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How to cite this thesis
Delegation of authority by school principals: an Education Law perspective

by

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THESIS

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DEDICATION

This work is dedicated firstly to my late Grandfather MQADI Ka-NOZAZA Ka-MPONGWANE for upbringing me on principles nurtured on firmness and hard work. In life, I came to realize this valuable contribution

AND

secondly to my late mother PHILISIWE Ka-MQADI who was a source of inspiration in the pursuit of knowledge. May this work also become a source of inspiration to my children throughout their lifetime.
SINOPSIS

Die doel met hierdie navorsing was om die wetlike implikasies van 'n skoolhoof se gesagsdelegering aan sy ondergeskikte personeel na te vors. Hierdie navorsing het eerstens gepoog om die betekenis van onderwyswetgewing uit te lig en sodoende 'n teoretiese begroning daar te stel om die onderwerp binne 'n juridiese perspektief te kontekstualiseer.

Vanuit hierdie perspektief was dit moontlik om die delegering van gesag in skole empiries te benader. Die uitlegting van die wetlike aspekte met betrekking tot die onderwys het aangedui dat hedendaagse skoolbestuur binne 'n juridiese raamwerk moet geskied.

Die teoretiese raamwerk wat deur 'n literatuur ondersoek begrond was, het die volgende aspekte uitgesonder:

- die belangrikheid van onderwyswetgewing vir hedendaagse skoolbestuur (hoofstuk 2);
- die invloed van statutêre delegering op skoolbestuur (hoofstuk 3);
- die uitoefening van die skoolhoof se gemeenregtelike diskresionêre delegeringsmag (hoofstuk 4); en
- die vereistes waaraan wetlike delegering van gesag moet voeldoen (hoofstuk 5).

Die literatuurstudie wat in hierdie hoofstukke onderneem is, het gepoog om die kernaspekte van skoolhoofde se gesagsdelegering te ondersoek.

Die uitgangspunt van hierdie navorsing sentreer rondom die feit dat die skool as 'n soewereine sub-struktuur beskou word waarbinne die skoolhoof diskresionêre delegeringsmag moet uitoefen. Hierdie navorsing huldig die standpunt dat die skoolhoof hierdie delegeringsmag korrek moet uitoefen en aan die wetlike vereistes moet voldoen.

Ten einde sy volle potensiaal as leier te verwesenlik moet die skoolhoof ag slaan op delegering as 'n belangrike bestuurstaak. Die onderliggende filosofie van die onderwyswetgewing is ook belangrik ten einde hierdie potensiaal te verwerklik. As professionele leier het die skoolhoof uitgebreide diskresionêre bestuursmag wat hom in staat stel om skoolbeleid en beheer binne sy skool te bepaal.
Die wetlike uitgangspunt waaronder delegering verstaan moet word, is dat as gesag eers
gedelegeer is, daar 'n verbod geld wat deur die grondreël *delegatus delegare non potest*
bepaal word. Letterlik vertaal, beteken dit dat 'n afgevaardigde nie sy gesag kan delegeer nie.
Alhoewel hierdie reël nie sub-delegering as geheel verbied nie, verhoed dit 'n persoon aan wie
gesag gedelegeer is, om hierdie gesag onoordeelkundig te sub-deleger. Gesag kan ook slegs
gedelegeer word as dit uitdruklik of deur implikasie in die statuut gemagtig word. Op die
uiterste dien hierdie reël as 'n streng beperking op diskresionêre gesag in die opsig dat dit
verdere delegering verhoed, tenby dit uitdruklik of deur implikasie gemagtig word.

Binne die konteks van die skool beklee die skoolhoof 'n hoë mate van wetlike gesag wat deur
wetgewing of gemeenregtelike reëls aan hom toegeken word. Enige uitdaging van sy gesag as
skoolleier kan teengewerk word verwysing na die wetlike begronding van hierdie gesag. Die
skoolhoof kan vunselsprekend nie al die bestuursgesag persoonlik beharting wat deur sy
posisie vereis word nie, vandaar die nodigheid om dit aan sy opvoeders te delegeer. Wanneer
die skoolhoof sy diskresionêre mag van gesagsdelegering uitoefen, moet hy altyd ag slaan op
die feit dat die proses van delegering onder sekere wetlike beperkings onderhewig is. Dit sluit
in:

- die *delegatus delegare non potest* reël;
- die *ultra vires* leerstelling; en
- die gemeenregtelike reëls (soos *audi alteram partem*, redelikheid en regverdigheid) waar
die gesag om dissiplinêre aangeleenthede te hanteer, aan sub-komitees binne die skool
gedelegeer word.

Die doel van hierdie wetlike beperking is om parameters te verskaf vir die uitoefening van
diskressie tydens delegering. Hierdie wetlike beperkings plaas grense op die onbeheerde
uitoefening van gesagsdelegering. Wetlike beperkings is spesifiek daarop gerig om te breë
delegering te verhoed om sodoende die arbitrêre gebruik van onbeheersde gesagsdelegering te
voorkom.

Die vasstelling van wetsekerheid tydens die delegeringsproses in die onderwys, was die
hoofdoel met hierdie navorsing. Die algemene wetsbeginsels wat by delegering van
toepassing is, was ook ondersoek.
Benewens die literatuurstudie wat in Kanada en Suid-Afrika onderneem is, is 'n kwantitatiewe navorsingsmetode gebruik om die persepsie van skoolhoofde te peil met betrekking tot die mate waartoe hulle die delegerigstegniek in skoolbestuur gebruik. Die gebruik van kwalitatiewe navorsingstrategieë, soos waarneming en onderhoude met skoolhoofde in Kanada en KwaZulu-Natal, was ook nuttig ten einde insig te kry in die konteks waarbinne skoolhoofde werk en hoe hulle die delegeringstegniek in hulle bestuurstyle toepas. In hoofstuk ses word die navorsingsmetode en beplanning indringend bespreek. Hoofstuk sewe is aan die stel en analise van data in tabelvorm gewy. 'n Faktoranalise het drie bestuursvlakke geïdentifiseer waar gesagsdelegering vir doeltreffende bestuur benodig word naamlik:

- doeltreffende skoolbestuur;
- doeltreffende skooldiszipline; en
- doeltreffende finansiële bestuur van skole.

Bevindings het met die literatuurstudie en data-analise ooreengestem. Die bevindings het ook die betekenisvolheid van wetlike vereistes in onderwysbestuur aangedui.

Dit blyk dat die belangrikste bevinding was dat skoolhoofde, in die hedendaagse vervolgsieke samelewing, deeglik daarvan bewus moet wees dat elke bestuurstaak wat hulle uitvoer, die potensiaal van 'n moontlike regsgeding inhou.

Die bevindings van hierdie navorsing kan met vrug deur skoolhoofde gebruik word ten einde doeltreffende bestuur binne die parameters van die onderwyswetgewing te bevorder. Hopelik sal dit as aanmoediging dien vir skoolhoofde om die delegeringstegniek met meer selfvertroue binne die wetlike raamwerk te kan gebruik. Die vraelys kan moontlik ook as 'n instrument gebruik word om skoolbestuur in die algemeen te bevorder.
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CHAPTER ONE
DELEGATION OF AUTHORITY IN A SCHOOL SITUATION
AND ITS LEGAL NATURE

1.1 ORIENTATION

This research departs from the premise that within the school, the principal as a professional leader, is vested with some kind of authority which he exercises in order to ensure effective and efficient management of his school. He is the central authoritative body and the pivot on which management powers and their delegation hinge. He derives this apparent authoritative legal status from his position as a principal and professional leader of a school (Bray, 1988:44).

Placed in this situation, the principal is called upon to utilize a wide range of competencies in carrying out his job and delegation is one of the most important management techniques he must rely on, if he wants to be successful. However, delegation of authority does require consideration of some legal implications such as the legal limitation that certain tasks delegated by law cannot be further delegated.

Schools, like other organizations, are legally established organizations set up to serve specific functions, and like all organizations, they need to be administered and properly managed. Invariably, within the school final authority over most aspects of schooling rests with the school principal. Engelking (in Hostrop, 1990:200) argues that “the principal of a successful high school is an initiator, one who displays creativity and vision in decision-making, one who is able to delegate responsibility as appropriate and analyzes information relative to school problems”.

Delegation is one of the principal’s management tasks. It is carried out by entrusting duties to others who are subordinates and involves dividing work meaningfully and ensuring its effective execution by selecting people who are responsible for the results and can achieve the objectives (Van der Westhuizen, 1991:172).

The word ‘he’ in this research does not denote gender distinction but will be used to mean either a male or a female principal.
Delegation of tasks by the principal takes place on a daily basis. It involves delegating authority to deputies, heads of departments and other staff members. The principal has a wide range of discretionary powers to decide how, when and to whom he may delegate his authority. He is naturally vested with a high degree of authority (Bush, 1989:24). It is, therefore more than important for the school principal to delegate authority if he wants to be successful. This view is also echoed in the following remarks made by one principal as quoted by Steyn and Squelch (1997:4) that “it is imperative that the principal must understand that he cannot successfully address every single issue in the school and it is important that he delegates” and that this is the only way in which subordinate educators could be empowered and participate in shared decision-making.

It is, therefore more than important for the school principal to understand the legal nature of delegation. Shoop and Dunklee (1992:14) rightly argue that, “in today’s litigious society, principals are wise to consider every management situation as a source of potential litigation”. Arguing along the same lines, Alston and Van Staden (1999:1) argue that one would be surprised to know that many school principals in South Africa do not know how many school related cases have reached the courts, cases which have established important legal principles which are relevant in 1999. It is, however submitted that school principals cannot be familiar with each and every individual court case relevant to their management of schools but it has since become important for management to become aware of the fundamental legal principles established. It is therefore essential that every principal should be able to conduct school management and administration in such a way that legal defence will not be needed.

Assessing the legality of the principal’s action is, however, not a simple task because as Squelch (1999:2) correctly puts it “nowadays, school governors, including principals and teachers, find themselves operating in a very different legal context, which demands far greater responsibility and accountability”. Bray’s opinion (1988:42) is that for effective school management and administration, it is of the utmost importance for the principal to delegate authority and for him to cultivate a sense of legal consciousness.
Given these arguments about the legal nature of delegation and authority, it is difficult to imagine any reasonable application of management competencies in a school situation which do not have some legal implications. Literature posits that the ability to understand the complex area of school management is vital for principals in order to be successful in managing their schools (Shoop & Dunklee, 1992:13; Oosthuizen, 1994:111 and Bray, 1988:42).

Now that the orientation of the research has been given, it is necessary to describe the background and rationale for the research.

1.2 RATIONALE AND BACKGROUND TO THE RESEARCH

1.2.1 Circumstances that gave rise to the research

The researcher, after having acquired a legal qualification, found himself enriched by the study of law, which helped him as a school principal to conduct management acts within the legal framework. The study of law enabled the researcher to develop a balanced outlook and judgement in understanding that a principal's acts could have some legal implications. With this legal background, the researcher was able to adopt a broader vision and perception of things when dealing with all management issues having legal implications.

Many times, the researcher felt perturbed that his fellow principals, who lacked a legal background, became targets of litigation or victims of disciplinary action by superior education officials just because of their ignorance of law. They were often placed in these situations because they were guilty of the fundamental principle of law, which says, "ignorance of law is no excuse". Therefore, the researcher felt a strong desire to assist his fellow principals in understanding the legal dynamics involved in school management. This, it was felt, could be best achieved through a research of this nature. Delegation, as one management task of the principal was therefore, chosen as a defined research topic.
Many of the school principal’s management actions are potentially loaded with legal implications. As an example, in delegating authority in respect of disciplinary issues, the principal needs to be mindful of implications of failing to adhere to the principles of due process. Quite often, the task of handling cases of this nature is delegated to the deputy principal or a body such as the Disciplinary Committee. It is important for the principal to understand that he alone can be held liable and accountable if a learner is suspended without a prior hearing which is a requirement of due process. In today’s litigious society such an action is arguably, a violation of the right to fundamental justice under the Bill of Rights.

1.2.2 Perceived need for school principals to have some legal background for understanding complex educational issues

Principals have an important role in managing schools and as they become involved in the growing complexity of school administration, many problems present themselves. In the face of these complex responsibilities, principals sometimes feel that their capacities are taxed to the limit. Confirming this scenario, Alston and Van Staden (1999:3) contend that “the role of the principal today, with the governing body, is not one to be envied”. School management is living in a minefield, often ignorant of the explosions waiting to happen. Given such complexity and diversity of school management school principals are, understandably, likely to err in exercising their discretionary powers of delegating authority to subordinate staff.

The fact that the school principal needs some legal background to be able to cope with these issues in education cannot be over-emphasized. The principal soon discovers that nothing is really constant and the search for firm ground upon which to stand in order to make decisions is difficult.

As suggested above, it sometimes happens that principals delegate authority to subordinate staff without taking into cognisance the fact that there are legal implications inherent in such an action. One of the factors contributing to faulty decisions is that the legal material pertaining to school management which is vital in assisting the principal, is not available to him. It is a common occurrence that there is
The researcher undertook informal interviews and visits to several schools as a way of establishing the need for such research. Some of those, with whom the researcher interacted, seemed to have no information at all about the legal documents which are relevant to education. Merely being in possession of such material would, however, not necessarily mean that all principals are experts in understanding the legal implications. It would however, assist school principals to operate within the legal framework.

One would not expect a school principal to consult a lawyer every time a professional decision needs to be made, yet, to carry a point to the extreme and to be on the safe side, the principal would need to do so unless he had a working knowledge of school law. Thus, it is felt that the need for school principals to have some understanding of law is very clear. This view is reinforced by Imber and Van Geel (1993:1) who argue that principals perform their duties within a network of law and it is the law that empowers and constrains.

As our educational system changes, there is no doubt that for those working in the field of education or having an interest in it, knowledge about the increasingly complex legal issues, will become significantly crucial. All those involved in education, whether as educators, educators in training or policy-makers will need to be exposed to the field of education law because of the increasing complexities of education. This is well captured in the argument of Harris (1990:5) who argues quite correctly that, “for those working in the field of education, or otherwise having an interest in it, knowledge of the increasing complex legal framework is becoming supremely important”.

Arguing along the same lines, Cane (1986:43) maintains that:

“Judges are experts in the law but not always in the subject matter of the disputes which come before them hence in education it is possible for educators to develop a greater expertise relative to educational matters and difficulties of the job, than would be possible for most judges to acquire”.

It is the writer's contention that, faced with litigation and disciplinary action, some school principals find themselves being ambivalent, apprehensive and unsure of the legal implications of their management actions owing to the limited knowledge of law. In response to this state of affairs the researcher was prompted to undertake this research. The understanding of legal issues involved in education is important in that they can reflect on a variety of management or administrative principles. It is therefore, a submission in this research that a conceptual understanding of the legal nature of delegation in particular, would sensitize school principals to the legal implications involved in their daily school management decisions.

The rationale and background to the research has been laid. It is now appropriate to examine the research problem.

1.3 PROBLEM AND ITS SETTING

1.3.1 Problem identification

This research proceeds from the assumption that some school principals do not realize that they may become entangled in legal disputes over minor tasks which they might have delegated incorrectly to subordinates. The complex and highly demanding job of the school principal sometimes causes the principal to delegate unconsciously some of his decision-making powers or sometimes delegate duties in instances in which the power to do so is either expressly or implicitly prohibited by statute.

This research therefore, intends to examine both the statutory power and common law discretionary power of the principal to delegate within the school as a sub structure. This view assumes that, principals as heads of schools, possess wide discretionary powers of managing their schools. The principal has to delegate because he cannot personally undertake all duties in detail, hence his authority is devolved upon his subordinates through delegation.
It is therefore, important that principals are sensitized into understanding that in their roles as school principals, they need to understand fully their actual authority to delegate and at the same time distinguish between delegation which is either in terms of statutory or common-law principles.

Central to the discourse of this research is, for instance the legal rule known as *delegatus delegare non potest* which means that a person with delegated authority may not further delegate it unless authorized expressly or implicitly. This rule imposes certain legal restraints on both statutory delegation and common law discretionary delegation. Understanding of these legal restraints is important. Oosthuizen (1994: 112) issues a warning that where legal principles are involved in school management it is wise to observe them because “many an educational manager has disregarded these legal restraints in the past and has consequently been found guilty in court and suffered disciplinary actions of transgressions resulting from irregular (and unwise) decisions”.

The legal premise from which to conceptualize delegation is that, once authority has been delegated, there is a prohibition expressed through the maxim *delegatus delegare non potest*. Literally translated, this means that: “a delegate cannot delegate his authority”. This rule does not, however, impose an absolute ban on sub-delegation but it prevents a person with a delegated authority from sub-delegating authority indiscriminately. Debate about the application of this legal rule against delegation has generated many arguments by a number of writers such as Van Wyk (1983); Baxter (1984); Wiechers (1985) and Cane (1986). However, they all agree that this rule against delegation is apparently designed to provide checks and limits in the exercise of discretion by a person having delegated authority. It imposes a limitation on the unguided exercise of delegated authority. The aim of this rule is to restrain too broad a delegation in order to prevent the arbitrary use of uncontrolled authority by subordinates. Justice Corbett held in *Catholics Bishops Publishing Co v State President 1990(1) SA 849*, that it is true that in general, the repository of delegated power may not, in the absence of authorization in the empowering statute, sub-delegate his power to someone else.
Bailey, Jones & Mowbray (1992:268) see this principle as only requiring that the ultimate power of deciding as to whether and how a discretionary power is to be exercised, should be retained by the designated person/body. This rule against delegation should, therefore, be seen as important in so far as imposes limitation on unguided exercise of delegated authority.

Under common law, the principal alone acquires authority and jurisdiction to take charge and conduct school management activities. Where the legislation specifically authorizes sub-delegation, this becomes statutory prohibition and obviously has the effect of ousting the application of the maxim altogether and no question of *ultra vires* (that is, acting beyond powers given) arises because the legislation has permitted sub-delegation (Baxter, 1984:436).

A similar balanced view emerges from a careful examination of the delegation principle by the respected writer, Wiechers (1985:51) who sees this legal rule as important in that it ensures that authority is conferred on a particular person to perform a function so that he can use his special knowledge or expertise. Re-enforcing the view that the *delegatus* rule is not absolute but merely prevents arbitrary use of power. Baxter (1984:434) an expert on administrative law cites a very important argument raised in *Attorney-General OFS v Cyril Anderson Investments (Pty) Ltd* 1965 (4) SA 628 (A) 639 that goes as follows:

"The maxim *delegatus delegare non potest* is based upon the assumption that, where the legislature has delegated powers and functions to a subordinate authority it intended that authority itself to exercise those powers and to perform those functions, and not to delegate them to someone else, and that the power delegated does not therefore include the power to delegate. It is not every delegation of delegated powers that is hit by the maxim, but only such delegations as are not, either expressly or by necessary implication, authorized by delegated powers".

Another premise is that the delegate may be authorized to exercise discretion in each situation he controls or enact subordinate legislation to govern the way of operation necessary (Wiechers, 1985:51). It is this discretionary common-law delegated authority vested in the principal which gives him the free choice to regulate the management of
the school. This principal's discretionary authority implies that he is, in the first instance, the original delegate and that his source of authority is discretionary in nature.

According to Pretorius (1989:241) the school should be seen as a social structure which is relatively autonomous or sovereign in its own right. The judicial implication thereof is that the principal, as the leader of the structure, commands primary common-law discretionary authority that allows him to formulate his own internal policy. The principal's original discretionary authority is pertinent when he plans, organizes, leads and controls didactic and related issues in the school. It is expressly evident when he himself decides how the workload will be spread amongst the educators, where the periods for specific subjects will be slotted in and when the breaks will be. In exercising his discretionary powers, delegation becomes inevitable.

1.3.2 Statement of the problem

The problem to be investigated in this research is the legal position when the principal delegates authority to his subordinates. Within the school the principal receives authority through either a substantial body of statutory or common-law rules which are linked with his role as head of the school which empowers him to cause others to do certain things. The school principal commands delegated statutory authority when the power of authority is awarded specifically to him in terms of specific acts, regulation or rules.

However when he provides leadership by virtue of his professional status which involves planning, organizing, leading, controlling didactic and other related issues in the school, he commands common-law delegated authority. Given this argument, the school principal's delegated authority must therefore be exercised within such legal framework, that is, either through statutory or common law delegation. Therefore, the major problem addressed in this research concerns the legal nature of delegation as a management task.
In delineating and examining this legal nature of delegation within the school, the following three questions will be raised:

• What becomes the legal position when there is statutory delegation of authority?
• What is the legal position with common law delegation of discretionary powers by the school principal?
• Lastly, what are the essential legal requirements for valid delegation of authority within the school?

It is felt that when these questions are answered, this research will have succeeded in establishing the legal position when the principal delegates authority within the school as a sub-structure. It will, for example, assist in interpreting the given statutory and common law position for ensuring that school management takes place within the legal framework thus maximizing effectiveness and efficiency in school management. Establishing the legal position is the chief area of concern of this research whereas examining the legal implications of delegation in schools is the defined research topic.

According to Oosthuizen (1994:26):

“legal certainty is a fundamental principle of law and of the law of education in particular and it requires that the legal rules be formulated in such a manner that those who are subject to them, know exactly what their rights and obligations are”.

He (ibid) is, therefore convinced that school principals can benefit from careful consideration of legal issues and it is appropriate that this consideration takes place within the framework of educational purposes.

What this research hopes to achieve through the examination of the legal principles involved in delegation, is to demonstrate quite cogently the law’s impact on educational management.

Having demarcated the research problem, it is now necessary to state the objectives and aims of the research.
1.4 OBJECTIVES AND AIMS OF THE RESEARCH

The general objective of this research is to examine the legal implications of delegating authority in schools by principals. In order to realize this general aim, the following serve as specific aims:

• to provide a theoretical base for education law with a view to increase the understanding of this relatively new discipline thus contextualizing the term “delegation” in its proper legal perspective;
• to examine and analyze the legal position regarding statutory prohibitions when principals delegate authority in schools;
• to examine and analyze the legal position regarding the common law discretionary delegation in schools; and
• to identify and discuss the legal requirements which are essential for valid delegation in a school situation and the legal framework within which the principal and subordinate staff have to operate in order to improve effectiveness and efficiency in school management.

Having outlined the general objective and specific aims of this research, it is necessary now to state the assumptions of the research.

1.5 THE ASSUMPTIONS OF THE RESEARCH

The assumptions of this research, based on statement analysis, are the following:

• that school principals, in their day-to-day managerial and administrative duties, sometimes find themselves having to delegate tasks without being conscious or even understanding the legal implications of delegating authority; and
• that, once school principals gain understanding of the legal principle involved in the delegation of authority, there should be fewer litigation cases or disciplinary charges laid against them.
The above assumptions highlight a very fundamental point about the need to sensitize school principals first and thereafter all other role-players involved in school bureaucracy about the significance of understanding legal principles applicable to education. In support of this view, Mackay (1984:11) argues that there is need for school principals to approach educational issues with a legal mind, that is, being able to apply legal principles in their performance of duties because "the injection of legal considerations into educational decision-making can be a catalyst for positive reform".

The assumptions have been presented. The discussion of research and methodology will now follow.

1.6 RESEARCH DESIGN AND METHODOLOGY

In research of this nature an analytical approach had to be used to develop a conceptual framework. This framework was aimed at illuminating the legal basis on which the delegation of authority in schools takes place within the ambit of educational law. This was be done through survey of the literature and an empirical research (that is, questionnaires and unstructured interviews).

1.6.1 Review of the literature

A survey of the existing body of knowledge on this topic was conducted by firstly researching literature on the development of law of education as a new field of research. Accepting that this is a relatively new discipline in South Africa, the researcher made an effort to consult literature of at least one of the countries where law of education is considered as being well developed and coordinated. Canada was chosen for this purpose. A research grant was given to the researcher by the Human Resource Research Council (presently known as the National Research Foundation) to visit Canada for purposes of gathering information and consulting other relevant sources to fill the gap in the existing literature in South Africa. This research was done in a comparative manner to provide a theoretical base for contextualizing delegation of authority in the school from a legal perspective.
As the topic relates specifically to the South African situation, it became inevitable that on his return, the researcher had to conduct extensive literature survey on every possible source related to education law. An extensive research was made of secondary literature sources, comprising mostly books, journals, relevant education statutes, regulations, policy guidelines, case law and common-law rule documents.

1.6.2 Design of the research

The data for this research was collected in KwaZulu-Natal through questionnaires and interviews which were designed to yield both quantitative and qualitative information. The population targeted for participation in this research comprised of school principals in the KwaZulu-Natal Department of Education.

1.6.2.1 Questionnaire design

This design took the following format:

- firstly, the research variables based on a literature research were identified;
- the target population (school principals) was identified by using stratified random sampling (strata being primary/secondary school levels). This stratified sample was designed to ensure participation from school principals in all levels of schooling. Delegation becomes inevitable at all levels, that is, be it a primary or secondary school;
- a sampling frame was identified by targeting school principals representative of all former education departments, that is, KwaZulu Department of Education and Culture (KDEC); Natal Education Department (NED); House of Delegates (HOD); Department of Education and Training (DET) and the House of Representatives (HOR). The list of schools was obtained through the database of the Department of Education;
- a questionnaire was constructed and pre-tested with principals of a few schools who were not going to form part of the actual targeted population. This was done with a view of revising and improving the questionnaire; and
• data was collected through self-administered questionnaires and the researcher was also assisted by Superintendents of Education Management as contact persons.

1.6.2.2 Unstructured interviews

The nature of the topic warranted that some form of on the spot and personal interaction should take place in order to identify some of the key issues in school management. Fraenkel and Wallen (1990:168) contend that interviews are appropriate when the researcher seeks to elicit the respondent's beliefs, attitudes, values, knowledge or any other subjective orientation. These interviews took this format:

• personal visits were made to principals of at least five schools per region. These visits offered an opportunity for the researcher to introduce and explain the purpose of the research more thoroughly to the participants;
• prior to the visit, a phone call was made to prospective interviewees requesting an interview where it was possible, to explain the nature of the research; and
• the interviewees were selected on the basis of having been practise principals for at least five years.

The rationale behind the methods used as well as the analysis of the course of the research is described in greater detail in chapter six.

Following hereafter is the demarcation of the research.

1.7 DEMARCATION OF THE FIELD OF RESEARCH

Delegation takes place at various levels or contexts within any organizational structure. In the sphere of education, the Minister of Education may, for instance, delegate his power (in most cases he does this) to the Head of the Education Department who in turn is empowered to delegate his authority right through other officials until it reaches the school principal. This is, for example, clearly provided for in Section 62 of the South African Schools Act 84 of 1996 as well as in Section 71 of the KwaZulu-Natal Education Schools Act 3 of 1996. Within the school as a sub-structure, this line of
delegation starts from the principal as the highest official. He uses his discretionary powers to delegate his authority to other subordinate members of staff.

In this research, the delineation of the principle of delegation will focus on the latter context, that is, on the principal-educator relationship. The "educator", in this context refers to everyone in the line of function, namely, the deputy principal, heads of department and the educators in the classrooms. The focus is on this relationship because educators are the main actors within a school. Since the primary source of educational management is to expedite desirable learning, the role of the educator is central and everything else is contributory.

For purposes of achieving an in-depth analysis of how delegation applies within a school, the principal-educator relationship becomes the area of focus, because educators are more directly involved in the organizational aspects of the school than the other support staff.

Having demarcated the field of research, it is appropriate to define its limitations.

1.8 LIMITATIONS OF THE RESEARCH

The following could be regarded as limitations in this particular research project:

- that this research is confined to the principal-educator relationship within the school. It is a limitation in that this research ignores all others who participate in the social drama of schooling, namely the secretaries, caretakers and others. It is important to recognize all these role-players as constituting an important part in the micro-politics of school life and the principal does delegate some tasks and duties to these people. For economy of scale, however, these people were not considered;

- another limitation is the very fact that it is related to law. Although an attempt was made to avoid the legal jargon in the questionnaire, there were instances where a question was left unanswered because of the use of legal terminology which could
not be avoided such as delegatus delegare non potest. Failure to understand legal terminology by some respondents was, to some extent, a limitation on its own;

- only principals from the public school system participated in this research. The principals of the independent school systems did not form part of the sample. This was done in order to focus and control the variables of the public school system to which most of the education acts and regulations apply; and
- this research investigates issues in education law which is a relatively new field of research in South Africa. As a result of the limited literature on this field, the researcher had to use some literature extending ten years back to 1985. This period was calculated from 1995 which was the year when this research commenced. It is a limitation in that the writer did not have a wide choice of recent literature within the South African context. Reference to books of two distinguished scholars on education law and administrative law respectively, became unavoidable. The first, is professor J.G. van Wyk who wrote the first book on Education Law in 1983 and the latter is professor L. Baxter whose book written in 1984 still remains the only comprehensive source of Administrative Law covering delegation.

The limitations of the research have been highlighted and it is now necessary that the concepts used in this research be elucidated.

1.9 ELUCIDATION OF CERTAIN CONCEPTS

Owing to the legal nature of the topic, it is necessary to provide definitions of some key terms and concepts used throughout the research. Whilst they may have different meanings in other contexts, the researcher’s intended meaning of each is described below.

1.9.1 Delegation

In the school context, delegation refers to the assignment of a duty or power of action to a subordinate staff member. Van der Westhuizen (1991:178) defines delegation as a management task in which the person who delegates instructs his subordinate with the necessary authority and responsibility to complete a task within a framework of
predetermined goals. Not only the task, but the responsibility for its successful execution is delegated to a subordinate. The final responsibility, however, remains with the delegator.

1.9.2 Discretion

This concept refers to the exercise of powers delegated by legislation or common-law to individuals. Black's Law Dictionary (1990:73) defines discretion as “a power or right, conferred upon subordinates by law, of acting officially in certain circumstances, according to the dictates of their own judgement and conscience, uncontrolled by the judgement or conscience of others”. It implies power to make a choice between alternative courses of action. According to Gallligan (1986:8) to have discretion, is to have a sphere of autonomy within which to make one’s decision based on judgement.

1.9.3 Principal or headmaster

These words will be used interchangeably to refer to the head of a school.

1.9.4 Delegatus delegare non potest

This Latin maxim which literally means “a delegated power cannot be further delegated” unless it is expressly implied or authorized. It is intended to ensure that where a function has been entrusted by a statue to a person/body, the function should be performed by that person/body and should not be further delegated to someone else unless authorized. According to Bailey et al. (1992:267) this theory assumes that the legislature has delegated power to a specific person/body and that a delegate/body does not himself/itself have the power to further delegate such power.

1.9.5 Ultra vires

This Latin term means beyond the powers or beyond the scope meaning that a person having power should not misuse it by acting beyond the powers given. According to Nice (1986:33) it is unlawful to attempt to do or to do an act for which it has no power.
When the holder of authority exceed the powers given, he would have acted *ultra vires*. Cane (1986:230) is adamant that this doctrine, in the form of the rule against delegation, renders the decision of the supposed delegate illegal and not binding on the principal body.

1.9.6 Delegate

It refers to one who delegates authority using his position of superiority. By virtue of the power residing in this person, he has the capacity to cause and influence others to perform certain tasks (Massie & Douglas, 1992: 398).

1.9.7 Delegatee

It refers to the subordinate who one to whom authority is delegated by a supervisor. Knight (1995:1) sees delegation as a means of transferring to someone the necessary responsibility and authority to perform a particular task.

1.9.8 Power and authority

These words have conflicting and sometimes contradictory meanings injected into them by some writers. In educational discussions, however they are sometimes used as synonym. There is no sharp demarcation that actually exists between these two terms. They are inextricably interwoven. Although it is true that these terms have some common elements of meanings, a distinction might be helpful.

**Power:** This term has a general and comprehensive meaning which refers to the ability to get others to do what you want them to do. Power emanates mainly from legislation or regulations, which enable the holder to cause others to do certain things.

**Authority:** It emanates from power. It is in itself a kind of legitimate power that is inherent in the position or rank. Nelson (1988:18) defines authority in more terms when he says “authority is the influence derived from a title, rank or privilege. This influence gives the person the right to act or to tell another person to do something”.
For purpose of this research these terms will be used interchangeably

1.9.9 Responsibility

Responsibility consists of an obligation to undertake a specific duty or task within the organization. Authority assigned carries with it responsibility. This entails that the subordinate staff member has an obligation to undertake a specific duty or task within the school and he is expected to perform it. When the deputy principal is, for example, made responsible for getting the composite timetable ready by the first week of the school year opening, he has to see to it that this task is done. He is given authority to draw it up and is expected to do so. Here authority and responsibility (that is, making certain that it is done) have been delegated to him by the principal. It is, however, important to understand that the deputy principal has the immediate responsibility to draw up the timetable but the ultimate responsibility is for the principal to ensure that there is a timetable for his school so that effective teaching and learning can take place.

1.9.10 Accountability

Accountability implies having an answerable relationship. It involves someone being called upon to give an account, sometimes mandatorily but always with clear and special responsibility. It involves reporting to someone with the authority and being able to give reasons for having acted in a certain manner. It is the obligation to account for work performed by somebody having authority and the final responsibility for the execution of the tasks. According to Knight (1995:3) delegation allows for responsibility to be transferred to a subordinate but accountability is not transferable because as the manager you have to answer for everything that happens in the organization for which you are in charge and in this you become accountable.

1.9.11 Liability

Liability means being legally bound by an action performed. Liability entails that a person, who wrongfully and through his own fault, causes damages to another, should
be prosecuted. As an example, if the principal delegates authority of supervising learners during a school outing to the educator and that particular educator fails to perform his duty properly thus leading to a lawsuit, the principal as head of the school becomes liable despite the fact that it was the educator who had been negligent. It has, according to Baxter (1984:624) been thought desirable, for instance, to hold employers liable for the negligence of their employees committed whilst acting within the scope of their duties, even though the employer was not himself at fault.

1.9.12 Statutory law

It is the law that is written down. It takes the form of Acts of Parliament, like the Education Act. Sometimes a statute may give power to a person (for example a Minister) or a body (for example, a Governing Body) to make regulations and rules. These need not appear in the Act itself but may be published in the Government Gazette, circulars, memos and other government newspapers. Within a school situation, these may take the form of rules and policies made by the principal.

1.9.13 Common law

Common law refers to what would be acceptable legal practices or customs. Common law is essentially the accumulation of judicial rulings over time. It refers to customs, doctrines, usages found in court opinions. This law usually develops from rules and decisions made by judges in court and written down in their judgement. Where there is no law or rule which covers the facts of the case, then the judges must make a decision based on their own opinion. A court sometimes needs to decide a given question when either there is no statutory law controlling the given situation or the proper interpretation of a relevant statute is unclear. In such cases, a judgement will spring from a human decision with roots deep in the beliefs of the judge himself. The principal source upon which judges reach decisions is based on past judicial opinion.

Referring specifically to the South African situation, Robertson (1991:215) contends that common law is “that part of South African law which had its origins in the Roman-Dutch law and, to some extent, English law; it is regarded as unwritten (as
opposed to statute law) and is different from African customary law, the origins of which pre-dated white colonization.

The important feature of common law is that it guarantees and upholds principles of justice. There is, for example, a set of common law procedural rules known collectively as the rules of natural justice which are generally thought to be necessary to guarantee justice. Baxter (1984:571) argues that there is, an implied duty to observe the principles of natural justice because, “like all presumptions of statutory intention, the presumption that natural justice is applicable has independent weight deriving from common law in which the principles were first developed”. The application of these rules has been demonstrated and made clearer by the numerous reported decisions of the South African courts. The most common being those related to the observance of the audi alteram partem rule which requires that the other party be given an opportunity to give his side. According Oosthuizen (1994:70) when, for example a pupil is suspended or expelled, it is mostly the common-law rules of natural justice which are of particular interest. One relevant case is Mathlale and another v Secretary for Education, Gazankulu and another 1986(4) SA 427. In S v Meeuwis, 1970(4) SA 532 (T) and S v Lekgathe, 1982(3) SA 109, the Court ruled that where the school principal, in exercising his delegated common law principle of loco parentis, had exceeded his bounds by inflicting corporal punishment in an arbitrary, excessive and capricious manner, he had acted ultra vires thus violating this important principle.

The analysis of data now follows after having given definitions of terms.

1.10 ANALYSIS OF THE DATA

Data obtained from the questionnaires and interviews were summarized and analyzed respectively. On the basis of this analysis, the researcher was able to interpret the results and reached the findings and recommendations set-up in chapter eight.

1.11 ORGANISATION OF THE RESEARCH

The research is divided into eight chapters.
CHAPTER ONE
It serves as an introduction to the research. It orientates the reader and sets out the purpose of the research, which includes the statement of the problem, assumptions, specific objectives, research design and methodology.

CHAPTER TWO
This chapter gives a more generalized background to the law of education in order to contextualize the topic and render it more researchable. Since law of education is a relatively new field in South Africa, this chapter intends to give an overview on the development of law of education as a field and its significance in or impact on education, but particularly on school management. In this way it will form a theoretical base from which to examine the problem of the research. After this brief overview, a comparative analysis is developed of certain educational-legal aspects of the South African school system and the Canadian school system. It is not an exhaustive, critical comparison of all the aspects of education but only those bearing similarities and which are fundamental to the educational system.

CHAPTER THREE
It examines the statutory delegated authority of the school principal.

CHAPTER FOUR
It examines the primary common-law delegated authority of the school principal.

CHAPTER FIVE
It identifies and analyzes the legal requirements that are essential for valid delegation.

CHAPTER SIX
This chapter discusses research design and methodology.

CHAPTER SEVEN
The data collected is presented and analyzed in this chapter.

CHAPTER EIGHT
This chapter summarizes the research, lists the findings and possible recommendations.
The Eight Education Regions of KwaZulu-Natal, indicating the number of districts and circuits within each Region

Total Regions: 8
Total Districts: 43
Total Circuits: 201

Figure 1: Map showing the Regions of the KwaZulu-Natal Department of Education
CHAPTER TWO

HISTORICAL EVOLUTION OF EDUCATION LAW AND ITS IMPACT ON SCHOOL MANAGEMENT

2.1 INTRODUCTION

In order to set the framework for a contextual analysis for the legal fibre of delegation, it became necessary to trace the evolution or development of education law because this is a reasonably new developed field of research in the South African context. Although this chapter covers a generalized background to the law, it formed the basis upon which to assess the principal’s operation within the legal framework as he manages his school. Furthermore, the discussion in this chapter assisted to underline the necessity for all education practitioners to appreciate that legal principles apply equally to their daily operations in places of work. In this chapter, a brief examination of the literature on law of education has been undertaken with specific emphasis on the Canadian approach to law of education. Canada was chosen because it is one country where educational law is well developed.

The legal implications of the act of delegating authority by school principals cannot be well understood without reference to the mutuality which exists between education and law. The principle of delegatus delegare non potest belongs to law, yet it also applies to education. Invariably, law touches many aspects of education, hence school principals must have a general appreciation of the larger framework of educational law. The Dworkian tenet (Beckmann, 1997:22) purports that “we live in and by the law we live”. This seems an apt way of summarizing two major functions of a legal framework, that is, it enables and that it limits or describes or defines. Oosthuizen (1998:15) sees education law functioning as a discipline which has many points of contact with a variety of disciplines within educational law. This view finds strong support from writers such as Proudfoot and Hutchings (1988:8) who argue that “the law affects everyone’s daily life by prescribing certain rights, duties, obligations and parameters of acceptable behaviour in a variety of contexts”. They continue to argue that everyone within school, from the principal down to the learner, has high a potential for involvement in the legal process for a number of reasons. The
professional lives of all within a school are governed by a host of statutes which include school acts, regulations pursuant to these acts and numerous rules. These statutes presuppose that the manner and scope of delegation is itself controlled by law, hence the legality of an educational decision is often measured by legal standards of the proper and improper delegation of authority.

Delegation of authority as one of the principal’s management acts is exercised within legal parameters. The school principal must therefore be protected from the danger of falling victim to damaging legal battles. Ubben and Hughes (1997:78) correctly argue that:

“understanding the laws governing the operation of schools, is important not just in order to stay out of court but also and perhaps more importantly, provide the kind of orderly, productive and humane school basis to the continuation of a democratic society”

Discussion on the evolution of education law, and its present influence on the manner in which education practitioners conduct their work, are the major tenets of this chapter. In particular, the discussion is aimed at verifying that educational law also provides, inter alia, a broad legal framework for school management and helps to invoke the relevant legal principles in the resolution of problems.

2.2 SIGNIFICANCE OF EDUCATION LAW

According to Van Wyk (1983:15) education law is not yet a developed field in South Africa whereas in other Western countries such as Canada, United States of America, England, the Netherlands, Belgium and West Germany, the law of education has received considerable attention at teacher training. In support of this view, Burns and Kagan (1985:1) argue that their motivation to write a guide on South African law of education had been prompted by concerned questions from educators, particularly trainee guidance educators. These teacher trainees were worried about their vulnerability in legal knowledge when offering advice on sensitive educational issues.
Burns and Kagan (ibid) continue to argue that a search through a university library, queries to educator associations and discussions with Education Departments and experienced educators, had revealed that there was little guidance to offer educators on many matters where unwittingly they may fall foul of the law.

The need, therefore, to develop the law of education as a field in South Africa cannot be over-emphasized. The idea underlying the whole research is that education law needs to be given specific attention. It is intended to determine which legal principles and rules are justifiable or specific to education. Undoubtedly, law of education is intended to help educators through some of the many legal pitfalls which beset their path. In actual fact it is intended to acquaint educators with some of the legal fundamentals affecting their positions and that of their education profession. It is widely accepted that every profession or at least every occupational grouping regards itself as the custodian of a unique and valuable body of expertise and this is what gives a profession its essential identity (Ward and Salter, 1990:223).

The significance of the law of education is indeed, one other factor that prompted the researcher to undertake this research.

2.3 EDUCATION LAW DEFINED

The basic definition of education law is drawn substantially from the writings of Proudfoot and Hutchings (1988:14) who view education law not as a separate recognized branch of law, such as criminal law or constitutional law, but rather as a study which cuts across the boundaries and encompasses many different areas of law.

According to Oosthuizen (1998:4) law of education interprets the given statutory position to establish workable structures for educational management and educational administration. Defined more specifically, education law comprises all statutes, regulations, by-laws, policies, administrative decisions and court cases that are
intended to apply to operations of the school system. It includes all statutes, regulations, by-laws, policies, administrative decisions, case law and analysis by scholars of law. In summary, education law represents a collection of authoritative writings that apply to the operations of the school system.

Mackay and Sutherland (in Birch and Richter, 1990:172) specifically mention the Charter of Rights and Freedoms as establishing another new body of education law through adherence to fundamental principles and human rights, such as protecting the rights of learners and educators.

Much of the education law appears to be found in the realm of public law and administrative law, since one deals with relationships between governments and people on a matter that is of benefit to society as a whole. Other areas of education law are possibly also governed by private law, particularly in the field of negligence. Constitutional law is also involved in that all issues touching individual rights and in particular learner rights are taken care of in education. The Bill of Rights as entrenched in a country’s constitution has the strongest possible legal force in areas of maintaining learner discipline, which is one of the principal’s management tasks. Schools are, for example, given a high degree of latitude in the managing of learner behaviour. Learners do not give up their individual rights while they are at school, hence the need to consider the importance of protecting their rights within education law as a field.

Courts generally recognize the necessity of imposing discipline. In the context of today’s rights conscious society, however, school authorities need to balance the necessity of maintaining discipline with the rights of learners, such as the requirement for “due process” when trying cases. This understanding can be understood under a clearly defined field of education law.

Education law as a field should, therefore be perceived to be covering areas such as the following:

- the constitutional framework as dictated by rights of individuals associated with education;
• the legal structure of the entire education system; and
• the school bureaucracy and its management.

In this research these areas will be discussed and an attempt will be made to demonstrate that it could be located and synchronized within a field of what could be defined as education law. For school management in particular, it is also essential to show how the collection of authoritative legal principles apply in education and also how they impact on or influence the principal’s management task and in particular that of delegating authority within the school as a sub-structure.

In order to set the framework for the contextual analysis of the influence of law of education, it is, therefore, necessary to trace the link between these two fields of discipline.

2.4 EDUCATION AND NEXUS OF LAW

According to Mackay and Sutherland (in Birch and Richter, 1990:360) “a first step for educationalists as far as the education law nexus is concerned, is to recognize and appreciate its existence”. These sentiments call for acknowledgement that there is a link between education and law. In any society a body of laws exists which regulates and controls the lives of people in that society. Invariably, whenever people associate in groups, at school, work or anywhere in a nation, laws, rules and regulations are essential for maintaining social order (Dickinson, Lieper, Talos and Buckingham, 1996:28).

As people have divergent interests, conflicts are bound to arise and without rules to guide them, anarchy is bound to occur. This calls for stronger links between law and education in a sociological sense. Education is often viewed as a process of socialization of the learner and as the transmission of cultural views to future generations. The law is also a means of socialization. It is the embodiment of those fundamental values that are cherished in a society. Both law and education seek a similar goal, that is, a well-adjusted, contributing member of society. Hence education
should be viewed as a responsibility undertaken for the benefit of society as a whole, not just for the benefit of the individual learner (Proudfoot and Hutchings, 1988:11).

