

**THE ROLE OF THE GAUTENG EDUCATION AND TRAINING
COUNCIL IN EDUCATION POLICY-MAKING**

by

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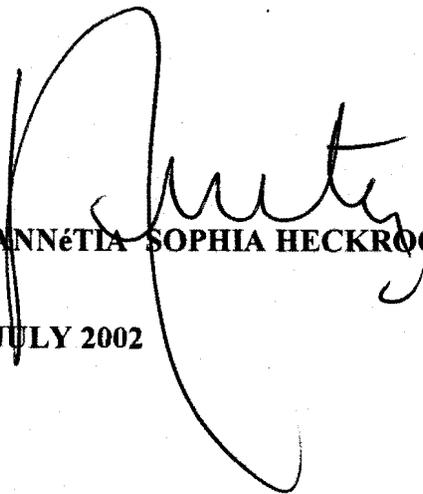
DECLARATION

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I declare that

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Is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.



ANNETIA SOPHIA HECKROODT

JULY 2002

DEDICATION

I dedicate this thesis to

MY CHERISHED MOTHER ANNA SOPHIA HUGO, AGED 83

MY BELOVED HUSBAND BERTIE HECKROODT

**MY FAMILY, RELATIVES AND FRIENDS WHO HAVE INSPIRED ME
THROUGH THEIR LOVE, SUPPORT AND ENCOURAGEMENT**

I AM PROUD TO BE THE LINK BETWEEN THESE VERY SPECIAL PEOPLE

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SUMMARY

In the new democratic dispensation, the Gauteng Education and Training Council (GETC) is the first statutory council instituted in South Africa, allowing civil society to participate in education policy-making. Against this background, this study explored the policy process and the participation of stakeholders. A literature study investigated the theory on policy and the participation of civil society in the policy process. The inception of the GETC was fully documented and a qualitative study undertaken to determine the role of the GETC in education policy-making. Data gathering was done mainly through semi-structured interviews with GETC members. The data was analysed, discussed and synthesised. The major findings were that stakeholders valued the opportunity to participate and members had high expectations of the contribution they could render in the policy-making process. Although most members had a good grasp of the policy process, lack of administrative resources and participative skills founded in the exclusion of large segments of society from partaking in such consultative structures in the past, was evident in some organisations. The function of the Administrative Secretary is deemed important in facilitating the functions of the GETC and training for this incumbent was emphasised. The lines of communication between the GETC and the Member of the Executive Council (MEC) need to be clearly structured in order to expedite the movement of documents between them. The MEC needs to be more visible to GETC members. The GETC, MEC and the Gauteng Department of Education (GDE) have to explore ways and means of establishing a sound relationship to serve the cause. Consensus between the GETC and the GDE should be reached regarding the role and place of the GETC in the *GDE Policy Route*. Areas for further investigation that would enhance the role of the GETC in the policy-making process have been identified. The study concluded that the GETC renders a valuable contribution empowering citizens to become involved in formal participative structures which will contribute towards broadening the basis of acceptance of responsibility for education, by society. This will assist in attaining its declared vision to improve the level of education in South Africa.

10 KEY WORDS

Policy-making; Participation; Stakeholders; Civil society; Consultation; Representivity; Councils; Interest groups; Structures.

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CHAPTER 1

BACKGROUND, PROBLEM FORMULATION AND AIMS

1.1 THE PROVISION OF EDUCATION IN SOUTH AFRICA

Prior to the national government elections in South Africa in 1994, the control of the country's predominantly racially based education, was in the hands of the ruling White government. The largest segment of the population, namely the African people, was thus excluded from participation in the formulation of the national education and training policy. The 1984 Education Act recognised 19 education departments, some racially based, and others regional, in a complex mix of centralisation and decentralisation (Christie 1994:46). This old system of numerous racially and ethnically-based education departments was replaced by a single national ministry of education and nine non-racial provincial departments in 1995 (Karlsson, Pampallis & Sithole 1996:9).

Central to the notion of a democratic education system in South Africa, is the idea that democracy should entail and enhance greater participation on the part of all relevant stakeholders in education and training. The African National Congress (ANC), the majority party in the government of South Africa, has placed considerable emphasis, both prior to the democratic election of April 1994 and subsequent to it, on the need for participatory policy formulation in all areas of government. In current policy debates in South Africa there is a continuous reference to the democratisation of the education system (Carrim & Sayed 1997:91). The rationale for this is captured by the following quotation from the Reconstruction and Development Programme (RDP) of the ANC (1994:3): "Development is not about the delivery of goods to a passive citizenry, it is about active involvement and growing empowerment".

In established democracies, policy is developed and implemented for purposes of reform in the social services arena. It enables the ruling elite, the party in power, to place its distinctive political identity on the national agenda (Manganyi 2001:28).

