required by the Head of Department or the Director-General of the national Department of Basic Education in consultation with the Head of Department.

[Sub-s. (2) substituted by s. 10 of Act No. 100 of 1997.]

Wording of Sections

s 59(2) of Act 84 of 1996 prior to amendment by Act 100 of 1997

60. Liability of State.—(1) Subject to paragraph (b), the State is liable for any delictual or contractual damage or loss caused as a result of any act or omission in connection with any school activity conducted by a public school and for which such public school would have been liable but for the provisions of this section.

[Para. (a) substituted by s. 14 of Act No. 15 of 2011.]

Wording of Sections
(b) Where a public school has taken out insurance and the school activity is an eventuality covered by the insurance policy, the liability of the State is limited to the extent that the damage or loss has not been compensated in terms of the policy.

[Sub-s. (1) substituted by s. 12 of Act No. 31 of 2007.]

Wording of Sections

(2) The provisions of the State Liability Act, 1957 (Act No. 20 of 1957), apply to any claim under subsection (1).

(3) Any claim for damage or loss contemplated in subsection (1) must be instituted against the Member of the Executive Council concerned.

[Sub-s. (3) added by s. 14 of Act No. 48 of 1999.]

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

[Sub-s. (4) added by s. 14 of Act No. 48 of 1999.]

(5) Any legal proceedings against a public school for any damage or loss contemplated in subsection (4), or in respect of any act or omission relating to its contractual responsibility as employer as contemplated in section 20 (10), may only be instituted after written notice of the intention to institute proceedings against the school has been given to the Head of Department for his or her information.

[Sub-s. (5) added by s. 14 of Act No. 48 of 1999.]

Wording of Sections

s 60(1)(a) of Act 84 of 1996 prior to amendment by Act 15 of 2011

Wording of Sections

s 60(1) of Act 84 of 1996 prior to amendment by Act 31 of 2007

61. Regulations.—The Minister may make regulations—

(a) to provide for safety measures at public and independent schools;

(b) on any matter which must or may be prescribed by regulation under this Act;

(c) to prescribe a national curriculum statement applicable to public and independent schools;

(d) to prescribe a national process and procedures for the assessment of learner
achievement in public and independent schools;
(e) to prescribe a national process for the assessment, monitoring and evaluation of education in public and independent schools;
(f) on initiation practices at public and independent schools;
(g) to prescribe the age norm per grade in public and independent schools;
(h) to provide for norms and minimum standards for school funding; and
(i) on any matter which may be necessary or expedient to prescribe in order to achieve the objects of this Act.

[S. 61 substituted by s. 5 of Act No. 53 of 2000 and by s. 9 of Act No. 50 of 2002.]

Wording of Sections

62. Delegation of powers.—(1) The Member of the Executive Council may, subject to such conditions as he or she may determine, delegate any power conferred upon him or her by or under this Act to the Head of Department or an officer, except the power to publish a notice and the power to decide an appeal lodged with him or her in terms of this Act.

(2) The Head of Department may, subject to such conditions as he or she may determine, delegate to an officer any of his or her powers in terms of this Act or delegated to him or her in terms of subsection (1).

(3) A delegation under subsection (1) or (2) DBEs not prevent the Member of the Executive Council or Head of Department, as the case may be, from exercising such power or performing such duty.

63. Repeal and amendment of laws.—(1) The laws listed in the first column of Schedule 1 are hereby repealed to the extent set out in the third column of that Schedule.


Repealed Act

P 138 of 1994 has been repealed by s 137(1) of Act 76 of 1998

64. Short title and commencement.—This Act is the South African Schools Act, 1996, and comes into operation on a date fixed by the President by proclamation in the Government Gazette.
Schedule 1 No. and year of Act Short title Extent of repeal

Act No. 47 of 1963 Coloured Persons Education Act, 1963
Sections 1A, 8 to 20, 26 and 28 to 31

Act No. 61 of 1965 Indians Education Act, 1965 Sections 1B, 8 to 20, 26, 28, 29, 31 and 33 (1) (g)

Act No. 90 of 1979 Education and Training Act, 1979
Sections 1A, 3, 4, 11 to 29, 31, 32, 43 and 44 (1) (h)

Act No. 104 of 1986
Private Schools Act (House of Assembly), 1986 Section 1A

Act No. 70 of 1988 Education Affairs Act (House of Assembly), 1988 Sections 3 and 65 and Chapter 7 Schedule 2

AMENDMENT OF EDUCATORS’ EMPLOYMENT ACT, 1994, BY SECTION 63

1. Amends section 1 as follows:—paragraph (a) inserts the definitions of “Department”, “educational institution”, “Labour Relations Act”, “public education institution”, “public school”, “state aided college” and “unsubsidised post”; paragraph (b) substitutes the definitions of “educator”, “employee member” and “employer”; and paragraph (c) deletes the definitions of “departmental education”, “subsidised post”, “state-aided educational institution”, “Executive Council” and “Education Labour Relations Act”.

2. Substitutes section 3.

3. Inserts section 3A.


5. Amends section 5 as follows:—paragraph (a) substitutes subsection (1); and paragraph (b) deletes subsection (2).


7 to 9 inclusive. Amend sections 7, 8, and 10, respectively, by substituting the expression “public education institution” wherever it occurs, for the expression “state educational institution”.

10. Amends section 11 by substituting subsection (3).

11 and 12. Substitute sections 22 and 23, respectively.
APPENDIX F: SGB Policy

XYZ PRIMARY SCHOOL – SGB POLICY

POLICY: FUND RAISING POLICY

1. GENERAL PROVISIONS

1.1. According to Section 36 of the South African Schools Act (SASA) 84 of 1996, as amended, the Fundraising Policy of a public school is determined by the School Governing Body (SGB).