Similar sentiments were expressed by the US Supreme Court in the popular case **Brown v Board of Education**, when it ruled that education is the very foundation of good citizenship. It is a principal instrument in awakening the learner’s cultural values, in preparing him for later professional training and in helping him to adjust normally to his environment. It is the law that takes an active role in ensuring that this most important function is carried out in a satisfactory way. Laws and court cases are directed at this aim.

In exploring the relationship between law and education, Levin and Young (1994:100) point out that it is important to understand that legal issues arise through disagreement and conflict. Shoop and Dunklee (1992:3) are also adamant that laws are society’s attempts to ensure that there are consequences that ought to result if certain prohibited acts are committed, hence the function of law is to regulate human conduct in order to ensure a harmonious society.

In Oosthuizen’s view (1998:9), the law of education creates a clear framework for the role of those involved in education as professionals in that it interprets the given statutory position to establish workable structures for educational management and administration. It establishes and regulates the rights and obligations of all interested parties in an equitable manner. An apt summary of the function of law comes from Dickinson and Mackay (1989:31) who define law as “an instrument of society, a mechanism for resolving disputes; a way to protect our person, property and rights and a means to achieve order”.

Central to this discourse is, therefore, an acceptance of the fact that law has many points of contact with a variety of educational issues. This contact becomes inevitable because the areas of contact are identified, interpreted and synthesized in a legal order so as to create a secure educational training environment (Oosthuizen, 1998:9). Schools, like all other organizations, are essentially groups of people who co-operate to achieve the mutual objective of providing education and, as such, all stakeholders in
education are likely to have their power base embedded in legislation as would be the case in delegation of authority.

The very nature of the education profession, is to be responsible for the safety and the education of its nation’s children and to provide a tremendous potential for a variety of civil and criminal proceedings. Educators may be sued for negligence in supervision, which may result in their being liable for injury sustained by a learner or being charged with assault as a result of administering corporal punishment.

After this synopsis of the link between the education and law, it is now appropriate to discuss the emergence and significance of law of education.

2.5 THE EMERGENCE OF EDUCATION LAW AS A FIELD OF RESEARCH AND ITS SIGNIFICANCE

Education law is one of the newest disciplines in the field of education in South Africa. In countries like Canada, however, there has been a longstanding interest in questions related to school education and a considerable body of literature relating to schools has been produced. For instance, contemporary interest has been shown in such topics as learner discipline, educators’ rights, influence of the Charter of Rights and Freedoms on education. All form part of what the law of education is all about. It is, in general, a practical field in that it involves research, that is, its objective is directed toward understanding the problems of schools and assisting in the improvement of educational practice.

Oosthuizen (1998:3) expresses the view that the law of education is, as a new field, intended to acquaint educators and administrators with some of the legal fundamentals affecting their positions and that of the education profession in general. The environment of the modern day educator, and especially the educational manager, is an involved one. All parties involved with education, that is, educators, learners, administrators and others, are focused on the same objective of educational teaching hence their relationship should be regulated. School principals, naturally need a
thorough knowledge of the law that pertains to what they are doing so that they are not found wanting. It is widely accepted that every profession, or at least every occupational grouping, regards itself as the custodian of a unique and valuable body of expertise and this is what gives a profession its essential identity.

In developing the field of education law, legal scholars have made a tremendous contribution, for example framing constitutional arguments on educational questions. This is done on the basis of the Constitution being the supreme law prescribing rights of individuals. Any educational issue is in one way or another subjected to the provisions of the Constitution and must comply with them. Naturally, then, provisions of the Constitution dealing directly with education form the cornerstone of all education law. Closely allied to this belief is the fact raised by De Groof (1996 b:212) that education law can also spur on a reform process, establish a legitimate basis for a refurbished educational system and, from a broader point of view, provide a framework for lending support towards understanding the problems of schools and assisting in the improvement of educational practice.

Indeed, education law is not a static set of printed document, but a living and changing set of precepts that depend on the courts for interpretation (Shoop and Dunklee, 1992:3). Education law is influenced by changes such as changes in the statutes, values and public attitudes change. For instance, the arrival of the Canadian Charter of Rights and Freedoms in 1982 brought with it unprecedented fundamental changes to the educational system. The words of Dickinson and Mackay (1989:1) support this statement when they argue that “there is some agreement among academic and legal authorities in Canada that the Charter carries potential changes for education”.

Likewise, the Bill of Rights in South Africa as embodied in the Constitution has generated and will generate further profound changes in the education system and legal behaviour. Although education law is still a relatively new discipline in South Africa, many academics and practitioners, associated with SAELPA (South African Education Law and Policy Association) agree that there is rapid development of education law in South Africa and that a number of changes are now imminent in educational practices (De Groof, Legotlo, Malherbe and Potgieter, 1999:7).
The ever-increasing problems in education warrant legal intervention to resolve conflicts arising over certain rights, duties and obligations. Given that these are either set down by the Constitution, laws or other legal rules, the judges are therefore charged with applying the law in accordance with the existing education norms. It is in this light that educational law becomes vital.

The manner in which law has affected education policy-making and practices has had important consequences for education. It can be dynamic and responsive when it operates to achieve its main objectives of resolving differences which occur within educational systems as the law does in other fields (Sussel, 1995:1-2). There is, therefore, no doubt as to the educational law's greatest impact on education systems. It is bound to raise the awareness of all education leaders, policy makers, school system administrators, school principals, educators, parents and learners to the role which law in general plays in the administration of education in general.

2.6 CONSTITUTIONAL FRAMEWORK WITHIN WHICH EDUCATION LAW OPERATES

Sislain (in Tulasiewicz and Strowbridge, 1994:134), correctly argues that over and above every law in education, is the Constitution which usually states that “the political aims of a nation and its people, such as social unity, social stability, a guarantee of due process and equal protection under the law, basic freedoms and relations amongst its citizens”.

An important element in the understanding of educational law involves therefore, an examination of the country's constitutional provisions as they relate to education in particular. Mackay and Sutherland (in Birch and Richter, 1990:171) contend that, in Canada, for example, the most important constitutional aspect of education law was the entrenchment of the Charter of Rights on April 17, 1982. This Charter of Rights became the Supreme Law of Canada and any legislation that is inconsistent with it becomes inoperative. Similarly, for the South African legal situation, the Bill of Rights as embodied in the Constitution, is also an integral component of the Constitution whose provisions prescribe for compliance with certain basic rights.
Comparing these two documents, that is, the Canadian Charter and the South African Bill of Rights, Forster (1997: 3) is adamant that “the Bill of Rights is to South African society what the Charter of Rights is to Canadians… it is a cornerstone of democracy enshrining the rights of all people”.

Research by Canadian scholars such as Mackay (1984), Dickinson (1988), Black-Branch (1993) and Sussel (1995) all seem to indicate that the Charter of Rights and Freedoms has had a profound influence on education. Canada’s research work and case law on education confirm in no uncertain terms the extent to which the Charter has had an impact. In South Africa, very little research work has been done regarding the influence of the Bill of Rights because it only came into operation in 1994 when the country attained its democracy.

2.7 THE EMERGENCE OF THE RIGHTS CULTURE AND ITS IMPACT ON SCHOOL MANAGEMENT

Black-Branch (1993:220) warns that with the emergence of the “rights culture”, school administrators now need to approach the situation in a cautious manner so as not to violate the principles of fundamental justice. Thus the vital importance of understanding of the Charter of Rights could not be underestimated. Academics, educators and practitioners felt that equality rights expressed in the Charter, had opened the way for a multitude of changes and legal implications within school systems (Black-Branch, 1993:41). There is no gainsaying the fact that the same could be said about South Africa’s Bill of Rights as they are enforced. A good example is that of the abolition of the corporal punishment. Section 12(1) (e) of the Bill of Rights as entrenched in the South African Constitution provides that everyone has the right to freedom and security of the person which includes the right “not to be treated or punished in a cruel, inhuman or degrading way”.

In presenting a pre-Charter position, Mackay (in Manley-Casimir and Sussel, 1986:9) points out that an important change in the Canadian law occurred with the entrenchment of the Charter of Rights and Freedoms on April 17, 1982 and the implications of this document for school education, were significant. What it implied
was that, for the first time Canadians had entrenched constitutional rights which could not be "abrogated or infringed upon by a simple majority vote of the elected legislators". It might be tempting to suggest that such notions could have reverberated in the South African Parliament when the new South African Constitution was drafted.

The Canadian Charter is so formulated that it provides a specific remedy for any violation of any individual right. Section 24(1) of the Charter of Rights and Freedoms specifically states that "anyone whose rights or freedoms, as guaranteed by the Charter, have been infringed or denied, may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances".

The Canadian courts, in this way, became the guardians of citizens' rights, which meant that they had to become more actively involved in the regulation of school conduct than had hitherto been the case (Mackay, in Manley-Casimir and Sussel, 1986:9). Likewise the South African courts, especially the Constitutional Court, have an obligation to be guardians of the rights as entrenched in the Constitution. It could, therefore be appropriate to draw some guidance from Canadian expertise in dealing with the rights of individuals as part of education law.

Forster (1997:4-5) argues quite convincingly that the Charter of Rights provides a powerful ally to those subjected to the rules of the government, providing protection from the arbitrary, limiting and excessive policies of decision-makers. Educational policy-making, once considered the exclusive domain of provincial government, had its wings clipped by the entrenchment of the Charter in the Constitution as part of Canada's supreme law. The Charter became the touchstone against which all governmental policies, including school rules, were to be measured. Forster (ibid) goes on to argue that for persons who felt that their fundamental rights and freedoms were violated, the Courts could easily override decisions and declare it to be of no force and effect. The implication was that all education laws and policies had to ensure that the rights and freedoms set out in the Charter were protected, otherwise they could be subject to challenges from the Charter. Indeed, not only did education officers or school administrators face very real prospects of having their policies and practices ruled unconstitutional, the Charter also provided for a remedy which included the right to sue for the loss of one's constitutional rights. The entrenchment of the Canadian
Charter of Rights and Freedoms in the Constitution was seen as a progressive step in that, for the first time, Canadians were provided with a comprehensive set of civil liberties, which subject to the express provisions of the Charter itself, could not be abrogated except by constitutional amendments.

2.8 THE CULTURE OF RIGHTS - ITS SPECIFIC IMPACT ON SCHOOL MANAGEMENT

Manley-Casimir and Sussel, (1986:10) contend strongly that the introduction of the Charter of Rights and Freedoms in Canada had a direct impact on many aspects of school management and that “its application is raising a host of new legal issues”. Similarly the Bill of Rights in South Africa also has an impact on school management. This is the view of Squelch (1999:1) who argues that the adoption of a supreme Constitution with a justiciable Bill of Rights did not only bring about fundamental changes in society as a whole, but it also brought about radical changes in the way the South African schools are governed and managed.

According to Levin and Young (1994:113) some principals feel, for instance, that as the rights consciousness becomes internalized by learners, discipline in the schools tends to be become too lax. A barrage of questions, which have been posed in respect of ‘rights awareness’ in Canada include the following:

- Can the school limit learners’ free speech and expression?
- What are the limits of peaceful assembly in the school context?
- Is the principal liable to pay damages to compensate for unconstitutional suspensions and the denial of proper hearing?

Research by Black-Branch (1993: 325) that examined the impact of the Charter on school administration in Canada, revealed that many school principals expressed the view that the Charter had further complicated the already difficult issues regarding the manner in which routine discipline and inappropriate behaviour should be addressed within the school context. School principals were reported to have become apprehensive when disciplining learners because of fear, justified or unjustified, of
legal implications and ambivalence about their decision-making. They felt that they were spending too much time and energy settling disputes over the interpretation and application of rights, responsibilities and appropriate sanctions to avoid litigation.

They argue that as principals, they found themselves having:

- to follow bureaucratic guidelines in order to stay out of trouble and not get caught in politically contentious issues; and
- to refer to general operations and manuals for accepted procedures of dealing with these issues as there were no directives giving them ways of dealing with the most difficult situations.

Although the above scenario seems to put emphasis on the negative aspects on the impact of the Charter, Mackay (1986:10) adopts a completely different view which highlights the following positive aspects:

- the Charter allowed learners to challenge school rules on both substantive and procedural grounds;
- actions of school authorities had to be done within the restrictions of the Charter;
- the enforcement of school rules, suspensions or expulsions more specifically, had to meet a constitutional as well as a legislative standard; and
- it also made the Canadian people more aware of the extent to which issues of rights are important in thinking about the way schools are organized and operated.

Confirming this view, Levin and Young (1994:14) argue that “there is more thought given now to how learners, parents and educators might feel about a particular policy or provision”. Hence there is also an increasing urgency to be given to the need for school principals to formulate school policies in accordance with this “rights culture” even in South Africa.
2.9 LESSONS FOR THE SOUTH AFRICAN SITUATION

Considering the above scenario about the influence of the Canadian Charter of Rights and Freedoms, it seems that the future of the South African education system is more likely to become like that of Canada. In assessing the legal impact of transformation in education Bray (1996:37) argues that it was evident that the previous South African education system based on segregation and racial inequality had to be changed fundamentally within a new democratic order. One of the first priorities of the new democratic Government was to create and implement a system of education within the parameters of the Constitution. This meant that “because the imperatives of democracy and human-rights protection had to be followed, a single, non-discriminatory system of education providing equal opportunity for all, had to be structured”. In the context of a rights-conscious society, a great deal of time and effort is likely to be spent analyzing and evaluating the rights of individuals within the school because the Bill of Rights has recently been introduced. According to Squelch (1999:2) the Bill of Rights in particular, has significantly impacted on all areas of school governance and management but especially in areas such as school admission and discipline.

This Bill of Rights guarantees to everybody, certain basic education rights which cannot be violated by:

- the national or provincial legislative bodies when creating legislation in the area of education; and
- natural persons (such as school principals, officials, Heads of Departments and the like) and judicial persons (such as schools and their governing bodies) when exercising the delegated powers and their assigned duties.

These basic educational rights which are guaranteed by the Bill of Rights include:

- the right to basic education;
- the right of every learner to receive education in the official language of his choice; and
• the right to religious observance.

In the South African situation, the first one appears to be more fundamental in that the education authorities are obliged to provide education. The right to education embodied in this provision creates a legal entitlement to which "everyone", whether child or adult, has a claim. The South African Schools Act has clauses built in to ensure this right to basic education is not abrogated. For instance, if a school going child is expelled, it is incumbent upon the Head of the Education Department to prevent an encroachment upon this right to basic education by finding another school for the learner who is still within school going age.

According to Bray (in Oosthuizen, 1998:71) other guidelines to the principal include ensuring that the learner and /or his parents are given the opportunity of presenting their side of the story and that prescribed procedures in respect of suspension and expulsion should be adhered to. In view of the learner's right to public education, all reasonable and /or unfair suspension or expulsions could be declared invalid.

In addition to these specific rights there are more general rights in the Constitution, which are also directly relevant to education and the school principal should be extremely conscious of these when managing his school. These include:

• the right to equality and to equal protection before the law;

• the right to protection of human dignity;

• the right to freedom and security of a person, which implies the right not to be punished in a cruel, inhuman or degrading way; and

• the right to 'just administrative action' where rights are adversely affected.

In respect of these rights when linked to education, De Groof (1996a: 67) takes the view that “from the characteristics of the right to education, it does not appear only that the concept and the exercise of this right is closely interrelated to other fundamental legal freedoms, but at the same time this right ought to be regarded as a pre-condition before most of the other rights and freedoms can be exercised".
Forster (1997:1) observes that "the drafters of the South African Constitution seemed to have dealt with rights pertaining to education in a greater detail because in the past, very few South Africans enjoyed educational rights and privileges". This feeling can be attributed to the fact that the South African Constitution's far-reaching changes, occurred as a result of political and social conflicts, whereas in Canada, the Canadian Constitutional development of the 1980's did not occur as a result of violence and upheavals which often preceded major legal revolutions elsewhere (Sussel, 1995:21). It is, therefore, in the light of such arguments that the focus is on what issues became entrenched in the Canadian Constitution and, therefore, to what degree South Africa can draw guidance from the Canadian experience and to what extent such guidance may be of value to the South African school system.

It is of substantial importance to note that citizens in both countries regard these documents as very important and essential for democracy to be well nurtured. As an example, the South African Constitution provides that the Bill of Rights is a cornerstone of democracy whilst the Canadians regard the Charter of Rights and Freedoms as a powerful ally providing protection from the arbitrary, limiting and excessive policies of decision-makers (Forster, 1997:5).

What is evident is that both documents guarantee a variety of basic rights and freedoms that include democratic rights guaranteeing equality, human dignity, liberty and security of person, all of which are entrenched in their respective country's constitutions.

Upon closer examination of both documents, it appears that as the South African Bill of Rights is similar to the Canadian Charter of Rights and Freedoms, a similar consequence on South Africa's system of education is bound to occur. The future of South African education is likely to become more like that of Canada where the courts are more involved in education.

Put simply, both the Charter of Rights and the Bill of Rights in both countries, have become powerful socio-political tools and symbols as well as the legal lever to ensure the respect of constitutional and fundamental rights.
2.10 COURTS' ATTITUDE TOWARDS EDUCATIONAL ISSUES

It is generally accepted that courts in any country play a vital role in any legal system because the application of law hinges on judgements about particular cases, and courts and judges make these judgements in the interest of learners, educators, parents, principals, education officials and administrators. The Courts are contributing to the process of refining the basic rights in the realm of education. In many countries there has not been much of a tradition in this area to date, but a definite change is now under way (De Groof, 1996 a: 217).

Black-Branch (1993:11) takes the view that with the advent of the Charter of Rights in Canada, the judiciary acquired a new role which allowed for scrutiny of actions of school principals more than in the past. In the past, prior to the introduction of the Charter of Rights, the courts were mostly concerned with and confined to the analysis of and compliance with validly and enacted legislation, regulations and rules (Dickinson and Mackay, 1989:1).

In Canada there were some who were sceptical about the powers and the role of the Canadian judiciary after the adoption of the Charter of Rights. This comes out distinctly in the words of Black-Branch (1993:2) when he says “there was a usurpation of the doctrine of parliamentary sovereignty by a regime under which the final say on legislative policy rests with the judiciary”.

A similar view is expressed by Dickinson, et al. (1996:131-132) who point out that there are critics who argue that giving too much power to the courts is wholly undemocratic in that it transfers control of the law from the elected representatives of the people to a select panel of appointed jurists who are not answerable to the people for their decisions.

Taking this view within the context of education Sussel (1995:7) confirms this scepticism by saying “the expanded role of an rights-oriented jurisprudence in the field of education and other sectors of society in Canada was not welcomed uncritically by all Canadians”. Forster (1997:3) is even more scathing of the apparent impact of the
Charter by arguing that persons who felt that their fundamental rights and freedoms had been curtailed by an act of a legislative body, could challenge the validity of that act on substantive grounds. He continues to argue that if the courts agreed that there had been such a violation, they could override the will of the legislative and declare the legislation to be of no force and effect.

In some cases, the Charter-inspired changes in various sectors of education policy and practice engendered considerable controversy and even strong counter trends. Despite such scepticism about the Charter’s influence, most scholars of educational law are in agreement that its introduction brought about an awareness of the human rights culture.

It is generally accepted that courts play a vital role in the legal system in that the application of law hinges on judgements about particular cases and these judgements are made by courts and judges (Levin and Young, 1994:104). A great number of cases in Canada have established that school officers may enforce any rule necessary to promote the best interests of the schools.

In Canada, courts seem very conscious of the fact that school authorities are not themselves the final judges within the education sector where the rights of individuals are at stake. All courts of law adjudicate on all conflicts arising out of interpretations of the Charter of Rights and Freedoms. According to Keel (1992:95) it would appear that the Courts are far more ready to use the Canadian Charter of Rights and Freedoms to intervene in what was traditionally the school’s virtually exclusive jurisdiction to, for example, maintain order and discipline. He further argues that the intervention by the courts was bound to continue and that “it will take a knowledgeable administrator to recognize when a school discipline problem is in fact a situation that involves questions of individual human rights or impacts on other legislation”.

In South Africa case law seems to suggest that at most, courts have left school authorities to formulate rules and regulations and enforce them as may be necessary in the management and administration of schools, without the courts having to challenge their validity. They have tended to give considerable weight to the opinions and knowledge of professional educators such as principals. This view is confirmed by Bray(1992:23) when she argues that the courts have been reluctant to interfere in
educational policy matters, since education authorities are in a better position to deal effectively, expeditiously and cheaply. The South African courts do acknowledge that they do not want to turn schools into courtrooms and recognize the need for school authority and discretion. They refrain from interfering with the school authority’s decision and usually refer cases back to education authorities for reconsideration. The perceptions held by the courts seem to be that adequate control mechanisms have been built into the education system such as provision to appeal to the principal, the superintendent, the director, and even the Minister. In this way, most educational grievances and disputes have been settled internally with only a few reaching the courts in the cases of clear illegality or irregularities. Such cases include Douglas Hoërskool and another v Premier, Northern Cape and others 1999(4) SA 1131 (NC) in which the Court had to step in and order that the head of department must exercise his discretion of appointing an educator who had been unfairly prejudiced because the head of department wanted someone else. The Court considered itself to be in a good position as head of department to make appointment.

In Minister of Education and Culture and others v Louw 1995(4) SA 383 (A) the Court ruled that where the exercise of a discretion may detrimentally affect the rights, privileges or liberty of a person, it should not be allowed. In this case the discharge of employee conveyed in a letter in terms of s 72(1) of the Education Affairs Act (House of Assembly) 70 of 1988, was not regarded a consequence of a discretionary decision but merely a notification of result which occurred by operation of law.

In respect of cases involving human rights, there is likely to be fundamental changes because there is now a Bill of Rights entrenched in the Constitution. It is rather too early to predict what the attitude of the Courts will be towards rights issues in education because not more than one reported case has come before the Constitutional Court. However, Sarkin (1997:148) sees the Constitutional Court as the final forum for all matters relating to the constitution and all other laws, (education laws included) and that the legislature will not have free reign to make laws as was the case under the old system of parliamentary supremacy. Sarkin (ibid) predicts that the introduction of a supreme Constitution and the Bill of Rights will see the courts in South Africa being used as an alternative to the democratic process of changing law in a Parliament. The Bill of Rights offers a second opportunity to secure a particular legal position after
failure to do so through the legislature. Litigation will thus become a strategy to precipitate social change in situations where the courts will be ready, willing and able to hear the particular issue. Writing on the similar issue, Asimow (1996: 630) argues that.

"the Bill of Rights in South Africa’s Interim and Final Constitutions embodies a true legal revolution. Yet the success of this revolutionary experiment depends on the ability of the Constitutional Court to implement and to limit the provisions of the Bill of Rights".

Asimow (ibid) further raises some doubt as whether the Court will be able to carry out the tasks assigned to it without being swamped by the number of cases and without sacrificing its legitimacy.

The South African Bill of Rights has yet to be properly tested to assess the extent of its applicability to education when they come before the Constitutional Court. Amongst the few cases which have come before this court, there is the *Ex parte Gauteng Provincial Legislature: In re Dispute concerning the constitutionality of certain provisions of the Gauteng School Education Bill of 1995, 1996(3) SA 165 (CC)*. The applicants (former Model C schools) sought to test the constitutionality of certain provisions of the Gauteng School Education Bill 1995 such as the constitutional validity of the provision which sought to prohibit language competence as an admission requirement to public schools. The Constitutional Court held that this provision, together with others, such as those relating to the exemption of some learners from attending religious education classes, were not inconsistent with the South African Constitution.

Another case heard by the Constitutional Court is *Larbi-Odam and others v Member of the Executive Council for Education (North-West Province) and Another 1998, SA 745 (CC)* where the Court held that differentiating foreign educators for permanent appointment on grounds of being non-citizens of South Africa can be said to be having the potential of impairing the fundamental human dignity more especially because they had been selected for permanent residence in South Africa. It does appear that, like in Canada, the role of the courts will now be that of
remaining the watchdogs over democratic rights and liberties in all spheres of life which also includes educational aspects.

2.11 LEGAL STRUCTURE OF THE EDUCATIONAL SYSTEM - A COMPARATIVE OVERVIEW

Another fundamental constitutional feature that is likely to influence the management task of delegating authority within the school set up, is the distribution of authority over education. The constitutional provision for education in Canada gives, for example to the provinces, the exclusive authority to make laws relating to education. There is very little federal legislative interference. Federal activities in education arise incidentally from explicit federal powers or may be a consequence of financial transfers to the provinces or directly to educational institutions. It is within such context that Mackay (1984:20) boldly declares that "education has long been considered the 'jewel' of the provinces".

In Canadian law, this authority in education is delegated and distributed to various individuals and groups such as the Minister of Education, school boards, superintendents, school principals and educators. Hence, if a school principal wishes to realize the full potential of his important position as a leader in education, he must be mindful of the philosophy that lies behind the system. This will enable him to exercise appropriately his power of delegation within his school.

In exercising its constitutional authority in education, each province created some form of local educational body, called school boards with legally defined powers delegated to them. They are school districts that are defined as "a geographically defined administrative unit managed by a school board". In the process of control, the school boards delegate certain powers to schools. In South Africa, there are School Governing Bodies which exercise powers of governance over individual schools. They do not possess powers of delegation on the professional management of schools. These powers remain vested in the Head of the Education Department and the school principals manage schools on behalf and under his authority.
In the South African system, contrary to the Canadian system, legislative control of
education is concurrent in that both the national parliament and the provincial
legislatures are competent to legislate on education at all levels, excluding universities
and technikons. The latter two areas remain the domains of the national parliament. As
an example, two Education Acts apply concurrently to KwaZulu-Natal as a province,
that is, the South African Schools Act No. 84 of 1996 which is a national act and the
KwaZulu-Natal Education Act No.3 of 1996 which is a provincial act. However, both
Canada and South Africa have at the helm of the provincial Education Department, a
Minister of Education, an elected member of the provincial legislature, who is
appointed to the education portfolio by the Premier.

As with any hierarchy of power, the responsibilities and powers are delegated further
down the line until the school level is reached where the principal becomes responsible
for ensuring quality instruction and smooth management of the school. It all starts from
the Minister and it is unavoidable that there should be delegation of authority starting
from the top within the education Department right down to the school level. Bezeau
(1995:114) states that “education acts frequently assign considerable responsibility
directly to the minister but almost all of this is necessarily delegated to ministry staff”.

2.12 CONCLUSION

Highlighting the significance of education law has been the focus of this chapter. A
collection of the systems of education between Canada and South Africa was done,
specifically looking at the influence and impact of the Charter of Rights and Bill of
Rights on school management. This comparison was intended to show how important
it is for the principal to adhere, for instance, to the fundamental human rights among
which there are also those which apply to education (See Figures 2 and 3). This chapter
has also looked at the Court’s attitude in educational matters and lastly the legal
structure of the education system. In a nutshell, the aim of the chapter has been to give
a theoretical base upon which to contextualize delegation of authority in school
management.
Civil rights provide citizens with liberty, equality and freedom to choose. Political rights enable citizens to participate in the political life of the community.

Figure 2: depicting the nature of civil and political rights which are normally entrenched in the Bill of Rights.

(as adopted from Street Law Publication, McQuoid-Mason, 1994:64)
Figure 3: depicting the nature of social and economic rights which are normally entrenched in the Bill of Rights.

(adopted from Street Law Publication, McQuoid-Mason, 1994:64)
CHAPTER THREE

STATUTORY DELEGATION OF AUTHORITY

3.1 INTRODUCTION

The conceptual framework of statutory delegation revolves around the principle that the school principal acquires delegated authority to perform certain tasks. He receives this authority from different Acts and also from the subordinate legislation in the form of regulations, proclamations and departmental circulars. Authority is statutorily delegated when the principal delegates in terms of an express or implied legislative directives or other operational procedures. One remarkable feature of statutory delegated authority is that it does not involve the exercise of discretion (Jones and De Villars, 1994:74) because a specific statutory duty is imposed by a statute.

3.2 JURIDICAL CHARACTER AND SCOPE OF DELEGATED AUTHORITY

The law is well established in that a legislature may by statute delegate certain powers to the agencies in the executive branch of the government. A school, like all bureaucratic organizations, assumes a power hierarchy, that is, formal authority providing a clear ordering of higher and lower ranks in which the higher ranks have more authority than the lower ranks and hence can control and co-ordinate the latter. The school is a special unit or sub-division of state created by law for the provision of education for its people. A school principal becomes an agency for the state hence the state can delegate specific authority for him to carry out his function.

According to Oosthuizen (1998:25) statutory law is expressed through diversified laws and regulations that influence the course of education. These means include:

- parliamentary legislation, which is education legislation that is promulgated specifically for the purposes of education, for example, the South African Schools Act No 84 of 1996;
• general legislation which is not specifically promulgated for education but may have an impact on education, for example, the Interpretation of Statutes Act 33 of 1955 which assists in the interpretation of statutes and legislation; and
• subordinate legislation which includes regulations, rules, policies, administrative decisions, and even court cases, to the extent to which they grant powers to the principal.

The scope of delegated authority will always be a question of legislative intent and statutory interpretation. This will mostly occur in instances where it must be determined whether delegation is express or implied.

School principals can be authorized not only to exercise the powers that are expressly granted by statute but also such powers as may be fairly implied therefrom and from the duties which are expressly imposed upon them. Such powers will be implied when the exercise thereof is clearly necessary to enable them to carry out and perform the duties legally imposed upon them. It is an acceptable principle of law that school principals are public officers and the rules respecting their powers are the same as those that are applicable to the powers of public officers generally. The legal rule respecting such powers is that in addition to the powers expressly given by statute to an officer or a body, he or it has, by implication such additional powers as are necessary for the due and efficient exercise of the powers expressly granted or which may be fairly implied from the statute granting the express powers.

It is Bray’s (1988:32) contention that where, for instance, determination of implied powers is concerned, and the legislation cannot offer clear and express authority, then it can be determined from rules of statutory interpretation. This view is confirmed by Wiechers (1985:51) who maintains that for a full understanding of a particular delegation’s juridical character and scope, it is necessary to analyze closely the statute or measure governing such delegation.
3.2.1 *Express delegation:*

Here, the proper construction of some legislation may require the holder of power to exercise the particular statutory power in question. According to Cane (1986:78) the power to delegate can be given by statute, either expressly or by implication. A statute may also specify formalities which have to be observed in delegating a function which the delegate has no power to delegate, or the delegate may fail to observe some formality required to be observed if a function is to be lawfully delegated. The power to sub-delegate to someone else, can also be given by the statute or regulation.

3.2.2 *Implied delegation:*

Here authority is not delegated expressly through the statute or regulation but is implied in the construction of the statute by following guidelines of statutory interpretation. Involved here is a principle of statutory interpretation in that a statute will only be interpreted as permitting delegation if express words to that effect are used or the power to delegate is very clearly implied in the statute. In other words, an Act may expressly provide that the principal may or may not delegate certain tasks which have specifically been delegated to him. In some instances this may be implied in the empowering legislation or regulation. This is where statutory interpretation comes into play and it often creates difficulties. Badenhorst, Calitz, Van Schalkwyk and Van Wyk (1987:142) admit that it is more difficult to determine whether there is any possibility of implied power to delegate hence there are guidelines which should be considered if principals want to establish the existence of an implied power.

Wiechers (1985:220) provides guidelines such as analyzing closely the purpose and content of the authorizing Act. Furthermore, an implied power can also be deduced from the wording of a particular Act. For instance, an Act, sometimes provides that a principal must perform certain tasks “in consultation” or “on the advice of” certain persons or bodies. In the first case the principal is required to consult but he is not required to act accordingly. In the second case the principal is required to consider the advice seriously. These are some of the guidelines which can assist the principal in deducing the implied authority (Badenhorst, et al. 1987:143).
Dixon (in Badenhorst, et al. 1987:143) suggests that principals should make a thorough study of the relevant legislation in order to determine whether there is a possibility of implied power. If one examines section 16 (3) of the South African Schools Act No 84 of 1996, management of the school is implied in the following words “the professional management of a public school must be undertaken by the principal under the authority of the Head of Department”. A noticeable feature of implied authority is the absence of fixed, relatively clear and binding directive in the empowering statute.

Frequently, authority may be implied in the statute where phrasing is followed by a broader grant of power, expressed in such terms as “make all necessary provisions for the maintenance of an efficient school system” or “take such action as is necessary to promote the best interest of the school”. It is such difficulty that often makes a layman, that is someone without a legal background, fail to identify the implied provision in any statute.

3.3 VARIOUS FORMS OF DELEGATION

In order to understand and locate any Act of delegation in the proper context, it is appropriate that all forms of delegation be explained, as identified by Oosthuizen (1994:161) hereafter:

3.3.1 Mandate

This form indicates the mechanical execution of instructions by a subordinate without exercising any discretion. The delegate gives and the subordinate receives a clearly defined instruction that may not be deviated from. Significant in his form of delegation is that the delegate continually supervises the execution of the instruction and the subordinate is not allowed any discretion in this regard.
3.3.2 Deconcentration

This form allows a subordinate a reasonable measure of discretion in executing the task. The delegate retains the ultimate responsibility for the completion of the task as well as for the actions of the subordinate who carries out the task on his behalf. An example of this form of delegation is the delegation of subjects in a school to a specialist, a head of department or head of a subject. This type of delegation is exemplified by the specialized nature of the task and takes place within the hierarchical line function of an organization.

3.3.3 Decentralization

This form allows a subordinate the highest degree of discretion in carrying out an instruction but makes him legally responsible for completing the task. In this form of delegation, the delegate (usually a Minister) delegates his powers by legislation to an autonomous person or body. Subsequent to the delegation, the delegate (Minister) may no longer execute the delegated powers and/or functions himself but may in certain respects retain control over the execution thereof.

Having discussed the various forms of delegation it is now necessary to place delegation to the school principal in the context in which it occurs.

3.4 STATUTORY DELEGATION TO THE SCHOOL PRINCIPAL - AS GLEANED FROM THE VARIOUS EDUCATION ACTS APPLICABLE IN KWAZULU-NATAL

To understand the statutory delegation especially in KwaZulu-Natal, it becomes appropriate to sample legislation across all former education departments first, to provide the reader with the legal background. This exercise of reviewing these various Acts will also assist in analyzing the applicability of the present South African Schools Act and KwaZulu-Natal Education Schools Act to school management in relation to the principal’s management task of delegating authority.
Before the 1994 democratic elections in South Africa, there were five departments of education within KwaZulu-Natal, each responsible for a particular ethnic or racial grouping or territory. Each racial grouping had its own Education Act, rules and regulations. This was a distinctive feature of the South African system that allowed for duplication of responsibilities and functions within one geographical area. The following education departments were in existence in KwaZulu-Natal:

- The Natal Education Department responsible for the education of Whites;
- The KwaZulu Department of Education and Culture, responsible for the Education of those Blacks living in areas which fell under the jurisdiction of the KwaZulu Homeland Government;
- Department of Education and Training, responsible for the education of those Blacks who lived in areas outside the jurisdiction of the KwaZulu Homeland Government which fell under the Central Government of the Republic of South Africa;
- House of Delegates Department of Education, responsible for the education of Indians; and
- House of Representatives Department of Education, responsible for the education of Coloured people.

The transfer of all functions previously the responsibility of the ethnic education departments, took place after 1994 to the newly created single Department of Education.

3.4.1 The Natal Education Department (N E D) established in terms of House of the Assembly Education Affairs Act No 70 of 1988 regulating education for Whites

In terms of Section 7 of this Act, the management and control of public schools was conferred upon the Minister of Education. Section 7 reads “in so except in so far as this Act provides otherwise, the Department shall be subject to the control and instruction of the Minister, be responsible for the management and control of public schools...”
Section 107 determines how delegation has to take place until it reaches the principal in his school. It could be through delegation by the Minister, Head of Department and Executive Director. Sub-sections of this Section specifically provides for delegation in the following manner:

Section 107(1): The Minister may, subject to such conditions as he may determine, delegate any of his powers under this Act, except the power to make regulations, and assign any of his duties in terms of this Act to the Head of Education or any person employed by the Department whether under the Act or any other law.

Section 107(2): The Head of Education may, subject to such conditions as he may determine, delegate any of his powers under this Act or delegated to him in terms of Subsection (1) or assign any of his duties in terms of this Act or assigned to him in terms of subsection (1) to a person employed by the Department whether under this Act or any other law.

Section (3): An Executive Director of Education may delegate any of the powers delegated to him in terms of subsection (1) or (2) and assign any of the duties assigned to him in terms of subsection (1) or (2), to a person employed by the Department whether under this Act or any other law.

It is submitted that in all three instances, the last person in line to receive delegated authority is “a person employed by the Department...” and the school principal is one such person. This becomes obvious in the last instance where the Executive Director must delegate specifically to a person employed by the Department. As an employee, the principal can acquire the power of delegation.
3.4.2 The KwaZulu Department of Education and Culture (KDEC) established in terms of the KwaZulu Education Act No 8 of 1978 regulating education of all Blacks residing in the homeland of KwaZulu

Section 2 of this Act vested the control, administration and supervision of education in KwaZulu in what the Minister of Education states that “it will be the function of the Department, under the direction and control of the Minister, to perform all the work necessary for or incidental to the control, administration and supervision of education’. Implicit in this statement is the understanding that the Minister cannot personally perform this entire function hence Section 35 (1) of the same Act provides that:

“subject to the provisions of the Act, the Minister may delegate either generally or in any particular case, any power conferred upon him by this Act... to the Secretary or any other official in the Department”.

Read together, these sections make provision, for some delegation of the control and administration of education from the Minister to “any other official in the Department”. The principal is, therefore one of the officials to whom some powers of supervising education at the school level are implicitly delegated.

3.4.3 The Department of Education and Training (DET) established in terms of the Education and Training Act No 90 of 1979 - regulating education for Blacks who were not residents of Homeland Governments

Section 2 of the above Act placed control and administration of education on the Minister by stating that “it shall be the function of the Department under the direction and control of the Minister to perform all the work necessary for or incidental to the general administration of education of Blacks...”.

In Section 42 (1), delegation was provided for in the following manner:

“the Minister may delegate either generally or in any particular case, any duty, power or function imposed or conferred upon or assigned to him by this Act...
to the Director General or any other officer or educator in the Department on such conditions as the Minister may determine”.

In particular, Section 42(2) provided for delegation and sub-delegation by the Director-General in the following manner: The Director-General may delegate to “any other officer or educator in the Department on such conditions as he may determine”. The school principal is in the first instance an educator within the school and delegation of authority reaches him through implied delegation right from the top, that is, from the Minister and down through the Director-General to the principal.

3.4.4 The House of Delegates (H O D) established in S.A. Constitution Act No 110 of 1983 regulating education for Indian education as ‘Own Affairs’ under the then existing provisions of the Indian Education Act No 61 of 1965

In terms of Section 14(1) of the Republic of South Africa Act No 110 of 1983, the House of Delegates was created and the provision of education for the Indian population group became an own affairs issue which was still to be regulated by the Indian Education Act No 61 of 1965.

Section 32(2) of the Indian Education Act granted to the Director-General powers of delegation in the following manner:

“The Director-General may assign, either generally or in any particular case, any power or duty conferred or imposed upon him by or in terms of this Act, to any other officer in the Department”.

In the context of this Act, an “officer” could also refer to the school principal because an “officer” as defined in Section 1 of the Public Service Act No 54 of 1957 meant any person who had been appointed permanently, notwithstanding that such appointment could have been on probation. Similarly, authority of managing the school reaches the principal through delegation from the Director-General in this manner.
3.4.5 The House of Representatives (H O R) established in the S.A. Constitution Act No 110 of 1983 regulating education for Coloured Persons as “Own Affairs”, under the then existing provisions of the Coloured Persons Education Act No 47 of 1963

The creation of the House of Representatives “own affairs” Department for Coloured Persons was similar to that of the Indian population. This was in terms of Section 14(1) of the Republic of South Africa Act of 1983. The provision of education for Coloureds continued to be regulated in terms of the Coloured Persons Education Act No 47 of 1963 but as an “own affairs” issue. Section 33(2) of the Coloured Persons Education Act provides for delegation in the following manner:

“The Director-General may assign, either generally or in any particular case, any power or duty conferred or imposed upon him by or in terms of this Act, to any other officer in the Department”.

The “officer” can be interpreted in a similar way as an officer for Indian education that is, the school principal could likewise be included under the term “officer”.

A closer examination of all five ex-Department of Education Acts, reveals one common element in delegation and that is, there was never any express delegation to the school principal for the management and administration of the school. Like any system of education, authority is devolved from the top of the Education Department to the school level. Buckland (1995:10) argues that while the Minister and his department is primarily responsible for implementation, there are opportunities for delegation of that function to the other bodies at a lower level such as the school principal.

Confirming this, Oosthuizen (1994:125) explains how, for example, the Minister’s power is delegated. He has the power to delegate his duties to the Director of Education (or any person who is in the service of education). The Director is in turn empowered by a section of the Act to delegate his authority according to his discretion to any suitable person in the service of the particular Department of Education.
3.5 STATUTORY DELEGATION GLEANED THROUGH THE CURRENT LEGISLATION

3.5.1 The South African Schools Act No 84 of 1996

After the first democratic elections in 1994, the South African Government initiated a process to transform the education system. Legislation was enacted to achieve quality of education based on the principle of equal and equitable access to all citizens of South Africa. Parliament promulgated the South African Schools Act No 84 of 1996 to regulate educational activities in South Africa.

According to Oosthuizen (1998:26), the South African Schools Act’s most important objectives are:

- to repeal the many education laws which existed in the previous South African education system;
- to determine a new and nationally uniform education system for the organisation, management and financing of schools;
- to devise uniform norms and standards for the education of learners in South African schools;
- to build the education system on a non-discriminatory basis; and
- to protect and promote the variety of South African languages and cultures.

In terms of this Act, statutory delegation to the principal can be said to be specifically implied in Section 16 (3) and Section 62.

Section 16 (3) provides for delegation in the following manner:

"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”.

Invariably delegation by the Head of Department occurs surreptitiously in that whilst the provisions of Section 16 (3) gives primacy to the school principal over professional
management of a public school, the Act at the same time expressly requires that this be
done under the authority of the Head of the Education Department. The legislature has
allowed for the delegation of authority of professional management to the school
principal and at the same time also determines the limitation within which the principal
may exercise this authority, that is, subject to the control by the Head of Department.

The South African Schools Act is very clear in respect of demarcating the roles of the
principal and that of the School Governing Body. It stipulates that the professional
management of the school must be undertaken by the principal, under the authority of
the HOD. This means that the principal has delegated powers to organize and control
teaching and learning at the school effectively (Department of Education, 1997: 12).

On other hand, school governance is, according to the same Act, strictly a competence
of the Governing Body. Broadly, school governance involves overseeing and keeping
overall control over the development of the school through formulating and giving
direction through policy directives. School governance is intended to promote the best
interest of the school and also to ensure the development of the school by providing
quality education for all learners at the school. Although the principal is also a
member of the Governing Body, the responsibility for day-to-day management of the
school is, however, his alone and not that of the Governing Body.

Section 62

In terms of this section the Member of Executive Council (commonly referred as
Minister of Education in many provinces) and the Head of Education Department, are
given powers of delegation right to level of the principal in the school. This is provided
as follows:

62 (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...
The Head of the Education Department, having received delegated powers from the MEC can likewise delegate his or delegated powers as provided in Sub-section (2) as follows:

"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)".

Specifically, the latter section allows for sub-delegation to an "officer" and in this instance, the school principal is an officer in the employment of the Department of Education and as such he is eligible to receive delegated powers of managing the school on behalf of the Department under the authority of the Minister and Head of Department.

If the conceptual framework of delegation is accepted as the transfer of decision-making authority from higher to lower hierarchical levels, then such delegated authority must, according to Hanson (1996:25), be exercised within a policy framework established at the top. This would imply delegation by any person occupying a position with a measure of authority, such as the Minister or Head of Education Department. As Heads they are supposed to be responsible for the actions of their subordinates because the implied objectives of any Ministry of Education are the attainment of educational quality and equality for all. The ministry hopes to foster a wide range of activities through a number of people and delegation to the school principal becomes inevitable. Likewise he, as head of the school possesses powers of delegation and is also responsible for the actions of his subordinates within the school.

Wiechers (1985:52), the chief proponent of South African administrative law, contends that powers of delegation from the top assume that the exercise of the powers and the performance of the functions often demand a special expertise which makes it essential to select a particular or another body or organ within the same hierarchy to deal with the matter. The most important reason for this type of delegation of powers and functions, relates to the practical need for a better and faster rate of delivery, hence it is also possible for the principal to receive delegated powers to manage the school on behalf of the Department. This relationship within the Education Department
constitutes deconcentration. According to Bray (1988:35) this relationship exists within the different levels of internal education administration. It is found in a network within the education department. In this relationship, specialized tasks that require expertise are delegated to specific bodies. This form of delegation is mainly an effective division of work within the particular hierarchy.

Probably the rationale behind the statutory provisions of Section 16 (3) of the South African Schools Act is the recognition that the performance of the management tasks within the school, is made possible through implied delegation which is subject to the control by the Head of the Education Department who obviously cannot perform the management control of all the schools in the province.

3.5.2 The KwaZulu-Natal Education Act No 3 of 1996

Section 104(1)(b) (1) of the Republic of South Africa Constitution Act No 108 of 1996 confers on provincial legislatures of the various provinces of South Africa the authority (competence) to promulgate provincial legislation. This Section reads as follows:

"the legislative authority of a province is vested in its provincial legislative and confers on the provincial legislative the power to pass legislation for its province with regard to any matter within a functional area listed in Schedule 4".