1.2 POLICY-MAKING AND CIVIL SOCIETY

1.2.1 The policy phenomenon

An adequate framework of definitions, as will be outlined in chapter 2, enables one to explore the multidimensional nature of policy, to establish the key elements of definitions in the field and to allow for a working definition to be developed. However, the researcher agrees with Hanekom's (1987:3) statement that there is no universally accepted definition of policy or policy-making (cf 6.1). Thus policy has been defined and integrated in a variety of ways during the past decades.

In earlier years, Easton (1953:129) defined policy as "the authoritative allocation through the political process, of values to groups or individuals in the society". Ranney (1968:7) defined policy as "a declaration and implementation of intent". Hanekom (1987:7) adds to this by defining policy making as "the activity preceding the publication of goals, while a policy statement is the making known, the formal articulation, the declaration of intent or the publication of goal to be pursued".

To the question, "What is education policy?" Kogan (1975:55) responds that although policy is clearly a matter of the "authoritative allocation of values; policies are the operational statements of prescriptive intent". Ball (1990:3) concurs and argues that values do not float free of their social context. Policy does not emerge within a vacuum; it is developed within the context of particular sets of values, pressures and constraints and within particular structural arrangements (Harman 1984:17). Furthermore Harman argues that policy is a response to particular problems, needs and aspirations. Thus the question should be asked whose values are validated in policy and whose are not. Therefore the "authoritative" allocation of values draws attention to the centrality of power and control in the concept of policy (Prunty 1985:136).

Interpreted from the vantagepoint of rational perspectives, the purpose of policy is to solve a substantive problem or set of problems (Malen & Knapp 1997:423). Policy is thus seen as a conscientious attempt to alleviate or address problems and to ameliorate the concomitant specified conditions. The authors state that viewed through this rational lens, the policy process is linear because it proceeds through sequential stages. Although the intended outcome is assumed to be the solution to the originally identified problems, rational theorists acknowledge that intentions do not beget results in a straightforward fashion (Malen & Knapp 1997:423). The

different perspectives on policy as well as the multiple perspective approach are discussed in more detail in chapter 2.

The scope of this study is concerned with public policies, that is, those policies which are made on behalf of the state by its various instrumentalities to steer the conduct of individuals, such as teachers or students, and organisations, such as schools (Taylor, Rizvi, Lingard & Henry 1997:1-2). Broadly speaking, public policy is essentially about the transformation resulting from the resolution of group conflict over allocation of resources and values, in order to restore the cohesiveness, order and functionality of the society (Harman 1984:16). Thus policies are seen as exercises of power and control and the authoritative allocation of values (both material and social) between different social groups.

On “nuts and bolts” level, Manganyi (2001:28) describes policy as a precursor to legislation and by this account good policy should facilitate the enactment of sound legislation. Manganyi is of the opinion that both policy and laws arise out of perceived social and other needs in society at large and indicates that both policy and legislation are the creators of norms and standards.

For the purposes of this study and for the purposes of finding a working definition for policy, policy is defined as a statement of intent, because it articulates basic principles to be pursued to attain specific goals (cf 2.2.1). In the context of the working definition in this study as well as the theoretical set of definitions mentioned (cf 2.2.1), an adequate theoretical framework exists for the purpose of this study. The stages of the policy process (cf 2.7.3) shed further light on definitions and were found to be particularly useful.

1.2.2 The stages of the policy process

The policy process, policy formulation, policy implementation and evaluation are seen by some authors as a linear process (Harman 1984:17). Other authors argue that this is too simplistic and that the whole process is complex where different claims and interests are at stake (Taylor et al 1997:25). The different stages and the interactive multi-layering of formulation, implementation and evaluation of policy are described in chapter 2.

Two trends are identified, the first by those who see policy formation happening in stages and the other trend is represented by those who see policy-making happening in multiple streams. It will

be argued in this study that the policy process is not a line or cycle, but a moving mosaic of deliberations by interest groups, shifting and overlapping, moving people, issues, ideas and activities vigorously around the system.

Written policies are problematic in that, like all written texts, they are interpreted differently by those who read them (Fowler 2000:205). Policies will, for example, be interpreted differently by representatives of the various organisations represented in advisory councils. Policy is therefore best secured, not only through the medium of written administrative texts, but through communities of people with and across schools who create policies, talk about them, process them, inquire into them and reformulate them, considering the circumstances they know best.