1.2. In terms of Section 36 of SASA, the SGB may supplement the funds supplied by the WCED.

1.3. The SGB of XYZ Primary School has adopted its Fundraising Policy the provisions of which are contained herein.

1.4. In the course of the formulation of such Fundraising Policy, the SGB has ensured adherence to SASA, as well as to other applicable legislation.

1.5. Any monies raised by means of this policy will not be applied to state employees in terms of the Employment of Educators Act No 76 of 1998 or the Public Service Act No 103 of 1994.

2. SCOPE

2.1. This policy covers all fundraising activities undertaken by learners, educators, parents and community volunteers in the name of XYZ Primary School.

3. PURPOSE OF FUNDRAISING AND THE FUNDRAISING POLICY

3.1. Funds raised can be used to improve the physical and human resources of XYZ Primary School.

3.2. Fundraising is an opportunity to draw in the wider school community and build relationships.

3.3. A Fundraising Policy is intended to provide all role players with a framework and parameters for raising funds to support school activities.
4. ROLE OF THE SGB

The SGB shall, in terms of SASA (Section 37.1):

4.1. Start and administer a school fund;

4.2. Open and maintain a banking account;

4.3. Keep the financial records;

4.4. Ensure that funds raised in the manner described herein form part of the annual financial statements and are audited and submitted to the WCED as part thereof;

4.5. Invest surplus funds as per section 37 of SASA;

4.6. Keep minutes of all financial decisions;

4.7. Identify projects to which donations can be made;

4.8. Issue Section 18A certificates for qualifying donations;

4.9. It is the role of the Fundraising Committee, chaired by the SGB chairperson, Treasurer, chairperson of FRC, the Principal and possibly educators, parents and co-opted members, to advise on fundraising methods and the application of such funds;

4.10. Before commencing on a fundraising venture, a projection must be prepared by the Fundraising Committee that shows the expected income from and expenditure on fundraising, as well as the intended use of such funds raised;

4.11. A report shall be prepared on the results of each fundraising activity and tabled at a SGB meeting, and this should be compared to the projection above;

4.12. A summary of all fundraising activities for the school shall be included in the annual report.

5. ROLE OF THE PRINCIPAL

The Principal shall, in terms of SASA (Chapter A 4.2(e) of PAM):

5.1. Assist the SGB with their functions in terms of SASA;
5.2. Assist with the publicity for fundraising events;

5.3. Support and guide expenditure in consultation with the SGB;

5.4. Assist the SGB in keeping proper record of school accounts;

5.5. Manage the budget;

5.6. Ensure controls are in place and operating for cash collection and disbursement;

5.7. Monitor compliance;

5.8. Act on any non-compliance detected or investigate if suspected.

6. GUIDANCE

In considering ideas for fundraising at XYZ Primary, the SGB has resolved that the following guidelines shall apply:

6.1. Fundraising Ideas

6.1.1. At the end of every year the Fundraising Committee will review the fundraising activities for the year to follow. This is to streamline and co-ordinate all fundraising, thereby avoiding overlapping of events. All fundraising requests are to be channelled through the Fundraising Committee who will determine timing and suitability of the appeal.

6.1.2. In any scheme, the best interests of the school shall be promoted and its development shall be encouraged.

6.1.3. No pyramid schemes or similar structures which use the XYZ Primary network to financially benefit individuals and XYZ Primary to the detriment of relationships shall be considered.

6.1.4. No idea which may engender disunity amongst the school community will be entertained.

6.1.5. Learner and all individuals’ participation in fundraising shall be voluntary, but encouraged.
6.1.6. Fundraisers which involve the selling of food items will be biased towards encouraging healthy living. Note that the tuck shop may be thought of as a fundraiser.

6.1.7. All fundraising activities must comply with all national and local laws and regulations.

6.1.8. Ideas which would receive income from outside the normal pool of funds (parents) will be given preference.

6.1.9. Ideas which educate learners to help inculcate positive values will be prioritised (recycling).

6.1.10. We will concentrate our efforts on a number of major fundraisers throughout the year.

6.1.11. The Fun Run (first term), International Food Fair (second term), Big Learn In (third term) and the Spring Fair (fourth term) generate substantial funds and for this reason they are our main fundraisers every year.

6.1.12. The FRC is to organise approximately one event per term.

6.1.13. In addition to the FRC, the Grade 7 classes raise funds for an end of the year gift to the school.

6.1.14. The following is a list of typical financial appeals received by the parent body every year. The amount of these requests reinforces our need to be mindful of any additional requests we place on the parent body:

6.1.14.1. Civvies day for charities

6.1.14.2. Music events

6.1.14.3. Grade camps

6.1.14.4. Class, individual and sporting photographs

6.1.14.5. Stationery orders

6.1.14.6. Tuck shop

6.1.14.7. Market Day
6.1.14.8. Cake sales and etc.

6.2. APPLICATION OF FUNDS

6.2.1. No one person or small minority shall benefit disproportionately from the funds applied.

6.2.2. Should an outside organization stand to benefit significantly from the fundraising activity, alternative quotes should be sought where feasible.

6.2.3. Not all fundraising will be for a specific project, but may go into a fund.

6.2.4. Fundraising activities will not be undertaken to support elective school trips that are not related to curriculum outcomes.

The SGB or Principal should thank donors, volunteers and participants on completion of the fundraiser.

SIGNED: ______________________(SGB CHAIRMAN) DATED: __________________