Schedule 4 includes among others "education at all levels, excluding tertiary education". Schools, therefore become competencies for provincial control. It was in the light of this provision that the KwaZulu-Natal legislature passed the Education Act No 3 of 1996. However, because of the primacy of the South African Schools Act, the effect of any Provincial Education Act is severely curtailed. The provincial act actually becomes subsidiary in that it is strictly limited in its influence and impact, because any law that is inconsistent with the provisions of the national law will be of no force and effect.

Section 2 of the KwaZulu-Natal Education Act itself acknowledges this restriction when it says "this Act applies in the Province and prevails over any inconsistent law or
any provision thereof save for such Act of the national Parliament...” This statement makes clear that the South African Schools Act takes precedence over any of the province’s Acts because it is a national law.

Other than the fact that statutory delegation is provided for in exactly the similar way as in the South African Schools Act, (Section 62) delegation is not elaborated on in the KwaZulu-Natal Education Schools Act. Delegation is provided in Section 71 in the exact wording as in Section 62 of the South African Schools Act. It is however, in respect of implied delegation of professional management to the school principal that, the KwaZulu-Natal Education Schools Act is silent. This should be expected because the South African Schools Act as a national law, takes precedence over any provincial law hence the provisions of Section 16 (3) of this national law provides for this implied delegation of professional management to the school principal.

3.5.3 Resolution 8 of 1998 of the Education Labour Relations Council

Statutory delegation to the principal is also provided for specifically through the recently adopted Resolution 8 of the Education Labour Relations Council which lists a number of statutory duties that are expressly delegated to the school principal. According to this Resolution, the school principal is generally expected “to guide, supervise and offer professional advice on the work and performance of all staff in the school and, where necessary, to discuss and write or countersign reports on teaching, support, non-teaching and other staff”. The list specifically mentions that the duties of the principal include amongst others, the following:

- to ensure that the education of the learners is promoted in a proper manner and in accordance with approved policies;
- to guide, supervise and offer professional advice on the work and performance of all staff in the school;
- to ensure that workloads are equitably distributed amongst the staff;
- to be responsible for the development of staff training programmes... and to assist educators, particularly new and inexperienced educators, in developing
and achieving educational objectives in accordance with the needs of the school;

- to participate in agreed school/educator appraisal processes in order to review regularly their professional practice with the aim of improving teaching, learning and management; and

- to assess and to record the attainment of learners taught.

The above provides for express statutory delegation in that they state clearly what duties have been delegated to the school principal. Here the statutory construction reflects the intention of the legislature in placing in exact terms what the school principal must do.

Having analyzed all the Education Acts and sub-ordinate legislation applicable in KwaZulu-Natal, it is essential to focus on the applicability of the legal principle of delegatus delegare non potest.

3.6 APPLICATION OF THE LEGAL PRINCIPLE delegatus delegare non potest

The primary aim of this research is to examine the legal implications in the delegation process within the school. It therefore becomes imperative to look at the applicability of the statutory prohibition against delegation that is coined in the maxim delegatus delegare non potest. This legal rule stipulates that delegated authority must be exercised by the person to whom it has been granted and cannot be sub-delegated freely to others.

In the context of a school situation, the principal is naturally vested with a high degree of authority. According to Pretorius (1989:239) “the principal commands a conglomeration of authority, that is, delegated statutory authority and primary common law authority and it is this conglomeration which fundamentally influences his power to delegate”. The policy governing this rule against sub-delegation reflects sovereignty of the legislature, which in its own wisdom chose the specific delegate to whom it granted the statutory power in question (Wiechers, 1985:52). When, the principal
receives directives through the statute regarding the manner in which delegation of a particular task should take place, he has an obligation to establish to what extent the Act or regulation expressly authorizes him to sub-delegate his authority.

The Act or regulation may sometimes set out the duties of the subordinate, for example, the deputy principal. In this way the Act specifically delegates to the deputy principal the authority to perform the duties of the principal under the Act. Obviously, the rule does not apply in respect of the principal’s authority. It applies only if the deputy principal sub-delegates. The deputy principal can in turn, sub-delegate any of those powers to other subordinate educators within the school.

One could argue, through experience, that it does not present a problem for school principals to identify sub-delegation which is expressly authorized by law but where sub-delegation is impliedly authorized it becomes problematic. According to Wiechers (1985:51) the legislation may not always use express language, but Parliament may have intended to permit sub-delegation. The interpretation of “implied authorization” obviously demands a legal mind. Principals tend to interpret the implied authorization as conferring on them the power to exercise a discretion to sub-delegate which in some instances, might be wrong. This ambivalence exists because discretion is often conferred so that considerations of policy and the public interest can be taken into account (Baxter, 1984:439).

There is, indeed, considerable room for doubt as to whether principals without a legal background, could easily pick up an implied authority in an Act. This is confirmed by Lyster and Swiss (1991:24) who argue that:

“school principals or educators without legal background of even the law of education, find it hard to satisfy the requirement that an authority which delegates its powers without express authorization, must show that the delegation is impliedly permitted”.

Williams (in Tulasiewicz and Strowbridge, 1994:76) also argues that “the application and interpretation of laws pose significant problems for those working in education” and maintains that litigation sometimes takes place because the wording of the statute
is not clear or precise and this causes principals a great deal of unnecessary trouble. Undoubtedly some school principals are confused by the legal jargon found in some statutes. The use, for instance, of the mandatory term “shall” and the discretionary term “may”, is likely to create difficulties for them when interpreting a statute.

Part, therefore, of this inquiry was to determine whether principals can escape these legal trappings which are mainly associated with fundamental rules of interpretation of education statutes which have a bearing on delegation. According to Bray (1988:98) there are legal presumptions which exist alongside statutory rules. The following presumptions could be among those applicable to delegation:

- the presumption that it could be read into the act of delegation that the legislature intended to promote the public interest. Ensuring that the use of public funds paid as school fees are properly managed, is indeed in the public interest. If, this is a delegated function to the principal in a Financial Management Manual and the principal decides to delegate the financial control to an educator holding a Masters degree in Economics, this would be permissible as implied delegation which is in the interest of the public. The rule against delegation shall not have been violated. Baxter (1984:438) is adamant that the courts are more likely to uphold an implied delegation where the effect would be to place the power in the hands of more skilled officials since this can only be for the benefit of the public.

- There is a presumption that the legislature does not intend altering the existing law more than necessary. Bray (1988:101) contends that, in terms of this presumption, legislation must be interpreted in such a way that it agrees with the existing law or deviation from it should be as little as possible. Bray (1988:102) states that if the aim of the Act is clear, it must be implemented regardless of how unfair or unreasonable the effect could be. In Minister of Education (Transkei) v Mgole 1994 (1) SA 612 an educator had been dismissed for misappropriation of funds but was later acquitted. The Minister, however, proceeded to terminate his services. In ruling in favour of the educator, the Judge quoted these words from a previous judgement that “it is a
recognized canon of construction of statutes that any reference in any law to any action or conduct is presumed, unless the contrary intention appears from the statute itself, to be a reference to a lawful or valid action or order”.

- There is also another presumption that the legislature does not intend that which is unreasonable, harsh or unjust.

Without having the slightest idea of such legal presumptions of interpreting statutes, school principals are likely to experience difficulty in reading an implied delegation in any authorizing Act.

In terms of paragraph 5 (b) of Resolution 8 of 1998 (ELRC), it is the duty of the school principal, for example, “to give proper instructions and guidelines for time-tabling, admission and placement of learners”. The principal has, according to this Resolution, to perform this duty himself and he may not sub-delegate to his deputy. The language used in this section does not allow for express or implied authority hence there is no sub-delegation. The delegation is prohibited in terms of the rule expressed in the maxim delegatus delegare non potest, which is a well-established principle of law which expresses that where a body or delegate is charged with the performance of a duty, the execution of that duty cannot be further delegated to others unless authorized. These are powers, which, as a rule are to be performed by the principal personally and cannot be delegated to his subordinates. Usually, education manuals/directives for principals are explicit regarding such areas of primary authority that may not be delegated.

It is important to note that according to statutory delegation, there is not even provision for the exercise of discretion by the holder of the authority to sub-delegate. If this is desired, it must be provided for in the statute. Baxter (1984:432) maintains that many statutes contain provisions, which authorize the officials upon whom powers have been conferred to delegate some or all of these powers to the sub-ordinates. He further warns that while the practical need for delegation must be recognized, there is a danger that the authority which the legislature has chosen to be exercised by a specific office-holder or body might in fact be exercised by someone who is neither well qualified nor as responsible as the chosen repository of the power.
Another example can be found in paragraph 5(e) of Duties and Responsibilities of Educators under Resolution 8 of 1998 of the Education Labour Relations Council (ELRC, 1998) provides that the school principal is expected:

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"to make regular inspections of the school to ensure that the school premises and equipment are being used properly and that the good discipline is maintained".
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Sub-delegation is thus specifically prohibited, as this now becomes the area of the principal’s primary authority because the function is linked to the post of the principal. He may not even delegate this responsibility to his deputy or any of his subordinates. A person designated by the statute to carry out a particular activity is the only authority.

Baxter (1984:433) is very explicit in that even where there is no express authority to delegate, the repository of the power might nevertheless enjoy implied power of delegation. A public authority or person with delegated power purporting to delegate its/his powers without express authority to do so, must show that the delegation is impliedly permitted by its/his empowering legislation. Obviously, this means that existence of authority to delegate turns upon a construction of the empowering statute. Section 16 (3) of the South African Schools Act provides for professional management of a public school by the principal under the authority of the Head of Department. According to Baxter’s interpretation (1984: 435), the principal would enjoy an authority to delegate that is necessarily implied by this empowering legislation. It lists a number of inter-related factors upon which such implication depends. These include the following, which seem to be significant and relevant to the school situation:

- The complexity and breadth of a discretion;
- The impact of the power; and
- The practical necessities.

Management of a public school is undoubtedly very complex and diverse. Its success would depend on the breadth of the principal’s discretion as well as practical
necessities. Hence the authority to delegate can be implied in the South African Schools Act as an empowering legislation. The principal is implicitly authorized to further delegate aspects of professional management within his school save those that are expressly prohibited by a statute. An example is the suspension and expulsion of learners when the principal maintains school discipline.

3.7 CONCLUSION

The emphasis in this chapter has been on the principal’s legal position when there are statutory prohibitions dictating how delegation of authority should take place. Establishment of the legal framework within which the principal has to operate, enables him to understand the degree of delegation.

Having explored the statutory delegation, it is, therefore, appropriate that in the next chapter, the principal’s common law position is examined when the principal exercises his discretionary powers to delegate authority.
CHAPTER FOUR

COMMON LAW DISCRETIONARY DELEGATED AUTHORITY

4.1 INTRODUCTION

The school, as a sub-unit of the education system, is a social structure on its own and this makes it relatively autonomous or sovereign in its own right. The judicial implication thereof is that the principal, as its leader, commands delegated common-law discretionary authority in that he is empowered to formulate internal policy for the smooth management and administration of the school (Pretorius, 1989:238).

The conceptual framework within which to understand the principal’s common-law discretionary authority is that the school principal is commissioned and is given the necessary authority to manage the school and as such, he is discharging a public duty. There is, invariably, a wide range of professional responsibilities such as grouping of learners, the selection of subjects for them, the choice of texts and schemes of work, the appointment of staff and their allocation to duties within the school and the organization of non-academic activities. Since schools are public institutions, there is a conviction or at least an acceptance that at the head of the school, there should be somebody representative of the public interest.

As part of a broader objective of this research, this chapter seeks specifically, to examine the principal’s use of delegation as a tool when exercising his discretionary powers. Whilst under statutory delegation the school principal exercises his right to delegate in terms of an express directive, under common-law delegation he uses his discretion in determining what is best for the efficient managing of the school which also includes how he delegates authority to his subordinates.

The nature of the principal’s common-law delegated authority allows him to take complete control of the school by coordinating educational programmes, physical facilities, financial and human resources with the aim of getting everyone within the school going in the same direction toward the goal of effective education.
The literature proposes that the principal’s common-law discretionary delegation authority emanates from the professional status he acquires as a professional leader of the corps of professional educators. It is, however also important to understand that many of the statutory provisions relating to education directly or indirectly embody common-law principles (Oosthuizen, 1998:43 and Bray, 1988:60).

4.2 THE PRINCIPAL’S DELEGATED COMMON-LAW DISCRETIONARY AUTHORITY

The premise from which to contextualize the common-law aspect of the principal’s delegated authority is that his role vests in him the legislative authority to formulate policy and rules for the school. It is in this context that his authority is related to the sovereignty of the school. In the formulation of the principal’s policies and rules, the rationale for construction of legislative intention is an important element (Galligan, 1986:30).

The common-law delegation vests in the principal the day-to-day responsibility over general school management, a responsibility which amounts in practice to a more extensive control over policy. What is notable about this form of delegation is that while it gives considerable autonomy to the principal as the leading professional, it also puts the principal in the position of ‘chief executive’ in terms of relationships with other educators (Thomas, Kirkpatrick and Nicholson, 1989:135).

Bray (1988:44) explains this scenario very well. She states that the school principal is clothed with the discretionary authority of choosing whether to delegate authority to his subordinate Educator. This involves the exercise of judgement by the principal to make decisions that he deems necessary to ensure efficient managing of his school.

According to Grobler and Schalekamp (1996:8) the principal has this kind of authority because the school is, by common law, regarded as being sovereign in its own nature. The principal, therefore, has the right to organize the internal affairs of his school as a
professional leader. He has the power to decide to whom he may delegate without the interference from outside. This principal’s authority provides for full control over the school and its sovereignty is plenary and complete.

The question of immediate concern for this research is whether he can, therefore, use his discretion as he pleases. Baxter (1984:34) is adamant that discretion is also not absolute or unfettered. Decision-makers cannot simply do as they please. All discretionary powers must be exercised within certain basic parameters, for example, the primary rule is that discretion should be used to promote the policies and objects of the governing act. These are gleaned from a reading of the statute as a whole, using ordinary methods of interpretation. Here again, school principals are faced with a situation where legal understanding becomes essential, and the situation is even made more difficult where they do not have a copy of the Education Act. Some may not be aware that the exercise of discretionary powers hinges on whether they are empowered in terms of the Act to exercise discretion for a particular management act, let alone to establish the power in the Act granting such discretion.

The exercise of discretionary power is generally assumed to be impliedly delegated through common law. The principal’s role requires that he exercises his ordinary delegated common law authority, for example in a situation in which the principal delegates to his deputy principal the duty of formulating curriculum content. The deputy may decide to delegate this task further to a Subject Head (HOD) on the strength that the HOD is, undoubtedly, an expert in his field. This cannot be conceived of as sub-delegation, hence the maxim *delegatus* does not apply in such an instance.

According to Bray (1988:60) the principal, as a professional leader of the school, is responsible for the management, guidance and control of the school. If he delegates such a responsibility to his deputy who, in turn delegates it to the HOD’s, it would constitute an *ultra vires* act by the principal as he cannot evade his final responsibility with regard to the management, guidance and control of the functioning of the school.

This rule against delegation seems, in reality, to operate as a severe restraint against the exercise of discretionary powers to delegate. In so far as it does this, it does not serve or assist the principal in the management of the school in an efficient manner if the
delegation is so restricted that the deputy principal cannot exercise a discretion to sub-delegate as is in the best interest of the school. In fact, deputy principals have traditionally assumed a great deal of responsibilities but are lacking the delegated authority to discharge them. It is important to note that the principal has the final responsibility with regard to the management, guidance and control of the functioning of the school.

Sergiovanni, Burlingame, Coombs and Thurston (1992:248) contend that the building level of policy is just above the classroom level. School principals enjoy authority to create policy in certain realms. Policies promulgated from the principal’s office typically concern some of the fundamental educational questions such as course offerings, learner assignment to classes, school discipline and promotion policy and how the school’s activities will be conducted. The principal’s authority is, therefore, binding upon everyone within the school as if it is the law of the land. It thus follows that every subordinate within the school sub-structure must respect this common-law delegated authority of the principal.

Taking the same line of argument, Levin and Young (1994:14) contend that power relations shape schools, like in all other organizations. Some people have more influence over what happens than do others. Final authority over most aspects of school affairs rests with the principal who within any given school has the most official power. The office of the principal therefore, carries with it leadership responsibilities for organizing, planning, directing, controlling and coordinating staff efforts in the development of effective instruction. When the principal exercises such authority, it becomes primary discretionary common-law delegated authority (Pretorius, 1989:239).

In Galligan’s view (1986:23) delegation of powers to officials and tribunals are abound with instances of the delegate being instructed directly to decide the policies and strategies for its exercise. In the simplest case, there is discretionary power when, according to the terms by which power is conferred, there is a relative absence of guiding standards accompanied by the inference that the delegatee may choose his own methods of executing that power, whether express or implied. This thinking is also supported by Blake (1992:87) who argues that any official who has discretion to
regulate a particular sphere of activity may choose how best to go about that task and may enact rules to put these choices into effect. Within a defined area of power, the official must reflect upon its purposes and then settle upon policies and strategies for achieving them.

Common-law discretionary authority allows greater flexibility for applying discretionary powers. It should be understood that legislators cannot envisage all the circumstances and conduct to be regulated with a specific field of activity, hence, in a school situation, the principal exercises discretion in the management of the school.

It is, however, important to note that although the principal in his capacity as a professional leader within the school sub-structure has wide discretionary powers of management, policy and control which he exercises independently, he is still subject to control exercised by superior bodies higher up in the education hierarchy (Bray, 1988:41). In terms of Section 16 (3) of the South African Schools Act No 84 of 1996, the school principal is responsible for professional management of the public school under the authority of the Head of Department. The principal is an independent organ bearing responsibility, but subject to the control of Education Department Head. The link between the Education Department and the school is through decentralization as a form of delegation and the principal acts as the key figure. He is an agent of control for the Education Department.

4.3 EXERCISE OF A DISCRETION DURING THE DELEGATION PROCESS

The nature or necessity for the exercise of discretionary authority proceeds from the premise that it is indeed, almost impossible to conceive of a legislator sufficiently prescient to be able to enact legislation that would be detailed enough to provide a rule for every eventuality. According to Blake (1992:87) someone must be given the responsibility of applying the legislation to each situation as it arises. Such a person is granted discretion to determine whether a specific situation is covered and whether some sort of compliance or other remedy is warranted. Whilst, for instance, Section
16(3) of the South African Schools Act provides for delegation of professional management of a public school, it is not possible for the Act to lay down the manner of general application in the legislation itself. The Act allows for the exercise of discretionary powers in the management of the school. This becomes obvious because as Jones and De Villars (1994:76) rightly put it, the delegate (the principal in this instance) may be authorized to exercise discretion in each particular case or to enact subordinate legislation governing all such cases. The exercise of discretionary power is shaped and influenced in any given school situation by the fact that the legislator cannot legislate on every aspect of school management hence common law vests upon the principal this discretionary power to manage the school.

This perspective is clearly captured in the view of Knight (1995:33) who sees the principal’s exercise of discretionary powers as enabling him to take effective decisions for proper management of his school. Each action by the principal is best seen as an exercise of a discretion when he:

- decides what to delegate;
- decides on the person to whom he wishes to delegate; and
- decides how he will go about achieving effective delegation of the chosen responsibility to the person to whom it is to pass.

A clear and unambiguous description of discretionary power comes from Bray (1988:33) who defines it as “a legal competence enabling the holder to make a choice within a particular area”. Baxter (1984:88) defines a discretionary power as “no more than a compromise between the idea that people who possess authority should be trusted with a free hand and not to be tied down by narrow and rigid legal prescriptions”.

Rosenbloom and Schwartz (1994:502) broadens the meaning of discretion to encompass every situation where the law does not clearly impose a single correct choice on administrators but instead it allows or requires them to choose among a number of alternatives based upon policy considerations.
An officer is said to have discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction. Notable in any definition of discretion is the fact that the emphasis is on the element of free choice by the holder of authority. Of particular importance, however is the proposition that discretion is not limited to what is authorized but includes all that is within the “effective limits” on the officer’s power because as Blake (1992:87) rightly puts it “the basic duty on an official vested with discretion is to realize and advance the objects and purposes for which his powers have been granted”.

Given the intention of discretion, it therefore falls within the principal’s power to exercise freedom in adopting rules and regulations necessary for the proper conduct and management of his school. He is granted some degree of freedom and autonomy in acting, as he thinks best. The official has to decide to some substantial degree what the policies and standards are to be, the strategies for achieving them and their application in specific cases, subject to whatever guidance he may derive from the network of constraining principles.

The inherent implication of the principal’s discretionary powers is that broadly, it permits him to delegate unhindered to his subordinates. Baxter (1984:433) argues this point with clarity when he maintains that where there is no express authority to delegate, the repository of power might nevertheless enjoy an implied power of delegation.

School principals are authorized not only to exercise the authority which is expressly granted by statute but also such authority as may be fairly implied therefrom and from the duties which are expected of them.

4.4 COMMON - LAW PRINCIPLES REGULATING THE ABUSE OF DISCRETIONARY DELEGATED AUTHORITY

Although discretionary authority in its own central sense connotes a degree of freedom and autonomy for officials in choosing decision standards and applying them, there are
nevertheless various constraining factors which must be taken into consideration. These are intended to prevent the abuse of discretionary authority.

Literature in abundance points out that discretion cannot be absolute or unfettered. Blake (1992:87), for example, warns that decision-makers cannot simply do as they please. All discretionary power must be exercised within certain basic parameters. There is extensive leeway in determining the extent to which assessments and judgements are to be left for the final determination by the authority itself; various strategies have to be developed to confine the exercise of discretionary powers. After all, the existence of discretion implies the absence of a rule dictating the result in each case. The essence of discretion is that it can be exercised differently in different cases.

As Jones and De Villars (1994:75) point out, most Acts lay down at least guidelines within which the delegate must exercise discretion. For the school principal, the statutes or departmental procedural requirements ideally provide the guidance needed to keep the exercise of discretion absolutely within the confined boundaries, thus preventing school principals from abusing their discretion by stepping beyond their clear scope of legitimate discretionary authority.

Some of the legal constraints include the following:

4.4.1 An exercise of a discretion must promote the objects of the statute

It is a fundamental rule that discretion should be used to promote the policies and objects of the governing act. A discretion may not be used to frustrate or thwart the intent of the statute. In other words, it should not be used to achieve a purpose not contemplated by the Act that grants the power (Blake, 1993:88). Any clear departure from the Acts is unacceptable because, as Jones and De Villars (1994:149) put it, there is always a perspective within which a statute is intended to operate. Any clear departure from these objects is unacceptable.
4.4.2 The holder of authority power must exercise discretion in good faith

All decision-makers are expected to act in good faith. This means that powers must not be absurd and should not be exercised arbitrarily or dishonestly (Blake, 1993:88). A decision-maker (the school principal in this instance) who acts surreptitiously and without candour may be suspected of lacking good faith. A hasty decision, for example, pushed through, without following the decision-maker’s usual practice of consultation, may also be suspect. All these actions may be considered to be acts in bad faith.

4.4.3 The exercise of a discretion may not be for an unauthorized purpose

The person with delegated authority may not use it for unauthorized or ulterior purpose. Discretion necessarily implies good faith in discharging public duty. Jones and De Villars (1994:154) add that an abuse may be dishonest, malicious, fraudulent or *mala fide* if such an act takes place.

4.4.4 An exercise of a discretion should not discriminate

Discrimination between persons on the basis of irrelevant criteria is unacceptable. A decision that singles out one individual for different treatment may be questioned and the delegate may be regarded as having abused his discretionary power (Blake, 1992:89).

4.4.5 The holder of authority may not refuse to exercise a discretion

A delegate upon whom the discretion is conferred may not refuse to exercise that discretion. He may not refuse to deal with matters over which he has a power of decision. This may be tantamount to thwarting the intention of the statute by failing to carry out the statutory purposes (Blake, 1992:91). In exercising a discretion the school principal is, therefore, expected to take consideration of what the statute requires otherwise his action may be regarded as an abuse of discretionary power.
4.5 KINDS OF DELEGATION APPLICABLE TO THE SCHOOL SITUATION

Having established the basis for the exercise of discretionary powers by the school principal, it is imperative to examine precisely what form of delegation applies to the school situation. A particular Department of Education delegates such discretionary powers to the school principal through decentralization. Within the school as a substructure, delegation by the principal is through deconcentration.

4.5.1 Deconcentration

Indeed, delegation at the top of any organization necessarily assumes a posture of true administration and management. What is required for effective delegation at this level is the willingness to give subordinates the responsibility and requisite authority to accomplish certain functions within the school.

The origin of most powers of delegation in the school lies within the relationship of deconcentration. The essence of deconcentration as a form of delegation is that extensive discretionary powers are delegated to various subordinates. This form of delegation assumes that specialized tasks that require expertise are delegated to specific people. According to Bray (1988:36), the delegation of discretionary power thus plays an important role, because the aim of delegation is mainly an effective division of work within the particular hierarchy. The principal will, for instance, allocate a specific subject to a specialist. The principal, however, as the head within the school hierarchy remains the authoritative body who bears responsibility. He remains ultimately and legally responsible for maintaining academic standards. Although wide discretionary powers may be delegated, they are still exercised in the name of the principal. Oosthuizen (1998:122) warns that since the principal remains ultimately responsible, he has to exercise his discretion with circumspection when determining what tasks and to whom such tasks should be delegated.
4.5.2 Simple mandate

A simple mandate merely means giving an instruction or making a request to the subordinate and this one does not pose any problem. The principal remains the authoritative organ and has, in fact, personally exercised his discretionary power.

4.6 FLOW OF AUTHORITY ACCORDING TO LINE FUNCTION

In the context of delegating authority, the line managers assist the principal. Literature repeatedly points out the inefficiency in a situation where the school principal attempts to handle all the administrative and management chores personally. According to Calitz (1986:106) delegation is a dynamic process in which the paths of authority, that is, the number of rungs or levels that authority must pass through to reach its intended destination. Although the principal delegates to any of his subordinate member, he would in most cases delegate to his deputy first and then to an educator. It is through these persons that the legal authority and formal communications of the school jurisdiction flow downwards and upwards. According to Knight (1995:32-33) the line function helps to clarify:

- who is responsible for whom and for what;
- who answers to whom;
- who reports to whom; and
- who does what.

The principal as a delegate may exercise his discretion to the degree that he may determine how, to whom and to what extent a particular task should be carried out by a specific subordinate. It is essential to understand that although the principal may work with and through all his subordinates, the ultimate responsibility is his and cannot be delegated.

Although these powers may be delegated to his Deputy, subject Head or an educator, they are still exercised on behalf of the principal and subject to his control.
The principal thus bears the responsibility for the performance of these acts and may eventually be held liable. This is embodied in the delegated discretionary authority vested in the principal as a professional leader.

4.6.1 The deputy principal as second in command

In practice the principal delegates many of his duties to his immediate subordinate, the deputy principal. He is the principal's chief deputy. The scope and type of duties to be performed may be specified by an Act or regulation. Usually the duties assigned are at the discretion of the principal. Kiefer (1998:185) sees the role of the Chief Executive (principal) and the second in command (deputy principal) as being practically interchangeable and that administration and office provisions should be similar.

4.6.2 Head of Department

The HOD, is an educator who coordinates the work of other educators involved in a specific subject area. He is usually expected to provide educational and management leadership at the departmental level. He normally has a shared responsibility for teaching and administration.

In most instances, the HOD is vested with professional authority to control and teach a specific subject. He may also help the principal in the formulation and application of the individual subject policy within the broad framework of the general school policy.

4.6.3 Educator

It is unavoidable for the principal not to delegate to subordinate staff members other than the Deputy or Head of the Department. The principal also delegates specific powers mostly in the didactic field to certain educators who are, by virtue of their professional expertise, deemed to be the most suitable people for the job.
Bearing in mind the above line function, it is necessary to examine the applicability of certain common-law principles during delegation to the extent to which the principal may sub-delegate to subordinate staff.

4.7 AREAS OF MANAGEMENT IN SCHOOL FUNCTIONING

Within the school as a sub-structure, there is a great deal of variation in management activities in which the school principal may exercise his power of delegation. For the purpose of this research, three managerial areas have been identified to represent specific management areas for an in-depth discussion because school management can be very diversified. They have been grouped as follows:

- delegation in management activities for school effectiveness;
- administration of learner discipline; and
- financial management.

Discussion on delegation of authority for effective school management will now follow.

4.7.1 Delegation of authority for effective school management

Broad as it is, the area of school management should be a shared responsibility hence the need for the principal to delegate. Few would question the fact that the main area of managerial responsibility of the principal is the co-ordination and control of all activities that promote learning and teaching within the school. Providing an opportunity for learners to learn and to be taught properly is what the school stands for. Engelking echoes these sentiments, in his article appearing in Hostrop (1990:195) when he argues that the highest priority of the effective school principal must be to have commitment to co-ordinating all school activities to maximise effective school management. Delegation is one management task of the principal that assists in achieving the desired results of effective schooling.
The following are some of the areas in which delegation of authority usually takes place within the school. The researcher chose at random the areas for discussion. It is common practice that delegation is made to the deputy principal as the second in command regarding the following aspects:

- direction of curriculum content and organization;
- observation and assistance of educators in the instructional programme;
- supervision and evaluation of professional staff members;
- selection and induction of professional staff members;
- supervision and evaluation of professional staff members;
- assessment and interpretation of learner’s growth;
- putting in place procedures of checking written work, tests and assignments;
- co-ordination of instructional equipment and materials;
- organization and administration of extra-curricular activities;
- designing the composite time-table for subject allocation;
- scheduling of learners into classes.
- supervision of the school premises;
- diagnosis of pupil learning difficulties;
- learner orientation and counseling; and
- control of learner attendance in classes.

There are managerial duties which may not be delegated by the principal because of the nature and sensitivity of the function. De Witt (1986) lists the following:

- the responsibility to delegate;
- articulation of curricular programmes;
- the appointment of staff when working with School Governing Bodies;
- overall planning of staff and school activities for the year;
- interviews with Departmental officials when they visit the school;
- attending and reporting to the School Governing Bodies;
- conferring with parents and reporting to them;
- conducting staff meetings; and
- writing testimonials for educators.
When the principal decides to delegate in any of these management tasks he does this in order to foster a purposeful progression in the management of his school. This power of delegation within the school lies within the relationship of deconcentration. The principal exercises his discretionary power to certain expert members of his staff in order to achieve effective division of work. There is no doubt that the principal who delegates effectively creates a democratic organizational structure to which every member of the staff can contribute.

4.7.2 Delegation of authority for effective control and maintenance of school discipline

It remains an indisputable fact that good discipline is an important feature of effective schools. Learners learn best in an orderly and safe environment. Discipline is, therefore one of the most important management functions in a school. Principals and educators have a duty to maintain proper order and discipline. The establishment of clear expectations for learner behaviour promotes a fair and consistent approach to school management and to a positive environment that is favourable to learning (Ministry of Education; Ontario - Resource Guide, 1986:30).

Dlamini (1997:51) argues that 'the school principal’s common-law delegated authority is to maintain discipline in schools' because no proper education and learning can take place without discipline. It is essential to establish a disciplined and purposeful school environment dedicated to the improvement and maintenance of the quality of the learning process.

The principal’s control function makes it essential that he delegates authority in the area of school discipline since he alone cannot handle the learner militancy in an increasingly turbulent and politically charged environment. It is indeed important that the principal delegates to his deputy or other members of staff if he hopes to be successful in maintaining school discipline effectively. Quite often, the principal has to deal with various forms of discipline issues such as aggressive behaviour of learners, intimidation of educators, chronic truancy, theft, insubordination, and vandalism.
Indeed, school discipline is a potentially sensitive area that must be delegated with great care. The school principal is undoubtedly the chief disciplinarian. As such, he has the authority to make decisions and enunciate procedures and rules that are consistent with the South African Schools Act, School Code of Conduct and any other education regulations and rules. It is in the school principal that the legal authority to maintain and enforce discipline resides. De Witt (1986:132) is of the opinion that the principal should deal only with such disciplinary matters as cannot be finalized lower down the hierarchy. This suggests that some aspects of discipline can be delegated, but the principal takes the final responsibility for what happens in the school and this accountability cannot be delegated.

Alston and Van Staden, (1999:10) make this important observation regarding maintenance of school discipline in schools today: “the reality is that times have changed. Legal costs are such that unnecessary court cases could bankrupt a school. We need to take note, not just of the legislation but its implication in a new human rights climate and act appropriately”. They go on to suggest that clearly a climate of discipline and co-operation is essential in the school hence one needs to find the route to that climate within the legal framework within which one must operate and avoid the route of court cases with excessive costs, time and frustration.

Clarke (1998:49) also agrees that “given the range of different values and beliefs in the school community, the potential for conflict and disruption is great but nonetheless, the business of education must be able to proceed. It is therefore, incumbent on educators and the headmasters to promote the shared values or common ethos of the educational enterprise which is a school”.

There are, within the school, rules and regulations that set the parameters of learner conduct. It is the breach of such rules that gives rise to discipline hearings and claims for fair treatment (Manley - Casimir and Sussel, 1986:18). According to Oosthuizen (1994:72), the principal as a head-teacher should use his position of authority to achieve the objective of creating an orderly environment conducive for the promotion of education. This objective is intended to establish a secure environment for the
individual pupil as well as for the school as a whole. Zuker (1996: 319) is, for instance, adamant that schools operate on the basis of rules and that when the actions of learners are in contravention of the school rules, disciplinary procedures follow. Similarly, when learners or parents feel that the school authorities have not exercised their authority in a fair and judicious manner, then claims are made regarding unfair treatment.

The school principal cannot establish adequate control of the learner body and provide necessary disciplinary rules without the help and the co-operation of the educators. He has to make use of the Deputy-principal, the HOD or a disciplinary tribunal composed of staff members and possibly the learners. In delegating authority of controlling discipline, the principal acknowledges that teamwork is essential for maintaining a positive learning environment within the school.

The provisions in the South African Schools Act which relate to discipline are found in Section 9 which deals with “suspension and expulsion”. The authority regarding these issues is delegated to the School Governing Body and Head of Education Department respectively. In terms of this section, the learner may only be suspended by the School Governing Body and may only be expelled by the Head of Education Department. The suspension and expulsion of a learner may take place only when it is in the interest of the school to do so as would be the case where the learner is guilty of gross misdemeanors or persistent disobedience. This could involve bullying other learners, carrying dangerous weapons at school such as guns and many others which, in the opinion of the Governing Body, can constitute gross misdemeanor. Suspension and expulsion are strictly not delegated to the principal. In Canada, as an example, the authority to suspend a learner is expressly delegated to the principals as explained by Keel (1992:84) who argues that “the principal, in order to fulfil the obligations imposed by section 236(a) of the Ontario Education Act, has been given the power in section 22(1) of the Act to suspend a learner for a fixed period not to bring in excess of a period determined by the board”.

Apart from the fact that this is one of the principal’s management tasks impliedly delegated to him, the principal and educators are also empowered to discipline learners
by virtue of common-law status as persons acting in *loco parentis*. This authority, which is a common-law delegation must be exercised in a proper and reasonable manner and also in accordance with other legal prescriptions regarding education rules and regulations. The principal and educators have a clear duty towards the learners in their care. The standard for this duty of disciplining learners is a relatively high one, sometimes expressed as the standard of a reasonable and prudent parent. Breach of this standard by act or omission would amount to negligence in common-law.

In an attempt to trace how and whether the control and maintenance of learner discipline is delegatable within the school, the following two scenarios could be of assistance:

- the first scenario is where the Education Act or other regulations expressly provide for delegation from the principal to the deputy or other body.
- the second scenario is where the authority of delegation may be fairly implied from statute.

Neither the South African Schools Act nor the KwaZulu-Natal Education Act provide for express statutory delegation to the school principal for control and maintenance of school discipline.

Managing learner discipline within the school is one of the principal’s managerial tasks broadly encapsulated under “professional management” undertaken by the principal under the authority of the Head of Department as impliedly provided for under Section 16 (3) of the South African Schools Act. Authority is implied when the exercise thereof is clearly necessary to enable the delegate to carry out and perform the duties legally imposed.

Maintaining discipline can therefore be appropriately achieved under the principal’s delegated common-law original authority and by various means, all of which are subject to legislation, common law and case law. The development of a School Code of conduct and various policies, procedures and strategies to deal with school discipline occur within the scope of delegated discretionary common-law authority.
It is common practice that the principal may establish within the school a Disciplinary Committee to handle disciplinary cases. The question arises as to whether the school principal can give legitimate decision-making to the body or to any tribunal.

In terms of the *delegatus* rule, delegation by the principal of a task that permits the exercise of discretion, cannot be sub-delegated unless expressly or impliedly authorized. If for instance, the principal assigns to the deputy the control of learner discipline, this is not sub-delegation because the deputy will control it under the authority of the principal.

If, for instance, the principal appoints the Disciplinary Committee to try cases, he may not subjugate himself to the directions of this committee. He still has a discretionary power to make his final decision on the matter (Bray 1988:60). There are, therefore, important common law principles which must be observed when such tribunals or persons having delegated authority, handle disciplinary cases.

The following common law principles are therefore, important and need to be noted.

**4.7.2.1  Rules of natural justice**

There is a set of common-law procedural rules known collectively as the rules of natural justice which, according to Cane (1986:91) embody legal principles that are generally thought to be necessary to guarantee justice. Taking this argument further, Oosthuizen (1994:70) argues that when, for example, a learner is, suspended or expelled, the applicable legal principles are mostly the common-law rules of natural justice. He warns, therefore, that in exercising his discretionary powers, it is important that the educational manager acts responsibly by continually applying the rules of natural justice.

According to Wiechers (1985:235), the rules of natural justice usually find application in the following two types of activity:

- in all managerial activities that entail the exercise of discretion and where the rights, privileges, and freedom of individuals could be affected; and
• in investigations where the rights, privileges and freedom of individuals could be affected.

These rules reflect the protection of the individual and are designed to guarantee to each individual who comes into contact with the administration a right to fair treatment. These rules are embodied in the following principles:

- The *audi alteram partem* rule which requires that a person must be given a fair hearing. Its literal meaning is that “let’s hear the other side”.

- The *nemo iudex in sua causa* rule which requires that a person who has to judge must be free from bias. Its literal meaning is “no one may be a judge in his own case”.

A more forthright exposition of what these rules of natural justice mean comes from Wiechers (1985:208), who argues that these are common-law rules that are applicable between legal subjects. They are designed to ensure that justice prevails between two subjects. They are prescripts that ensure a free and impartial administrative process within which the taking of decisions and cognizance of facts and circumstances can take place openly.

The principles embodied in these rules always test whether the person in charge has acted in good faith, has fairly listened to both sides and has given a fair opportunity to those who are parties to state their sides of the story. Bray (1988:63) aptly summarizes the significance of these rules by stating that rules prescribe forms and procedures which have to be followed before a decision is made, that are “in truth, an ingredient of the requirement of proper attention which is, according to the principle of legality, applicable to the law of education”.

In the words of Mackay’s (1984:31) the “heart of natural justice is fair procedures” whilst Oosthuizen (1998:45) states the rules of natural justice are important in that they form the basis for a provision relating to justice. In relation to the school situation, rules constitute the judicial requirements employed to assess and evaluate the discretionary decisions of an educational manager. It is, therefore, important that when
the principal delegates, he must ensure that the subordinate, who may be a deputy principal or a tribunal body, takes cognizance of the existence of these rules of natural justice because if they are ignored, the rights, competencies and liberties of the learners will have been impinged. Invariably, this will have an impact on the “rights consciousness”.

An important aspect concerns the issues of infringement of rights, competencies and liberties of the subordinate. Within the context of the school situation, the rules would apply when, in exercising his wide powers of discretionary powers of delegation, the school principal delegates the task without consultation with the subordinate staff member. A typical example would be when the school principal delegates to a female educator the duty of being a rugby coach. A question that immediately arises is whether in delegating this duty, the principal has offered this female an opportunity to indicate whether she has the necessary ability to perform such a duty. In this respect, the actual purpose of the rules of natural justice would be, as Van Wyk (1983:111) puts it “to ensure that a person who performs managerial activity is able to acquire a full picture of all the facts and circumstances”.

In exercising discretion the principal must ensure the observance of rules of natural justice by those to whom he delegates authority. Instances in which this becomes essential, is for example when disciplinary steps have to be taken in terms of the discretionary powers delegated to a body like a Disciplinary Committee of the school. A successful principal would be well advised to accept that the observance of natural justice is therefore a canon of good administration. The insistence, for instance, to adhere to the *audi alteram partem* rule features well in a number of cases which are related to education. The courts have in each case, insisted that this rule is a principle of natural justice which has its basis in fundamental fairness. It only requires that where a public official or body is authorized to give a decision and that decision is likely to prejudicially affect or infringe the liberty, freedom or any of the rights of the individual, that person should also be given the opportunity to be heard before a decision is taken. This principle has been emphasized in the following cases:

- **Mathlale and Another v The Secretary for Education, Gazankulu and Another, 1986(4) 427 S.A** where learners had been expelled without being
afforded an opportunity of making representations against the proposed disciplinary action.

- **Bula v The Minister of Education, 1992(4) S. A. 716 (K).** Where the Rector of College had been suspended by the Education Department without being given an opportunity to give his side of the story.

- **Minister of Education & Training and Others v Ndlovu 1993(1) S.A. 89.** In this case learners who had written an examination and the Education Department had cancelled marks of certain subjects on grounds that they had copied during the examination. The Department took this decision without giving them an opportunity to put their side of the story. A similar ruling to similar facts was handed down by the Court in **Dhlamini v Minister of Education & Training and Others 1984(3) S.A. 255 (N).**

- **Naidoo v Director of Indian Education and Another 1982(4) S.A. 267 (N).** Upon the recommendation by the principal, the Education Department expelled a learner from school for continuous absence from school without giving the learner or his parents an opportunity to put their side of the story.

- **Embling v Headmaster, St Andrew's College (Grahamstown) 1991(4) SA 458.** A Mathematics educator claimed to have been unfairly dismissed and was relying on this principle.

- **Moletsane v Premier of the Free State and another 1996 (2) SA 95 (O).** Whilst the *audi alteram partem* rule remains the cornerstone for safeguarding the basic civic liberties and fairness, the Court warns that it should be exercised with care. For instance, upholding a right in favour of a person requiring to be furnished with reasons in writing for an administrative action, could not necessarily mean that the omission would *per se* vitiate the other steps taken by an administrative body such setting up the investigation in respect of the case of the educator.
The other legal principle embodied in the natural rules of justice is *nemo iudex in sua causa* which is translated as meaning that no one may be a judge in his own case. This is the requirement that the administrative organ or person exercising the discretion must be impartial. It operates from the premise that an organ that has a personal interest in the matter in which it must exercise the discretion, is regarded as partial (Wiechers, 1985:214).

According to Cane (1986:93-94) this is a rule against bias and is designed mainly to foster and maintain confidence in the decision-making process and it is basic to the idea of fair decision-making. The underlying idea of this principle is that the truth is best discovered by allowing parties who allege conflicting versions, to present in the strongest possible form their own versions of the truth. They would then leave it to an impartial third party to decide which version more nearly approximates the truth.

In choosing who has to sit on the tribunal trying a disciplinary case, a principal may not, for example allow an educator who might be a relative or having prior interest in the case to sit on this body as he would not be impartial. The learner who is an accused, may raise objection on the basis of this rule. Wiechers (1985:214) emphatically maintains that the requirement of impartiality appears to be the objective in this rule in that, it simply asks objectively whether there were circumstances or personal interests present which would probably have caused bias during the trial of the case.

### 4.7.2.2 Fairness, reasonableness and due process

Within the school, the principal has common-law delegated authority to ensure fairness and reasonableness. Common-law requires that any managerial activity should not have an unreasonable or unfair consequence. These rules in law, are referred to as principles of legality which are designed to ensure that the power to act or take a decision must be exercised in a reasonable and fair manner.

Bray (1992:23) argues that in South Africa, the application of the “due process” principle, particularly as it applies in the public education sphere, has been described as
compliance with the rules of natural justice or the *audi alteram partem* rule. This originated in common law (unwritten law) but has been enacted in our written laws in both parliamentary enactments and the rules and the regulations of education authorities. Bray (ibid) goes on to say that our courts have also, through their decisions, given more content and substance to these rules and their application. These rules incorporate **FOUR** fundamental requirements, namely:

- that the individual whose rights and privileges may be affected, should be afforded the opportunity to put his case;
- that any consideration which may count against an individual must be communicated to such a person to enable that person to defend the issue effectively;
- that the reasons must be given for the proposed action against the individual to enable him to prepare effective arguments; and
- that the education authority deciding the case must be unprejudiced and free from bias.

The fundamental principle embodied in due process is that when decisions are made which influence the rights and interests of a person, the constitution requires they must take place in a fair and just manner. In a school situation, this means that the learner must be given a fair hearing which would enable him to give his side of the story. This is intended to protect the learners’ rights and to make sure that disciplinary decisions are fair, just and unbiased (Department of Education, 1997:61).