1.2.3 Civil society

A key concept in this research is the notion of civil society. The continuing academic debates on the nature and scope of civil society as well as its relation to the state are illuminating and bewildering. The resurfacing of the notion of civil society in Western academic discourse has surprised a number of people and yet, if De Tocqueville's (1966:19) classic analysis of American democracy is to be taken as a guide. The phenomenon of civil society has been discussed since the 18th century in some parts of the Western world. According to this conception, civil society, broadly speaking, denotes the presence of an assortment of intermediary groupings that operate in the social and political space between the primary units of society (individuals, nuclear and extended families, clans, ethnic groups and village units) on the one hand, and the state (government) and its agencies on the other. Stephan (1988:3-4) argues that civil society is an "... arena where manifold social movements ... And civic organisations from all classes ... Attempt to constitute themselves in an ensemble of arrangements so that they can express themselves and advance their interests ...".

Nzimande (1993:6) defines civil society as all those sectors of society that are not part of the government. This includes the privately-owned sectors of the economy and social organisations, churches, etc. Carrim and Sayed (1992:29) argue that the government and civil society are perceived as distinct, separate and independent, but related to each other. The authors conceptualise civil society as an instance of an "expansive/integral state". This implies that civil society is a contested political terrain, which cannot be totally divorced from the government.

Thus, while the government and civil society may be distinguished on methodological grounds, the distinction does not refer to a substantial separation. In this study it is therefore important to consider the inter-relatedness of these two concepts, rather than their separation within contemporary society.

1.2.4 Stakeholders

Reimers and McGinn (1997:60) define stakeholders as persons or groups with a common interest in a particular action, its consequences and those who are affected by it (cf2.8.2). All actors in an institutional context are potential or passive stakeholders. In education this includes groups such as parents, learners, unions and others. All these groups have an interest in setting the education agenda and shaping the organisations, which are established to participate in the process of education provision (Reimers & McGinn 1997:60). Their inclusion in the decision-making process is now widely accepted as an important instrument for providing information for decision making and for increasing commitment to decisions once made.

Policy stakeholders are those individuals or groups, who have a stake in policies, because they affect and are affected by governmental decisions (Dunn 1994:70). Dunn further argues that policy stakeholders, for instance, citizen groups, labour unions, political parties, government agencies, elected leaders, and policy analysts themselves often respond in markedly different ways to the same information about a policy environment.

In South Africa's education system, policies are made at national as well as provincial level. The relevant national and provincial structures for civil society to participate in education policy-making are discussed in chapter 3.

1.2.5 Participation

Participation can be seen as community/stakeholder participation and regulated participation. Community/stakeholder participation is the involvement of leaders of legitimate organisations in the community, which represent different interests of, and segments in that community (e.g. civic, cultural, religious, welfare, recreational, youth, business and other organisations). There must also be regular feedback from these leaders to their interest groups in order to legitimise their actions (Meyer & Cloete 2000:104).

In South Africa, following negotiations, elections and the setting up of a new government, a culture has been established that demands participation (De Coning & Cloete 2000:27). The authors argue that it is for this reason that policy management allows for participation in all phases of the policy process. "Policy analysis" like research methodology, was previously regarded as a field of study almost exclusively for professionals and academics. However, the period since the first democratic elections in 1994 in South Africa, has been characterised by an increased interest in the institutionalisation of policy capacity in organisational settings and in the nature of the policy processes likely to be followed.

Regulated participation (Carrim & Sayed 1997:96) is an attempt to move away from the potential antagonism that community and stakeholder participation generates and simultaneously avoids over-determination by the state (cf 5.6.5). Carrim and Sayed (1997:96) define regulated participation as "the process by which broad-based participation by communities and stakeholders is affirmed, but place limits or regulates the nature of the interaction". The agency of regulation is normally the state. The authors argue that the assumption of regulated participation is that no single agency is, or should be able to transact unilaterally education decision-making and that consensus between agencies/groups/individuals is possible by creating forums for negotiation. This notion is reflected in the *Gauteng Education Policy Act* (Gauteng Province 1998). The *Gauteng Education Policy Act* proposes an education and training council consisting of organised interest groups, but leaves final decision making to the MEC for Education in Gauteng Province. The GETC was thus established consisting of representatives from various interest groups. The members participate in the policy-making process, but the final decision-making power is vested in the MEC, who is an appointed official and who may, if s/he chooses accept or reject recommendations made.

1.2.6 Consultation

Consultation means using an audience as a sounding board eliciting opinions, suggestions, and advice or recommendations about an issue before or after a decision is taken unilaterally (Meyer & Cloete 2000:105). The authors are of the opinion that it is a weak and ineffective form of participation if the decision-maker:

- is not committed to accept the views of his or her audience;
- gives no guarantee that the decision-maker will adhere to the views expressed to him or her or that the person or body which is “consulted” can veto a decision.