According to Lyster and Swiss (1991:40) fairness and reasonableness are some of the requirements that can clothe any action or decision of the school principal with the element of legality. The concept of legality refers to the legal requirements for the valid exercise of power. An action must be performed in accordance with the prerequisites prescribed by the empowering legislation, that is, the power to act must be exercised in a fair and reasonable manner. In support of this view, Oosthuizen (1998:45) insists that to determine whether a learner has transgressed the rules, the educational manager is obliged to act in a reasonable and fair manner. He must obtain
a clear picture of the learner's conduct as well as the circumstances under which it took place.

Fairness and reasonableness are concepts that are inextricably linked. Both are and often have been conceived as expressing or embodying fundamental principles of justice which according to Bray (1988:70) should be strictly followed by the principal when he exercises his wide discretionary powers. Observing these principles of legality would constitute the foundation of sound education policy. It is important to cultivate a general awareness of the basic justice of fairness and reasonableness as they relate to the abuse of discretion. A principal or educator acting in a reasonable and fair manner has nothing to fear and should never regard the law as an enemy (Bray, 1992:24).

Baxter (1984:477) maintains that our courts will require that a tribunal or person exercise its discretion according to the standards of fairness and reasonableness, otherwise, if these standards are not satisfied, the tribunal or that person will be held to have abused its/his power. The emphasis is on a process that is deemed to make fair and reasonable decisions more likely.

When exercising discretionary decision-making, the school principal needs to understand that a discretion in a juridical sense, is the making of decisions not according to one's own judgement but in accordance with rules and principles of fairness and reasonableness (Oosthuizen 1994:115).

Dickinson and Mackay (1989:636) regard "reasonableness as answering the question which asks what in the light of many factors, is the simplest and most expeditious way of ensuring a reasonable opportunity to a party to know and respond to prejudicial action".

According to Bray (1992:24) a more meticulous "due process" must be observed which involves:

- a written notice specifying the charges;
• a hearing at which the learner should have the opportunity to respond to the charges;
• the presentation of evidence, cross-examination of witnesses;
• a written statement of findings and conclusions submitted to the principal for final ratification since the principal cannot give legitimate decision making authority to subordinate bodies; and
• the right to appeal.

In the light of the preceding analysis of fairness and reasonableness, it is important that the school principal or a subordinate or tribunal, acts within these legal norms in school situations because they dictate fundamental justice.

As an attempt to ensure that principles of “due process” are adhered to, the KwaZulu-Natal Department of Education designed the **Route Card** which appears in **Figure 4** following hereafter.
**KWAZULU-NATAL DEPARTMENT OF EDUCATION AND CULTURE**

**RECOMMENDED EXPULSION OF LEARNERS**

**ROUTE CARD**

Governing body recommendation to the Superintendent-General for the expulsion of a learner

<table>
<thead>
<tr>
<th>Designation of responsible official</th>
<th>Task</th>
<th>Date received</th>
<th>Date forwarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>Annexure A&lt;br&gt;Prepare application</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent: Education Management</td>
<td>Annexure B&lt;br&gt;Evaluate procedures followed; make arrangements for continued schooling of the learner pending a decision and following expulsion and making recommendation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Manager</td>
<td>Annexure C&lt;br&gt;Evaluate procedural queries raised by SEM; arrangements made for continued schooling of learner; legal authority for penalty and recommendation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Chief Director</td>
<td>Annexure D&lt;br&gt;Evaluate appropriateness of penalty in the light of similar cases and departmental policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent-General</td>
<td>Decision and letter to parents</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regional Chief Director</td>
<td>Implementation of decision and informing interested parties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data Capture Section</td>
<td>Capture data</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filing Section</td>
<td>File document with school file</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Instructions:**

1. The Route card must be affixed to a cover or an envelope in which Annexure A to D and supporting documents must be placed.
2. Every attempt must be made to ensure that recommendations for the expulsion of learners are placed before the Secretary for a decision within 7 days of the date of enquiry.
3. A letter for signature by the Superintendent-General must be enclosed.

**Figure 4:** Route Card to ensure that principles of “due process” are adhered to prior to expulsion of learners as prescribed by KwaZulu-Natal Department of Education.
4.7.3 Delegation of authority for effective school financial management

In terms of the South African Schools Act, financial management is one aspect of school governance that is a function delegated to the School Governing Bodies.

The provision in the South African Schools Act for financial management is found in Section 37(1) and reads as follows:

"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".

This constitutes express statutory delegation to the School Governing Body of which the school principal is a member. The Governing Body as a tribunal must itself make all decisions it is empowered to make in terms of the Act. It cannot allow its decisions to be made by anyone else.

The principal, being a compulsory member of the Governing Body, is indirectly involved in ensuring proper management, control and administration of school funds. The principal's obligations in respect of financial management are, for instance, well provided in the KwaZulu-Natal Department of Education and Culture School Fund Instructions Book (1998:54). They are listed as follow as:

- the principal, must maintain a complete record of statutory provisions, regulations and departmental instructions relating to the financial management of the school, and the finances of the governing body;
- the principal must ensure that he or she and staff under his or her control, are appointed to assist the governing body in the execution of its duties and that they are also acquainted with all statutory provisions, regulations and departmental instructions of which he or she must bear knowledge to enable him or her to assist the governing body in the execution of its functions; and
- the principal must ensure that all statutory provisions, regulations and departmental instructions are observed by him and by employees under his or her control.
Section 7 (17) of the same Regulations requires that “the principal must provide educators with a written delegation to handle monies contemplated in this regulation”.

Resolution No 8 of 1998 of the Education Labour Relations Council specifically delegates the authority to control and manage school fund in the following manner:

“to have various kinds of school accounts and records properly kept and to make the best use of funds for the benefit of the learners in consultation with the appropriate structures”.

These sections clearly indicate the authority to manage school finances is impliedly delegated to the school principal. By being a compulsory member of the school governing body, the principal assumes the role of providing management control on school finances.

4.8 THE APPLICATION OF THE RULE _delegatus delegare non potest._

UNDER COMMON LAW

Generally, there are common-law rules that become enforceable when any discretionary power which may be reasonably necessary or incidental to carrying out a task is delegated to the subordinate. In the context of the school, the principal is vested with delegated common-law discretionary power to discharge the public duty of providing education by managing the school effectively as a professional leader, and this entitles him to sub-delegate his authority to subordinates for smooth management of the school.

The application of this _delegatus_ rule normally arises in instances where there is statutory prohibition, that is, where sub-delegation is being prohibited. The premise from which to understand the application of the _delegatus_ rule is that it prohibits sub-delegation unless expressly or impliedly authorized, in respect of delegated common-law discretionary powers which enable him as principal to delegate some of his powers or responsibilities to subordinate staff. Cane (1986:78) maintains that this rule applies primarily to discretionary powers. This delegation rule prescribes that a subordinate
may only transfer or sub-delegate a function involving the exercise of discretionary power only if authorized to do so expressly or by necessary implication.

This rule against further delegation applies primarily in the case of delegated discretionary authority because part of the point of conferring discretion on a particular person is to obtain the decision which that person thinks best. It is designed to ensure that when a specific person or body is given a discretion that the discretion is exercised by that person or body and not by someone else (Cane, 1986:78).

The principal’s power of delegation is assumed to be existing by necessary implication as he is a professional leader who must promote and uphold practical and effective school management and administration (Bray, 1988:48). In terms of Section 16 (3) of the South African Schools Act, the school principal is the person appointed to manage the school. Although in terms of the above section, he is vested with implied delegated authority for school management, this does not mean that when delegating responsibilities to subordinate staff members, he has sub-delegated authority, which according to the delegatus rule is prohibited. This is not sub-delegation because he, as the principal, may not have expertise in certain specialized areas hence he needs the cooperation of his subordinates who have those skills.

The principal may, for example, delegate to the HOD of the Accounting Department, the responsibility of drafting the school budget. This HOD will obviously work under the guidance of the principal but has a wide discretion to draft within the range of his professional expertise of financial accounting, for example, involve other staff members in drafting the budget. It is important to note that the principal remains responsible hence this may not be construed as sub-delegation. This principle requires that the delegating authority vested with primary discretionary authority should retain supervisory control over the delegate. However, if the HOD for Accounting decides to sub-delegate this task to another Accounting educator in his Department, the delegatus delegare non potest rule would unquestionably apply to the HOD, because the original power emanates from the principal who possesses the discretion and final responsibility. The HOD for Accounting may not sub-delegate the task to another educator in his department.
Pretorius (1989:243) correctly warns that there is sometimes a misconception that all authority vested in Deputy Principals, Heads of Departments and educators is delegated authority. As in the case of the principal, each of these authority figures has a conglomeration of primary and delegate powers determined by the nature of their appointments. If in the case cited above, the HOD of Accounting is appointed to control and to teach Accounting, the didactic authority that is vested in him, is not delegated authority but primary professional authority to control and to teach on the basis of his appointment and expertise. When he, during the process of controlling the teaching of Accounting, delegates to a educator under his department, this is not sub-delegation. If, however, the HOD is asked to prepare and draft the school budget by the principal, then delegation of authority has expressly taken place and if he sub-delegates this task to another Accounting educator this is against the delegatus rule.

When the educators are engaged in class teaching, they do this in order to foster a purposeful progression in learning which is consistent with the programmes of subjects under the coordination and control of instructional activity. The principal delegates some of his discretionary power to certain expert members of his staff in order to achieve effective division of work. The Deputy Principal, Subject Head and even the educator handling the subject, can each exercise his own discretion in a matter in which he is an expert, and can make a decision of delegating further. The Deputy Principal or educator concerned, is not, however, an independent organ within the school sub-structure. He does not act independently but always remains under the leadership of the principal who holds the authoritative position. What actually happens is that in the didactic field, the principal delegates powers to certain educators who are by virtue of their professional expertise, the most suitable people for the job (Bray, 1988: 42-43).

What is of significant importance is that, although the powers of the principal may be delegated to his deputy, a Head of Department or a subject educator, they are still exercised on behalf of the principal and subject to his control. The principal thus bears the final responsibility for ensuring effective instructional activity and management within the school.
The application of the *delegatus* rule seems perfectly clear in that, where the law vests the exercise of judgement and discretion in the school principal, that exercise of discretion cannot be further delegated to any other person or body whatsoever. School management cannot be either expressly or impliedly delegated but a delegated task to the Deputy, HOD or any other educator is in essence not sub-delegation, as the principal remains solely responsible.

4.9. **THE APPLICATION OF THE *ultra vires* DOCTRINE**

Linked with the *delegatus delegare non potest* rule is another important legal restraint called *ultra vires*, which is basically concerned with the concept of authority and power. Literally, it means “acting beyond the powers conferred”. When a person is vested with power, the law expects that person to act within the scope of such power.

In respect of the school situation, the legal formulation of this doctrine is that a principal is given powers. He may not, if it is statutorily stipulated otherwise, exercise discretion in deciding whether that function can be done by his deputy. If he does so, his activities will be *ultra vires* in that there is no provision for the exercise of discretion for the execution of the task delegated by an Act. Where for instance, he is given powers of recommending the promotion of educators in consultation with his deputy, he may not simply allow the deputy to do it alone or even do it himself alone. The principal’s actions will be *ultra vires* and will be declared null and void and thus will have no binding effect. This principle assists in regulating the exercise of discretion to further delegate authority vested in the holder of authority.

This doctrine is basically concerned with the concept of authority and power (Wiechers in Joubert, 1993:53). When a person is vested with power, the law expects that person to act within the scope of such power. This doctrine denotes the framework within which a person with power has to exercise such powers. The law requires that a body or someone with authority to deal with some defined subject matter within the powers given deal with the matter. If that body or a person does not deal with a particular matter or deal with matters not within the scope and ambit of the powers given that
body or person acts *ultra vires*, that is, he has exceeded the powers given. In *De Bruin v Director of Education* 1934. A. D. 257, a learner had been refused admission to an English-speaking school on grounds of his home-language was Afrikaans instead of English. The court held that the principal had acted *ultra vires* that is, beyond his powers as this had to be ratified first by his Director and that he had also breached the *audi alteram partem* rule in that the parents of the learner were never afforded an opportunity to present their side of the story.

The most recent case on the application of this rule is that of *Grove Primary School v Minister of Education* 1997(4) SA 982 (C). The Minister of Education and the ELRC (Education Labour Relations Council) had passed a resolution which reserved vacancies and new posts at public schools for educators which were on the “redeployment list”. The school sought to employ educators outside the list compiled by the Department. The Court held that neither the Minister nor the ELRC nor anyone else had the power, during the 1996 period so to restrict and fetter the power to fill subsidised posts which had been conferred on “Model C” schools. An attempt by the Education Department, to do so by way of Resolution 3 of the Education Labour Relations Council was consequently *ultra vires*.

Another example is when a principal suspends or even expels the learner contrary to the provisions of Section 9 of the South African Schools Act. If the principal decides to suspend the learner, he will deemed to have acted *ultra vires* if he expels the learner without consulting the Governing Body.

It is perhaps appropriate to indicate that principals as state employees may cause the state to be liable if they have acted *ultra vires* whilst puporting to be having authority by virtue of being an employee of the State. In terms of the State Liability Act No 20 of 1957, the State is liable for any damage or loss caused as a result of any act or omission in connection with any educational activity conducted by any servant of the State acting in his capacity and within the scope of his authority as such an official.
4.10 CONCLUSION

The position regarding common law delegated discretionary authority has been examined and in the following chapter the essential requirements for valid delegation of authority will be discussed.
CHAPTER FIVE

LEGAL REQUIREMENTS FOR VALID DELEGATION OF AUTHORITY

5.1 INTRODUCTION

Assuming that the principal is clothed with powers of delegation within the school as a sub-structure, it becomes essential that the exercise of such powers be legally and correctly done. It is expected that for all delegated actions to be valid, the school principal must have complied with the requirements. The discussion in this chapter proceeds from this premise. Checking the validity of his action of delegation becomes essential in that it serves as a means by which the school principal may be assured of the legality of his action of delegating authority to subordinates.

These requirements for validity can extend over a wide area and usually they apply to procedures as well as to other managerial activities that may entail a need for delegation. They can either be statutory, that is, where they are embodied in legislation or can take the form of common-law requirements, that is, where they are not embodied in a statute but have been accepted as part of the principal's role as a professional leader of the school.

The statutory requirements are in most cases determined in terms of the Act, subordinate legislation, rules and regulations and indicate what is expected of the principal when he delegates. It is, for instance, a statutory requirement that those responsibilities fixed by law to be performed by specific person or body cannot be sub-delegated. Wiechers (1985:210) maintains that there is a presumption against delegation in cases of subordinate legislation such as school rules that relate to the rights, privileges and freedom of individuals. This presumption lapses when authority is delegated in an explicit or implied manner. Delegated authority therefore requires consideration for legal fixing of responsibility. According to Bray (1988:62) the rules of statutory interpretation are applied in the determination of the statutory requirements. Strictly speaking, all statutory provisions must be regarded as binding rules, which should be observed when delegating authority. On the other hand validity for delegated actions can ordinarily be checked through common-law requirements.
which take the form of procedures acceptable in the past and present. These are implicit in the role and professional position of the principal as head of the school hence these requirements determine the correctness of the act of delegation by the principal. These requirements are basically intended to guide the holder of authority in carefully deciding before delegating to the subordinates. Baxter (1984:474) puts this succinctly when he says:

"where a public authority or a person does have the exclusive power to decide, its or his discretion must be exercised according to certain minimum standards and within certain constraints".

Following hereafter is the discussion of some of these common-law requirements.

5.2 LEGAL REQUIREMENTS FOR VALID DELEGATION

Authority has, by its very nature, to be delegated in a certain line function within a school situation, hence the need for some requirements to make any act of delegation valid. This argument is well presented by Shah (1990: 183) in the following manner:

- the principal has managerial and skills giving him/her control over organizational structures, processes and personnel;
- for effective delegation, the deputy principal becomes, in most instances, the first in line to receive authority and perform certain delegated tasks;
- at the same time, because the HODs have subject expertise, authority is devolved to them; and
- down the ladder, educators with expertise for instruction also have authority devolved to them for control over learners.

In line with the above argument, Knight (1993:33) maintains that the exercise of discretion by the principal should aim at:

- deciding what to delegate, that is, the principal must be clear about what part of responsibility he wishes to delegate;
deciding to whom he wishes to delegate; and  
deciding how best to achieve effective delegation.

There seems to be common agreement amongst modern and earlier writers such as Knight (1995); Van Wyk (1983); Bray (1988) and Tepper (1994) that the following requirements can be regarded as essential for valid delegation:

- ensuring that the subordinate has the necessary ability and experience to execute the delegated task;
- communicating clearly to the subordinate the expected performance;
- providing necessary responsibility and authority to the subordinate to execute the delegated task;
- providing control and monitoring mechanisms over the delegated task;
- commitment by the subordinate to execute the delegated task; and
- providing an appropriate level of support through motivation to the subordinate to accomplish the delegated task.

Following hereafter is an elaborated discussion on each of the requirements

5.2.1 The subordinate staff member must have the ability to perform the delegated task

The premise from which to approach this important requirement is that not every subordinate will be capable of doing every task the manager wants to delegate. Hence it is important when delegating tasks to a subordinate, that the educational manager must consider the ability of the subordinate to perform the task. It is not only necessary to establish that the subordinate is competent but also whether he is in position to perform the task in question (Oosthuizen, 1998:162).
According to Tepper (1994:24-25) it becomes vital that the school principal analyze the task to determine what skills or levels of expertise are required in order to accomplish the task effectively. In this way, the manager will have identified who is best suited, to take each task, and the skills and aptitudes in relation to the job to be delegated will have been identified. Preparing the subordinate for the task is extremely important because work cannot be effectively delegated unless the subordinate is prepared to handle it. He argues that the first step in deciding whether or not a person is capable of handling a new assignment is to answer the following six questions:

- Does the person have the ability to do the task?
- Is the person trained to do the task?
- If the person lacks the skills to do the task, can he or she be taught those skills in a reasonable period of time?
- Will the person have the time to do the task?
- Is the person generally reliable? and
- Is the person seeking new responsibility?

All the questions relate to the ability of the subordinate to perform a delegated task. Ideally, one should be able to answer yes to all of these questions about delegating a task but in some situations it may be absolutely necessary to delegate tasks even if one has not answered yes to all six questions. In such instances, one may delegate but with close monitoring in those areas where the person is still lacking the necessary skills.

As should be understood, one of the greatest advantages of delegating work is to develop and promote a subordinate’s growth. When the subordinates lack necessary skills, they can drag down productivity and also may feel frustrated in their efforts to be productive workers. A manager needs to support subordinates in their efforts to learn, develop, and apply new skills and to help them to advance their careers (Tepper, 1994:55-56).
Checking the ability of the subordinate is indeed a crucial step in that in some cases, as Knight (1995:43) puts it, the complexity of the task to be delegated dictates the right person for the job. The choice will be determined by the concept of “task specific maturity”. This measures the match between the skill or knowledge requirements of each aspect of the task to be delegated and the existing level of subordinate’s own competence or confidence.

Tepper (1994:49) is adamant that if the subordinate lacks the necessary skills to perform the delegated task, the manager has two choices namely:

- do not delegate the work to that subordinate; and
- provide the training needed so that the subordinate will be capable of doing the job. Invariably this will ensure job maturity for the subordinate, which relates to the knowledge and skills acquired through education, training and experience that are required to carry out the task effectively. Sometimes special qualifications are required for certain tasks.

Taking further this latter argument, Rees (1988:28) maintains that the holder of authority must take into account the subordinate’s demonstrated skill, interest and workload. Since management function includes those tasks which are routine day to day matters, the principal must attempt to assign tasks according to ability. Depending upon the nature or complexity of the task, the context of the task itself, and the interest, needs, and abilities of the subordinates, the supervisor must decide who should be selected so that all might benefit. In all respects, delegated tasks must be considered to be operational tasks that require ability and organizational skill.

According to Van der Westhuizen (1991:174), a task should not be delegated to a person who is unwilling or not qualified to complete it successfully. If there is no alternative, the necessary training and motivation should be provided together with the necessary guidelines. There is no doubt, therefore, that delegation becomes effective only when the subordinate has been trained to perform the task. This approach is based
on the assumption that confidence and know-how come from comprehensive training. This means that the subordinate will have acquired the training and experience needed to perform the task for which he will be held accountable. These writers argue that many people should not use the excuse that they are not ready to undertake a specific task because they have not had sufficient experience but it must be recognized that experience must be obtained somehow for the first time in any person’s life. Hence it is incorrect for some supervisors to speak of lack of experience when they mean lack of training. If a person has had sufficient training but not ‘sufficient experience’ there is no reason to withhold the assignment from him or her. It is also vital to create a contingency plan for that subordinate who does not have the ability or skill to do the task properly and also for the one who either lacks time to get the task done when needed, or does not understand clearly what has to be done.

5.2.2 The principal must communicate clearly to the subordinate staff member the expected performance

Communication is central to effective delegation. It is indeed an important requirement in the delegation process that the supervisor clearly communicates to the subordinate what is expected of him in the execution of the delegated task. In the delegation process the principal delegates to the subordinate staff member, by reaching a mutual agreement with him on both the responsibilities being delegated and the standards of performance to which the subordinate will work (Nelson, 1988:10).

When the principal delegates authority in respect of any specific task or responsibility, this should be done in an explicit and clear manner in order to prevent problems and uncertainty. The manager must provide a clear definition of the task complete with its objective. Some writers even suggest that the task to be delegated, should be reduced into writing so as to ensure that the subordinate knows exactly what is being delegated.

Delegating authority without adequate explanation diminishes the chances that a subordinate will feel the job is important or that he or she will learn something valuable from doing the activity. The subordinate’s enthusiasm for and effort in completing the assignment will surely decrease in the absence of adequate explanation.
of the framework of the task (Nelson, 1988:167). He goes on to argue that it becomes essential that after communicating the goals of the task to be delegated the supervisor needs to obtain an acknowledgement from the subordinate that he understands and agrees to the assignment. If this step is omitted, the supervisor often finds out later that the subordinate objected to performing the task, perhaps thinking that it was not the right thing to do or that the time allowed for completion was not realistic.

In either case, the supervisor should have elicited any doubts, questions or suggestions from the subordinates at the time the assignment was done. Indeed another method for clarifying communication is for the principal to confirm oral delegation in a written memorandum and better still is for the subordinate staff member to confirm the understanding in writing. Effective managers attempt to communicate their expectations of performance without relying on the power of their position. Instead, they use personal persuasion and leadership skills to emphasize what is expected of the subordinate staff member.

5.2.3 The subordinate staff member must have the necessary authority and responsibility to execute the delegated task

Knight (1995:1) holds the view that delegation is not just giving someone else a job to do. Effective delegation implies transferring to someone else the necessary responsibility and authority to achieve a particular outcome which will meet a part of the organisation's purpose. This view is re-enforced by Van der Westhuizen (1991:172) who contend that delegation is the lawful right which a person has to carry out and complete certain actions. It is, therefore important that the authority given to the subordinate is related to the responsibility delegated to him by the delegate. Delegated authority should align with organisational assignments of responsibility, so that those with the information, knowledge and concern for responsible outcomes have the means to act accordingly.

Nelson (1988: 86) is adamant that the manager must give an appropriate level of authority for completion of the task. The goal is to enable independent action and decision-making for the period in which the subordinate is completing the task. Hence it is important that authority be granted before the task and support thereafter.
Certainly, no one can perform a task effectively without knowing his areas of authority and responsibility, that is, the matters he or she has control over and is accountable for. This requires that he understands clearly the objectives of the assignment and how best they may be accomplished. This understanding will invariably enable the subordinate to carry out the task and complete it without any interference. According to Van Wyk (1983:101), the following guidelines are necessary for providing necessary responsibility and ability:

- authority should be delegated in such a way that there is no uncertainty as to what must be done, when it must be done and how it must be done;

- once the subordinate has received delegated authority, he/she should know whether he alone is responsible for the task or whether he may sub-delegate further;

- if a certain degree of responsibility is delegated with the task, this should be clearly defined;

- delegation of important tasks should be put in writing for the sake of clarity; and

- at some stage, it may become necessary for the person who has delegated, to intervene and issue or substitute new directives as circumstances dictate. However, Wiechers (1985:210) warns that this should only happen in exceptional cases.

Writing on the same issue of the degree of authority to be given to the subordinate Nelson (1988: 87) admits that the subordinate will assume the degree of authority (in terms of authority of position) appropriate for the kind of responsibility involved in the delegated task. Holding the subordinate accountable without granting the appropriate level of authority can only lead to the subordinate’s frustration and unsatisfactory performance. Authority must be delegated commensurate with responsibility. Delegation, in substance, requires the turning over of both the authority and the responsibility for doing a job to a subordinate whom must be held accountable for the performance of that job. This is an endorsement of the principle that delegated responsibility needs to be accompanied by delegated authority to accomplish the task.
5.2.4 The principal must provide control and monitoring mechanisms over the delegated task

Controlling acts as a check on the manner in which delegated powers have been carried out and as a means of preventing or curbing wrong actions. This requirement must, of necessity, overlap considerably with that of monitoring. Rees (1988:30) is adamant that a manager needs to monitor every delegated task. Not only must the delegate be aware of the performance standards of the task, but also how and when these standards will be assessed. What should be done in order to communicate to team members how well they are meeting performance standards and to identify and avert problems that subordinate staff members might not be able to handle.

When the supervisor assigns tasks, he needs to define clearly how well the current task is being performed. It should always be remembered that there is a difference between doing a job properly and doing the bare minimum to get by. As a manager, the principal is therefore responsible for the output of his school. The subordinate who takes the bare-minimum approach can hurt everyone’s efforts, hence the need for continuous monitoring. Once the task has been delegated, and the work appears acceptable or better, the manager may not assume that things will always continue as planned. A variety of things can occur that may affect how well the delegated task continues to be done (Tepper, 1994:41-42).

It is, therefore, essential that the principal, as a manager, should establish control measures for performance to determine what progress is being made on the job that has been delegated and whether or not what is being done is appropriate. Mechanisms for monitoring a delegated task include regular status reports, staff meetings, regular inspection reports, and personal follow-up (Nelson, 1988:12). Such mechanisms provide checkpoints and milestones for monitoring and controlling progress.

Arguing along the same lines, Rees (ibid) argues that the manager must always be kept up to-date on the success and progress of the delegated assignment and this can only be through constant feedback which may be requested by the manager. Controls help a manager measure and communicate to the subordinate progress regarding the execution of the task within the expected performance standards. By providing a means
of measuring and analyzing subordinate's actions at established checkpoints, controls enforce accountability.

The above view is further re-enforced by Knight (1995:61) who firmly believes that what is always crucial in delegation, is need to create a means by which the principal and subordinate can estimate the level of effectiveness of the achievement. The supervisor, in conjunction with the subordinate, must establish these monitoring procedures, ultimately though it is the manager who must ensure that these feedback channels are operating. Some benchmarks by which both can judge what has been achieved (as opposed to what has been done) should be established. It is important to establish a definite schedule of times at which to review performance of the delegated work to determine whether it has been done correctly, within established time constraints, and in accordance with organizational needs.

Controls set and properly exercised by the superior for the most part, allow subordinates sufficient freedom to handle the tasks their own way, the manager being responsible for the end-result. A manager should anticipate that subordinates would show continued improvement in doing new tasks. Improvement is part of their learning process and this can only be acknowledged through close monitoring.

Whilst close monitoring is essential, Nelson (1988:79) warns that continually telling the subordinate how to complete the delegated task is not an effective means of delegating work. It is only necessary to remind the subordinate that he can complete the assignment in whatever manner he deems most effective to obtain the desired objectives. Monitoring and controls can also assist in recognizing problems before they become so large that they delay or obstruct the completion of the assignment. Controls have also proven to be a motivator for boosting both the volume and quality of work.

Recent studies have indicated that productivity increased with the amount of feedback about performance. Feedback helps a subordinate "fine-tune" his performance. They also mention that the delegate must provide supervision, give direction, and review the exercise of delegated authorities.

It is also important for the school principal as an educational manager to focus on the end result, that is, what is to be achieved rather than trying to delegate the method for achieving the results. Delegating the method puts unnecessary limitations on the
person doing the task. The subordinate should be allowed to use his own knowledge and skills to develop a process for getting the job done. The subordinate may, in fact, discover even a better method of monitoring than the manager thought was possible.

It is, according to Knight (1995:16), essential that the manager continually looks for ways of developing the skills and confidence of his colleagues. Delegation undoubtedly provides a very real opportunity for enhancing the growth of colleagues. It promotes job-enrichment, higher morale and more initiative from subordinates. The increased initiative can best be achieved by encouraging the subordinates to make their own decisions about how to do their tasks instead of imposing ideas on them. Tepper (1994:50) strongly suggests that this approach has two distinct reasons, namely.

1. The subordinates may come up with new ideas or methods that work better for them than imposed by their supervisor; and

2. The subordinates are more likely to use and retain solutions they find than those which are imposed on them.

Nelson (1988:13) takes the view that personal advancement and increased capacity by subordinates within the organization become the greatest benefit during the delegation process. As a matter of fact, the primary advantage of delegation is to develop the subordinate’s skill for future opportunities of promotion. Training can take place through constant delegation of small assignments. School principals, who delegate quite often, enhance the chances of giving subordinates some training in handling responsibilities. They also enable subordinates to participate more meaningfully in and influencing their organization’s work.

5.2.5 Commitment by the subordinate to execute the delegated task

If the goals and objectives of an assignment are to be achieved, the subordinate performing the task must be committed to them. According to Tepper (1994:50) a manager must challenge his employees to do the best job they can by appealing to their sense of pride and accomplishment. The manager must elicit the subordinate’s agreement and evoke a sense of responsibility for completing the delegated task. The greater the subordinate’s commitment to the task, the greater the chances of his
succeeding in executing the tasks to be delegated. The manager’s or the subordinate’s greatest obstacle to effective delegation lies in their not fully understanding what is expected of them at their organizational level when it comes to assigning work. Spelling out parameters within which delegated tasks will be executed is very important. The subordinates should be involved in setting performance objectives for themselves, as it is much easier for employees to reach goals they have helped set.

The subordinate should be given an opportunity to express his fears or concerns and raise questions on points about which he/she is uncertain. The delegate should be interested in such matters and let the subordinate see that interest. In dealing with the questions raised by the subordinate, the delegate is expected to explain clearly what performance is expected of the subordinate, how it will be measured, and what problems might be anticipated. It is also important that during this time that the delegate solicits the subordinate’s opinion on what and how a delegated task could be achieved and also what other obstacles were likely to occur.

Indeed, communicating the performance standards by which the subordinate will be evaluated ensures that the subordinate knows what good performance looks like. Commitment of the subordinate can also be obtained through discussion. The delegate should be honest and open about what kind of assessment will be done, citing examples of what constitutes good or bad performance.

Commitment can also be obtained by assuring the subordinate that the subordinate will be involved in the planning process and how much the manager will be monitoring the progress of the task. The subordinate should feel comfortable about approaching the manager whenever he/she is experiencing difficulties or has doubts about being able to meet a deadline (Nelson, 1988: 106).

5.2.6 The principal must keep the subordinate staff members motivated so as to accomplish the delegated task successfully

Tepper (1994:52) is adamant that one of the objectives of delegating work is to develop employee skills because when subordinates lack necessary skills, they can drag down productivity and may feel frustrated in their efforts to be productive
workers. Work gets done and more work than most managers could ever do alone. The subordinate’s output is maximised by delegating. It is important that the subordinates are given the appropriate support for the accomplishment of the delegated task. Support could take the form of information about the resources that are available, with whom the subordinate will perform the task and how often the manager will be available to help the subordinate member.

According to Knight (1995:43) the support requirement takes care of the personal or the relationship needs of the subordinate who has to carry out the tasks. The subordinate needs to feel confident, assured and, knowledgeable about his own role and those of others with whom he works. Motivation, therefore, remains an important strategy of keeping the subordinate committed to the accomplishment of the task. This can be done through satisfying certain basic needs. Employees also have needs and they vary from person to person. As a supervisor, the manager must make the utmost effort to be sensitive to these needs.

According to Tepper (1994: 58-66), it is common for the employees to want to know “what’s in it for me?” when they are asked to perform a delegated task and the answer to their questions can include any of the following:

- pride and responsibility: Subordinates who are entrusted with new responsibilities take pride in their ability to handle the work. This brings about a sense of accomplishment to them;
- sense of career advancement: Subordinates working under managers who entrust work to them see a company that is employee-oriented and happy to assist subordinates to improve themselves;
- public recognition: Good performance often leads to recognition by managers and fellow subordinates. Delegating work often creates recognition because of increased output and the development of skills; and
- increased power and influence: Learning new skills and impressing one’s manager can instill a great deal of pride in the subordinates. Giving them opportunities through delegation of work can help them take greater pride in their contribution to the company;
• acquisition of new skills: Acquiring new skills can greatly stimulate interest in the subordinates and giving them new challenges often leads to a renewed interest in their work and a desire to expand their knowledge and improve their skills to an even greater degree; and

• pay raise: Naturally, most subordinates would wish to benefit in the form of monetary gain, which often comes when a subordinate is promoted. Performing tasks effectively and efficiently places the subordinate in a better position for upward mobility.

Re-enforcing the above sentiments, Nelson (1988:142-147) lists the needs that can provide a motivating technique to enhance the level of support to the subordinate according to the popular Maslow’s hierarchy of needs. These are:

5.2.6.1 Motivating the subordinates with physiological needs

Understandably, the greatest physiological need is food, water and shelter. It is, therefore vital that subordinates are kept motivated by indicating to them that successful handling of delegated tasks would increase substantially the chances of recognition for promotion which obviously means more money to enable them to satisfy the needs listed above.

5.2.6.2. Motivating the subordinates through security needs

Most people have a strong need for security. Educators like all subordinates tend not to be very competitive and they seek stability within the school as an organization. Managers who delegate to the subordinate with strong security needs must make sure that the delegated task does not involve too much risk.

5.2.6.3 Motivating the subordinates through social needs

Once an attempt is made to satisfy the need for security, social needs will have to be satisfied. The primary social need that subordinates look to, for satisfaction, is being acceptable. Subordinates with strong social needs should have tasks delegated to them
that can be worked on in a group, or tasks that involve a high degree of interaction with other individuals.

5.2.6.4 Motivating the subordinate with esteem needs

A person's need for prestige or power, results in competitiveness with other subordinates. A subordinate who has been successful in a group should be encouraged to help others improve their skills and learn new tasks. They would indeed take pride in the accomplishments that other subordinates achieve. Such a subordinate usually determines a group of characteristics, that is, things such as wealth or status, which he wants to achieve. He then modifies his behaviour to achieve these characteristics. Subordinates with esteem needs must therefore be made to feel more important by being given tasks that make them feel that they are gaining power by doing the tasks. When motivated by tasks that have high visibility or involve dominance over others, such subordinates become prime candidates for more complex tasks that increase their level of authority.

5.2.6.5 Motivating subordinates with self-actualization needs

Competence and achievement are two forms of self-actualization needs. In any organization, people with strong competence needs want to master their jobs and grow professionally. The best method for a manager to determine the subordinate's needs is:

- to maintain open communication with the subordinate and watch for the characteristics of the five classes of needs;
- to seek feedback from the subordinates because people who are achievement motivated are more interested in accomplishing the task than in receiving the rewards for doing it; and
- to stay objective when dealing with such subordinate and try to understand the motives behind their behaviour.

The principals should also take note that subordinates in this category are also prime candidates for tasks that increase their level of authority, hence managers must be sure to give these subordinates plenty of feedback because that is what motivates them.
5.3 CONCLUSION

It is therefore, vital for the principal as an educational manager to understand that for delegation to be effective it is important that the requirements should be observed. Having analyzed and discussed the requirements, it now becomes appropriate to discuss the research methodology in the next chapter.
CHAPTER SIX

THE RESEARCH METHODOLOGY AND COLLECTION OF DATA

6.1 INTRODUCTION

This research bore out the assumption that many school principals unconsciously or consciously delegate authority to subordinates with little or sometimes no understanding of the legal implications of such an action.

In order to undertake research of this nature, an analytical approach was used to develop, a conceptual framework which illuminates the legal basis on which sound management tasks of the school principal, such as delegation of authority, take place, within the broader ambit of the newly developed field of educational law. This was done through comparative literature research as well as through examining relevant legislation identified by a search of the education acts, rules, regulations, policy guidelines, case law and common-law rules. Thereafter, delegation within actual the legal implications of delegating authority in respect of day-to-day managerial duties of the principal in KwaZulu-Natal was examined empirically.

6.2 RESEARCH IN CANADA

While researching this topic, the researcher became aware of the paucity of literature on education law as it affects South African Schools. His opinion is borne out by other researchers. Writing a foreword Stone (in Oosthuizen, 1994:5) says, “this book is a valuable addition to the limited literature that is available in South Africa on educational law, which is one of the newest disciplines in the field of education”.

Stone is supported by Beckmann (1997:22) who, when presenting his paper at the Conference of the Canadian Association for the Practical Research of Law and Education (CAPSLE) says “the purpose of this paper is, therefore to undertake a preliminary assessment of the emerging South African education legal and policy
framework and its capacity to act as beacons to navigate the education ship to the harbour where the ideals of transformation will be fulfilled”.

This scenario that education law is still not yet a well developed field does not only apply to South Africa as stated by De Groof (1996b:211) who says “very few countries can claim to treat education law as a separate field of scientific research. There are few university chairs in “Education Law” and therefore the number of scientific publications and, more importantly, scientific journals dealing with this subject is limited”.

Both the scarcity of such literature and the potential importance of this new field reinforced the writer’s belief that it was vital to supplement whatever limited literature there is in South Africa by conducting research in a country where education law is considered to be a well developed and co-ordinated as a field of research. Canada was chosen because it is, according to Van Wyk (1983:15), a leading country in this field.

An overseas research grant was awarded by the National Research Foundation (previously known as the Human Science Research Council) in 1997 to the researcher for a period of two months to visit Canada. The researcher was based at the University of Western Ontario. This university was chosen because professor Greg Dickinson, a respected writer and expert on education law, is the Head of Division of Education Policy School Studies.

Scholars of education law with whom the researcher interacted included the following:

- Professor Greg Dickinson by whom the researcher was supervised by arrangement with the researcher’s promoter from the Rand Afrikaans University;
- Professor William Smith from the Office of Research on Educational Policy in the Faculty of Education at McGill University. Prof. William Smith was the head of Canada-South Africa Education Sector Management Programme, which is a joint undertaking of both Governments, and the Canadian International Development Agency. Professor Dickinson arranged for the researcher to meet with professor
Smith and professor William Foster. These were all scholars in education law, having written extensively on this field;

- Professor Greg Dickinson also arranged that the researcher meets with Advocate Keel Cottrell, a respected legal expert in school related litigations in the Province of Ontario, based in Toronto. Advocate Keel Cottrell is also a contributor to many journals on education law.

The researcher chose to focus these interviews on the conceptual understanding of aspects of education law. In this way, the topic was rendered more easily researchable within the field of education law.

6.2.1 Literature survey in Canada

As the intention was also to conduct a survey of the existing body of knowledge on the topic, the researcher spent a great deal of time reviewing literature on education law. The secondary literature sources predominantly comprised books, journals, articles, manuscripts, official publications, memoirs, newspapers, research dissertations and theses on similar topics.

Reviewing this body of knowledge enabled the researcher to determine what was already known about the problem and to gain better insight into the research problem, and served as a basis for comparison between the Canadian and South African systems of school management.

6.2.2 Observation and unstructured interviews

In addition to a documentary research, the researcher observed and held individual and group interviews with principals or deputy principals of both elementary and secondary schools in the vicinity of the University of Ontario. These personal contacts provided valuable insight into the role perceptions of principals and their attitudes in managing schools. The researcher was able to observe and interact in real situations of day-to-day management practices in schools especially those that involved delegation of authority. The extent of powers vested in the deputy through statutory delegation was notable.
These powers included issues such as handling of student discipline with little intervention by the principal.

It is important to point out that this visit to Canada was not intended to collect research data for purposes of analysis because the research topic relates specifically to KwaZulu-Natal. The intention was to collect and compare information so as to provide a proper theoretical base for contextualizing delegation in the legal perspective in KwaZulu-Natal. It was also useful to supplement, validate and explain, illuminate or re-interpret the research topic. In this way, the topic was rendered more easily researchable within the context of education law.

6.3 RESEARCH WITHIN SOUTH AFRICA

6.3.1 Literature Survey

Since the topic relates to the South African situation, the relevant South African legal literature was examined. This entailed the analysis and application of statutory material in chapter 3, whilst common law and case law material was the primary methodology utilized in the consideration of issues raised in chapters 4 and 5.

The provincial statutory material examined had a KwaZulu-Natal bias, although the South African Schools Act (SASA) was also used extensively, except for education legislation which overrides the provincial statutes as circumstances so dictated. A limited survey of case law was also conducted.

6.3.2 Empirical research design and procedure

The data for the research was collected mainly through the use of a questionnaire and unstructured interviews, and observations of the management styles of some individual principals, who were not part of the original sample, also complemented this method.
Empirically the measuring instrument has a great influence on the reliability of data. The design of this investigation was a structured questionnaire based on a simple question-answer approach.

6.3.2.1 The questionnaire as a research tool

In this research, the researcher relied on the questionnaire as a research tool. In justifying the use of this tool, Gay (1987: 195) correctly contends that “the use of a questionnaire has some definite advantages over other methods of collecting data. For example, a questionnaire is more effective in that it requires less time, is less expensive and permits collection of data from a much larger sample”. The questionnaire, if properly constructed and administered, is the best available instrument for obtaining information from a widely spread population. Consideration here was given to question content, question format, question order, question type, question formulation and question validity. The researcher spent a great deal of time and thought on the construction of the questionnaire. In drafting this questionnaire, the researcher considered certain criteria for a good questionnaire such as:

- keeping it as brief as possible and easy to respond to because lengthy questionnaires usually alienate respondents;
- making questions as simple and straightforward as possible in order to be understood by the respondents. If the respondent needs to think or consider, he is likely to be put off;
- making questions free from ambiguity, vagueness and technical expressions in the language used. Although the topic is closely related to law, an attempt was made to avoid using some legal jargon as far as possible; and
- the design and layout of the questionnaire should be attractive enough to yield high levels of response. The appearance of the questionnaire is important because a compressed layout is, in most instances, uninviting.

It therefore, became imperative for the writer to produce a design and layout that could easily attract high levels of response. Emphasizing this point, Cohen and Manion (1994:111) argue that the appearance of the questionnaire is vitally important. It must
look easy and attractive. A compressed layout is uninviting, a larger questionnaire with plenty of space for questions and answers is more encouraging to respondents.

In designing and laying out the questionnaire, the initial questions (Section A) had to allow for the collection of necessary personal, professional and general information. This portion of the questionnaire is usually made simpler to yield high interest values and encourage participation. Section B contained slightly more difficult questions in that they tested the extent to which the respondents understood the legal understanding of certain principles related to the delegation of authority.

Sections C, D and E were made less difficult in order to encourage the respondents to complete and return the questionnaires. School principals are often very busy people, more especially when they have to teach full time. Some would, despite good intent and purposes, desire to complete a questionnaire, but would put it aside hoping to attend to it later. Nothing can be more irritating when pressed for time than having to think or consider about the possible answer to a question. It was, therefore felt that using a closed-ended questions would yield a high response.

6.3.2.2 The pilot study prior to the administration of the questionnaire

It became essential that a pilot research be conducted because a trial run helps the researcher to decide whether the research is feasible and whether it is worthwhile to continue. It provides an opportunity to assess the appropriateness and practicability of the data collection instruments (Ary, Jacobs, and Razavieh, 1990:109).

A few questionnaires were, therefore, distributed to school principals in order that the instrument to be used could be tested before actual use in the research. It was distributed to a group of respondents who were not part of the intended sample. The results of this pilot research helped the researcher:

- to detect ambiguity in wording and to re-phrase the questions;
- to elicit comments on any aspect of the questionnaire as a whole. The pilot research provided the researcher with ideas, and approaches not foreseen and
such ideas and clues increased the chances of obtaining clear-cut findings in
the main research; and

• to indicate some unclear instructions given to respondents. The researcher
  was, therefore, able to clarify the instructions thus improving the quality of
  questioning.

6.3.2.3 Administration of the questionnaire

The researcher targeted school principals in all eight Regions of KwaZulu-Natal
Department of Education. Initially the researcher intended to distribute over 1000
questionnaires because of the size of the province. However, 855 were finally
administered by using the following methods:

• some questionnaires were personally distributed to some Superintendents
  of Education after obtaining permission from the Regional Director of
  Education Provision. These officials became contact persons in each
  Region. According to Fraenkel and Wallen (1990:336) this is a good idea
  because “in school-based surveys, a higher response rate can be obtained if
  a questionnaire is sent to persons in authority to administer to the potential
  respondents rather than to the respondents themselves”. Eiselen (1996:81)
  maintains that in order to avoid non-response, it is wise to solicit the co-
  operation of selected people prior to sending the questionnaire.

• in a district or region where the above method could not be used, a
  questionnaire was posted directly to the school principals with a self-
  addressed and stamped envelope.

• some questionnaires were self-administered when the researcher visited
  schools to attend principals’ meetings organized in a particular district.
  According to Best and Kahn (1986:166) questionnaires administered
  personally to individuals have an advantage in that the person
  administering the instrument has an opportunity to establish rapport,
  explain the purpose of the research and explain the meaning of certain
  items that may not be clear. The availability of a number of respondents in
one place makes possible economy of time and expense and provides a high proportion of useable responses. Where it was not possible to see the principal, the questionnaire was left with the personal secretary of the Principal or Deputy Principal.

From the 855 questionnaires distributed, 603 were returned and this represents a 71% response rate.

6.3.2.3 Unstructured interviews and visits to schools

A limited field research was done through personal contact with principals and the researcher’s observations gleaned during these interactions. The researcher decided to visit a few schools to observe some pertinent and powerful practices by principals. To this end the researcher used oral testimony by interviewing principals and deputy principals or HODs to establish how the principal exercises his discretionary power of delegating and in which management areas does he often delegate authority. It also provided an opportunity of verifying official documentary materials. Included in this category were Education Acts, Government Gazettes, Departmental circulars such as the designed “Route Form” to be completed by the principal when a learner is to be expelled by the Head of the Education Department.

These unstructured interviews were used to identify a number of key issues, which could be raised in a conversational style rather than in a questionnaire. They also provided valuable insights into role perceptions of principals in their practical experience in managing schools, and their opinions on the need for development programmes in this field of education law.

Analysis began during this stage, that is, the initial interviews, when the researcher began looking for trends and patterns in each principal’s thinking to provide a focus on delegation of authority within the school. The analysis of the principals’ discourse during and after the initial interviews centred on their conceptions of knowledge covering a vast field of school management. The researcher was able to make some findings upon which some recommendations could be made.
6.4 WHY LINK QUALITATIVE AND QUANTITATIVE RESEARCH METHODS?

In this research both quantitative and qualitative methods of data collection were used. Miles and Huberman(1994:41), raise three broad reasons for using both methods:

- to enable confirmation or corroboration of each other via triangulation;
- to elaborate or develop analyses, providing richer detail; and
- to initiate new lines of thinking through attention to surprises or paradoxes, "turning ideas around" are providing fresh insight.

6.4.1 Strengths of quantitative research

In justifying the use of the questionnaire as a research tool, Gay (1987:195) contends that the use of a questionnaire has some definite advantages over other methods of collecting data. A questionnaire is more efficient in that it requires less time, is less expensive and permits collection of data from a much larger sample. If properly administered, the questionnaire continues to be the best available instrument for obtaining information from widely spread sources.

6.4.2 Strengths of qualitative research

Miles and Huberman (1994:10) are very explicit that qualitative data are useful when one needs to supplement, validate, explain, illuminate or re-interpret quantitative data gathered from the same setting. One major feature of qualitative research is that it focuses on naturally occurring, ordinary events in natural settings so that we could have a strong induction of what "real life" is like. The following can be mentioned:

- the emphasis is on a specific case, a focused and bounded phenomenon embedded in its context. In this instance, the aim was to observe and explicate the ways in which principals manage their day-to-day situations;
- the influences of the local context are not stripped away, but are taken into account; and
the possibility for understanding latent, underlying or non-obvious issues is strong.

In support of this argument, Scott and Usher (1996: 61) also argue that the qualitative interview allows the agenda to be set by the interviewee and is primarily concerned with the interviewee’s views and opinions on a range of phenomena that relate to past and present events.

6.5 SELECTED MANAGEMENT AREAS OF FOCUS IN THE QUESTIONNAIRE.

Responses obtained from principals and the literature research undertaken in Chapters 2, 3, 4 and have identified a number of themes but for purposes of discussion hereafter it was decided to examine the items in accordance with specific themes that underpin them. The THREE elements identified were:

- delegation of authority for effective school management;
- delegation of authority for effective control of school discipline;
- delegation of authority for effective school financial management.

The research resulted in 65 formulated questions (See APPENDIX A) designed to determine the perceptions of school principals regarding the themes identified above.

The items of the questionnaire were categorized into FIVE sections as shown below:

Section A: Personal and demographic information about the respondents
   (items A1 - A15).

Section B: The understanding of relevant ‘Education Acts’ and other legal rules related to the ‘delegation of authority’ (items B1 - B3 and B6 - B20).

Section C: The dimension of the process of delegating authority in a school management (C1 - C20).
Section D: Delegating authority to maintain school discipline (D1 - D5).

Section E: Delegating authority in school financial management (E1 - E5).

The response in each category was initially analyzed by giving the valid percentage obtained, mean score and standard deviation as shown in the following Tables.
### TABLE 6.1: Personal and demographic information about the respondents

<table>
<thead>
<tr>
<th>Variable</th>
<th>No of Groupings</th>
<th>Nature of valid groupings</th>
<th>No Responded</th>
<th>Valid %</th>
<th>Mean Score</th>
<th>S. D.</th>
</tr>
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<tbody>
<tr>
<td>A1 Gender</td>
<td>2</td>
<td>Male</td>
<td>379</td>
<td>63,3</td>
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<td>0,48</td>
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<td>Female</td>
<td>220</td>
<td>36,7</td>
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<td>A2 Age</td>
<td>3</td>
<td>Between 25-40 yrs</td>
<td>204</td>
<td>33,9</td>
<td>44,44</td>
<td>7,60</td>
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<td></td>
<td></td>
<td>Between 41-48 yrs</td>
<td>219</td>
<td>36,4</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Between 49 &amp; above</td>
<td>178</td>
<td>29,7</td>
<td></td>
<td></td>
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<tr>
<td>A3 Years as Principal</td>
<td>5</td>
<td>Between 0 - 1 yrs</td>
<td>121</td>
<td>20,8</td>
<td>7,37</td>
<td>6,52</td>
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<td></td>
<td></td>
<td>Between 2 - 4 yrs</td>
<td>254</td>
<td>20,8</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Between 5 - 8 yrs</td>
<td>24</td>
<td>22,6</td>
<td></td>
<td></td>
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<tr>
<td></td>
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<td>Between 9 - 14 yrs</td>
<td>85</td>
<td>21,4</td>
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<tr>
<td></td>
<td></td>
<td>Between 15 &amp; above</td>
<td>9</td>
<td>14,4</td>
<td></td>
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<td>A4 Academic Qualification</td>
<td>3</td>
<td>Std 10 and lower</td>
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<td></td>
<td></td>
<td>Bachelor Degree</td>
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<td></td>
<td>Post Graduate</td>
<td>168</td>
<td>28,2</td>
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<td>A5 Professional Qualification</td>
<td>3</td>
<td>Educators’ Diploma</td>
<td>273</td>
<td>61,8</td>
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<td>Post Grad Diploma</td>
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<td>Other(Educators’ Certificate)</td>
<td>143</td>
<td>7,4</td>
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<td>A6 Research of Court in law</td>
<td>2</td>
<td>Yes</td>
<td>125</td>
<td>21,7</td>
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<td>No</td>
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<td>A7 Experience as Principal</td>
<td>4</td>
<td>Between 0 – 5 yrs</td>
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<td>23,2</td>
<td>3,45</td>
<td>1,15</td>
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<td>Between 6 – 10 yrs</td>
<td>184</td>
<td>31,3</td>
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<td>Between 11 – 15 yrs</td>
<td>121</td>
<td>20,5</td>
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<td></td>
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<td>Between 16 &amp; above</td>
<td>147</td>
<td>25,0</td>
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<td>A8 Post before Principal</td>
<td>3</td>
<td>Deputy Principal</td>
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<td>39,7</td>
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<td>H. O. D.</td>
<td>172</td>
<td>30,2</td>
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</tr>
<tr>
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<td>Other(e.g. Educator)</td>
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<td>A9 Immediate Subordinate</td>
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<td>Deputy Principal</td>
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<td>H. O. D.</td>
<td>207</td>
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<td>Other- Acting HOD)</td>
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<td>A10 Type of school</td>
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<td>Region of Respondent</td>
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<td>South Coast</td>
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<td>North Coast</td>
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<td>South Coast</td>
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<td>Durban North</td>
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<td>4,6</td>
<td>Durban South</td>
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<td>17,7</td>
<td>Port Shepstone</td>
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<td>Ulundi</td>
<td>107</td>
<td>2,3</td>
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<td></td>
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<td>Midlands</td>
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<td>Ladysmith</td>
<td>50</td>
<td>27,8</td>
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<td>Pmburg</td>
<td>43</td>
<td>7,1</td>
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<td>Vryheid</td>
<td>28</td>
<td>8,3</td>
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<td>South Coast</td>
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<td>Durban South</td>
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<td>Port Shepstone</td>
<td>44</td>
<td>7,3</td>
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<td>A12</td>
<td></td>
<td>Geographical Situation</td>
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<tr>
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<td>Semi – Urban</td>
<td>122</td>
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<td>Rural</td>
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<td>Previous Dept of Education</td>
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<td>KZDEC</td>
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<td>N.E.D.</td>
<td>69</td>
<td>11,5</td>
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<td></td>
<td>H.O.D.</td>
<td>76</td>
<td>12,5</td>
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<td>H.O.R.</td>
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<td>D.E.T.</td>
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<td>10,0</td>
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<td>A14</td>
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<td>How do you handle a legal Problem</td>
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<td></td>
<td>Handle it myself</td>
<td>51</td>
<td>8,6</td>
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<td></td>
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<td>Refer it to the Educ Dept</td>
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<td>36,9</td>
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<td></td>
<td></td>
<td>School hires a lawyer</td>
<td>59</td>
<td>9,9</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Seek legal advice elsewhere</td>
<td>216</td>
<td>36,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other: SGB handles</td>
<td>48</td>
<td>8,1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A15</td>
<td></td>
<td>Acknowledging Legal implications</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>322</td>
<td>54,5</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No</td>
<td>269</td>
<td>45,5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

UNIVERSITY OF JOHANNESBURG
For Sections B, C, D and E, certain portions were analyzed on a 5 point scale appearing below. Some respondents had to answer according to one of the following formats.

<table>
<thead>
<tr>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very seldom</td>
<td>Very often</td>
</tr>
<tr>
<td>1 = very seldom</td>
<td></td>
</tr>
<tr>
<td>2 = seldom</td>
<td></td>
</tr>
<tr>
<td>3 = to a limited extent/sometimes</td>
<td></td>
</tr>
<tr>
<td>4 = often</td>
<td></td>
</tr>
<tr>
<td>5 = very often</td>
<td></td>
</tr>
</tbody>
</table>

### SECTION B

**TABLE 6.2: INFORMATION ON THE UNDERSTANDING OF LEGAL ASPECTS BY RESPONDENTS.**

In your opinion, how would you rate your understanding of...

<table>
<thead>
<tr>
<th>No</th>
<th>Item</th>
<th>Description</th>
<th>Very Limited %</th>
<th>Limited %</th>
<th>Average %</th>
<th>Good %</th>
<th>Very Good %</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>The South African Schools Act No 84 of 1996.</td>
<td>6,8</td>
<td>6,0</td>
<td>27,2</td>
<td>39,7</td>
<td>20,3</td>
<td></td>
</tr>
<tr>
<td>B2</td>
<td>The KwaZulu-Natal Schools Education Act No 3 of 1996.</td>
<td>10,0</td>
<td>9,8</td>
<td>26,3</td>
<td>39,5</td>
<td>14,3</td>
<td></td>
</tr>
<tr>
<td>B3</td>
<td>The Bill of Rights as embodied in the Republic of South Africa Constitution Act of 108 of 1996.</td>
<td>7,5</td>
<td>10,8</td>
<td>30,3</td>
<td>34,4</td>
<td>17,0</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 6.3: RESPONSES REGARDING THE UNDERSTANDING OF LEGAL PRINCIPLES RELATED TO THE DELEGATION OF AUTHORITY.

In your opinion and understanding, what do you consider an appropriate interpretation of the following: (Circle in Box 1 or Box 2).

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Valid % Box 1 Incorrect</th>
<th>Valid % Box 2 Correct</th>
<th>Mean Score</th>
<th>S.D.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B6</td>
<td>The legal rule known as <em>delegatus non potest</em></td>
<td>28,0</td>
<td>72,0</td>
<td>1,72</td>
<td>0,45</td>
</tr>
<tr>
<td>B7</td>
<td>The legal rule of <em>ultra vires</em></td>
<td>53,4</td>
<td>46,6</td>
<td>1,47</td>
<td>0,50</td>
</tr>
<tr>
<td>B8</td>
<td>The subordinate legislation.</td>
<td>23,5</td>
<td>76,5</td>
<td>1,77</td>
<td>0,42</td>
</tr>
<tr>
<td>B9</td>
<td>“Expressed authority” to delegate.</td>
<td>65,7</td>
<td>34,3</td>
<td>1,34</td>
<td>0,48</td>
</tr>
<tr>
<td>B10</td>
<td>“Implied authority” to delegate.</td>
<td>28,2</td>
<td>71,8</td>
<td>1,72</td>
<td>0,45</td>
</tr>
<tr>
<td>B11</td>
<td>“Common-law” authority to delegate.</td>
<td>55,0</td>
<td>45,0</td>
<td>1,45</td>
<td>0,50</td>
</tr>
<tr>
<td>B12</td>
<td>“Liability for action” emanating from delegation action.</td>
<td>49,1</td>
<td>50,9</td>
<td>1,51</td>
<td>0,50</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>43,3</td>
<td>56,7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 6.4: RESPONSES REGARDING THE EXTENT TO WHICH RESPONDENTS AGREE OR DISAGREE WITH THE LEGAL INTERPRETATION OF SPECIFIC ITEMS.

To what extent do you *agree/disagree* with the following:

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Average</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>B13</td>
<td>According to SASA-Section 16(3), “professional management of a public school must be undertaken by the principal under the authority of the HOD”. This implies that the principal has delegated powers to effectively run the school subject to the authority of the HOD. He may not further delegate such powers to the deputy principal.</td>
<td>27,5</td>
<td>18,8</td>
<td>14,7</td>
<td>17,9</td>
<td>21,1</td>
</tr>
<tr>
<td>B14</td>
<td>The Education Act, regulations, rules and circulars from the Education Department usually provide the legal framework within which school principals have to perform management functions such as delegation.</td>
<td>7,0</td>
<td>6,8</td>
<td>18,2</td>
<td>35,0</td>
<td>33,0</td>
</tr>
<tr>
<td>B15</td>
<td>Prior to delegating any task, the school principal should have a clear understanding of what the Act, regulation or education circular says regarding the extent and limit of powers of delegation.</td>
<td>2,3</td>
<td>3,0</td>
<td>8,2</td>
<td>26,5</td>
<td>60,0</td>
</tr>
<tr>
<td>B16</td>
<td>Other than an Act of parliament, common-law rules (i.e. accepted past practices by decision of Judges) also provides a legal framework within which a principal can exercise powers of delegation.</td>
<td>6,9</td>
<td>7,0</td>
<td>22,9</td>
<td>34,2</td>
<td>29,0</td>
</tr>
<tr>
<td>B17</td>
<td>Principals should become knowledgeable in the complex area of school law if they are to be effective managers.</td>
<td>0,8</td>
<td>1,7</td>
<td>7,5</td>
<td>20,4</td>
<td>69,6</td>
</tr>
<tr>
<td>B18</td>
<td>Seminars and management development workshops on legal issues should be organized on regular basis for principals..</td>
<td>1,2</td>
<td>1,8</td>
<td>5,3</td>
<td>17,5</td>
<td>74,2</td>
</tr>
<tr>
<td>B19</td>
<td>A course on Educational Law should be introduced in the educator – training curriculum.</td>
<td>0,8</td>
<td>13,0</td>
<td>6,1</td>
<td>19,1</td>
<td>61,0</td>
</tr>
<tr>
<td>B20</td>
<td>A school principal acquires some form of legislative authority within the school, which enables him/her to formulate internal policy and rules for efficient management.</td>
<td>2,2</td>
<td>2,4</td>
<td>9,7</td>
<td>30,0</td>
<td>55,7</td>
</tr>
</tbody>
</table>
### SECTION C

**TABLE 6.5: RESPONSES REGARDING DELEGATION FOR EFFECTIVE SCHOOL MANAGEMENT.**

*In your opinion how often do you...*

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Very Seldom</th>
<th>Seldom</th>
<th>Some Times</th>
<th>Often</th>
<th>Very Often</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Delegate to your deputy the supervision of teaching and learning activities so that you can concentrate on administrative functions?</td>
<td>7.3</td>
<td>8.3</td>
<td>25.0</td>
<td>38.4</td>
<td>21.0</td>
</tr>
<tr>
<td>C2</td>
<td>Do you permit your deputy to further delegate the control of instructional activities to the H.O.D or another educator?</td>
<td>15.3</td>
<td>10.1</td>
<td>21.3</td>
<td>33.0</td>
<td>20.3</td>
</tr>
<tr>
<td>C3</td>
<td>Delegate to the educator some of your managerial functions such as the filling of the statistical returns required by the Department?</td>
<td>27.5</td>
<td>11.9</td>
<td>18.0</td>
<td>28.0</td>
<td>14.6</td>
</tr>
<tr>
<td>C4</td>
<td>Take work home for completion because you have been busy during the day?</td>
<td>12.0</td>
<td>6.2</td>
<td>18.3</td>
<td>30.8</td>
<td>32.7</td>
</tr>
<tr>
<td>C5</td>
<td>Consider and carefully decide what you want to delegate?</td>
<td>2.8</td>
<td>5.0</td>
<td>17.3</td>
<td>34.3</td>
<td>40.6</td>
</tr>
<tr>
<td>C6</td>
<td>Consider and carefully decide to whom you delegate?</td>
<td>2.5</td>
<td>4.0</td>
<td>9.3</td>
<td>36.5</td>
<td>47.7</td>
</tr>
<tr>
<td>C7</td>
<td>Delegate a task on a spur of a moment when you come across a educator whom you think may do it well?</td>
<td>38.9</td>
<td>18.8</td>
<td>19.5</td>
<td>13.8</td>
<td>9.0</td>
</tr>
<tr>
<td>C8</td>
<td>Consult with your deputy before delegating a task to another educator?</td>
<td>5.9</td>
<td>9.5</td>
<td>17.9</td>
<td>34.2</td>
<td>32.5</td>
</tr>
<tr>
<td>C9</td>
<td>Define clearly to the subordinate the task to be performed?</td>
<td>1.8</td>
<td>3.5</td>
<td>10.4</td>
<td>31.6</td>
<td>52.7</td>
</tr>
<tr>
<td>C10</td>
<td>Put in writing all tasks to be delegated to the subordinate?</td>
<td>9.7</td>
<td>14.0</td>
<td>25.7</td>
<td>27.7</td>
<td>22.9</td>
</tr>
<tr>
<td>C11</td>
<td>Consider the complexity of the task and delegate according to ability and experience of the subordinate?</td>
<td>1.7</td>
<td>3.6</td>
<td>11.3</td>
<td>36.2</td>
<td>47.2</td>
</tr>
<tr>
<td>C12</td>
<td>Withdraw the delegated task and do it yourself if you are not satisfied?</td>
<td>23.8</td>
<td>17.2</td>
<td>23.0</td>
<td>19.0</td>
<td>17.0</td>
</tr>
<tr>
<td>C13</td>
<td>Intervene by issuing new instructions if the task is not properly performed?</td>
<td>13.8</td>
<td>15.0</td>
<td>24.8</td>
<td>26.8</td>
<td>19.6</td>
</tr>
<tr>
<td>C14</td>
<td>Insist that the subordinate make regular reports about the progress of the task delegated?</td>
<td>4.0</td>
<td>8.0</td>
<td>19.3</td>
<td>34.9</td>
<td>33.8</td>
</tr>
<tr>
<td>C15</td>
<td>Take advantage of a competent, hard-working subordinate and delegate increasingly to him?</td>
<td>13.6</td>
<td>11.4</td>
<td>25.0</td>
<td>27.1</td>
<td>22.9</td>
</tr>
<tr>
<td>C16</td>
<td>Closely monitor the performance of a person doing a delegated task?</td>
<td>5.7</td>
<td>10.8</td>
<td>22.6</td>
<td>31.1</td>
<td>29.8</td>
</tr>
<tr>
<td>C17</td>
<td>Prepare your subordinate for the task he is to perform?</td>
<td>3.1</td>
<td>6.3</td>
<td>19.1</td>
<td>35.5</td>
<td>36.0</td>
</tr>
<tr>
<td>C18</td>
<td>Consider the complexity of the task before you delegate to the subordinate?</td>
<td>1.6</td>
<td>2.7</td>
<td>14.3</td>
<td>34.4</td>
<td>47.0</td>
</tr>
<tr>
<td>C19</td>
<td>Delegate the task to the subordinate and do not interfere if it is properly done?</td>
<td>8.0</td>
<td>7.0</td>
<td>10.3</td>
<td>29.8</td>
<td>44.9</td>
</tr>
<tr>
<td>C20</td>
<td>Delegate indiscriminately in order that every subordinate gets a duty to perform?</td>
<td>28.7</td>
<td>13.5</td>
<td>17.8</td>
<td>19.7</td>
<td>20.3</td>
</tr>
</tbody>
</table>
### SECTION D

#### TABLE 6.6: RESPONSES REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE CONTROL AND MAINTENANCE OF SCHOOL DISCIPLINE.

To what extent do you *agree/disagree* with the following?

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Strongly Disagree %</th>
<th>Disagree %</th>
<th>average %</th>
<th>Agree %</th>
<th>Strongly Agree %</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1</td>
<td>It is important for the principal to research every piece of legislation thoroughly which has a bearing on learner discipline since enforcement of school rules must nowadays meet a constitutional standard (e.g. Bill of Rights in the Constitution).</td>
<td>0,5</td>
<td>2,3</td>
<td>6,2</td>
<td>20,3</td>
<td>70,7</td>
</tr>
<tr>
<td>D2</td>
<td>Cases involving a disciplinary hearing may be delegated to a body (e.g. Disciplinary Committee) rather than to an individual (e.g. Deputy Principal).</td>
<td>3,7</td>
<td>3,3</td>
<td>8,5</td>
<td>23,2</td>
<td>61,3</td>
</tr>
<tr>
<td>D3</td>
<td>It is important that the principles of due process (fairness and openness) should be expressed in the Code of Conduct for the school.</td>
<td>0,7</td>
<td>1,0</td>
<td>7,5</td>
<td>19,0</td>
<td>71,8</td>
</tr>
<tr>
<td>D4</td>
<td>It is important that the trial procedures (e.g. explaining the rights to the accused) be clearly communicated to everyone within the school.</td>
<td>3,2</td>
<td>3,3</td>
<td>9,7</td>
<td>18,2</td>
<td>65,6</td>
</tr>
<tr>
<td>D5</td>
<td>Although the principal, in his capacity as professional leader within the school, has wide discretion powers of management, he has no authority to delegate issues relating to suspension and expulsion of pupils in terms of the South African Schools Act.</td>
<td>9,3</td>
<td>5,3</td>
<td>8,0</td>
<td>17,0</td>
<td>60,4</td>
</tr>
</tbody>
</table>
## TABLE 6.7: RESPONSES REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL FINANCIAL MANAGEMENT

In your opinion how *often* do you

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Strongly Disagree %</th>
<th>disagree %</th>
<th>Average %</th>
<th>agree %</th>
<th>Strongly Agree %</th>
</tr>
</thead>
<tbody>
<tr>
<td>E1</td>
<td>Delegate with the written consent of the Governing Body the function of collecting, controlling and checking of school monies to some of your subordinates?</td>
<td>20,2</td>
<td>9,8</td>
<td>16,3</td>
<td>24,6</td>
<td>29,1</td>
</tr>
<tr>
<td>E2</td>
<td>Consult the Financial Manuals for procedure whenever dealing with issues relating to finances as a delegated function by the School Governing Body.</td>
<td>9,6</td>
<td>9,6</td>
<td>21,1</td>
<td>27,1</td>
<td>32,6</td>
</tr>
<tr>
<td>E3</td>
<td>Use your staff’s expertise by delegating with the written consent of the Governing Body some of the financial management functions (e.g. drafting school budget ) to them.</td>
<td>15,1</td>
<td>7,2</td>
<td>17,3</td>
<td>33,1</td>
<td>27,3</td>
</tr>
<tr>
<td>E4</td>
<td>Cause your subordinate staff to research all statutory provisions, regulations and departmental instructions on financial management before delegating to them.</td>
<td>13,1</td>
<td>11,4</td>
<td>17,8</td>
<td>28,0</td>
<td>29,7</td>
</tr>
<tr>
<td>E5</td>
<td>Ensure that persons entrusted with the financial/accounting duties are made aware that any irregularities in the handling and control of school fund, and any contravention of statutory provisions, regulations and departmental instructions have serious legal implications.</td>
<td>4,0</td>
<td>5,0</td>
<td>10,2</td>
<td>27,6</td>
<td>53,2</td>
</tr>
</tbody>
</table>
6.6 IDENTIFIED FACTORS OF SECTION C OF THE QUESTIONNAIRE

The purpose of identifying certain FACTORS in this questionnaire was to secure a deeper and broader understanding of the actual themes which are of significant impact on the delegation of authority as one managerial task of the school principal. In order to achieve this goal the items in sections C, D and E of the questionnaire were subjected to the process of factor analysis.

The items in section C of the questionnaire were subjected to two successive factor analytic procedures. The result of the first order procedure consisting of a principal component analysis (PCA1) and a principal factor analysis (PFA1) using varimax rotation and orthogonal axes, was that the 20 items were reduced to five factors namely:

- Factor 1.1 consisting of six items was dubbed essential aspects for valid delegation;
- Factor 1.2 consisting of seven items was named inefficient aspects of delegation;
- Factor 1.3 consisting of three items was dubbed the line function of delegation;
- Factor 1.4 consisting of two items was named bureaucratic aspects of delegation; and
- Factor 1.5 consisting of two items was named monitoring delegated tasks.

These five first order factors were now subjected to a further factor analytic procedure using a principal component analysis (PCA2) with varimax rotation and orthogonal axes, followed by a (PFA2) with dobolmin-rotation. This procedure resulted in the five first order factors being reduced to just one factor namely:

Factor C consisting of 20 items that was dubbed aspects concerned with the delegation of authority for effective school management.

The first order factors with their respective items, mean scores, standard deviations and rank order are presented in the form of tables.
TABLE 6.8: FACTOR C 1.1 - ESSENTIAL ASPECTS OF VALID DELEGATION.

In your opinion, how often do you...

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S. D.</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C5</td>
<td>Consider and carefully decide what you want to delegate?</td>
<td>4.05</td>
<td>1.02</td>
<td>2</td>
</tr>
<tr>
<td>C6</td>
<td>Consider and carefully decide to whom you delegate?</td>
<td>4.23</td>
<td>0.95</td>
<td>1</td>
</tr>
<tr>
<td>C9</td>
<td>Define clearly to the subordinate the task to be performed?</td>
<td>4.30</td>
<td>0.92</td>
<td>7</td>
</tr>
<tr>
<td>C11</td>
<td>Consider the complexity of the task and delegate according to ability and experience of the subordinate?</td>
<td>4.24</td>
<td>0.91</td>
<td>13</td>
</tr>
<tr>
<td>C18</td>
<td>Consider the complexity of the task before you delegate to the subordinate?</td>
<td>4.22</td>
<td>0.91</td>
<td>4</td>
</tr>
<tr>
<td>C19</td>
<td>Delegate the task to the subordinate and do not interfere if it is properly done?</td>
<td>3.97</td>
<td>1.25</td>
<td>20</td>
</tr>
</tbody>
</table>

TABLE 6.9: FACTOR C 1.2 - INEFFICIENT ASPECTS OF DELEGATION

In your opinion, how often do you...

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S. D.</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C4</td>
<td>Take work home for completion because you have been busy during the day?</td>
<td>3.66</td>
<td>1.31</td>
<td>6</td>
</tr>
<tr>
<td>C7</td>
<td>Delegate a task on a spur of a moment when you come across a educator whom you think may do it well?</td>
<td>2.35</td>
<td>1.35</td>
<td>15</td>
</tr>
<tr>
<td>C12</td>
<td>Withdraw the delegated task and do it yourself if you are not satisfied?</td>
<td>2.88</td>
<td>1.41</td>
<td>12</td>
</tr>
<tr>
<td>C13</td>
<td>Intervene by issuing new instructions if the task is not properly performed?</td>
<td>3.23</td>
<td>1.31</td>
<td>8</td>
</tr>
<tr>
<td>C14</td>
<td>Insist that the subordinate make regular reports about the progress of the task delegated?</td>
<td>3.87</td>
<td>1.09</td>
<td>14</td>
</tr>
<tr>
<td>C15</td>
<td>Take advantage of a competent, hard-working subordinate and delegate increasingly to him/her?</td>
<td>3.35</td>
<td>1.32</td>
<td>16</td>
</tr>
<tr>
<td>C20</td>
<td>Delegate indiscriminately in order that every subordinate gets a duty to perform?</td>
<td>2.90</td>
<td>1.51</td>
<td>19</td>
</tr>
</tbody>
</table>
### TABLE 6.10: FACTOR C 1.3 - THE LINE FUNCTION OF DELEGATION

In your opinion, how often do you...

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S.D.</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>Delegate to your deputy the supervision of teaching and learning activities so that you can concentrate on administrative functions?</td>
<td>3.57</td>
<td>1.13</td>
<td>10</td>
</tr>
<tr>
<td>C2</td>
<td>Do you permit your deputy to further delegate the control of instructional activities to the H.O.D or another educator?</td>
<td>3.33</td>
<td>1.32</td>
<td>3</td>
</tr>
<tr>
<td>C3</td>
<td>Delegate to the educator some of your managerial functions such as the filling of the statistical returns required by the Department?</td>
<td>2.90</td>
<td>1.44</td>
<td>17</td>
</tr>
</tbody>
</table>

### TABLE 6.11: FACTOR C 1.4 - BUREAUCRATIC ASPECTS OF DELEGATION

In your opinion, how often do you...

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S.D</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C8</td>
<td>Consult with your deputy before delegating a task to another educator?</td>
<td>3.78</td>
<td>1.17</td>
<td>18</td>
</tr>
<tr>
<td>C10</td>
<td>Put in writing all tasks to be delegated to the subordinate?</td>
<td>0.40</td>
<td>1.25</td>
<td>5</td>
</tr>
</tbody>
</table>

### TABLE 6.12: FACTOR C 1.5 - MONITORING DELEGATED TASKS

In your opinion, how often do you . . .

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S.D</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C16</td>
<td>Closely monitor the performance of a person doing a delegated task?</td>
<td>3.69</td>
<td>1.17</td>
<td>11</td>
</tr>
<tr>
<td>C17</td>
<td>Prepare your subordinate for the task he/she is to perform?</td>
<td>3.95</td>
<td>1.04</td>
<td>9</td>
</tr>
</tbody>
</table>

The items involved in the second order factor which had a Cronbach – Alpha reliability coefficient of 0.771 is presented in Table 6.13.
### TABLE 6.13: FACTOR C 1.6 - ASPECTS INVOLVED WITH THE DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL MANAGEMENT

In your opinion, how often do you...

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Mean Score</th>
<th>S. D.</th>
<th>Rank Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>C5</td>
<td>Consider and carefully decide what you want to delegate?</td>
<td>4.05</td>
<td>1.02</td>
<td>2</td>
</tr>
<tr>
<td>C6</td>
<td>Consider and carefully decide to whom you delegate?</td>
<td>4.23</td>
<td>0.95</td>
<td>1</td>
</tr>
<tr>
<td>C9</td>
<td>Define clearly to the subordinate the task to be performed?</td>
<td>4.30</td>
<td>0.92</td>
<td>7</td>
</tr>
<tr>
<td>C11</td>
<td>Consider the complexity of the task and delegate according to ability and experience of the subordinate?</td>
<td>4.24</td>
<td>0.91</td>
<td>13</td>
</tr>
<tr>
<td>C18</td>
<td>Consider the complexity of the task before you delegate to the subordinate?</td>
<td>4.22</td>
<td>0.91</td>
<td>4</td>
</tr>
<tr>
<td>C19</td>
<td>Delegate the task to the subordinate and do not interfere if it is properly done?</td>
<td>3.97</td>
<td>1.25</td>
<td>20</td>
</tr>
<tr>
<td>C4</td>
<td>Take work home for completion because you were busy during the day?</td>
<td>3.66</td>
<td>1.31</td>
<td>6</td>
</tr>
<tr>
<td>C7</td>
<td>Delegate a task on a spur of a moment when you come across an educator whom you think may do it well?</td>
<td>2.35</td>
<td>1.35</td>
<td>15</td>
</tr>
<tr>
<td>C12</td>
<td>Withdraw the delegated task and do it yourself if you are not satisfied?</td>
<td>2.88</td>
<td>1.41</td>
<td>12</td>
</tr>
<tr>
<td>C13</td>
<td>Intervene by issuing new instructions if the task is not properly performed?</td>
<td>3.23</td>
<td>1.31</td>
<td>8</td>
</tr>
<tr>
<td>C14</td>
<td>Insist that the subordinate make regular reports about the progress of the task delegated?</td>
<td>3.87</td>
<td>1.09</td>
<td>14</td>
</tr>
<tr>
<td>C15</td>
<td>Take advantage of a competent, hard-working subordinate and delegate increasingly to him/her?</td>
<td>3.35</td>
<td>1.32</td>
<td>16</td>
</tr>
<tr>
<td>C20</td>
<td>Delegate indiscriminately so that every subordinate gets a duty to do?</td>
<td>2.90</td>
<td>1.51</td>
<td>19</td>
</tr>
<tr>
<td>C1</td>
<td>Delegate to your deputy the supervision of teaching and learning activities so that you can concentrate on administrative functions?</td>
<td>3.57</td>
<td>1.13</td>
<td>10</td>
</tr>
<tr>
<td>C2</td>
<td>Do you permit your deputy to further delegate the control of instructional activities to the H.O.D or another educator?</td>
<td>3.33</td>
<td>1.32</td>
<td>3</td>
</tr>
<tr>
<td>C3</td>
<td>Delegate to the educator some of your managerial functions such as the filling of the statistical returns required by the Department?</td>
<td>2.90</td>
<td>1.44</td>
<td>17</td>
</tr>
<tr>
<td>C8</td>
<td>Consult with your deputy before delegating a task to another educator?</td>
<td>3.78</td>
<td>1.17</td>
<td>18</td>
</tr>
<tr>
<td>C10</td>
<td>Put in writing all tasks to be delegated to the subordinate?</td>
<td>3.40</td>
<td>1.25</td>
<td>5</td>
</tr>
<tr>
<td>C16</td>
<td>Closely monitor the performance of a person doing a delegated task?</td>
<td>3.69</td>
<td>1.17</td>
<td>11</td>
</tr>
<tr>
<td>C17</td>
<td>Delegate the subordinate for the task he/she is to perform?</td>
<td>3.95</td>
<td>1.04</td>
<td>9</td>
</tr>
</tbody>
</table>

Sections D and E of the questionnaire were also subjected to a factor analysis. These sections of the questionnaire are discussed together with a more detailed analysis of section C in chapter seven.
6.7 CONCLUSION

The purpose of this chapter has been to give description of the empirical investigation. Some aspects of the questionnaire were briefly discussed. A more detailed analysis of the data obtained from the questionnaire follows in the next chapters.
CHAPTER SEVEN

THE ANALYSIS AND INTERPRETATION OF A SELECTED SAMPLE OF EMPIRICAL DATA

7.1 INTRODUCTION

The data obtained from this research were analyzed as follows:

- **Data coding**: The analysis of the questionnaire data involved coding the 603 questionnaires by The Statistical Consulting Services of the Rand Afrikaans University which subsequently transferred the coded data onto a computer spreadsheet. The responses were coded on the required data coding form and submitted to the promoter who helped the researcher in reviewing and judging the relevancy of each item. According to Miles and Huberman (1994:56) coding is analysis intended to review a set of questionnaire information transcribed or synthesized and to dissect meaningfully, while keeping the relations between the parts intact. This part of analysis involves how we differentiate and combine the data that has been retrieved and the reflections we make about the information.

- **Data display**: This became the second step of this analysis activity. Generically, a display is an organized, compressed assembly of information that permits conclusions to be made. Looking at displays helps us to understand what is happening and to analyze accordingly. It should however, be understood that creation and use of displays is not separate from analysis, it is still part of analysis. Designing a display, that is, deciding on the rows and columns of a matrix for deciding which data, in which form, should be entered in the cells - are analytic activities (Miles and Huberman, 1994:11).

- **Conclusion drawing and verification**: This became the last step of this analysis. Notable, is the fact that from the start of data collection, the researcher
began to decide what things mean, that is noting regularities, patterns, explanations, possible configurations, causal flows, and propositions. Conclusion drawing goes together with verification which entails a thorough, elaborate and lengthy argumentation.

Data reduction, data display, and drawing or verifying conclusions remained interwoven in this data analysis and interpretation.

After going through these steps the data were then subjected to statistical analysis in order to test the relationship between the specific variables in order to achieve the following:

- the validity and reliability of research instrument;
- a comparison of the independent pairs by stating appropriate hypotheses and interpreting the statistical tests involved; and
- a comparison of the independent groups containing three or more groups by stating the hypotheses and analyzing the appropriate statistical data.

7.2 RELIABILITY AND VALIDITY

Mouton (1990:78) listed a number of requirements of reliability and concluded that the central consideration of validity concerning the process of collection is that of reliability. Essentially, this is the requirement that the application of the valid measuring instrument to differing groups under different set of circumstances should lead to the same observation.

Validity of the process: A casual reading of the research literature reveals that many validation procedures exist. By validity, this research refers to whether the instrument really measures the kind of behavior that the researcher assumes it is, and whether it provides the result of this process when compared with other studies done in the same field. Smith (1995:25) argues that the strategy and method must contribute to the fulfillment of the demands of science, which include the demands of validity, logic, acceptability, clarity and intersubjective control. Validity tops the lists of these demands.
In order to establish the reliability and validity of the research instrument it was necessary firstly, to clarify these concepts and secondly, to relate it to this research. To ensure content validity the questions were designed within the framework of the relevant theory outlined in chapters 3 and 4, that is, statutory delegation and common-law delegation. The actual data processing consisted of determining the number of respondents and percentage of respondents choosing each alternative to each question. Since the questions varied with respect to the number of questionnaires in which they appeared, this “total” sample was not the same for all questions. For example, for questions based on GENDER regarding perceptions on two items, namely, the understanding of the South African Schools Act and need for regular training in education law, the following breakdown can be observed in Table 7.2. and Table 7.4.

Understanding of the South African Schools Act

Males = 378  
Females = 220 
Total sample = 598

Perception regarding the need for regular training on legal issues

Males = 377  
Females = 220  
Total sample = 597

In addition to the analysis of total responses, principals were also classified into groups on the basis of their responses to selected questions. The average analysis of each subgroup choosing each alternative of each question was determined as can be observed in the Table 7.28 (See p.183) based on qualifications for understanding the South African Schools Act.

<table>
<thead>
<tr>
<th>Group A: those with Std 10 or lower</th>
<th>No</th>
<th>Mean Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>254</td>
<td>3.28</td>
</tr>
<tr>
<td>Group B: those with B Degree</td>
<td>170</td>
<td>3.41</td>
</tr>
<tr>
<td>Group C: those holding Post-graduate degree</td>
<td>167</td>
<td>3.66</td>
</tr>
<tr>
<td>Total</td>
<td>591</td>
<td></td>
</tr>
</tbody>
</table>
7.2.1 Factor analysis.

Having discussed some aspects of reliability, the next issue to be explained is that of construct validity using the procedure of factor analysis. According to Jaeger (1990:345), factor analysis is used extensively in research. It is a particularly useful as a tool for examining the validity of tests or the measurement characteristics of attitude scales.

Borg, Gall and Gall (1993:269) define factor analysis as a correlation technique that examines a large number of items and determines whether they cluster into a smaller number of underlying factors. The principal objective of factor analysis is to construct a smaller number of variables (called factors) that do as good a job of conveying the information present in a larger number of variables. For purposes of the discussion and comment it was decided to examine the items in accordance with specific factors that underpin them.

Sixty-five (65) items of this questionnaire were categorized as follows:

Section A had 15 items which covered the biographical and demographic information of the respondents. The information solicited was for use in establishing the characteristics of the population and to enable the researcher to assess the representitiveness of the sample population in terms of gender, age, years of experience and qualifications.

Section B had 17 items that were used to capture the general understanding of legal principles involved in the delegation of authority.

Section C had 20 items which constituted a FACTOR that was named “Delegation of authority for effective school management”.

Section D had 5 items which constituted a FACTOR that was named “Delegation of authority for effective school discipline”.

Section E had 5 items which constituted a FACTOR that was named “Delegation of
The factor analytic procedures produced only one factor in each section and thus the various groups could be analyzed for possible significant statistical differences using univariate statistical methods.

When the mean scores of two independent groups are compared it is possible to use the Student t-test. Three or more groups are firstly compared using ANOVA (analysis of variance) and then the various pairs are compared for significant statistical differences using the Dunnett T3 or Scheffé tests. When using either the Dunnett T3 or Scheffé tests, statistically significance is determined by a specific alpha level. The two alpha levels used in this research were the 0,05 and the 0,01 levels. Using the 0,05 level of significance means that we only reject the null hypothesis when we get sample results whose sampling error probabilities are as low as or lower than 0,05. Otherwise we fail to reject the null hypothesis. This gives the null hypothesis a real opportunity to be kept, even though we may not have much faith in it. If we are successful in rejecting it anyway, we can have considerable confidence in that decision. For this research, significance was generally accepted at the 5 percent level. Symbols used have been:

- \( p<0,05 \) to denote significance at the 5% level; and
- \( p<0,01 \) to denote significance at the 1% level.

### 7.2.2 Independent and dependent variables

Lutz (1983:47) contends that “an independent variable is a variable that is thought to influence or predict another variable, but no outside or previous influence on itself is being investigated. A dependent variable is a variable that is thought to be influenced or predicted by another variable”.

7.2.2.1 The independent variables

The independent variables used in this research were all the biographic variables of Section A in the questionnaire.

7.2.2.2 The dependent variables

The dependent variables used were selected from a wide range of questions within the questionnaire. These dependent variables were the various items in Section B of the questionnaire and the factors formed by the factor analytic procedures in Sections C, D, and E of the questionnaire.

Now that the validity and reliability of the instrument has been established, the appropriate statistical analysis can be discussed.

7.3 HYPOTHESES

Hypotheses have been formulated for the independent groups only where significant statistical differences were found in respect of Section B.

The comparison of two independent groups will now follow.

7.3.1 COMPARISON OF TWO INDEPENDENT GROUPS

As result of the large amount of data, the researcher will only set hypotheses and give mean scores where significant differences were found between the independent groups, namely BI and B18. Possible differences between the perceptions of male and females in respect of these two items will now be discussed.
7.3.1.1 Differences between the perceptions of MALES and FEMALES relative to items B1 and B18.

TABLE 7.1: HYPOTHESES WITH MALE AND FEMALE AS THE INDEPENDENT VARIABLE IN RESPECT OF THE UNDERSTANDING OF THE SOUTH AFRICAN SCHOOLS ACT

<table>
<thead>
<tr>
<th>Item No</th>
<th>Variable</th>
<th>Symbol</th>
<th>Description</th>
<th>Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>Gender of respondents</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean score of males and females in respect of understanding the South African Schools Act.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of males and females in respect of understanding of the South African School Act.</td>
<td></td>
</tr>
</tbody>
</table>

TABLE 7.2: SIGNIFICANCE OF THE DIFFERENCE BETWEEN MALES AND FEMALES REGARDING THE UNDERSTANDING OF THE SOUTH AFRICAN SCHOOLS ACT

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student-t test (p-value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>How would you rate your understanding of South African Schools Act.84 of 1996</td>
<td>Males</td>
<td>3.67</td>
<td>0.003**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Females</td>
<td>3.51</td>
<td></td>
</tr>
</tbody>
</table>

(N) Males = 378
(N) Females = 220

** Statistically significant at the 1% level (p less than 0.01)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)
Using Tables 7.1 and 7.2 it can be seen that the male and female respondents differ in their perceptions of their understanding of the South African Schools Act. Thus Hot is rejected and Hat is accepted.

This table suggests that the male principals believe that they have a better understanding of the South African Schools Act than female principals have. This could perhaps be attributed to the fact that males are presently more dominant in educational circles than female principals and hence claim to know more than their female counterparts. It is also possible that male principals have an “inflated” opinion of their knowledge of the legal side of school management.

Women seem to have been alienated by this masculinist portrayal of power, leadership and organizational life which emphasizes control by men. This suggests some form of internalization of the male managerial model by females, which reflects a negative image of their self worth and ability. Many females still tend to allow males to dominate instead of adopting a positive attitude that what men can do, they can also do. They need to develop greater assertiveness, which would increase their confidence even in issues like understanding the South African Schools Act. They should not be thinking that it is only male principals who need to have an understanding of such legal issues.
<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>B18</td>
<td>Gender</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean score of males and females in respect of the extent to which they agree or disagree with the perception that seminars and management development workshops on legal issues should be organized on a regular basis for school principals.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of males and females in respect of the extent to which they agree or disagree with the perception that seminars and management development workshops on legal issues should be organized on a regular basis for school principals.</td>
<td>t-test</td>
</tr>
</tbody>
</table>
TABLE 7.4: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES MALES AND FEMALES REGARDING THEIR PERCEPTION ON REGULAR TRAINING ON LEGAL ISSUES FOR PRINCIPALS

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student t-test (p value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B18</td>
<td>To what extent do you agree or disagree with the perception that seminars and management development workshops on legal issues should be organized on a regular basis for school principals.</td>
<td>Males</td>
<td>4,67</td>
<td>0,000**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Females</td>
<td>4,52</td>
<td></td>
</tr>
</tbody>
</table>

(N) Males = 377
(N) Females = 220

** Statistically significant at the 1% level (p less than 0,01)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.3 and 7.4 it can be seen that the male and female respondents differ regarding the perception that seminars and management development workshops on legal issues should be organized on regular basis for school principals. Thus Hot is rejected and Hat is accepted.

Males are of the opinion that seminars and management workshops on legal issues should be organized on a more regular basis than females believe they should. This seems to contradict question B1 where males indicated that they have a perception that they have a better understanding of the South African Schools Act than females do. It is also possible that male principals are more dependent on a regular update of their legal knowledge than female principals are. Female principals appear to be less afraid to ask for advice when they are uncertain whereas male principals may feel that this is an admission of some sort of weakness on their part. Seminars and management
development workshops on legal issues will indeed help to maximize development at institutional, group and individual levels.

7.3.1.2 Differences between the opinions of PRIMARY and SECONDARY school principals regarding items B14; B17; B18 and B19.

TABLE 7.5: HYPOTHESES WITH THE TYPE OF SCHOOL LEVEL AS AN INDEPENDENT VARIABLE IN RESPECT OF ITEM B 14

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>B14</td>
<td>Type of school</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean scores of primary and secondary school principals regarding their perception that the Education Act, rules and regulations also provide a legal framework within which the principal performs management tasks.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of primary and secondary school principals regarding their perception that the Education Act, rules and regulations also provide a legal framework within which the principal performs management tasks.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.6: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF PRIMARY AND SECONDARY SCHOOL PRINCIPALS IN RESPECT OF ITEM B 14

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student t-test (p-value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B14</td>
<td>To what extent do you agree or disagree with the perception that besides the Education Act, the rules and regulations also provide the legal framework within which school principals have to perform management functions such as delegation</td>
<td>Primary</td>
<td>3.71</td>
<td>0.003**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary</td>
<td>3.95</td>
<td></td>
</tr>
</tbody>
</table>

(N) Primary  = 355
(N) Secondary = 209

** Statistically significant at the 1% level (p less than 0.01)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Tables 7.5 and 7.6 indicate that there is a statistically significant difference (p = 0.003) between the mean scores of primary and secondary school principals regarding the perception that besides the Education Act, the rules and regulations also provide the legal framework within which school principals undertake their management tasks. The null hypothesis H₀ is thus rejected and the alternative hypothesis H₁ is accepted.

The statistically significant difference between the respondents who are principals of secondary schools and those who are principals of primary schools may be attributed to the fact that in many instances, principals of Secondary schools hold Bachelors degrees. This academic background may to enrich them in terms of understanding issues. They are probably better equipped academically to interact with issues through independent research and hence their ability to comprehend and appreciate the fact that
besides the Education Act, the rules and regulations also provide a legal framework within which the principal has to perform some of his management tasks.

**TABLE 7.7: HYPOTHESES WITH THE PRIMARY AND SECONDARY SCHOOLS AS AN INDEPENDENT VARIABLE IN RESPECT OF ITEM B 17**

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>B17</td>
<td>Type of the school.</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean scores of primary and secondary school principals in respect of the perception that principals should become knowledgeable in the complex area of school law if they are to be effective managers.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of primary and secondary school principals in respect of the perception that principals should become knowledgeable in the complex area of school law if they are to be effective managers.</td>
<td></td>
</tr>
</tbody>
</table>

**TABLE 7.8: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF PRIMARY AND SECONDARY SCHOOL PRINCIPAL REGARDING ITEM B 17**

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean score</th>
<th>Student t-test (p value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B17</td>
<td>To what extent do you agree or disagree with the perception that principals should become knowledgeable in the complex area of school law if they are to be effective managers?</td>
<td>Primary</td>
<td>4.48</td>
<td>0.000**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary</td>
<td>4.73</td>
<td></td>
</tr>
</tbody>
</table>

(N) Primary  = 358  
(N) Secondary  = 208

** Statistically significant at the 1% level (p less than 0.01)  
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Tables 7.7 and 7.8 indicate that there is a statistically significant difference (p = 0.000) between the mean scores of primary and secondary school principals in respect of the
need for the principal to become knowledgeable in school law. The null hypothesis $H_0$ is thus rejected and the alternative hypothesis $H_1$ is accepted.

The statistically significant difference between primary and secondary school principals can be attributed to the fact that principals of secondary schools manage schools which are more complex in nature and hence they demand that the principal should be well conversant with all the potential areas of legal conflict. There are numerous scenarios which present a situation that a principal often encounters which demand that the principal has a good understanding of school laws. The primary school principal manages a school with junior primary sections and here the complexity cannot be compared with that of a secondary school. Perhaps it is for this reason that it does not seem so important for primary school principals that they should become knowledgeable in the area of school law. Secondary school principals are also more often faced with issues of suspending learners and hence they need to have a good grounding in aspects of education law relating to these aspects.
### TABLE 7.9: HYPOTHESES WITH THE PRIMARY AND SECONDARY SCHOOLS AS THE VARIABLE IN RESPECT OF ITEM B 18

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>B18</td>
<td>Type of school</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean scores of primary and secondary school principals in respect of the need for seminars and management workshops for school principals.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of primary and secondary school principals in respect of the need for seminars and management workshops for school principals.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.10: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF PRIMARY AND SECONDARY SCHOOL PRINCIPALS IN RESPECT OF ITEM B 18

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student t-test (p value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B18</td>
<td>To what extent do you agree or disagree with the perception that seminars and management workshops on legal issues should be organized on regular basis for school principals?</td>
<td>Primary</td>
<td>4.54</td>
<td>0.000**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary</td>
<td>4.75</td>
<td></td>
</tr>
</tbody>
</table>

(N) Primary = 361  
(N) Secondary = 207

** Statistically significant at the 1% level (p less than 0.01)  
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Tables 7.9 and 7.10 indicate that there is a statistically significant difference (p = 0.000) between the mean scores of primary and secondary school principals in respect of the need for seminars and training workshops on legal issues to be organized on a regular basis. The null hypothesis $H_0$ is thus rejected and the alternative hypothesis $H_1$ is accepted.

The secondary school principals seem to share the perception that seminars and management workshops on legal issues should be held on a regular basis for school principals. As the secondary school level appears to be more problematic in respect of the complexity of management tasks, the education department also probably arranged more workshops to provide training for secondary school principals.
The fact that most of secondary school principals hold a Bachelors degree strengthens the perception that they do have a willingness to learn. They probably believe that they can take on extra responsibilities in order to have an understanding of the basic tenets of updated knowledge of current education litigation. They probably believe that it is the substance of law that forms the foundation for an effective principal’s day-to-day decision-making.

It is possible that the potential inherent in primary school principals needs to be properly harnessed so that they can become empowered in respect of the necessary aspects of education law.

**TABLE 7.11: HYPOTHESES WITH THE PRIMARY AND SECONDARY SCHOOLS AS INDEPENDENT VARIABLE IN RESPECT OF ITEM B19**

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>B19</td>
<td>Type of school</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean scores of primary and secondary school principals in respect of the need for a course on education law to be introduced in the educator-training curriculum.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of primary and secondary school principals in respect of the need for a course on education law to be introduced in the educator-training curriculum.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 7.12: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF PRIMARY AND SECONDARY SCHOOLS REGARDING ITEM B 19

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student t-test (p-value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B19</td>
<td>To what extent do you agree or disagree with the perception that a course in education law should be introduced in the educator-training curriculum.</td>
<td>Primary</td>
<td>4,56</td>
<td>0,005**</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary</td>
<td>4,70</td>
<td></td>
</tr>
</tbody>
</table>

(N) Primary = 358  
(N) Secondary = 208

** Statistically significant at the 1% level (p less than 0,01)

* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Tables 7.11 and 7.12 indicate that there is a statistically significant difference (p = 0,005) between the mean scores of primary and secondary school principals in respect of the need to introduce a course in education law in the educator training curriculum. The null hypothesis Hot is thus rejected and the alternative hypothesis Hat is accepted.

Since secondary school principals have more complex problems regarding management, it is probably for this reason that the secondary school respondents feel that a course in education law should be introduced in a educator-training curriculum. The experience of handling cases at this level enables the secondary school principals to recognize that formal training in law is vital. The managerial complexity of the 1990’s requires that they have a solid theoretical foundation in certain areas of education law which could only be gained through formal research. Furthermore, the complexity of problems at the secondary school level demands that the principal must have an idea of issues related to education law.
7.3.2. COMPARISON OF THREE OR MORE INDEPENDENT GROUPS

In respect of three or more independent groups univariate differences are investigated by means of the ANOVA (analysis of variance) in respect of the various items. The mean scale scores are compared and should any difference be revealed at this level then the Dunnett T3-test or the Scheffé test is used to investigate differences between the possible pairs of groups. The following discussion is based on comparison of three or more independent groups.
### 7.3.2.1 Differences between the opinions of respondents based on their AGES relative to Items B2; B13; B14; and B16

**TABLE 7.13: HYPOTHESES THE WITH AGE AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 2**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HoA</td>
<td>The mean score of the various age groups do not differ in a statistically significant way from one another in respect of Understanding of the KwaZulu-Natal Act.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>HaA</td>
<td>The mean scores of the various age groups differ in the statistical significant way from one another in respect of understanding the KwaZulu-Natal Education Schools Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the different ages compared pair-wise in respect of understanding the KwaZulu-Natal Education Schools Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of three age groups compared pair-wise in respect of understanding the KwaZulu-Natal Education Schools Act.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of the KwaZulu-Natal Schools Education Act.</td>
<td>A</td>
<td>3,16</td>
<td></td>
<td>A **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,45</td>
<td>0,002 **</td>
<td>B *</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3,55</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = (20-40 years) N = 204
B = (41-48 years) N = 219
C = (49+years) N = 178

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.13 and 7.14 the deduction can be made that there is a statistically significant difference (p = 0,002) between the average scores of the three age groups A, B, and C at the single variable level in respect of understanding the KwaZulu-Natal Schools Act 3 of 1996. The null hypothesis HoA is thus rejected at the 1% level and the alternative hypothesis HaA is accepted.

Regarding the pair-wise comparisons of groups the following conclusions can be made:
- There is a statistically significant difference between Group A (20 - 40 years) and Group C (49 + years) when they are compared as indicated in Table 7.14. The respondents in the C group (49+ years) have the highest factor score and they differ statistically significantly at the 1% level from respondents in Group A (20 - 40 years). The difference could possibly be attributed to the fact that Group A consists of principals who are seasoned and also mature. It is a common practice to consider
maturity and experience when appointments to principalship are made. Mature principals have probably had more exposure to the practicalities associated with education law and hence feel that they have a better understanding of the KwaZulu-Natal Schools Act.

- There is also a statistically significant difference when Groups A (20 - 40 years) and Group B (41 - 48 years) are compared with one another. This difference is at the 5% level. Again the older age group is likely to have had greater exposure and this enables them to have the perception of a better understanding of this Act than their younger colleagues.

In respect of the age groups it is, however, clear that there is a direct proportion between experience and perception of understanding of the KwaZulu-Natal Schools Act 3 of 1996. This perhaps reinforces the saying that there is no substitute for experience.
<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>univariate level</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoA</td>
<td>The mean scores of the various age groups do not differ in a statistically significant way from one another in respect of the perception that in terms of Section 16(3) of SASA, the school principal acquires delegated authority to manage the school under the authority of the H. O. D.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of various age groups differ in the statistically significant way from one another in respect of the perception that in terms of Section 16(3) of SASA, the school principal acquires delegated authority to manage the school under the authority of the H. O. D.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the three age groups compared pair-wise in respect of the perception that in terms of Section 16(3) of SASA, the school principal acquires delegated authority to manage the school under the authority of the H. O. D.</td>
<td>Dunnet T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of three age groups compared pair-wise in respect of the perception that in terms of Section 16(3) of SASA, the school principal acquires delegated authority to manage the school under the authority of the H. O. D.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you agree or disagree that the principal acquires delegated authority in terms of Sect 16(3) of SASA. to manage the school for the HOD.</td>
<td>A</td>
<td>2.68</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>2.87</td>
<td>0.044*</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.07</td>
<td></td>
<td>C *</td>
</tr>
</tbody>
</table>

** GROUP A = (20 - 40 years) N = 192  
 B = (41 - 48 years) N = 209  
 C = (49+ years) N = 170

** Statistically significant at the 1% level (p less than 0.001)  
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.15 and 7.16 the deduction can be made that there is a statistical significant difference (p = 0.044) between the average scores of the three age groups A, B, and C in respect of understanding the implication of Section 16 (3) of the South African Schools Act no 84 of 1996. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups the following conclusions can be made:

- There is a statistically significant difference at the 5% level when the various age groups are compared with another as indicated in Table 7.16.
- Group C (respondents with age of 49 years and above) has the highest mean score and they are thus of the opinion to a greater extent than the younger age groups that the school principal receives, in terms of Section 16 (3) of South African schools Act, delegated authority to manage the school under the authority of the Head of
the Education Department. Respondents who are principals of this age group (49+years) are assumed to be mature and seasoned and as such have adequate exposure in their work life as principal to comprehend that the principal does acquire delegated authority to manage the school on behalf of the Head of the Department of Education.

Notably in Section 16(3) is the fact that delegation by the Head of the Department occurs surreptitiously in that whilst this Section gives primacy to the school principal over professional management of a public school, the Act at the same time expressly requires that this be done under the authority of the Head of Education Department.

What the legislature has done, is:

• to allow for the delegation of authority of professional management to the school principal; and
• at the same time also determines the limitation within which the principal may exercise this authority, that is subject to the control by the Head of Department.

This form of delegation involved here is based on deconcentration relationship. The principal here is the independent organ bearing responsibility but subject to the control of the controlling body/organ in the education department (Bray 1988:49). The principal is expected to work under the guidance of the Head of the Education Department but has a wide discretion. This form of delegation assumes that specialized tasks that require expertise are delegated to specific people.
TABLE 7.17: HYPOTHESES WITH AGE AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 14

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HoA</td>
<td>The mean score of the various age groups do not differ in a statistically significant way from one another in respect of the perception that regulations, also provide the legal framework within which school principals have to perform management functions.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of various age groups differ in the statistically significant way from one another in respect of the perception that regulations also provide the legal framework within which principals have to perform management functions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the different age groups compared pair-wise in respect of the perception that regulations also provide the legal framework within which school principals have to perform management functions.</td>
<td>Dunnet T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of three age groups compared pair-wise in respect of the perception that regulations also provide the legal framework within which school principals have to perform management functions.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.18: SIGNIFICANCE OF DIFFERENCE BETWEEN THE MEAN SCORES OF THE AGE GROUPS REGARDING ITEM B 14

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Either than the Education Act, regulations, rules also provide a legal framework.</td>
<td>A</td>
<td>3,77</td>
<td>0,009**</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,66</td>
<td></td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,02</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = (20 - 40 years) N = 202  
B = (41 - 48 years) N = 215  
C = (49 + years) N = 178

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.17 and 7.18 the deduction can be made that there is a statistically significant difference (p = 0.009) between the average scores of the three age groups A, B, and C in respect of the fact that besides the Education Act, the regulations and rules also provide the legal framework within which the principal performs management functions. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups the following conclusions can be made:

- there is a statistically significant difference at the 1% level when one age group is compared with another as indicated in Table 7.14

- Respondents who fall in Group C (49+ years) have the highest mean score and they are thus of the opinion that besides the Education Act, rules and regulations also provide the legal framework within which school principals perform their...
management functions to a greater extent than the younger age groups. This can possibly be attributed to the fact that they are mature and experienced and are more determined to be efficient in their work.

**TABLE: 7.19: HYPOTHESES WITH AGE OF THE PRINCIPAL AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 16**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HoA</td>
<td>The mean scores of the various age groups do not differ in a statistically significant way from one another in respect of the perception that common law rules also provide the legal framework within which a principal can exercise powers of delegation.</td>
<td>Anova</td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HaA</td>
<td>The mean scores of the various age groups differ in the statistically significant way from one another in respect of the perception that common law rules also provide the legal framework within which a principal can exercise powers of delegation.</td>
<td></td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the different age groups compared pair-wise in respect of the perception that, common law rules also provide the legal framework within which a principal can exercise powers of delegation.</td>
<td>Dunnet T3</td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td>Age</td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of three age groups compared pair-wise in respect of the perception that common law rules also provide the legal framework within which a principal can exercise powers of delegation.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE: 7.20: SIGNIFICANCE OF DIFFERENCE BETWEEN THE MEAN SCORES OF THE AGE GROUPS OF RESPONDENTS REGARDING ITEM B 16

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Schefé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common law rules also provide legal framework for principals.</td>
<td>A</td>
<td>3,56</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,73</td>
<td>0,022*</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3,88</td>
<td></td>
<td>C *</td>
</tr>
</tbody>
</table>

GROUP A = (20-40 years)  N = 203  
B = (41 - 48 years) N = 214  
C = (49 + years)  N =177

** Statistically significant at the 1% level (p less than 0,001)  
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.19 and 7.20 the deduction can be made that there is a statistically significant difference (p = 0,022) between the average scores of the three age groups A, B, and C in respect of understanding that besides the Education Act, the common law rules also provide the legal framework within which the principal can exercise powers of delegation. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups the following conclusions can be made:

- there is a statistically significant difference at the 5 % level when one age group is compared with another as indicated in Table 7.16.
- Respondents falling in Group C have the highest mean score and agree to a greater extent than the younger age groups that common law rules also provide a legal framework within which they can exercise their powers of delegation. The fact that
the respondents are matured, implies that they are likely to have been principals for a longer period of time than respondents in Groups A and B.

- Group A (20 - 40 years) has the lowest mean score and this could possibly be attributed to the fact that the respondents in this group are possibly inexperienced as principals and do not have the confidence that they should in respect of an understanding of the common law and delegation.
### Differences between the opinions of the respondents based on YEARS AS PRINCIPAL in respect of items B13 and B14

#### TABLE 7.21: HYPOThSES WITII NUMBER OF YEARS IN THE POST OF PRINCIPALSHIP AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 13

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Years as principal</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting years as principal do not differ in a statistically significant way from one another in respect of understanding that the principal has implied delegated authority in terms of Sect 16(3) of SASA to manage the school on behalf of the H.O.D.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting years as principal differ in a statistically significant way from one another in respect of understanding that the principal has implied delegated authority in terms of Sect 16(3) of SASA to manage the school on behalf of the H.O.D.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of understanding that the principal acquires implied delegated authority in terms of Sect 16(3) of SASA to manage the school on behalf of the H.O.D.</td>
<td>Scheffé</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of understanding that the principal has implied delegated authority in terms of Sect 16(3) of SASA to manage the school on behalf of the H.O.D.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.22: SIGNIFICANCE OF DIFFERENCES BETWEEN THE MEAN SCORES OF THE NUMBER OF YEARS IN PRINCIPALSHIP BY THE RESPONDENTS REGARDING ITEM B 13

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>The principal’s implied authority to manage the school</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>2,27</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>2,89</td>
<td></td>
<td>**</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3,14</td>
<td></td>
<td>**</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3,22</td>
<td></td>
<td>**</td>
</tr>
</tbody>
</table>

GROUP A = (0 - 1 year) = 124
B = (2 - 4 years) = 254
C = (5 - 8 years) = 125
D = (9 - 14 years) = 85

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.21 and 7.22 the deduction can be made that there is a statistically significant difference (p = 0,000) between the average scores of the four experience as principal groups A, B, C, and D in respect of understanding that the principal has implied delegated authority in terms of Section 16(3) to manage the school on behalf of the HOD. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% between all of the experience as principal groups when compared one with another.
- The respondents falling within Group D (9-14 years as principal) have the highest mean score and are of the opinion that the principal has implied delegated authority in terms of Section 16 (3) of the SASA to manage the school for the Head of the
Department of Education to a greater extent than with less experience. This can be attributed to the fact that this group of respondents consist of well experienced school managers who presumably have the understanding of the dynamics involved in the art of delegation. With their management experience, they are in a position to understand that as people in the school situation, they are representing the Department of Education so they have to do this through delegation. In addition these respondents have had adequate opportunity to be trained in respect of what the South African Schools Act implies.

- Respondents in Group A (0-1 year and less as principal) have a relatively low mean score and this implies that they do not comprehend the fact that the principal of the school has, in terms of Section 16 (3) of the SASA, implied delegated authority to manage the school on behalf of HOD to the same extent than the more experienced groups comprehend it. This relatively low mean score could be due to the lack of management experience. They have had little time to interact and be exposed to the training workshops on the South African Schools Act. It again appears as if there is no effective substitute for experience. The hard lessons which one learns from the practice of actually being a principal appear to have no equivalent.
TABLE 7.23: HYPOTHESES WITH NUMBER OF YEARS IN THE POST OF PRINCIPALSHIP AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 14

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Years as principal</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting years as principal do not differ in a statistically significant way from one another in respect of the fact that besides the Education Act, the rules and regulations also provide the legal framework within which principals perform their management tasks.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting years as principal differ in a statistically significant way from one another in respect of the fact that, besides the Education Act, the rules and regulations also provide the legal framework within which principals perform their management tasks.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of the fact that either than the Education Act, the rules and regulations also provide the legal framework within which principals perform their management tasks.</td>
<td>Scheffé</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of the rules and regulations also provide the legal framework within which principals perform their management tasks.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.24: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE NUMBER OF YEARS IN THE PRINCIPALSHIP BY RESPONDENTS REGARDING ITEM B 14

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations and rules also</td>
<td>A</td>
<td>3,50</td>
<td>0,008**</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,88</td>
<td></td>
<td>B *</td>
</tr>
<tr>
<td>Provide the legal framework</td>
<td>C</td>
<td>3,94</td>
<td></td>
<td>C *</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3,91</td>
<td></td>
<td>D</td>
</tr>
</tbody>
</table>

GROUP A = (0 - 1year) = 124  
B = (2 - 4years) = 254  
C = (5 - 8 years) = 125  
D = (9 - 14 years) = 85

** Statistically significant at the 1% level (p less than 0,001)  
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.23 and 7.24 the deduction can be made that there is a statistically significant difference (p = 0,008) between the average scores of Groups A, B, C, and D in respect of understanding that besides the Education Act, rules and regulations also provide the legal framework within which the principal performs their management tasks. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5% level between groups A and B and between A and C as indicated in Table in 7.24.
- Respondents who fall in Group C (5 - 8 years as principal) have the highest mean score and are therefore of the opinion to a greater extent than the other groups that besides the Education Act, rules and regulations also provide a legal framework
within which school the principal performs his management tasks. With the kind of experience they have, it is likely that they know that they have to act within the framework of certain rules and regulations made by the Education Department. Rules and regulations sometimes restrict the principals in respect of what they can delegate.

- The mean score for Group A (0 - 1 year and less as principal) is relatively low. The respondents in this group seem not to agree entirely that rules and regulations also provide the legal framework within which principals perform their management functions. This can be attributed to the fact that they still lack management experience. One or less than a year experience, is indeed a short time for a principal to grasp the complexity of the many management techniques that principals need to learn in order to perform their onerous task effectively.
### TABLE: 7.25 HYPOTHESES WITH THE ACADEMIC QUALIFICATION AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 1

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Academic qualifications</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting academic qualifications do not differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting academic qualifications differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the South African Schools Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.26: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE ACADEMIC QUALIFICATION GROUPS REGARDING B 1

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of the South African Schools Act.84 of 1996.</td>
<td>A</td>
<td>3.39</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3.61</td>
<td>0.000**</td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.94</td>
<td></td>
<td>C ** **</td>
</tr>
</tbody>
</table>

GROUP A = Std 10 or lower N = 255
B = B Degree N = 170
C = Post Graduate N = 167

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.25 and 7.26 the deduction can be made that there is a statistically significant difference (p = 0.000) between the average scores of Groups A, B, and C in respect of understanding the South African Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when one group is compared with another as indicated in Tables 7.25 and 7.26.
- The respondents with post-graduate qualifications (Group C) have the highest mean score and are therefore of the opinion that an understanding of the South African Schools Act is essential for effective school management. When this Act was promulgated, this group may have found it easier to understand than the other groups because of their post-graduate background. Their academic qualifications should enable them to understand the legal jargon used in the Act and they may also be familiar with interpreting educational research. They may even have
studied the Act on their own initiative to sharpen their understanding of the Act. Understanding of the Act, is vital in the building of the principal’s self confidence in school management and this will also enhance his self esteem.

- Respondents in Group A (Std 10 or lower) have the lowest mean score and therefore they do not have such a good understanding of the South African Schools Act as the better qualified groups. Their lower academic qualifications may be the cause as they might not have the ability to make an in-depth research of the Act itself because they have not been exposed to the rigours of educational research.

It must, however, be emphasized that this question should be interpreted in terms of the respondents’ perception of their understanding of the Schools Act. The higher the educational qualification the better is the perception of the understanding of the Schools Act. This again emphasizes the importance of good academic qualifications as this enhances the self-image which is so vital to becoming an effective educational manager. This finding also indicates that the Government policy of broad banding in respect of qualifications is incorrect and needs to be based on educational research and not on ideological considerations.
### TABLE 7.27: HYPOTHESES WITH THE ACADEMIC QUALIFICATION AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B3

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate</td>
<td>Academic qualifications</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting academic qualifications, do not differ in a statistically significant way from one another in respect of understanding the Bill of Rights as entrenched in the S.A. Constitution.</td>
<td>Anova</td>
</tr>
<tr>
<td>Differences at the univariate</td>
<td>Academic qualifications</td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting academic qualifications, differ in a statistically significant way from one another in respect of understanding the Bill of Rights as entrenched in the S.A. Constitution.</td>
<td></td>
</tr>
<tr>
<td>Differences at the univariate</td>
<td>Academic qualifications</td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the Bill of Rights as entrenched in the S.A. Constitution.</td>
<td>Scheffé</td>
</tr>
<tr>
<td>Differences at the univariate</td>
<td>Academic qualifications</td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the S. A. Constitution.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.28: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF ACADEMIC QUALIFICATION GROUPS REGARDING ITEM B 3

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Understanding of the Bill of Rights as entrenched in the S.A. Constitution</td>
<td>A</td>
<td>3,28</td>
<td>**</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,41</td>
<td>0,002**</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3,66</td>
<td>**</td>
<td>C</td>
</tr>
</tbody>
</table>

GROUP A = Std 10 or lower N = 254
B = B Degree N = 170
C = Post Graduate N = 167

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.27 and 7.28 the deduction can be made that there is a statistically significant difference (p = 0,002) between the average scores of Groups A, B, and C in respect of understanding the Bill of Rights as entrenched in the S A Constitution. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1 % level when Group A is compared with Group C as indicated in Table 7.28.
- Respondents in Group C (Post Graduate) have the highest mean score and as such they have a perception that they have a clear understanding of the Bill of Rights as entrenched in the S A Constitution. Guided by theory and further research, these respondents are capable of subjecting the Constitution to closer scrutiny to enable them to understand the rights embodied in it. It is, for example, important that...
during a disciplinary hearing, the principle of due process, rules of natural justice, principles of fairness and reasonableness are observed.

- This table also indicates that the respondents with Std 10 or lower have a mean score which is relatively low and as such they have a perception that their understanding of the Bill of Rights is not as good as the better qualified groups. This finding again emphasizes the importance of good academic qualifications. Principals who are well qualified are thus likely to have the perception that they understand the Bill of Rights reasonably well and this will enhance their self-concept and provide them with greater courage to explore the meaning of the Bill of Rights to an even greater extent.
7.3.2.3. Differences between opinions of respondents based on their ACADEMIC QUALIFICATIONS in respect of item B 1

TABLE 7.29: HYPOTHESES WITH THE ACADEMIC QUALIFICATIONS AS INDEPENDENT VARIABLE IN RESPECT OF ITEM B 17

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Academic Qualifications</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting academic qualifications, do not differ in a statistically significant way from one another in respect of understanding the need for school principals to become knowledgeable in the complex area of school law.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting academic qualifications, differ in a statistically significant way from one another in respect of understanding the need for school principals to become knowledgeable in the complex area of school law.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the need for school principals to become knowledgeable in the complex area of school law.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of understanding the need for school principals to become knowledgeable in the complex area of school law.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.30: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE ACADEMIC QUALIFICATION GROUPS REGARDING ITEM B 17

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need for principals to become knowledgeable in school law.</td>
<td>A</td>
<td>4,47</td>
<td></td>
<td>A **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>4,56</td>
<td>0,014**</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,70</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = Std 10 or lower N = 252  
B = B Degree N = 169  
C = Post Graduate N = 168

** Statistically significant at the 1% level (p less than 0,001)  
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.29 and 7.30 the deduction can be made that there is a statistically significant difference (p = 0,014) between the average scores of Groups A, B, and C, in respect of understanding that school principals should become knowledgeable in the complex area of school law. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1 % level between Group A and Group C as indicated in Table 7.30.
- Group C (Post graduate qualifications) consists of respondents who have the highest mean score and are of the opinion to a greater extent than the other groups that school principals should become knowledgeable in the area of school law. Indeed, post - graduate studies place a scholar at a level of conceptualizing issues for purposes of gaining clarity. They are probably able to understand the need to
• practice sound management based on an understanding of existing legal practices. The workshops for management organized throughout KwaZulu-Natal, could also have assisted in realizing the need for developing management skills.

• Respondents with Std 10 or lower have the lowest mean score and therefore have the perception that it is not so important for school principals to become knowledgeable in the area of school law relative to other groups. This may due to the fact that these respondents possibly lack the ability to conceptualize issues. They possibly lack the confidence to explore the complex issues associated with education law. It is, however, important that they should realize that most principals who find themselves as defendants in court cases, end up in court because of their failure to research and understand the relevant law.

In concluding the comparison of the various academically qualified groups it is obvious that a positive perception of understanding the various issues of education law is directly proportional to the level of the academic qualification. The higher the qualification the greater the perception of an understanding of education law issues. This emphasizes the importance of good academic qualifications.
7.3.2.4 Differences between the opinions of respondents based on the TEACHING EXPERIENCE before being appointed to principalship relative to item B 2

TABLE 7.31: HYPOTHESES WITH THE TEACHING EXPERIENCE PRIOR TO APPOINTMENT AS PRINCIPAL-AS INDEPENDENT VARIABLE IN RESPECT OF ITEM B 2.

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Teaching experience prior to appointment as principal</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting teaching experience prior to appointment as principal, do not differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting academic qualifications, differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting teaching experience prior to appointment as principal when compared pair-wise in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting teaching experience prior to appointment as principal when compared pair-wise in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.32: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE TEACHING EXPERIENCE GROUPS REGARDING ITEM B 2

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of KwaZulu-Natal Schools Education Act.</td>
<td>A</td>
<td>3.27</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3.21</td>
<td>0.011**</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.47</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3.60</td>
<td></td>
<td>D *</td>
</tr>
</tbody>
</table>

Group A = (0 - 5 years) \( N = 135 \)
B = (6 - 10 years) \( N = 182 \)
C = (11 - 15 years) \( N = 121 \)
D = (16 + years) \( N = 147 \)

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.31 and 7.32 the deduction can be made that there is a statistically significant difference \( p = 0.011 \) between the average scores of Groups A, B, C and D in respect of understanding the KwaZulu-Natal Schools Education Act. The null hypothesis \( H_0A \) is thus rejected and the alternative hypothesis \( H_aA \) is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5 % level when the groups are compared one with another as indicated in Table 7.32.
- This statistical difference can be seen when Group B (6 - 10 years teaching experience before appointment) is compared with Group D (16 + years teaching experience). The respondents falling in Group D (16 + years teaching experience before appointment) have the highest mean score and have the perception that understanding of the KwaZulu-Natal Schools Education Act is essential to a greater extent than the other groups. This could be due to the fact that they have greater
teaching experience than their counterparts in the other groups. In their teaching
career they are likely to been exposed to various Education Acts and hence they
know that managing a school requires acquainting oneself with the relevant Act.

From the results in Table 7.32 it would appear that at least 11 years of teaching
experience could be accepted as necessary for principals to acquire the perception
that they understand the KwaZulu-Natal Schools Education Act.
### 7.3.2.5 Differences between the opinions of respondents based on the POST held before appointment as principal relative to item B 1

#### TABLE 7.33: HYPOTHESES WITH THE POST HELD BEFORE APPOINTMENT AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 1.

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Post held prior to appointment as principal</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting the post held prior to appointment as principal, do not differ in a statistically significant way from one another in respect of understanding the South African Schools Act</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting the post held prior to appointment as principal differ in a statistically significant way from one another in respect of understanding the South African Schools Act</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the post held prior to appointment as principal compared pair-wise in respect of understanding the South African Schools Act.</td>
<td>Scheffé</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the post held prior to appointment as principal compared pair-wise in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.34: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE POST HELD BEFORE APPOINTMENT TO PRINCIPALSHIP BY RESPONDENTS REGARDING ITEM B 1

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of</td>
<td>A</td>
<td>3,76</td>
<td>0,026*</td>
<td>A</td>
</tr>
<tr>
<td>the South African Schools</td>
<td>B</td>
<td>3,61</td>
<td>*</td>
<td>B</td>
</tr>
<tr>
<td>Act</td>
<td>C</td>
<td>3,46</td>
<td>*</td>
<td>C</td>
</tr>
</tbody>
</table>

GROUP A = Deputy Principal  N = 225
B = H.O.D.               N = 172
C = Other               N = 171

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.33 and 7.34 the deduction can be made that there is a statistically significant difference (p = 0,026) between the average scores of Groups A, B, and C in respect of understanding the South African Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5 % level when the various groups are compared one with another as indicated in Table 7.34.
- The respondents who fall in Group A have the perception that understanding the South African Schools Act is important to a greater extent than the other groups. The higher mean score of this group can be attributed to the fact that these respondents have had extensive experience in school management and this tended to enrich the person’s knowledge.
### Differences between the opinions of respondents based on the Regions in which they are principals relative to item B 18

#### TABLE 7.35: HYPOTHESES WITH THE REGIONS IN WHICH RESPONDENTS ARE PRINCIPALS AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 18

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td></td>
<td>HoA</td>
<td>The mean scores of the groups reflecting the region in which the respondent is a principal, do not differ in a statistically significant way from one another in respect of the need to train principals on legal issues.</td>
<td>Anova</td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting the region in which the respondent is a principal, differ in a statistically significant way from one another in respect of the need to train principals on legal issues.</td>
<td></td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the region in which the respondent is a principal compared pair-wise in respect of the need to train principals on legal issues.</td>
<td>Scheffé</td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the region in which the respondent is a principal compared pair-wise in respect of the need to train principals on legal issues.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 7.36: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE REGIONS IN WHICH THE RESPONDENTS ARE PRINCIPALS REGARDING ITEM B 18

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training principals on legal issues.</td>
<td>A</td>
<td>4,64</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>4,72</td>
<td>0,029*</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,48</td>
<td></td>
<td>C</td>
</tr>
</tbody>
</table>

GROUP A = South Coast  N = 195  
B = North Coast  N = 179  
C = Midlands  N = 121

**Statistically significant at the 1% level (p less than 0,001)**  
*Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.35 and 7.36 the deduction can be made that there is a statistically significant difference (p = 0,029) between the average scores of Groups A, B, and C in respect of the training of school principals on legal issues. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5% level when the various groups are compared one with another as indicated in Table 7.36.
- Respondents who fall in Group B (North Coast) have the highest mean score and therefore they have the perception that the training of school principals on legal issues is important. In this group there are three regions namely North Durban, Empangeni and Ulundi and within the first two, there are established educational resource centres in tertiary institutions from which training providers can be
recruited. Respondents who are principals in these regions are frequently exposed to training and hence they probably perceive training of principals on legal issues as important to a greater extent than the other groups. There is, for example, an Education Policy Unit and the Centre for Socio-legal Studies both found at the University of Natal in Durban. At the University of Zululand situated in Empangeni Region there is an Institution of Education and Human Development. All these resource centres provide education management development courses in conjunction with the Department of Education which also touch on legal issues. It is probably for this reason that respondents from this group are of the opinion that training of principals on legal issues is more important than the other groups perceive it to be.

- The difference between Group B and C in respect of agreeing to the need for the training of the school principals can be attributed to the fact that Group C (which has the lowest mean score) consists of regions which are rural in nature and as such they lack the urban infra-structure from which their counterparts benefit.
7.3.2.7 Difference of opinions of the respondents based on the **GEOGRAPHICAL SITUATION** of the schools in which the respondents are principals in respect of items B1; B2; B18 and B19

**TABLE 7.37: HYPOTHESES WITH THE GEOGRAPHICAL SITUATION OF SCHOOLS AS THE INDEPENDENT VARIABLE IN RESPECT OF B 1**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Geographical situation</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting the geographical situation in which the respondent is a principal, do not differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting the geographical situation, in which the respondent is a principal, differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of understanding the South African Schools Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding the</td>
<td>A</td>
<td>3.66</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>South African Schools Act.</td>
<td>B</td>
<td>3.93</td>
<td>0.000**</td>
<td>B *</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.43</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = Urban  \( N = 174 \)
B = Semi-urban  \( N = 122 \)
C = Rural  \( N = 301 \)

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.37 and 7.38 the deduction can be made that there is a statistically significant difference (\( p = 0.000 \)) between the average scores of Groups A, B, and C in respect of understanding the South African Schools Act. The null hypothesis \( H_0A \) is thus rejected and the alternative hypothesis \( H_aA \) is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% and 5% levels when the various groups are compared one with another as indicated in Table 7.38.
- Group B (semi-urban) has the highest mean score and respondents in this group have the perception that understanding the South African Schools Act is important to a greater extent than the other groups. Schools found in the semi-urban areas are complex in nature and the respondents who are principals in these areas realize and appreciate the need to understand clearly what the Act stipulates.
• In comparison to the above Group B (semi-urban) the respondents in Group A consider the understanding of the South African Schools Act as relatively important. The urban nature of the school (with a highly sophisticated population) makes it imperative for principals to have a clear understanding of the Act so that they are able to defend challenges relative to the urban environment.

• Group C (rural) has the lowest mean score and the respondents have the perception that understanding of the South African Schools Act is less important than the other groups. This could be attributed to the fact that principals of rural schools do not have comparable levels of exposure to facilities such as for example libraries. The directive from the Superintendent - General of the province was that all school principals should be trained on the South African Schools Act. It is possible that the training provided in the rural areas where facilities are limited was not as effective as that provided in the urban and semi-urban areas.
<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Geographical situation</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondent is a principal, do not differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Anova</td>
</tr>
<tr>
<td>Geographical situation</td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondent is a principal, differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Geographical situation</td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Scheffé</td>
<td></td>
</tr>
<tr>
<td>Geographical situation</td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 7.40: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE GEOGRAPHICAL SITUATION OF SCHOOLS REGARDING ITEM B 2

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of the KwaZulu-Natal Schools Education Act.</td>
<td>A</td>
<td>3,55</td>
<td>**</td>
<td>A **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,52</td>
<td>0,003**</td>
<td>B *</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3,21</td>
<td></td>
<td>C ** *</td>
</tr>
</tbody>
</table>

GROUP A = Urban \( N = 174 \)
B = Semi-urban \( N = 122 \)
C = Rural \( N = 299 \)

** Statistically significant at the 1% level \( (p < 0.001) \)
* Statistically significant at the 5% level \( (p > 0.01 \text{ but } < 0.05) \)

Using Tables 7.39 and 7.40 the deduction can be made that there is a statistically significant difference \( (p = 0.003) \) between the average scores of Groups A, B, and C in respect of understanding the KwaZulu-Natal Schools Education Act. The null hypothesis \( H_{0A} \) is thus rejected and the alternative hypothesis \( H_{A} \) is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level and 5% level when the various groups are compared one with another as indicated in Table 7.40.
- The respondents falling in Group A (urban) have the highest mean score and they have the perception that understanding of the KwaZulu-Natal Schools Education Act is more important than the other groups who hold this perception. This can probably be attributed to the fact that the urban school principals have access to resources such as libraries, Legal Resource Centres and Legal Aid centres. In addition to the training workshops for principals which were organized to train all
principals in respect of this Act, these facilities are also available for further professional development.

- When compared to their semi-urban and rural counterparts, urban schools are most likely to have parents who are educated and are thus able to assist as members of School Governing Bodies in respect of understanding the KwaZulu-Natal Education Schools Act.

- Schools falling in Group C (rural) have the lowest mean score relative to understanding the KwaZulu-Natal Schools Act. These schools probably do not have the complicated management problems faced by urban schools and are also likely to be less politicized by way of educator unions.
### TABLE 7.41: HYPOTHESES WITH THE GEOGRAPHICAL SITUATION OF SCHOOLS AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 18

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DGA</td>
<td></td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondents are principals, do not differ in a statistically significant way from one another in respect of the need to train principals regularly on legal issues.</td>
<td>Anova</td>
</tr>
<tr>
<td>DGA</td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondents are principals, differ in a statistically significant way from one another in respect of the need to train principals regularly on legal issues.</td>
<td></td>
</tr>
<tr>
<td>DGA</td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondents are principals compared pair-wise in respect of the need to train principals regularly on legal issues.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td>DGA</td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of the need to train principals regularly on legal issues.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.42: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE GEOGRAPHICAL SITUATION OF SCHOOLS REGARDING ITEM B 18

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need for regular training for school principals on legal issues.</td>
<td>A</td>
<td>4,61</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>4,76</td>
<td>0,032*</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,57</td>
<td></td>
<td>C</td>
</tr>
</tbody>
</table>

GROUP A = Urban N = 175
B = Semi-urban N = 122
C = Rural N = 299

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.41 and 7.42 the deduction can be made that there is a statistically significant difference (p = 0,032) between the average scores of Groups A, B, and C in respect of the need for organizing regular seminars and management workshops for principals on legal issues. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5 % level when the various groups are compared one with another as indicated in Table 7.42.
- The respondents who fall in Group B (semi-urban) have the highest mean score and they consider the organizing of seminars and management workshops for school principals on legal issues to be more important than the other groups do. Given the greater challenges that the semi-urban school principal faces because of the socio-economic aspects, the need becomes even greater for organizing seminars and management workshops for school principals on legal issues. They have to contend
with the present pressure of a human rights culture of everyone within the school, that is, learners, educators and parents. When all these groups demand to exercise their rights, the school principal is often placed in a difficult position of trying to balance such rights against rights of each of these groups.

- Group C (rural) has the lowest mean score and therefore the respondents have the perception that it is not that important that school principals should receive regular training on legal issues. This could be because the demands and complexities of the urban and semi-urban school situations are not that demanding on them because rural areas in KwaZulu-Natal do not experience the pressures associated with urban areas.
<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geographical situation</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondents are principals, do not differ in a statistically significant way from one another in respect of the need to introduce a law course or module in the curriculum for educator training.</td>
<td>Anova</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondents are principals, differ in a statistically significant way from one another in respect of the need to introduce a law course or module in the curriculum for educator training.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondents are principals compared pair-wise in respect of the need to introduce a law course or module in the curriculum for educator training.</td>
<td>Dunnett T3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondents are principals compared pair-wise in respect of the need to introduce a law course or module in the curriculum for educator training.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.44: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE GEOGRAPHICAL SITUATION OF SCHOOLS REGARDING ITEM B 19

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction of a law course or module in educator training curriculum.</td>
<td>A</td>
<td>4,57</td>
<td>0,015*</td>
<td>A *</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>4,76</td>
<td></td>
<td>B *</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,59</td>
<td></td>
<td>C *</td>
</tr>
</tbody>
</table>

GROUP A = Urban N = 175
B = Semi-urban N = 122
C = Rural N = 301

** Statistically significant at the 1% level (p less than 0,001)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.43 and 7.44 the deduction can be made that there is a statistically significant difference (p = 0,015) between the average scores of Groups A, B, and C in respect of the need to introduce a law course or module in the educator-training curriculum. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 5% level when the various groups are compared one with another as indicated in Table 7.44.
- The respondents in Group B (semi-urban) have the highest mean score and therefore consider the need to introduce a law course or module in the curriculum of educator training as more important than the other groups do. This can be attributed to the fact that these respondents have probably experienced problems in managing schools in semi-urban areas hence they recommend that it would be appropriate that all those who train for teaching should research a course or module
in law so that when they are confronted with such legal problems they at least have a legitimate way of dealing with them. This opinion presupposes that specialized areas such as school law have less often been included in the preparation of school principals.

- Respondents belonging to Group A (urban) have the lowest mean score. However, Group C (rural) has an almost identical score. Both these groups do regard the introduction of a law module in the curriculum of educator training as important but not as important as Group B does. This could be attributed to the fact that they might not have been exposed to the complexities of managing a school situated in difficult areas like in semi-urban areas. Being situated in an urban area where they have access to facilities like libraries, centres for development and tertiary institutions, they are more readily able to access relevant information regarding management of schools.
7.3.2.8 Differences between the opinions of respondents based on the PREVIOUS DEPARTMENTS to which they belonged in respect of items B1; B2; B17; B18 and B19.

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Previous Departments</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, do not differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, differ in a statistically significant way from one another in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of understanding the South African Schools Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of understanding the South African Schools Act.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 7.46: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE PREVIOUS DEPARTMENTS OF THE RESPONDENTS REGARDING ITEM B 1

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of the South African Schools Act.</td>
<td>A</td>
<td>3,48</td>
<td></td>
<td>A ** **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3,48</td>
<td></td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,12</td>
<td>0,000**</td>
<td>C ** **</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3,67</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>3,88</td>
<td></td>
<td>E **</td>
</tr>
</tbody>
</table>

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

GROUP A = KwaZulu Department of Education  \( N = 372 \)
B = Natal Education Department  \( N = 69 \)
C = House of Delegates  \( N = 76 \)
D = House of Representatives  \( N = 24 \)
C = Department of Education & Training  \( N = 60 \)

Using Tables 7.45 and 7.46 the deduction can be made that there is a statistically significant difference (\( p = 0.000 \)) between the average scores of Groups A, B, C, D and E in respect of understanding the South African Schools Act. The null hypothesis \( H_0 \) is thus rejected and the alternative hypothesis \( H_a \) is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.46.
- Respondents falling in Group C (House of Delegates) have the highest mean score and therefore have a perception that the understanding of the South African Schools Act is important. This can be attributed to the realization of the fact that
the day-to-day actions of the principals are potentially loaded with legal implications. These respondents have been principals of schools in Indian communities where the "the human rights consciousness" has been heightened. There are numerous so called pressure groups formed by parents who are well educated and hence the school principals need a good understanding of this Act.

- Respondents belonging to Groups A (KwaZulu Department of Education and Culture) and B (Natal Education Department) both have the same mean score and both have a perception that understanding the South African Schools Act is not that important relative to the other groups.
### TABLE 7.47: HYPOTHESES WITH THE PREVIOUS DEPARTMENTS TO WHICH THE RESPONDENTS BELONGED AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 3

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, do not differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Anova</td>
</tr>
<tr>
<td>Differences at the univariate level</td>
<td>Previous Departments</td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, differ in a statistically significant way from one another in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of understanding the KwaZulu-Natal Schools Education Act.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of understanding the KwaZulu-Natal Education Act.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Understanding of the KwaZulu-Natal</td>
<td>A</td>
<td>3.29 0.000**</td>
<td>**</td>
</tr>
<tr>
<td>Schools Education Act.</td>
<td>B</td>
<td>3.09</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.95 0.000**</td>
<td>** **</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3.82</td>
<td>C ** ** **</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>3.40</td>
<td>E **</td>
</tr>
</tbody>
</table>

GROUP A = KwaZulu Department of Education  N = 370
B = Natal Education Department  N = 69
C = House of Delegates  N = 76
D = House of Representatives  N = 24
E = Department of Education & Training  N = 60

** Statistically significant at the 1% level (p < 0.001)
* Statistically significant at the 5% level (p > 0.01 but < 0.05)

Using Tables 7.47 and 7.48 the deduction can be made that there is a statistically significant difference (p = 0.000) between the average scores of Groups A, B, C, D and E in respect of understanding the KwaZulu-Natal Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level and 5% when the various groups are compared one with another as indicated in Table 7.48.
- The respondents in Group C (House of Delegates) have the highest mean score and therefore have the perception that understanding of the KwaZulu-Natal Schools Act is important relative to the other groups. The Indian community seem to be
placing a high emphasis on a good education for their children and increased parent participation in the school affairs can be one of the many forces which cause the respondents in this group to want to believe that it is important to be well informed regarding the provisions of the Act.

• Respondents belonging to Group B (Natal Education Department) have a relatively low mean score and they possibly take the view that it is not that important to understand the KwaZulu-Natal Schools Act. As an advantaged previous department, school management has always been of an acceptably high standard and hence the understanding of the above Act may not be of top priority to them. They also probably have persons on their governing bodies with a legal background whom they can call upon when greater understanding of the Act is called for.
TABLE 7.49: HYPOTHESES WITH THE PREVIOUS DEPARTMENTS TO WHICH THE RESPONDENTS BELONGED AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 3

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at</td>
<td></td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the former departments to</td>
<td>Anova</td>
</tr>
<tr>
<td>the univariate</td>
<td></td>
<td></td>
<td>which the respondents belonged, do not differ in a statistically significant</td>
<td></td>
</tr>
<tr>
<td>level</td>
<td></td>
<td></td>
<td>way from one another in respect of understanding the Bill of Rights as</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>entrenched in the S.A. Constitution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the former departments to</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>which the respondents belonged, differ in a statistically significant way</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>from one another in respect of understanding the Bill of Rights as entrenched</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>in the S.A. Constitution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Previous</td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of</td>
<td>Dunnett</td>
</tr>
<tr>
<td></td>
<td>Departments</td>
<td></td>
<td>the groups reflecting the former departments to which the respondents</td>
<td>T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>belonged compared pair-wise in respect of understanding the Bill of Rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>as entrenched in the S.A. Constitution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the groups reflecting the former departments to which the respondents</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>belonged compared pair-wise in respect of understanding the Bill of Rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>as entrenched in the S.A. Constitution.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.50: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE PREVIOUS DEPARTMENTS OF THE RESPONDENTS REGARDING ITEM B.3

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Average (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of the Bill of Rights as entrenched in the S.A. Constitution.</td>
<td>A</td>
<td>3.38</td>
<td>A **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>3.14</td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>3.76</td>
<td>C ** **</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>3.50</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>3.57</td>
<td>E</td>
</tr>
</tbody>
</table>

GROUP A = KwaZulu Department of Education  N = 371
B = Natal Education Department  N = 69
C = House of Delegates  N = 76
D = House of Representatives  N = 24
E = Department of Education & Training  N = 60

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.49 and 7.50 the deduction can be made that there is a statistically significant difference (p = 0.011) between the average scores of Groups A, B, C, D and E in respect of understanding the Bill of Rights as entrenched in the S. A. Constitution. The null hypothesis H0A is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.50.
- The respondents falling in Group C (House of Delegates) have the highest mean score and they have the perception that the understanding of the Bill of Rights is important to a greater extent than the other group. This can be as result of an
increased awareness of a “human rights culture” amongst the Indian communities served by these respondents. In these communities there are often strong pressure and lobby groups who take considerable interest in education and who exert pressure for strong school management. Well educated and upper or middle class parents often exert pressure on the authorities in respect of the learning and teaching of their children. The principals as respondents from this group would thus want to be certain about the manner they deal with parents, educators and learners. Where a climate conducive to a human rights culture is present, it is possible that this will place principals under considerable pressure to balance these rights with the cultural norms and values of the community. Such pressure could lead to the perception that understanding the Bill of Rights is important.

- The respondents in Group B (Natal Education Department) have the lowest mean score and have the perception that understanding of the Bill of Rights is not that important relative to the other groups. The respondents from this former Department of Education are mainly English-speaking and with their liberal political background a culture of human rights is nothing new to them. It is something with which they are familiar.
TABLE 7.51: HYPOTHESES WITH THE PREVIOUS DEPARTMENTS TO WHICH THE RESPONDENTS BELONGED AS THE INDEPENDENT VARIABLE IN RESPECT OF ITEM B 17

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Previous</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, do not differ in a statistically significant way from one another in respect of the need that principals should become knowledgeable in the complex area of school law.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td>Departments</td>
<td>HaA</td>
<td>The mean scores of the groups various reflecting the former departments to which the respondents belonged, differ in a statistically significant way from one another in respect of the need that principals should become knowledgeable in the complex area of school law.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of the need that principals should become knowledgeable in the complex area of school law.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of the need that principals should become knowledgeable in the complex area of school law.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.52: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE PREVIOUS DEPARTMENTS OF THE RESPONDENTS REGARDING ITEM B 17

<table>
<thead>
<tr>
<th>Item</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Need for principals to become knowledgeable in school law.</td>
<td>A</td>
<td>4,57</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>4,25</td>
<td>0.002**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>4,72</td>
<td></td>
<td>A **</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>4,42</td>
<td></td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>4,70</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = KwaZulu Department of Education  N = 371
B = Natal Education Department  N = 69
C = House of Delegates  N = 76
D = House of Representatives  N = 24
C = Department of Education & Training  N = 60

** Statistically significant at the 1% level (p < 0.001)
* Statistically significant at the 5% level (p > 0.01 but < 0.05)

Using Tables 7.51 and 7.52 the deduction can be made that there is a statistically significant difference (p = 0.002) between the average scores of Groups A, B, C, D and E in respect of the need for principals to become knowledgeable in school law. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.52.
- Respondents belonging to Group C (House of Delegates) have the highest mean score and therefore consider that there is need for school principals to become knowledgeable in the complex area of school law to a greater extent than the other
groups. This seems to confirm the findings of the previous three Tables that the principals serving the Indian Communities regard the understanding of school law as important.

- Principals from the former Natal Department of Education again have the lowest mean score. They do, however, regard understanding school law as important; just not to the same extent that the other groups regard it as important. These principals belong to schools that could be classified as belonging to a high socio-economic background and they probably have ready access to legal information should it be needed.

**7.3.3 A DISCUSSION OF SECTION C OF THE QUESTIONNAIRE**

The items in group C of the questionnaire (See Annexure A) were subjected to two successive factor analytic procedures (Norusis, 1998) The first step was an extraction of initial factors by means of a first order Principal Component Analysis (PCA) followed by a Principal Factor Analysis (PFA). In the application of these PCA and PFA procedures, varimax rotation and orthogonal axes were applied reducing the 20 items to 5 factors. A second order factor analysis, consisting of varimax rotation and orthogonal axes, followed by a PFA (doblomin-rotation) were subsequently executed. These procedures resulted in one factor that was subjected to an item analysis with the aid of the N.P.50 programme and one factor with a high Crobach - Alpha reliability coefficient was identified namely:

- A scale consisting of 20 items describing the respondents perceptions on the delegation of authority for effective school management with a reliability coefficient of 0.771 (The five first order factors reduced, appear under paragraph 6.6)
These 20 items can thus be regarded as one scale with a maximum value of $20 \times 5 = 100$ and a minimum value of $20 \times 1 = 20$ as shown below:

<table>
<thead>
<tr>
<th>Min</th>
<th>Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Very often</td>
</tr>
</tbody>
</table>

(Old Scale)

<table>
<thead>
<tr>
<th>20</th>
<th>40</th>
<th>60</th>
<th>80</th>
<th>100</th>
</tr>
</thead>
</table>

(New Scale)

- 20 = very seldom
- 40 = seldom
- 60 = sometimes
- 80 = often
- 100 = very often

### 7.3.4 COMPARISON OF TWO INDEPENDENT GROUPS IN RESPECT OF FACTOR ‘C’ (Delegation of authority for effective school management)

As a result of the large amount of data, the researcher will only set hypotheses and give mean scores where significant differences were found between the independent groups. However, as no statistically significant differences were found in respect of perceptions for either gender or type of the school as the examples of two independent groups and this did not warrant discussion.

### 7.3.5. COMPARISON OF THREE OR MORE INDEPENDENT GROUPS IN RESPECT OF FACTOR ‘C’ (Delegation of authority for effective school management)

In respect of three or more independent groups univariate differences were investigated by means of the ANOVA (analysis of variance) in respect of the various items. The mean scale scores are compared and should any difference be revealed at this level then the Dunnett T3-test or the Scheffé test is used to investigate differences between...
the possible pairs of groups. The following discussion is based on comparison of three or more independent groups.

7.3.5.1 Differences between the opinions of respondents based on the GEOGRAPHICAL SITUATION of the schools in which they are principals in respect of Factor C

TABLE 7.53: HYPOTHESES WITH THE GEOGRAPHICAL SITUATION OF SCHOOLS AS THE INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL MANAGEMENT (Factor C)

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Geographical situation</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondent is a principal, do not differ in a statistically significant way from one another in respect of delegation of authority for effective school management.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the geographical situation in which the respondent is a principal, differ in a statistically significant way from one another in respect of delegation of authority for effective school management.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of delegation of authority for effective school management.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of delegation of authority for school management.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.54: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE GEOGRAPHICAL SITUATION OF SCHOOLS REGARDING THE DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL MANAGEMENT (Factor C)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation of authority for effective school management.</td>
<td>A</td>
<td>68,09</td>
<td>0,013 **</td>
<td>A ** *</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>70,50</td>
<td></td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>69,90</td>
<td></td>
<td>C *</td>
</tr>
</tbody>
</table>

GROUP A = Urban N = 166  
B = Semi-urban N = 118  
C = Rural N = 283  

** Statistically significant at the 1% level (p less than 0,001)  
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.53 and 7.54 the deduction can be made that there is a statistically significant difference (p = 0, 013) between the average scores of Groups A, B, and C in respect of understanding the South African Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1 % and 5 % levels when the various groups are compared one with another as indicated in Table 7.54.
- Group B (semi-urban) has the highest mean score and respondents in this group have the perception that delegation of authority in school management is important to a greater extent than the other groups. This can be attributed to the fact that the principals are confronted with complex communities with a more dynamic semi-urban life. The principals managing schools in such areas are often confronted with complexities emanating from the socio-economic aspects. The semi-urban set-up
does not allow for normal application of all management techniques within the school but calls for some co-operation with every member of the staff. As the principal manages many different situations, he needs to delegate quite often. He cannot afford to manage everything himself.

- In comparison with other groups the respondents in Group A (showing the lowest mean score) have a perception that delegation of authority in school management is less important. It is possible that the urban nature and complexities in management of schools are not as acute as in other areas. It is also possible that they have people with the necessary expertise to assist them and that they know to whom and when to delegate.
7.3.5.2 Differences between the opinions of respondents based on the PREVIOUS DEPARTMENTS to which they belonged in respect of Factor ‘C’

TABLE 7.55: HYPOTHESES WITH THE PREVIOUS DEPARTMENTS TO WHICH THE RESPONDENTS BELONGED AS THE INDEPENDENT VARIABLE IN RESPECT DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL MANAGEMENT

(Factor C)

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Previous Departments</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, do not differ in a statistically significant way from one another in respect of delegation of authority for effective school management.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the various groups reflecting the former departments to which the respondents belonged, differ in a statistically significant way from one another in respect of delegation of authority for effective school management.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of delegation of authority for effective school management.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of delegation of authority for effective school management.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.56: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE PREVIOUS DEPARTMENTS OF THE RESPONDENTS REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL MANAGEMENT (Factor C)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delegation of authority for effective school management.</td>
<td>A</td>
<td>69,97</td>
<td>A **</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>65,14</td>
<td>B ** ** **</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>70,10</td>
<td>C **</td>
<td></td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>66,91</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>72,41</td>
<td>E **</td>
<td></td>
</tr>
</tbody>
</table>

GROUP A = KwaZulu Department of Education  
N = 348

B = Natal Education Department  
N = 69

C = House of Delegates  
N = 74

D = House of Representatives  
N = 22

E = Department of Education and Training  
N = 58

** Statistically significant at the 1% level (p less than 0.001)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.55 and 7.56 the deduction can be made that there is a statistically significant difference (p = 0.000) between the average scores of Groups A, B, C, D and E in respect of understanding the South African Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.56.
- Respondents falling in Group E (DET) have the highest mean score and therefore have a perception that delegation of authority in school management is important.
This can be attributed to the fact that professional development of management staff was given top priority by this Department when it introduced its Top Down Professional Management Training Programme during the eighties. In its 1990 Annual Report this Department summarized its objectives for this programme as being aimed at development of expertise by providing effective and appropriate guidance to management staff in helping them to develop their competence. In this way adequate opportunities were provided by this Department to have their personnel trained in school management techniques which invariably includes delegation as a management task.

- The respondents belonging to Group B (NED) have a relatively low mean score. They do, however, regard delegation of authority as important but not to the same extent that the other groups regard it. This can possibly, be attributed to the fact that this Department has had adequate support structures for school management in the form of well-trained administrative personnel which took the management pressures off the principal. Conditions under the Natal Education Department probably made school management easier because of the back-up of physical resources such as computers and telecommunication facilities.

7.3.6 A DISCUSSION OF SECTION D OF THE QUESTIONNAIRE

The items in group D of the questionnaire (See Annexure A) were subjected to a Factor analytic procedure (Norusis, 1998). The first step was the extraction of initial factor by means of a first order Principal Component Analysis (PCA) followed by a Principal Factor Analysis (PFA). Varimax rotation and orthogonal axes were applied and the five items were reduced to one factor with a Cronbach - Alpha Reliability coefficient of 0.785. This factor was named the delegation of authority for effective school discipline and consisted of 5 items.

These 5 items can thus be regarded as one scale with a maximum value of $5 \times 5 = 25$
and a minimum value of $5 \times 1 = 5$. The scale should thus be understood in terms of its converted values as follows:

<table>
<thead>
<tr>
<th>Min (Old Scale)</th>
<th>Max (New Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly disagree</td>
<td>1 2 3 4 5</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>x5</td>
</tr>
<tr>
<td>5</td>
<td>10 15 20 25</td>
</tr>
</tbody>
</table>

5 = strongly disagree
10 = disagree
15 = to a limited extent
20 = agree
25 = strongly agree

A value of 22 will thus convert to a value of 4.4 (22/5) on a 5-point scale and indicate agreement to strong agreement with the factor.

7.3.7 COMPARISON OF TWO INDEPENDENT GROUPS IN RESPECT OF FACTOR ‘D’ (Delegation of authority for effective school discipline)

As a result of the large amount of data, the researcher will only set hypotheses and give mean scores where significant differences were found between the various independent groups. Possible differences between the perceptions of the types of school in respect of delegation for effective discipline will now be discussed.
### 7.3.7.1 Differences between the opinions in respect of PRIMARY and SECONDARY school principals in respect of Factor ‘D’

**TABLE 7.57: HYPOTHESES WITH THE TYPE OF SCHOOL LEVEL AS AN INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D)**

<table>
<thead>
<tr>
<th>FACTOR</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factor D</td>
<td>Type of school</td>
<td>Hot</td>
<td>There is no statistically significant difference between the mean scores of primary and secondary school principals regarding their perception that delegation of authority is important for effective school discipline.</td>
<td>Student t-test</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hat</td>
<td>There is a statistically significant difference between the mean scores of primary and secondary school principals regarding their perception that delegation of authority is important for effective school discipline.</td>
<td>t-test</td>
</tr>
</tbody>
</table>
TABLE 7.58: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF PRIMARY AND SECONDARY SCHOOL PRINCIPALS IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Description</th>
<th>Group</th>
<th>Mean Score</th>
<th>Student t-test (p-value)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Factor D.</td>
<td>Delegation of authority is important for effective school discipline.</td>
<td>Primary</td>
<td>21.75</td>
<td><strong>0.006</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Secondary</td>
<td>22.61</td>
<td></td>
</tr>
</tbody>
</table>

(N) Primary = 355
(N) Secondary = 208

** Statistically significant at the 1% level (p less than 0.01)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Tables 7.57 and 7.58 indicate that there is a statistically significant difference (p = 0.006) between the mean scores of primary and secondary school principals regarding the perception that delegation of authority is important for effective school discipline. The null hypothesis H₀ is thus rejected and the alternative hypothesis H₁ is accepted.

The statistically significant difference between the respondents who are principals of secondary schools and those who are principals of primary schools may be attributed to the fact that in the secondary schools, learners are older, physically larger and intellectually more developed. At this level, the learners’ possible rebellion against authority can be more threatening to the school’s stability than is true at the primary school level. The principal’s control function makes it essential that he delegates authority in the area of school discipline since he cannot alone handle the learner and educator militancy in an increasingly turbulent and politically-charged environment. It is indeed important that the principal involves his subordinates in order to control and maintain learner discipline.
7.3.8 COMPARISON OF THREE OR MORE INDEPENDENT GROUPS IN RESPECT OF FACTOR 'D' (Delegation of authority for effective school discipline)

In respect of three or more independent groups univariate differences are investigated by means of the ANOVA (analysis of variance) in respect of the various items. The mean scale scores are compared and should any difference be revealed at this level then the Dunnett T3-test or the Scheffé test is used to investigate differences between the possible pairs of groups. The following discussion is based on comparison of three or more independent groups.
### 7.3.8.1. Differences between the opinion of respondents on their QUALIFICATIONS in respect of Factor Analysis ‘D’ (Delegation of authority for effective school discipline)

**TABLE 7.59: HYPOTHESES WITH THE ACADEMIC QUALIFICATION AS THE INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D).**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Academic Qualifications</td>
<td>HoA</td>
<td>The mean scores of the various groups reflecting academic qualifications, do not differ in a statistically significant way from one another in respect of delegation of authority for effective school discipline.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting academic qualifications, differ in a statistically significant way from one another in respect of delegation of authority for effective school discipline.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of delegation of authority for effective school discipline.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting academic qualifications compared pair-wise in respect of delegation of authority for effective school discipline.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.60: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE ACADEMIC QUALIFICATIONS REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation of authority for effective school discipline.</td>
<td>A</td>
<td>21.46</td>
<td></td>
<td>A ** **</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>22.49</td>
<td>0.000**</td>
<td>B **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>22.62</td>
<td></td>
<td>C **</td>
</tr>
</tbody>
</table>

GROUP A = Std 10 or lower N = 251
B = B Degree N = 169
C = Post Graduate N = 166

** Statistically significant at the 1% level (p less than 0.01)
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.59 and 7.60 the deduction can be made that there is a statistically significant difference (p = 0.000) between the average scores of Groups A, B, and C in respect of understanding the South African Schools Act. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.60.
- The respondents with Post Graduate qualifications (Group C) have the highest mean score and are therefore of the opinion that delegation of authority is important for effective school discipline to a greater extent than the other groups are of such opinion. Their relatively good academic qualifications should enable them to understand the legal jargon used in the Act and they may also be familiar with interpreting educational research. They may even have studied the Act on
their own initiative to sharpen their understanding of the Act. Understanding of the Act, is vital in the building of the principal’s self-confidence in school management as this will also enhance their self esteem.

- Respondents in Group A (Std 10 or lower) have the lowest mean score and therefore they hold the perception that they do not have such a good understanding of the South African Schools Act as the better qualified groups. Their lower academic qualifications may be the cause as they may not have the ability to make an in-depth research of the Act itself because they have not been exposed to the rigours of educational research.

It must, however, be emphasized that this question should be interpreted in terms of the respondents’ perception of their understanding of the Schools Act. The higher the educational qualification the better is the perception of the understanding of the Schools Act. This again emphasizes the importance of good academic qualifications as this enhances the self-image and the credibility and legitimacy which is so vital to becoming an effective educational manager.
7.3.8.2 Differences between the opinions of respondents based on the GEOGRAPHICAL SITUATION of schools in which they are principals in respect of Factor ‘D’

TABLE 7.61: HYPOTHESES WITH THE GEOGRAPHICAL SITUATION OF SCHOOLS AS THE INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D)

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Geographical situation</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting the geographical situation in which the respondent is a principal, do not differ in a statistically significant way from one another in respect of delegation of authority for effective school discipline.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting the geographical situation in which the respondent is a principal, differ in a statistically significant way from one another in respect of delegation of authority for effective school discipline.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of delegation of authority for effective school discipline.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the geographical situation in which the respondent is a principal compared pair-wise in respect of delegation of authority for effective school discipline.</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 7.62: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE GEOGRAPHICAL SITUATION OF SCHOOLS IN WHICH RESPONDENTS ARE PRINCIPALS REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL DISCIPLINE (Factor D)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Average (p-value)</th>
<th>Dunnet T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation of authority for effective school discipline</td>
<td>A</td>
<td>22,34</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>22,67</td>
<td>**</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>21,74</td>
<td>**</td>
</tr>
</tbody>
</table>

** GROUP A = Urban N = 174  
B = Semi-urban N = 122  
C = Rural N = 295

** Statistically significant at the 1% level (p less than 0.001)  
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.61 and 7.62 the deduction can be made that there is a statistically significant difference (p = 0.006) between the average scores of Groups A, B, and C in respect of delegating authority for effective school discipline. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.62.
- The respondents in Group B (semi-urban) have the highest mean score and therefore have a perception that delegation of authority is important for effective school discipline. This could be attributed to the mixture of urban and rural
elements found in such areas which are predominantly informal settlements. Schools in such areas have, for example, pupils with less supporting home environments and come from poverty-stricken backgrounds. There is no doubt that such an environment contributes in no small measure to the complexities in respect of pupil behavioural patterns. The semi-urbanized pattern of living often makes learners more difficult to handle as they often watch television programmes of a violent nature and interact with gangsters and subsequently wish to emulate actions seen. It is, therefore, reasonable to assume that school principals will have particularly unfavourable circumstances in which to enforce discipline hence the need for the principal to delegate authority to educators in order to ensure effective school discipline.

- The respondents falling in Group C (rural) have the lowest mean score and therefore have the perception that delegation of authority for effective school discipline is less important relative to the other groups. This can be due to the fact that pupil behavioural problems are less prevalent in rural areas compared to both urban and semi-urban areas. The rural learners are probably still respectful, law-abiding and less politicized. The school principals are therefore likely not to be confronted with learners who are so poorly disciplined as those from the urban areas.

7.3.9 A DISCUSSION OF SECTION E OF THE QUESTIONNAIRE

The items in group E of the questionnaire (See Annexure A) were also subjected to a factor analytic procedure (Norusis, 1998). Only a first order procedure was utilized and this reduced the five items to just one factor that was named:

"Delegation of authority for effective school financial management"

and consisted of 5 items. These 5 items can thus be regarded as one scale with a maximum value of $5 \times 5 = 25$ and a minimum value of $5 \times 1 = 5$. 
The scale should thus be understood in terms of its converted values as follows:

<table>
<thead>
<tr>
<th>Min (Old Scale)</th>
<th>Max (New Scale)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly disagree</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

5 = strongly disagree  
10 = disagree  
15 = to a limited extent  
20 = agree  
25 = strongly agree

A value of 22 will thus convert to a value of 4.4 (22/5) on a 5-point scale.

A discussion of section E of the questionnaire will now follow.

7.3.10 COMPARISON OF TWO INDEPENDENT GROUPS IN RESPECT OF FACTOR ‘E’ (Delegation of authority for effective school financial management)

As a result of the large amount of data, the researcher will only set hypotheses and give mean scores where significant differences were found between the independent groups. However, no statistically significant differences were found in respect of perceptions for either gender or type of the school and hence no discussion on the comparison of two independent groups is necessary.
7.3.11 COMPARISON OF THREE OR MORE INDEPENDENT GROUPS IN RESPECT OF FACTOR ‘E’ (Delegation of authority for effective school financial management)

In respect of three or more independent groups univariate differences are investigated by means of the ANOVA (analysis of variance) in respect of the various items. The mean scale scores are compared and should any difference be revealed at this level then the Dunnett T3-test or the Scheffé test is used to investigate differences between the possible pairs of groups. The following discussion is based on comparison of three or more independent groups.
7.3.11.1 Differences between the opinions of respondents based on their EXPERIENCE IN YEARS AS PRINCIPAL relative to Factor 'E' (Delegation of authority for effective school financial management).

**TABLE 7.63: HYPOTHESES WITH THE NUMBER OF YEARS AS PRINCIPAL AS THE INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL FINANCIAL MANAGEMENT (Factor E)**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Years as Principal</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting years as principal do not differ in a statistically significant way from one another in respect of delegation of authority for effective school financial management.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting years as principal differ in a statistically significant way from one another in respect of delegation of authority for effective school financial management.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of delegation of authority for effective school financial management.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting years as principal compared pair-wise in respect of delegation of authority for effective school financial management.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.64: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE NUMBER OF YEARS IN PRINCIPALSHP REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL FINANCIAL MANAGEMENT (Factor E)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Scheffé</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation of authority for</td>
<td>A</td>
<td>17,20</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>effective school financial</td>
<td>B</td>
<td>18,08</td>
<td>0,018*</td>
<td>*</td>
</tr>
<tr>
<td>management.</td>
<td>C</td>
<td>18,82</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>18,82</td>
<td></td>
<td>D</td>
</tr>
</tbody>
</table>

GROUP A = (0 - 1year) = 121
B = (2 - 4years) = 254
C = (5 - 8 years) = 124
D = (9 - 14 years) = 85

** Statistically significant at the 1% level (p less than 0,01)
* Statistically significant at the 5% level (p greater than 0,01 but less than 0,05)

Using Tables 7.63 and 7.64 the deduction can be made that there is a statistically significant difference (p = 0,018) between the average scores of Groups A, B, C, and D in respect of understanding the delegation of authority in school financial management. The null hypothesis HoA is thus rejected and the alternative hypothesis HaA is accepted.

Regarding pair-wise comparisons of groups the following conclusions can be made:

- There is a statistically significant difference at the 5 % level when the various groups are compared one with another as indicated in Table 7.64.
- Respondents in Group C (5 - 8 years) and Group D (9 - 14 years) both have the highest mean score. This indicates that they have the perception that delegation of
authority in school financial management is important to a greater extent than the other two groups. This could be attributed to the fact that both age-groups of these respondents indicate that they have adequate service in the position of principalship and as such they can be considered to have been exposed for a long time to Departmental Manuals on financial management which guide the principals in the control and management of school funds.

- Group A (0 - 1 year) have the lowest mean score and therefore these respondents have the perception that the delegation of authority in school financial management is not that important. This can probably, be attributed to the fact that they are still new in the job and have not had sufficient exposure in the control associated with financial management. It is also possible that they feel that they would first wish to become familiar with various aspects of financial management before delegating this responsibility.
### 7.3.11.2 Differences between the opinions of respondents based on the PREVIOUS DEPARTMENTS to which they belonged in respect of Factor ‘E’

**TABLE 7.65: HYPOTHESES WITH THE PREVIOUS DEPARTMENTS TO WHICH THE RESPONDENTS BELONGED AS THE INDEPENDENT VARIABLE IN RESPECT OF DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL FINANCIAL MANAGEMENT (Factor E)**

<table>
<thead>
<tr>
<th>DIMENSION</th>
<th>VARIABLE</th>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
<th>TEST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differences at the univariate level</td>
<td>Previous Departments</td>
<td>HoA</td>
<td>The mean scores of the groups reflecting the former departments to which the respondents belonged, do not differ in a statistically significant way from one another in respect of delegation of authority for effective school financial management.</td>
<td>Anova</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaA</td>
<td>The mean scores of the groups reflecting the former departments to which the respondents belonged, differ in a statistically significant way from one another in respect of delegation of authority for effective school financial management.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HoD</td>
<td>There are no statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of delegation of authority for effective school financial management.</td>
<td>Dunnett T3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HaD</td>
<td>There are statistically significant differences between the mean scores of the groups reflecting the former departments to which the respondents belonged compared pair-wise in respect of delegation of authority for effective school financial management.</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 7.66: SIGNIFICANCE OF THE DIFFERENCE BETWEEN THE MEAN SCORES OF THE PREVIOUS DEPARTMENTS OF THE RESPONDENTS REGARDING DELEGATION OF AUTHORITY FOR EFFECTIVE SCHOOL FINANCIAL SCHOOL MANAGEMENT (Factor E)

<table>
<thead>
<tr>
<th>Factor</th>
<th>Group</th>
<th>Factor Average</th>
<th>Anova (p-value)</th>
<th>Dunnett T3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delegation of authority in</td>
<td>A</td>
<td>18,46</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>school financial management.</td>
<td>B</td>
<td>15,43</td>
<td></td>
<td>B ** **</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>18,86</td>
<td>0,000**.</td>
<td>C **</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>18,46</td>
<td></td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>18,49</td>
<td></td>
<td>E **</td>
</tr>
</tbody>
</table>

GROUP A = KwaZulu Department of Education \( N = 367 \)

B = Natal Education Department \( N = 68 \)

C = House of Delegates \( N = 74 \)

D = House of Representatives \( N = 24 \)

C = Department of Education & Training \( N = 59 \)

** Statistically significant at the 1% level (p less than 0.001) 
* Statistically significant at the 5% level (p greater than 0.01 but less than 0.05)

Using Tables 7.65 and 7.66 the deduction can be made that there is a statistically significant difference \( p = 0.000 \) between the average scores of Groups A, B, C, D and E in respect of delegation of authority for effective school financial management. The null hypothesis \( H_0 \) is thus rejected and the alternative hypothesis \( H_a \) is accepted.

Regarding pair-wise comparisons of groups, the following conclusions can be made:

- There is a statistically significant difference at the 1% level when the various groups are compared one with another as indicated in Table 7.66.
• The respondents belonging to Group C (House of Delegates) have the highest mean score and they thus have a perception that delegation of authority in school financial management is important to a greater extent than the other groups. This could possibly be attributed to the intensive management training courses to which these respondents have been exposed in their previous departments. As an example, Pather (1995:161) quotes a figure of 904 management courses which by 1992 had been organized and held by the House of Delegates as a department responsible for Indian Education. The total number of participants who had attended stood at 23,709 participants. All such management courses were planned and offered by Superintendents of Education, Chief Superintendents of Education, and Directors of Education Management. On the average one management course which covered a diversified area of school management which also included financial control of funds, was offered per annum in each of the four Teacher’s Centres it had in the province of Natal alone. This obviously indicates the seriousness and the importance it attached to the professional development of its staff.

• The respondents falling in Group B (Natal Education Department) have the lowest mean score and they have the perception that the delegation of authority in school financial management is not that important. For this group, financial management is a specialized area which was probably handled by a finance section of school administration which provided all the back-up and control measures for the principal. The principal thus probably had sufficient expertise to assist him/her in the financial management of the school and delegation of this function was not that important to them. Most of these schools also belonged to the former Model C schools and their governing bodies usually had auditors and bank managers serving on them who were eminently qualified to serve in assisting with the financial function of school management. Principals in these schools thus did not have to delegate this function and hence they scored this as relatively unimportant relative to other principals involved.
This concludes the analysis of the data collected during the investigation of the delegation of authority by schools principals. An attempt has been made to give some order to the range of information provided by respondents in their answers to both interviews and the questionnaire.

Hypotheses were set and univariate statistics were used to analyze and interpret the data in respect of sections C, D, and E of the questionnaire. Section C was subjected to two successive factor analytic procedures which resulted in one factor that was dubbed:

- **delegation of authority for effective school management.**

Sections D and E of the questionnaire required only a single factor analytic procedure. In section D one factor was found that was named:

- **delegation of authority for effective control of school discipline.**

The items in Section E of the questionnaire also formed one factor that was named:

- **delegation of authority for effective school financial management**

These constructs were shown to have construct validity and reasonably high reliabilities and could thus serve as a basis for measuring the effectiveness of delegation by school principals. Some highly significant results, implications and considerations have emanated from this research.

It now remains for the findings of the research to be discussed and interpreted. This will be done in the next chapter.
CHAPTER EIGHT

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

8.1 INTRODUCTION

Several highly significant practical implications and considerations have emanated from this research. It now remains for the findings of the research to be discussed and interpreted, drawing some conclusions and implications that arise from the data. Data analysis has demonstrated that views of respondents are highly diversified on issues raised in this research. It is logical to assume that the perceptions of the principal’s influence their actions and attitudes and these perceptions will be included in the findings, conclusions and recommendations to be discussed hereafter.

8.2 SUMMARY OF FINDINGS AND GENERAL CONCLUSIONS

The first part of the research design was a qualitative approach which enscapulated the literature survey and interview methods of data collection in Canada and the second part used the quantitative as well as qualitative methodology in respect of the South African situation with specific reference to KwaZulu-Natal.

As indicated in chapter two, the visit to Canada assisted significantly in broadening the researcher’s insight into the topic. Important themes were generated from the Canadian experience, although it is important to point out that interviews with a few Canadian school principals did not constitute a sample for the findings of this research. This form of data collection was merely used to balance what was lacking in literature in South Africa when compared with the actual practice in Canada as a country that is respected and well developed in the field of education law. However, information obtained in interviews was evaluated and analyzed for purposes of comparing opinions expressed in Canada with those that were subsequently expressed by the school principals of KwaZulu-Natal as the target population.
8.2.1 FINDINGS ON OBSERVATIONS AND INTERVIEWS IN CANADA

In a comparative manner, data collection (using both qualitative and quantitative methods) yielded the following:

- The duties and responsibilities of the school principals are prescribed by the Education Acts, Regulations made under the Act, Teachers Federal Regulations and local board policies. In this way the principal receives through express delegation specific responsibilities. For example, in the province of Ontario, the Education Act delegates expressly to the principals the duty and obligation to maintain and enforce order and discipline in terms of Section 236 of the Ontario Education Act. The duties and obligations of a principal are spelled out in subsection (a) which specifically requires them "to maintain proper order and discipline in the school". In addition to this Act, there is also Regulation 298 which is a lengthy document detailing these responsibilities of the principals.

Express delegation of duties and responsibilities in such a voluminous manner is absent in South African Schools Act or in any other regulations under the Act.

- Vice- Principals only assume responsibility for tasks delegated by the principal and not through the Act. This is provided for in section 12 (2) of Regulation 298 in only one sentence in the following manner "a vice-principal shall perform such duties as are assigned to the vice-principal by the principal".

This arrangement is also not accommodated in both the South African Schools Act 84 of 1996 and the KwaZulu-Natal Education Schools Act 3 of 1996.

- It is a requirement that every school principal acquires a basic knowledge of the laws that apply to school management. They are expected to know the law and its consequences as the Canadian Courts will not easily accept the ignorance of the law as a defence. Besides a compulsory course in law of education taken by everyone training as a teacher, everyone who gets appointed to principalship, is expected to engage himself in continuous professional
development of this field. They are mainly assisted by the Principals
Associations who conduct regular training workshops on laws related to school
management.

This is not yet the case in KwaZulu-Natal. Whatever legal expertise which
principals have, is through “hands on experience” gained whilst managing the
school

- In Canada, the majority of principals spend half or more of their time in
  observing and assisting in instructional programmes rather than doing
  administrative work. School administration remains in the hands of a well-
  trained administrative staff whereas most of the principals have to contend with
  a great deal of administrative work as well as instructional control.

In KwaZulu-Natal, many of the school principals (especially those who are
headmasters of Black schools) still find themselves having to be bogged down
to administrative work because their schools do not have administrative staff.

- The local school boards have wide powers of controlling the management and
  governance of schools. This enables them to formulate policies on the manner
  in which school principals manage schools and this comes through either
  express or implied delegation.

There are no similar structures in KwaZulu-Natal except for the newly
established School Governing Bodies which do not possess powers similar to
those being wielded local school boards in Canada.

- With the emergence of the “rights culture” as embodied in the Canadian
  Charter of Rights and Freedoms, school principals are very cautious when it
  comes to delegating issues that might violate the principles of fundamental
  justice. Its entrenchment in the Constitution as part of Canada’s supreme law
  makes this document a highly respected document. Anyone (learners included)
  whose rights or freedoms, have been infringed or denied, may immediately
apply to a court of a competent jurisdiction to obtain such remedy as the Court consider appropriate and just in the circumstances. This Charter has become the cornerstone against which all governmental policies, including school rules, are to be tested.

With the passing of the South African Constitution Act in which the Bill of Rights is entrenched, our education system is likely to become more like that of Canada.

- Lastly, the legal structure of the Canadian education system allows for legislative and regulative power to be concentrated within a centralized provincial bureaucracy which is responsible to a Minister who in turn is answerable through the provincial legislature to the electorate. According to Mackay and Sutherland (1990:171) education is considered the “jewel” of the provinces and there is very little federal legislative interference. This is in contrast with the South African situation where education is a shared responsibility between the national and provincial governments with the exception of higher education which is a competency of national government.

Although the findings presented above are applicable to the Canadian school system, they enabled the researcher by comparison to draw some logical conclusions, to recognize and draw certain implications and recommend actions that apply to the KwaZulu-Natal school system. These may be extrapolated to the wider South African context.

8.2.2 CONCLUSIONS BASED ON THE SOUTH AFRICAN CONTEXT

Research such as this quite naturally leads to varied conclusions and at the same time, suggests innumerable implications. The research was undertaken to clarify the legal position when principals delegate authority in KwaZulu-Natal schools. Although limited to the geographical region of this province, much of what is discussed in this research may be extrapolated to a wider South African context. School principals need to be certain about legal implications in their school management functioning.
Invariably, school principals can benefit from a careful consideration of legal issues and it is appropriate that this consideration takes place within the framework of educational purposes.

8.3 MAIN FINDINGS OF THE RESEARCH

Some of the findings of this research were of a general nature, relating to the understanding of educationally related principles, and others relate specifically to delegation of authority. It is hoped the findings of this research will contribute in no small measure to a better understanding of delegation by school principals of their duties of management.

Additionally to the quantitative research methodology, limited application of the qualitative approach was used. Major findings emanated from the analysis of data obtained from both the unstructured interviews and the questionnaire and they deal specifically with:

- general understanding of education law;
- delegation of authority in school management;
- delegation in disciplinary matters; and
- delegation in financial management.

After a careful analysis of the literature, interviews, and responses to questionnaires, and establishing the high validity and reliability of the questionnaire, the following findings emerged.

FINDING 1

Principals have a limited understanding on legal aspects of school management and in particular the legal aspects involved in the delegation technique

Responses obtained from the principals during the unstructured interviews indicate that they are aware that law has an impact on almost every facet of education, but they have
limited legal understanding of educational issues let alone those aspects related to
delegation.

Today's principal grapples with much more complex problems which call for a new
emphasis on training in management techniques such as delegation. He has to manage
a school in an increasingly turbulent, politically charged environment. According to
Arnold (1998: 1) the position of the principal has evolved from that of a head teacher
to one that is quite different. Urbanization, population shifts, technology, increased
participation of educators and learners, social and economic environments have all
affected the role of the principal.

In today's litigious society, principals should be conscious of the fact that every
management action is a source of potential litigation, hence they should conduct their
duties in such a way that legal defence will not be needed. An understanding of the
basic tenets of law as they relate to delegation of authority is the substance of law that
forms the foundation for the principal's effective day-to-day school management.

FINDING 2
Understanding of the legal principles involved specifically to the delegation of
authority by school principals is just above average

Data obtained through the questionnaire (Refer Table 6.6.3.) indicate the understanding
of legal principles involved in delegation is slightly above fifty percent, that is 56%
gave correct interpretations and 43.3% gave incorrect interpretations of the seven legal
principles directly involved in delegation. These included the legal principles such as
the delegatus delegare non potest and the ultra vires. As an example, the same Table
shows that 53% gave incorrect interpretation of the latter principle whilst only 46.6%
gave the correct interpretation. This can be attributed to the fact that they have not been
exposed to legal training on these principles.

This perception was also confirmed during interviews with principals. As an example
some said they sometimes quickly delegate tasks when under pressure without
consideration that there could be an express or implied prohibition on delegation in
respect of that task.
Another difficulty raised by the principals interviewed is, of course, around the issue of determining when a prohibition is implicit in the authorizing Act or regulation. Furthermore principals indicated they delegate quite often to their deputies who in turn sub-delegate to a HOD, without their authority and they themselves do not bother to restrain them from doing this just because of the lack of understanding of the delegatus principle.

Of the twenty-five school principals visited, seventeen confirm this perception, that is lack of clear understanding of the legal rules involved in the delegation process.

**FINDING 3**

**Male principals differ significantly from their female counterparts in respect of the following:**

- the understanding of the South African Schools Act 84 of 1996, which is presently vital in school management (Refer Table 7.2);
- the feeling that seminars and management development workshops on legal issues should be organized on a regular basis for school managers (Refer Table 7.4).

In respect of understanding the South African School Acts, male school principals hold the view that they understand and can interpret it better than their female counterparts. This could be attributed to the fact that male principals are more dominant in education circles and hence claim to be more knowledgeable. Findings identified raise perceived barriers that emphasize the stereotyping of the male dominance and a female self imposed barriers in asserting themselves. They seem to be alienated by the masculinist portrayal of power, leadership and organizational life that emphasizes control by men. This suggests some form of internalization of the male managerial model by females, which obviously reflects a negative image of their self worth and ability. Women need to break the male domination in managerial posts by becoming assertive in their operation as school managers.

In respect of regular workshops on legal issues, male principals hold the view that these are needed. This seems to contradict the above finding where males indicated
that they think that they have a better understanding of the Schools Act than females do. Why would they need to be trained on legal issues if they claim to be knowledgeable on legal issues? Female principals appear to be less afraid to ask for advice when they are uncertain, whereas male principals may feel that this is an admission of some sort of weakness on their part.

FINDING 4
Secondary school principals differ significantly from the primary school principals in respect of the following issues:

- understanding that the education Act, regulations, rules and circulars also provide the legal framework within which school principals have to perform management functions such as delegation (Refer Table 7.6);
- acknowledging the fact that the principals should become knowledgeable in the complex area of school law if they are to be effective managers (Refer Table 7.8);
- acknowledging the fact that seminars and management development workshop on legal issues should be organized on a regular basis for school principals (Refer Table 7.10); and
- agreeing with the idea that a course on educational law should be introduced in the educator-training curriculum (Refer Table 7.12).

It is common practice that principals of secondary schools are appointed from the ranks of those holding graduate or post-graduate degrees and this makes them better qualified to interpret difficult legal concepts. Principals who are well qualified are thus likely to have the perception that they understand the skills of management better than their counterparts in the primary schools. As such, these principals of secondary schools seem to have had an extensive background of courses in management taken either during their graduate or undergraduate work. Needless to say, their academic background places them above their counterparts in the primary school in respect of conceptualizing legal issues and understanding that they, as principals, need to be knowledgeable and also to be trained regularly on legal issues. They also perceive most strongly the need for the introduction of a course in education law in educator training.
FINDING 5
Principals above the age of 49 appear to be better informed about their managerial roles in so far as understanding of the following issues are concerned:

- the provisions and application of the KwaZulu-Natal Education Act 3 of 1996 (Refer Table 7.14);
- the application of Section 16(3) of the South African Schools Act 84 of 1996 (Refer Table 7.16); and
- the fact that other than the Education Act, the regulations, rules and circulars from the Education Department provide the legal framework within which school principals have to perform management functions such as delegation (Refer Table 7.20).

Age plays an important role in maturity, and principals who are 49 and above, are probably more matured and seasoned than other younger age groups. This can be attributed to the fact that they have had a greater exposure to work life and have accumulated adequate experience to enable them to comprehend the complexities of school management. Given this situation, they are likely to be determined to be efficient in their work. As seasoned people, they would tend to be duty conscious, hence they would always want to enrich themselves by researching all the relevant Acts in order to understand the legal framework within which to operate as principals.

The fact that the respondents are matured and experienced, implies that they are likely to have gone through all stages from being an educator, a HOD and a deputy principal prior to appointment as a principal. Principals who are younger in age are possibly inexperienced and do not have as much confidence in respect of the challenges involved in school management.
FINDING 6
Experience in years as principal (9 - 14 and more) enables them to understand better the technique of delegation as reflected in their understanding of the following:

- that there is implied delegation in Section 16 (3) of the South African Schools Act 84 of 1999 (Refer Table 7.22); and
- that other than the Education Act, the regulations and rules also provide, the legal framework within which school principals have to perform management functions such as delegation of authority (Refer Table 7.24).

It again appears as if there is no effective substitute for experience. The hard lesson, which one learns from the practice of actually being a principal, appears to have no equivalent. Data indicated that the principals who have held a post for between 9 - 14 years and more tend to understand better the application of Section 16 (3) of the South African Schools Act which provides for implied delegation under the authority of the Head of the Education Department. This understanding can be attributed to the fact that with this period of experience, they presumably have a clear understanding of the dynamics involved in the art of delegation. With their management experience, they are in a position to understand that as professional leaders they are managing schools for the Department of Education and that this authority reaches them only through delegation.

Furthermore, their experience enables them to understand that besides the Education Act, the regulations, rules and circulars from the Education Department also provide a legal framework within which a school principal performs his management tasks. With the kind of experience they have, it is likely that they know that they have to act within the framework of certain rules and regulations made by the Education Department, which sometimes restrict the principals in respect of what they can delegate.
FINDING 7

Principals with post graduate qualification are better equipped to grasp the legal understanding of principles involved in school management as shown in the following:

- the perception that they understand the provisions of South African Schools Act 84 of 1996 better than the other qualification groups (Refer Table 7.26);
- the perception that they understand the application of the Bill of Rights as entrenched in the South African Constitution better than the other qualification groups (Refer Table 7.28); and
- perception that they understand the need to become knowledgeable in the complex area of school law better than the other qualification groups (Refer Table 7.30).

The principals with post graduate qualifications, that is, a Bachelors degree plus, hold the view that the understanding of the South African Schools Act is essential for effective school management. When this Act was promulgated, this group may have found it easier to understand than the other groups because of their academic background.

Guided by theory and research skills acquired during graduate work, these principals are perhaps capable of mastering and subjecting these Acts, rules and regulations to closer scrutiny. Their academic background, which normally exposes them to rigorous research work at graduate level, probably enables them to understand the legal jargon used in the Act. They probably have the ability to interpret and make an in-depth research of the Act on their own initiative because they have been exposed to the rigours of educational research. Understanding of the Act, is vital in the building of the principal’s self confidence in school management and this would also enhance his self esteem which is vital to becoming an effective educational manager.
FINDING 8
Principals with longer teaching experience (16 years and above) prior to appointment as principal perceive themselves to have better skills to manage schools effectively.

Data indicating the total number of years of teaching experience prior to assuming principalship are given in Table 7.32. Data revealed that principals who had, before appointment as principal, taught for 16 years and more, are perceived to perform better in school management and to understand and interpret the application of the relevant Education Acts such as the KwaZulu-Natal Schools Education Act more efficiently than the other groups. This could be due to the fact that they had longer careers in teaching before gaining access to school principalship. In their teaching career they are likely to have been exposed to various Education Acts and hence they know that managing a school requires acquainting oneself with the relevant Act.

FINDING 9
Principals who have held the position of deputy principal, perceived themselves as having a better understanding about the application of the South African Schools Act than principals who had been Heads of Departments and educators.

Understandably, the most frequently traversed route to the principalship is through deputy principalship. It actually prepares a subordinate for future promotion because, as the most senior person below the principal, he often finds himself deputizing in the absence of the principal. This enables him to interact and acquaint himself with relevant legal documents such as the South African Schools Act. He is the only one who has to deal with this Act when deputizing for the principal (Refer Table 7.34).

FINDING 10
The geographical area in which the school is situated, influences the degree to which principals are prepared and better skilled to manage their schools.

The principals of schools situated in North Region of KwaZulu-Natal that covers area from Durban right to Empangeni, perceived themselves to be better equipped in understanding all legal issues relevant to their work. They consider the training of
school principals on legal issues as important. This can be attributed to the fact that there are established educational resource centres in tertiary institutions from which training providers can be recruited. Proximity to educational institutions enables the principals to be exposed to training quite often. There is, for example, an Education Policy Unit and the Centre for Socio-legal studies both found at the University of Natal in Durban. At the University of Zululand, in the Empangeni area, there is an Institute of Education and Human Development. All these resource centres provide education management development courses in conjunction with the Department of Education, which also touches on legal issues (Refer Table 7.36).

FINDING 11
Principals of schools situated in urban and semi-urban areas are often confronted with issues which are more challenging, hence their management skills need to be sharpened in respect of the following:

- the understanding of the South African Schools Act (Refer Table 7.38);
- the understanding of the KwaZulu-Natal Education Schools Act (Refer Table 7.40);
- the need for regular training and workshops on legal issues for principals (Refer Table 7.42); and
- the need for the introduction of a law course/module in the teacher training curriculum (Refer Table 7.44).

Schools found in the semi-urban areas (with socio-economic problems) are complex in nature, hence the need for the principals in these areas to prepare themselves by clearly understanding the South African Schools Act and the KwaZulu-Natal Education Schools Act. The urban nature of the schools (with a highly sophisticated population) makes it imperative for principals to have a clear understanding of the Act so that they are able to face challenges relative to the semi-urban environment. Given the exposure to the complexities of the urban and semi-urban nature of schools, the school principal cannot afford not to be on the alert. They thus hold the view that there is a need for regular training of principals on legal issues and also that there is a need for the introduction of a course or module in law in the educator training curriculum. All these
efforts will undoubtedly go a long way towards helping them to comprehend the legal principles involved in school management.

**FINDING 12**

*Principals from the former House of Delegates perceive themselves to have a better understanding of the following issues:*

- the understanding and application of the South African Schools Act (Refer Table 7.46);
- the understanding and application of the KwaZulu-Natal Education Schools Act (Refer Table 7.48);
- understanding the implication of the Bill of Rights on school management (Refer Table 7.50); and
- agreeing to the need for the principals to become knowledgeable in the complex area of school law (Refer Table 7.52).

In this finding, the principals from the former House of Delegates appear to be advanced in respect of the issues raised above. This could be attributed to the fact that they might have adopted a positive approach to recent innovations and ideas in education. As such, these principals seem to be able to understand and apply the education Acts such as the South African Schools Act, the KwaZulu-Natal Education Schools Act, and the implication of the Bill of Rights on school management. This can be attributed to the realization of the fact that the day-to-day actions of the principals are potentially loaded with legal implications hence the need to acquaint themselves with Acts.

The Indian community seem to place a high emphasis on good education for their children and increased parent participation in the school affairs may be one of the many forces which causes the respondents in this group to believe that it is important to be well informed regarding the provisions of the Act.

There is also an increased awareness of a human rights culture amongst the Indian communities, hence principals need to take cognisance of requirements that guarantee human rights. In these communities there are often strong pressure and lobby groups
which take considerable interest in education and who exert pressure for strong school management. Well-educated and upper or middle class parents often exert pressure on the authorities in respect of the learning and teaching of their children. The principals as respondents from this group would thus want to be certain about the manner in which they deal with parents, educators and learners. Where a climate conducive to a human rights culture is present, it is possible that this will place principals under considerable pressure to balance these rights with the cultural norms and values of the community. Such pressure could lead to the perception that understanding the Bill of Rights is important. It is possible for these reasons that they also firmly believe that principals should become knowledgeable in the complex area of school law.

**FINDING 13**

** Principals in the semi-urban schools are often exposed to challenges which call for delegation of authority if schools are to be managed effectively **

Principalship in a semi-urban situation entails exposure to various pressures from many groups such as learners, educators, parent or citizen groups. The day-to-day realities of educating learners from poor families have become increasingly challenging for semi-urban schools. These schools, surrounded by decayed housing, underemployment and unemployed residents, high criminal activity and neighbourhood violence, have taken on the urban plagues. They find themselves having to manage crises through experience and common sense instinct. This state of affairs causes great strain and stress to many school principals hence principals of schools from the semi-urban areas strongly believe that delegation of authority in school management is important (Refer Table 7.54). This can be attributed to the fact that, as they are grappling with these complex issues, they must engage every member of the staff through delegation. It is assumed that each one has a unique potential to defuse crises, hence the principal must use the delegation tactic to engage everyone. The semi-urban set-up does not allow for the normal application of a one man show but necessitates the co-operation of every member of the staff. The principal cannot handle everything himself. Management encompasses efforts by everyone; both to prepare for crises and to intervene. Many principals tend to respond to a problem with a temporary solution which is designed to relieve the pressure only at the particular moment.
FINDING 14
Principals from the former Department of Education and Training view delegation of authority as an important management task for effective school management

The principals from this previous department view professional management training as a major factor in comprehending management tasks such as delegation. They have a perception that delegation of authority in school management is important. This perception can be attributed to the fact that professional development of management staff was given top priority by this Department when it introduced its Top Down Professional Management Training Programme during the 80’s. In its 1990 Annual Report this Department summarized its objectives for this programme as being aimed at development of expertise by providing effective and appropriate guidance to management staff in helping them to develop their competence. In this way, adequate opportunities were provided by this Department to have their personnel trained in school management techniques, which invariably includes delegation as a management task (Refer Table 7.56).

FINDING 15
Secondary school principals hold the view that there is need for delegation of authority for effective control and maintenance of school discipline

This view can be attributed to the fact that learners at the secondary school level are older, physically larger and intellectually more developed. As such, they present a potential for mischief which is more threatening to the school’s stability than is true at other levels. The principal’s control function becomes more demanding especially when parents fail to control children and look more to the school for guidance on discipline.

At this level, the learners’ possible rebellion against authority can be more threatening to the school’s stability than is true at the primary school level. The principal’s control function makes it essential that he delegates authority in the area of school discipline. It emerged from a study by Mbatha (1993:289) that the principal of a secondary school is often faced with learner militancy in an increasingly turbulent and politically charged
environment and as such, he finds himself placed in a particularly vulnerable position, especially in Black schools. It is, therefore, essential that he master the management skills of dealing with crises through people-involvement. This can be done by identifying a group of educators having skills of handling discipline. This idea is well supported by Tucker and Codding (1998:109) who argue that “the principal must have a team on whom he or she can rely to make sure that the work of the school gets done and done effectively. Within whatever policy constraints that exist, set by whatever authority that sets them”. The principal would be well advised to delegate to such a group of educators. However, there is an important requirement for valid delegation that the delegate must provide the necessary authority and responsibility to the delegatee to execute the delegated task. It is, therefore, important that this group of educators understands that it has to operate within a legal framework like, for example, refraining from using corporal punishment as it is prohibited by law. It must also be communicated clearly to this group, which could also act as a Disciplinary Committee, that in its handling of disciplinary cases, principles of due process and the rules of natural justice are observed in order to ensure justice and fairness. (Refer Table 7.58).

FINDING 16
Principals holding post-graduate qualifications perceive delegation of authority as essential for effective school discipline

This view could be as a result of their relatively good academic background which enables them to understand the dynamics of conflict resolution. A collaborative effort by all members of the staff is vital and this can only be co-ordinated through delegation of authority. These principals can balance their personal beliefs of discipline, philosophies of schooling, and their understanding of the needs of adolescent learners with the expectations of the school community. They understand that they need to replace control and rule-based discipline with a more humanistic model focused on self-discipline. This understanding calls for high conceptualization, and those having post-graduate qualifications possibly understand this better (Refer Table 7.60).
FINDING 17
Principals from the semi-urban schools consider delegation of authority as vital for effective school discipline

The diverse nature of the principal’s duties and the context in which he works in semi-urban areas, make it essential to delegate authority in order to maintain school discipline. Learners dwelling in semi-urban areas with low levels of income, low levels of adult educational attainment and high density households are at risk for low achievement, and consequently they are likely to be troublesome. This disruptive behaviour could be attributed to the mixture of urban and rural elements found in such areas which are predominantly informal settlements. Schools in such areas have learners with less supporting home environments who come from poverty-stricken backgrounds.

There is no doubt that such an environment contributes in no small measure to the complexities in respect of learner behavioural patterns. The semi-urbanized pattern of living often makes learners more difficult to handle as they often watch television programmes of a violent nature and often interact with gangsters.

These learners are probably not respectful or law-abiding and indeed the situation requires a collaborative effort by all staff members. It is, therefore, reasonable to assume that such school principals will have particularly unfavourable circumstances in which to enforce discipline. To be effective in the fast-changing environment of semi-urban centres, these school principals should utilize management techniques having a caring ethic, a belief in human agency, and a desire or preparedness to involve subordinates through delegation to tribunals such as the Disciplinary Committees. There is also a need to work with every one within the school if discipline is to be controlled. These principals thus need to place greater emphasis on a collaborative type of management (Refer Table 7.62).
FINDING 18
Principals who have held the post for a period of between 5 and 14 years or more, hold the view that delegation of authority is also important in school financial management

Principals having experience of between 5 and 14 years or more are convinced that the delegation of authority in school financial management is important. This could be attributed to the fact that such a person is assumed to have acquired adequate experience to acknowledge the need to involve others in controlling funds for the school. Financial management requires some kind of expertise and not all principals would have an accounting background, hence educators handling subjects like Accounting or Economics would be specialists to whom some tasks could be delegated. Furthermore, such principals should have had adequate experience with Departmental Manuals on Financial Management which are designed to guide the principals in the control and management of school funds (Refer Table 7.64).

FINDING 19
Principals from the former House of Delegates regard delegation of authority as essential for effective school financial management

The principals from the previous House of Delegates regard delegation of authority in school financial management as more important than those from other previous Departments. This difference could possibly be attributed to the intensive management training courses to which these respondents had been exposed in the former HOD. As an example, Pather (1995:161) quotes a figure of 904 management courses which had been organized by the House of Delegates as a department responsible for Indian Education. These management courses covered a diversified area of school management which also included skills in financial management. This obviously indicates the seriousness and the importance this ex-Department attached to the professional development of its school managers. Presumably, this finding reflects on their experience as principals in respect of having taken courses in school finance and budgeting (Refer Table 7.66).
FINDING 20
Most principals delegate fewer administrative tasks to subordinate staff members than they perform personally

Data gathered in this research through unstructured interviews, indicate that school principals spend a greater percentage of their time on administrative responsibilities than on leadership and instructional aspects of their job that might help them to manage their schools effectively. This can be attributed to the fact that they tend to lack confidence in their subordinates believing that they would not do the job well. The position differed where the school had administrative staff even if it was only one clerk. Principals were then found to spend more time on activities related to instructional activity. As a way to uphold the principle of accountability, the principal is also of the opinion that it is better to handle administrative tasks personally because if his school fails, he alone gets blamed. This belief was found to be prevalent in 18 of the 25 schools visited and this represents 72% of the respondents.

8.3 RECOMMENDATIONS

Upon completion of the investigation and review of the findings, conclusions and implications, the researcher offers the following general recommendations in relation to the topic. In all probability, these recommendations will be useful to school principals in KwaZulu-Natal, education policy makers and other parties interested in assisting school principals to perform effectively in school management within the legal framework.

RECOMMENDATION 1
Management training for school principals on legal aspects of education management must be conducted on a regular and continuous basis

A new principal needs to be initiated properly into his management career. It is important that practising principals receive continuous training on all legal aspects of education. Similarly, all new principals should on appointment be inducted on the same issues.
This idea of exposing school principals to legal issues which are related to education, is well supported by Alston and Van Staden (1999:4) who argue that “Documents, Constitution, Statutes, Guidelines, School rules remain just pieces of paper, unless they are work-shopped by all whose lives they touch”. They go further to suggest that “as much as it is naive to hand a Constitution to a Principal, who does not have a legal background, and expect such a person to make sense of it and understand all the implications”.

An understanding of the basic tenets of law as they relate to delegation of authority is the substance of law that forms the foundation for the principal’s effective day-to-day school management. As school law is one area in which many principals lack expertise, their empowerment in understanding legally related issues must be given serious attention by every education department.

Delegation as one other management task needs special attention in such management courses. Awareness of the legal implications involved in delegation can be an invaluable tool for school principals in today’s complex role. Through workshops, principals will have the opportunity to sharpen their leadership skills and be prepared to handle the volatile nature of school management. It is hoped that such programmes would define a body of knowledge that teaches the legal skills in delegation of authority.

RECOMMENDATION 2
A course in Education law should be introduced for educator trainees

Education law is one area in which many principals have not taken a significant amount of course work. More specialized areas such as school law have seldom been included in the preparation of school principals in either their graduate or undergraduate work. If included as a course, it would help the person once appointed, to translate school law and policy into educational procedures and practice.

As an example, at the University of Western Ontario in Canada there is a Course called “508(a) - Educators and the Law” whose aim is to foster in the learner a better understanding of federal and provincial law and the common law as they affect the
administration and practice of education in Ontario. This course law is a compulsory course for every educator trainee

**RECOMMENDATION 3**

The Department of Education must ensure that all schools are supplied with all relevant Acts, regulations and all other documents having legal implications for the management of schools

Most principals who find themselves failing to manage their schools effectively could be handicapped by their failure to know the relevant law or to practise sound management based on an understanding of existing laws. It is therefore, important that relevant documents are made available. These should include: the South African Schools Act, the KwaZulu-Natal Education Schools Act, the Educators Employment Act, and any other relevant legal document in the form of Gazettes for specific regulations and rules. These documents are intended to provide the legal framework within which school principals have to operate. They serve as important sources for principals because they offer the kind of guidance essential to minimize legal risks.

**RECOMMENDATION 4**

The minimum teaching experience for appointment to principalship, should be 10 years

Ten years teaching experience seem to provide an adequate learning curve for promotion to principalship. These years provide an opportunity to share in school programmes. Without the ability or intent to learn, the individual who desires a place in the future of school administration will find no place. Principals of successful schools utilize a collaborative approach or model of shared leadership where educators and their expectations play a major role. Educators in effective schools are taking a more and more active role and participate in the decisions that affect the management of the school. It is through this collaborative approach that subordinates learn delegation techniques.
RECOMMENDATION 5
Appointments to principalship should be drawn from at least the ranks of deputy principal

In terms of line-management, the deputy principal is the next in line. It is common practice that the deputy principal takes the reigns in the absence of the principal. He learns to understand the overwhelming magnitude and complexity of the management tasks which are often delegated to him as the most senior person within the school. Data revealed that those principals who claimed to have been successful had frequently had experience as a deputy prior to their appointment to a principalship, a finding which may, in part, indicate the importance of experience acquired during a period as deputy principal.

RECOMMENDATION 6
More resources should be provided to schools in the semi-urban areas by the Department of Education

Although this recommendation should apply to all schools, there is much variation among principals with regard to geographical region, size of the school, and other important characteristics of the semi-urban areas in which they work.

It emerged that schools in KwaZulu-Natal are marked by inequality. Some schools are better staffed and equipped. Principals mentioned variation in the ability and dedication of educators because of insufficient physical facilities and lack of funds as among the most frequent problems that do not give a conducive environment for learning. Some principals have more resources in their schools and in these schools chances which usually give rise to disciplinary problems will be minimized because learners will possibly be more actively occupied during teaching time.

If learners, who cause discipline problems because of their socio-economic background, have more access to school resources such as learning materials, computers and so forth, the crises situation could be reduced in semi-urban schools. Such resources enhance the school atmosphere for learning. Setting the tone of the
school as an organized, purposeful, relatively quiet, and pleasant place of work, also creates better opportunities for delegating authority.

**RECOMMENDATION 7**

Training for principals should incorporate programmes which put emphasis on understanding that the delegation technique is vital to create a democratic school environment.

To be effective in the currently fast-changing environment, school principals should utilize a caring ethic, a belief in human dignity and a desire to support educator empowerment. They should adopt a management style based on ‘management by consensus’ which according to (Leithwood 1995:124) requires “less arbitrary decisions and more negotiations”, “more open, inclusive, co-operative relationship with others”. According to Steyn and Squelch (1997:4) all the educators who were interviewed during their small scale study, expressed their preference for a principal who was open, democratic, encouraging participation and willing to listen to other points of view.

Principals should be conscious of the heightened awareness of rights and that there will be a need to settle problems in a different manner than in the past. They have to become sensitive to learners’ rights and in some instances to parental rights. The school principal must nowadays approach a crisis situation cautiously so as not to violate principles of fundamental justice such as due process. If he delegates authority to a subordinate the latter person, for example, needs extensive training.

**RECOMMENDATION 8**

Principals from the previously advantaged Department should assist the principals of previously disadvantaged Departments in the development of management skills.

The finding clearly indicates that some ex-departments such as the HOD and NED should assist the other historically disadvantaged Departments. Data indicates that these departments were better resourced prior to the amalgamation of all five departments in KwaZulu-Natal. They had professional development programmes which were aimed at empowering the school principals in respect of management skills.
that enabled them to manage their schools in an efficient and effective way. Abundant human and physical resources placed them in this better position. It is therefore appropriate to recommend that they assist their counterparts from those ex-Departments which were previously disadvantaged. This would be one way of attending to redress and equity principles as this inequitable state of affairs causes great strain and stress to many school principals.

RECOMMENDATION 9
School principals should utilize the delegation technique quite often as it provides a training ground for promotion of team members

As a way of facilitating the continuous growth of the individual and professional skills, school principals should utilize the delegation technique to provide all persons with opportunities to participate actively in the activities of the school. A successful principal will put greater emphasis on a shared leadership approach. This provides the means whereby people can plan together and co-operatively execute tasks for effective school management. Tucker and Coddling (1998:108) put this point very well when they argue that although the bucks stops with the principal as a person ultimately accountable, he cannot alone be a good manager without building a team. He must build a team to share the responsibility for leading the school, which means building a broad consensus around goals and plans, as well as managing the execution of the plan once it is decided on.

One of the objectives of delegating work is to develop the skills of the subordinates. When they lack necessary skills, they can drag productivity down and may feel frustrated in their efforts to be productive workers. Good performance leads to recognition because of increased output and the development of subordinates skills. Principals must encourage educators to feel personally responsible for the school as a whole by seeking their advice and delegating some tasks to them on important policy matters.
RECOMMENDATION 10

Principals need to accept that improvement in the utilization of the delegation technique is vital for effective school management

Delegated authority must be exercised within a policy framework established by the school principal. The administration of any bureaucratic organization assumes a power hierarchy with a clear ordering of higher and lower ranks in which the higher ranks have more power than lower ones. Delegation of authority within the school will undoubtedly lead to high job satisfaction. The principal of a successful school is one who displays creativity and vision in school management, one who is able to delegate responsibility appropriately to meet demands and challenges relative to school problems.

This view accepts that the staff has a role to play within the management process. Since school management touches all aspects of the school it is appropriate that all should participate. It is the complete operation that accomplishes the purposes of the school. The literature repeatedly points out inefficiency in a situation where the principal attempts to handle all of the management chores personally. If other members of staff are competent to participate in decision-making, and are involved in the process, their commitment and motivation increases. In particular, Smith (1998:1) is confident that effective principals are those who utilize management technique which supports the empowerment of others. Being empowered to make decisions requires competence and autonomy and normally brings with it responsibility and accountability.

RECOMMENDATION 11

Principals need to recognize that improvement in the utilization of the delegation technique is vital for the control of school discipline within the school

Learner discipline and the associated activities of monitoring and maintaining order were invariably given by respondents as extremely important during these highly turbulent, politically-charged times. Learner discipline is indeed a great cause for concern hence the school principal becomes duty bound to involve his subordinate members by delegation in accordance with the subordinate’s abilities.
During a typical work-week, the principal divides his time among many and diverse activities but attending to disciplinary problems places heavy demands upon his time especially in secondary schools. Understanding the delegation technique by school principals is vital if they are to continue to cope with the increasingly complex and diverse demands of their position. Quite often principals need to delegate someone else or tribunals must be established to deal with a variety of matters. Each of these tribunals derives authority from the statute creating it. This recommendation is also important in that other research findings have pointed out that principals are often unprepared professionally for management roles and lack the leadership skills that are required when dealing with crisis situation (Donahue, 1997:10).

RECOMMENDATION 12
Principals need to recognize that improvement in the utilization of the delegation technique is vital for school financial management

In terms of the South African Schools Act, the school financial control is the responsibility of the School Governing Body. The principal, as the professional leader, is an ex-officio member of this body. He is there to give guidance to the School Governing Body. This recognizes the principal’s important contribution in that the school financial management cannot be properly conducted without him. Under the authority of the School Governing Body, the principal is responsible for the financial and accounting records of the school.

Invariably, this should enable him to exercise his authority of utilizing some of the staff with expertise in accounting and economics. In this way, delegation to them promotes efficiency and effectiveness in school management.

The KwaZulu-Natal Department of Education should therefore provide financial management training to all principals in order to maximize the utilization of school funds and delegation to other staff members in the same field should be acknowledged.
RECOMMENDATION 13

The KwaZulu-Natal Department of Education should provide administrative staff to all schools

School principals tend to be more involved in administrative activities than professional activities. They feel that they are not accorded the professional status and role for which they are properly entitled by virtue of their education, training, and work. As the bureaucratic agent of quality control in instructional matters, the principal is expected to observe, to evaluate, and to improve the instructional performance of educators. It emerged from the interviews with many principals, especially from the White schools, that principals preferred to be involved in instructional matters to becoming engrossed in administrative work. This could be attributed to the fact that these principals had administrative staff and they thus were able to engage in regular review and discussion of teaching performance with educators, an aspect, which is considered to reflect a high level of instructional commitment. In discussing the performance of administrative tasks with them, many of the principals, who effectively utilized the delegation technique, strongly emphasized the importance of the availability of administrative staff.

RECOMMENDATION 14

This research focused on the legal perspective of delegation by school principals. Further research to explore the application of the delegation process from position of deputy principal to other subordinates, is recommended.

In this research some dilemmas that principals encounter as they attempt to delegate authority to enhance the productivity of schools, have now been reviewed. It is therefore appropriate that some other perspectives on the role of deputy principal in executing delegated tasks should be investigated. It might therefore, be appropriate to posit some fresh perspectives on delegation of authority by a deputy especially against the background of legal prohibition to sub-delegate. Similar research could, therefore, be conducted for purposes of investigating other variables which might relate to the law in education.
8.4 CONCLUSION

According to the theoretical and empirical literature cited in this research, it became apparent that the field of education law will empower school principals to handle education-related problems more confidently. This will, undoubtedly enhance their management skills which invariably include the art of delegation which is essential for effective school management, effective control of school discipline and effective school financial management.
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REGULATIONS RELATING TO THE ESTABLISHMENT AND CONTROL OF SCHOOL FUNDS AT PUBLIC SCHOOLS IN TERMS OF THE KWAZULU-NATAL SCHOOLS EDUCATION ACT NO 3 OF 1996.


Sv LEKGATHE 1982 (3) SA 109.

Sv MEEUWIS 1970 (4) SA 532 (T).


Dear Colleague,

Delegation is one of the principal’s management tasks. Hardly a day goes by without the school principal delegating some tasks to her/his subordinates either consciously or unconsciously. **Delegation of authority has some legal implications such as the legal rule known as “delegatus delegare non potest”**.

This study, therefore seeks to examine the legal implications involved when the principal delegates authority within the school as a sub-structure and the extent to which they impact on the management of a school.

A questionnaire is one of the most effective ways of ELICITING opinion and we are committed to the fact that without your opinion as a practising principal, the information will not be credible. Would you, please spare a few minutes of your time to complete this questionnaire.

PLEASE bear in mind the following when completing this questionnaire:
- Do not write your name on the questionnaire - it remains anonymous.
- There is no correct or incorrect answer. Your first spontaneous reaction is the most valid one. So work quickly and accurately. Do not ponder too long over any particular question/item.
- This is not a TEST of your competence. We merely require your honest opinion in order to obtain reliable and trustworthy data.
- Please answer ALL the questions. Questions are on BOTH sides of the page.
- Please return this questionnaire to the person from whom it was received, after having completed it.

Thank you once again for your assistance.
Yours faithfully,

L.T. Mbatha.  

Dr. B.R. Grobler.
**ANNEXURE B**

**QUESTIONNAIRE ON DELEGATION OF AUTHORITY BY SCHOOL PRINCIPALS**

<table>
<thead>
<tr>
<th>OFFICE USE ONLY</th>
<th>(1 - 4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CARD NUMBER</td>
<td>1</td>
</tr>
</tbody>
</table>

**SECTION A – PERSONAL AND GENERAL INFORMATION.**

Circle the applicable code or fill in the number where necessary.

**Example for completing Section A.**

<table>
<thead>
<tr>
<th>Question 1: Your gender?</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you are a female then circle as follows:</td>
</tr>
<tr>
<td>Male: .......................... 1</td>
</tr>
<tr>
<td>Female: ......................... 2</td>
</tr>
</tbody>
</table>

1. **Gender**
   - Male: 1
   - Female: 2

2. **How old are you? (in complete years)**
   - e.g. thirty two years: 32

3. **Number of years as principal (in complete years)**
   - (e.g. eight years: 08)
4. Your highest academic qualification

- Lower than Std 10 .................................................. 1
- Std 10. ................................................................. 2
- Bachelor’s Degree or equivalent ................................. 3
- B. Ed/ Honours .......................................................... 4
- Masters ........................................................................ 5
- Doctorate .................................................................... 6

5. Your highest professional qualification

- No teaching certificate or Diploma ............................... 1
- Teaching Certificate (e.g. T3; T4; PTC) ......................... 2
- Teacher’s Diploma (e.g. P.T.D; S.T.D; N.T.D) ............... 3
- Post–graduate Teacher’s Diploma (e.g. H.E.D; H.D.E.; U. E.D.) 4
- Other (Specify) .............................................................. 5

6. Did you study any course or module related to law in either of the qualifications you mentioned above? (Circle one option only)

- Yes .............................................................................. 1
- No .................................................................................. 2

7. Experience as a teacher prior to any appointment to a management post (e.g. HOD)

- Less than a year ............................................................ 1
- 1 – 5 ................................................................. 2
- 6 – 10 ................................................................. 3
- 11 – 15 ................................................................. 4
- 16 and above .......................................................... 5

8. Post held just before appointment as principal

- Deputy Principal .......................................................... 1
- Head of Department ..................................................... 2
- Other (Specify) .............................................................. 3
9. Your immediate subordinate (permanently appointed one) in line of authority.

Deputy Principal ........................................ 1
Head of Department ................................. 2
None .................................................. 3

(16)

10. Type of your school level.

Primary (Grade 1 - Grade 7) .............................. 1
Secondary (Grade 8 - Grade 12) ................. 2
Combined (Grade 1 - Grade 12) ............... 3

(17)

11. Region (in which you are presently a principal)

Durban South ........................................ 1
Empangeni ........................................ 2
Ulundi .............................................. 3
North Durban .................................... 4
Ladysmith ......................................... 5
Pietermaritzburg .................. ............. 6
Vryheid ............................................ 7
Port Shepstone .................................. 8

(18)

12. Geographical situation of your school

Urban .................................................. 1
Semi-urban ......................................... 2
Rural .................................................. 3

(19)
13. Previous Department under which your school fell before amalgamation (1994)

KwaZulu Department of Education (KZNDEC) ........... 1
Natal Education Department (N.E.D.) .................. 2
House of Delegates (H.O.D.) ......................... 3
House of Representatives (H.O.R.) ..................... 4
Department of Education and Training (D.E.T.) ....... 5

14. As Principal, how do you or would you react when confronted with a legal problem in your school?

- Handle the legal problem on my own 1
- Refer the problem to the Education Department 2
- Engage the services of a lawyer – to be hired by the school 3
- Seek for legal advice elsewhere (e.g. Legal Resources Centre) 4
- Use other methods (specify__________) 5

15. When delegating authority to your subordinate to perform a certain task, has it ever occurred to you that your action of delegating might have some legal implications?

Yes 1
No 2
SECTION B

Once more, please NOTE that this is not a test of your competence. Mark your opinion by circling the appropriate number/code on the scale provided for each question.

Give your opinion on a 5 point scale where:

1 - means very limited
5 - means very good
2 - 4 is somewhere in between

Example:

In your opinion, how would you RATE your understanding of Labour Relations Act 66 of 1996.

<table>
<thead>
<tr>
<th>very limited</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>very good</th>
</tr>
</thead>
</table>

In your opinion, how would you rate your understanding of ...

1. ...the South African Schools Act 84 of 1996?
   
   Very limited  | 1 | 2 | 3 | 4 | 5 | very good  

   (23)

2. ...the KwaZulu/Natal Schools Education Act 3 of 1996?
   
   Very limited  | 1 | 2 | 3 | 4 | 5 | Very good  

   (24)

3. ...the Bill of Rights as embodied in the Republic of South Africa Constitution Act 108 of 1996?
   
   Very limited  | 1 | 2 | 3 | 4 | 5 | very good  

   (25)
Once more, please NOTE that this is not a test of your competence. Your first opinion is acceptable. Mark your opinion by circling the appropriate number in the box provided.

Example:
In your opinion, what would you consider an appropriate interpretation of the following legal rule as it relates to delegation of authority?

*delegans* is a Latin word which means the one who delegates

is a Latin word which means the one to whom authority is delegated.

In your opinion and understanding what would you consider an appropriate interpretation of the following legal rules as they relate to delegation of authority.

6. The legal rule known as *delegare delegatus non potest* is a Latin maxim which means that...

- ...delegated authority may not be further delegated
- ...delegated authority may not be further delegated unless authorized.

7. The legal principle of *ultra vires* means that ...

- ...a person in authority may not act beyond powers given unless he/she can account for his/her action.
- ...a person with authority may not act whatsoever beyond powers given.

8. Subordinate legislation refers to...

- ...legislation passed by parliament or provincial parliament (e.g. any Education Act).
- ...legislation which is not passed by parliament but may come in a form of regulations, circulars, policy directives issued by the Minister. They are a means of implementing education policies without a need of having the issue debated in the parliament.

9. “Expressed authority” to delegate refers to:

- ...authority precisely given in no uncertain terms either in writing or verbally.
- ...authority which is assumed to have been given.
In your opinion and understanding what would you consider an appropriate interpretation of the following legal rules as they relate to delegation of authority.

10. "Implied authority" to delegate refers to ...

- ... authority which is assumed to be there in the source (e.g. an Act).
- ... authority which need not be explicitly given but is deduced to be there in the source (e.g. Act) or is inherent in the role of the holder like that of the school principal.

11. "Common-law authority" to delegate refers to ...

- ... authority which is vested by tradition or practice in the position of the holder (e.g. school principal). It allows for exercise of discretionary powers by the holder.
- ... authority which is normally assumed to be there in the position of the holder but it can also be derived from a certain source like an Act.

12. "Liability for action", emanating from delegated action. This means that ...

- ... a person can be held liable if he/she fails to perform a duty that has been properly delegated to him/her for which there can be prosecution in court of law.
- ... a person can be held liable if he/she fails to perform properly a duty that has been properly delegated to him/her.

To what extent do you agree/disagree with the following statements:

13. According to the S.A Schools Act - sect 16 (3) “...the professional management of a public school must be undertaken by the principal under the authority of the Head of Department”. This implies that the principal has delegated powers to effectively run the school subject to the authority of the Head of Education. He may not further delegate such powers to the Deputy principal

Strongly disagree [1] 2 3 4 5 6 strongly agree

14. The Education Act, regulations, rules and circulars from the Education Department usually provide the legal framework within which school principals have to perform management functions such as delegation?

Strongly disagree [1] 2 3 4 5 6 strongly agree
To what extent do you agree or disagree with the following statements:

15. Prior to delegating any task, the school principal should have a clear understanding of what the Act, regulation or education circular regarding the extent and limit of powers of delegation?

Strongly disagree 1 2 3 4 5 strongly agree (35)

16. Other than an Act of Parliament, common law rules (i.e. Accepted past practices by decision of Judges) also provide the legal framework within which a principal can exercise powers of delegation.

Strongly disagree 1 2 3 4 5 strongly agree (36)

17. Principals should become knowledgeable in the complex area of school law if they are to be effective managers?

Strongly disagree 1 2 3 4 5 strongly agree (37)

18. Seminars and management development workshops on legal issues should be organized on a regular basis for school principals.

Strongly disagree 1 2 3 4 5 strongly agree (38)

19. A course on educational law should be introduced in the teacher-training curriculum

Strongly disagree 1 2 3 4 5 strongly agree (39)

20. A school principal acquires some form of legislative authority within the school which enables him/her to formulate internal policy and rules for efficient management.

Strongly disagree 1 2 3 4 5 strongly agree (40)
SECTION C

Please mark your opinion by circling the appropriate number/code on the scale provided for each question:

Give your opinion on a 5 point scale where:

1 : means very seldom
5 : means very often and
2-4 : is somewhere in between

EXAMPLE

In your opinion, HOW OFTEN do you
Delegate the authority to your Deputy to compile the composite time-table

Very seldom 1 2 3 4 5 very often

In your opinion how often do you ...

1. ...delegate to your deputy the supervision of teaching and learning activities so that you can concentrate on administrative functions?

Very seldom 1 2 3 4 5 Very often (41)

2. ...do you permit your deputy to further delegate the control of instructional activities to the H.O.D. or another teacher?

Very seldom 1 2 3 4 5 Very often (42)

3. ...delegate to the teacher some of your managerial functions such as the filling of statistical returns required by the Department?

Very seldom 1 2 3 4 5 Very often (43)

4. ...take work home for completion because you have been busy during the day?

Very seldom 1 2 3 4 .5 Very often (44)
In your opinion how often do you ...

5. ...consider and carefully decide what you want to delegate?
   Very seldom 1 2 3 4 5 Very often  (45)

6. ...consider and carefully decide to whom you delegate?
   Very seldom 1 2 3 4 5 Very often  (46)

7. ...delegate a task just on a spur of a moment when you come across a teacher whom you think may do it well
   Very seldom 1 2 3 4 5 Very often  (47)

8. ...consult with your deputy before delegating a task to another teacher?
   Very seldom 1 2 3 4 5 Very often  (48)

9. ...define clearly to the subordinate the task to be performed?
   Very seldom 1 2 3 4 5 Very often  (49)

10. ...put in writing all tasks to be delegated to the subordinate?
    Very seldom 1 2 3 4 5 Very often  (50)

11. ...consider the complexity of the task and delegate according to ability and experience of the subordinate?
    Very seldom 1 2 3 4 5 Very often  (51)

12. ...withdraw the delegated task and do it yourself if you are not satisfied?
    Very seldom 1 2 3 4 5 Very often  (52)

13. ...intervene by issuing new instructions if the task is not properly performed?
    Very seldom 1 2 3 4 5 Very often  (53)
In your opinion how often do you ...

14. ...insist that the subordinate **makes regular** reports about the progress of the task delegated?
   - Very seldom 1 2 3 4 5 Very often (54)

15. ...take advantage of a competent, hard-working subordinate and delegate **increasingly** to him/her?
   - Very seldom 1 2 3 4 5 Very often (55)

16. ...**closely monitor** the performance of a person doing a delegated task?
   - Very seldom 1 2 3 4 5 Very often (56)

17. ...**prepare** your subordinate for the task he/she is to perform?
   - Very seldom 1 2 3 4 5 Very often (57)

18. ...consider the **complexity** of the task before you delegate to the subordinate?
   - Very seldom 1 2 3 4 5 Very often (58)

19. ...delegate the task to the subordinate and **do not interfere** if it is properly done?
   - Very seldom 1 2 3 4 5 Very often (59)

20. ...delegate **indiscriminately** in order that every subordinate gets a duty to perform?
   - Very seldom 1 2 3 4 5 Very often (60)
SECTION D

To what extent do you agree/disagree with the following statements:

1. It is important for the principal to study every piece of legislation thoroughly which has a bearing on student discipline since enforcement of school rules must nowadays meet a constitutional standard (e.g. Bill of Rights in the Constitution).

   Strongly disagree [1 2 3 4 5]  strongly agree (61)

2. Cases involving a disciplinary hearing may be delegated to a body (e.g. Disciplinary Committee) rather than to an individual (e.g. Deputy Principal).

   Strongly disagree [1 2 3 4 5]  strongly agree (62)

3. It is important that the principles of due process (fairness and openness) should be expressed in the Code of Conduct for the school.

   Strongly disagree [1 2 3 4 5]  strongly agree (63)

4. It is important that the trial procedures (e.g. explaining the rights to the accused) be clearly communicated to everyone within the school.

   Strongly disagree [1 2 3 4 5]  Strongly agree (64)

5. Although the principal, in his capacity as professional leader within the school, has wide discretionary powers of management, he has no authority to delegate issues relating to suspension and expulsion of pupils in terms of the S. A. Schools Act.

   Strongly disagree [1 2 3 4 5]  strongly agree (65)
SECTION E

In your opinion how often do you ...

1. ...delegate with the written consent of the Governing Body the function of collecting, controlling and checking of school monies to some of your subordinates?

   | Very seldom | Very often |
   | 1 | 2 | 3 | 4 | 5 |

   (66)

2. ...consult the Financial Manuals for procedure whenever dealing with issues relating to finances as a delegated function by the School Governing Body.

   | Very seldom | Very often |
   | 1 | 2 | 3 | 4 | 5 |

   (67)

3. ...use your staff’s expertise by delegating with the written consent of the Governing Body some of the financial management functions (e.g. drafting school budget) to them.

   | Very seldom | Very often |
   | 1 | 2 | 3 | 4 | 5 |

   (68)

4. ...cause your subordinate staff to study all statutory provisions, regulations, and departmental instructions on financial management before delegating to them.

   | Very seldom | Very often |
   | 1 | 2 | 3 | 4 | 5 |

   (69)

5. ...ensure that persons entrusted with the financial/accounting duties are made aware that any irregularities in the handling and control of school fund, and any contravention of statutory provisions, regulations and departmental instructions have serious legal implications.

   | Very seldom | Very often |
   | 1 | 2 | 3 | 4 | 5 |

   (70)

THANK YOU VERY MUCH FOR HAVING COMPLETED THIS QUESTIONNAIRE.
March 5, 1997

Mr. T. Mbatha,
Adams College of Education,
Private Bag X20013,
Amanzimtoti, 4125,
South Africa.

Dear Mr. Mbatha:

This letter confirms the arrangements made for you to be a visiting scholar in the Division of Educational Policy Studies, Faculty of Education, The University of Western Ontario, from May 2, 1997 to July 4, 1997.

The purpose of your visit is to study, under my tutelage, Canadian educational policy, particularly in the legal context.

We are looking forward to your visit and will be in touch with you closer to May 2nd to confirm that the itinerary you forwarded us in your letter of March 4 is still accurate.

Yours very truly,

Greg M. Dickinson, Ed.D.
Professor and Chair,
Division of Educational Policy Studies

GMD/sjm
July 2, 1997

To Whom It May Concern

This letter confirms that Mr. Thula Mbatha studied Canadian education law under my supervision between May 3 and July 4, 1997. During this period he conducted research in the facilities of the Faculty of Education at this university. His research has also involved visits to an educational policy research centre at McGill University in Montreal, a barrister and solicitor practising education law in Toronto, and interviews with principals of elementary and secondary schools.

Yours very truly,

Professor
To:  
Prof. Greg M. Dickinson  
University of Western Ontario  
London, Ontario  
Canada  

Phone: 91 519 661 3182  
Fax phone: 991 519 661 3833  

From:  
Dr. Bennie R. Grobler  
Rand Afrikaans University  
P.O. Box 524  
Auckland Park 2006  
South Africa  

Phone: 27 (11) 489-2518  
Fax phone: +27-11-489-2262

REMARKS:  

Dear Prof. Dickinson,  

I am the supervisor for Mr. LT Mbatha who is visiting you from 2 May - 4 July 1997.  

Just a short note to thank you for your kindness and hospitality. Thank you for all your trouble and the expertise which you are going to share with Mr. Mbatha. I hope that we will at some stage be able to reciprocate and organise something for you in South Africa.  

Regards  

Bennie R. Grobler.