Meyer and Cloete (2000:105) are of the opinion that in consultation an opportunity exists to influence decisions through persuasion, bargaining and/or the threat of exercising force of some sort.

1.3 CONSULTATIVE STRUCTURES IN EDUCATION IN SOUTH AFRICA

In keeping with the Government’s commitment to democratic governance a number of structures have been put in place provincially and nationally, to ensure that stakeholders may participate in policy-making at both national and provincial levels.

1.3.1 Consultative structures at national level

The emphasis placed on the importance of the role of civil society in the process of governance, demands structures and procedures whereby non-governmental and community-based organisations can participate in policy and decision making processes at all levels (Boraine 1993:38-39). Forums become the most crucial instruments for achieving this goal. At the same time forum activity facilitates the introduction of a participatory approach to policy making after years of centralisation and exclusivity (Shubane & Shaw 1993:12-13).

The induction of the first fully democratic Government in South Africa on 8 May 1994 necessarily impacted on the place and role of forums as instruments of civil society (De Coning 1995:11). Before that date, civil society was perceived as those associations, which participated in the “struggle” and had a right to be involved in transitional policy and decision-making processes. De Coning (1995:11) states that when the majority Government then came into power, serious questions were raised with regard to the role of these civil organisations. Would they now become part of the system or continue their role as a community watchdog, aggregator and articulator of grassroots interests? President Mandela as well as prominent politicians, such as Jay Naidoo, stressed the importance of the continued involvement of civil society, especially in the implementation of the *Reconstruction and Development Programme (RDP)* (De Coning

1995:11). The *RDP* base document (ANC 1994:120-121) stresses the importance of this issue throughout:

Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections ... the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens.

To arrest the apartheid government's unilateral restructuring of the education system the National Education and Training Forum (NETF) was set up in May 1993 as a prototypical consultative structure in which the advice of a wide range of stakeholders in education and training could be sought and systemised. It was a national initiative that sought to respond to the struggle against a government, which lacked legitimacy and whose policy processes were undemocratic and non-participative (Founding Agreement of the Pretoria Witwatersrand Vereniging Education and Training Forum (PWVETF) 1994:1). The forum's main aim was to promote a negotiated restructuring of education during the transition, maximise participation of stakeholders in the resolution of crises and to formulate an education policy. In time it became an important vehicle for the expansion of direct participation in education formulation by providing a new space for the interests and aspirations of key education stakeholders (Govender 2001: 9). Indeed, due in part to the experiences of the NETF, South Africa's first democratically elected government introduced the notion of statutory education and training councils as soon as it came into power. The NETF, a non-statutory body, dissolved in June 1995 (Musker 1996:2). De Clercq (1997:133) argues that the NETF's work did not advocate any substantial change from the status quo.

In the process of creating a new National Department of Education (DoE), the Government was committed to transparency and consultation in the management of education. However, the DoE inherited, in existing laws, a fragmented system of education consultation, which reflected the racially divided nature of the former South Africa. This had to be replaced by a representative body or bodies, which could provide effective channels for debate and communication regarding public concerns on education and training policy and its implementation. Such a body or bodies would advise the Minister and be available for consultation by the Minister on matters within his or her competence, such as policy formulation. It was also stated in section 37 in *The White*

Paper on Education and Training (Republic of South Africa (RSA) 1995) that the Ministry would support similar legislative steps to set up consultative bodies at provincial level. The *White Paper on Education and Training* (Republic of South Africa (RSA) 1995) does not show a commitment to the principle of state-civil society education co-governance or partnership through institutional forums and councils (De Clercq 1997:135). Instead, it refers only to wide consultation and involvement of stakeholders prior to finalising government policy (Ibid). It mentions the need to set up many committees, forums, task teams and commissions of enquiry (e.g. National Commission on Higher Education and the Review Committee on School Organisation) to develop new frameworks. The recommendations of these committees were to be submitted for further public deliberation and consultation, which were to guide the policy formulation of the Ministry. De Clercq (1997:135) argues that in the end, the Ministry seemed to rely on a small committee of experts to finalise its policy whose content reflected, only broadly, the demands and submissions of the public.

The clearest expression, so far, of the Government's serious intentions with regard to the continued involvement of civil society through forum activity in the policy-making process in education was the establishment of the *National Education and Training Council (NETC)*. Section 11 of the (Republic of South Africa (RSA) 1996b) which empowers the Minister to form a NETC as well as other consultative bodies to advise him/her on policy matters. The Council will be composed of the main stakeholders in the national education system as well as education experts and its function will be to advise the Minister on broad policy and strategy for the development of the national education system and the advancement of an integrated approach to education and training (DoE 2000:12). The regulations to provide for the establishment of the NETC, published on 30 April 1999 (Republic of South Africa (RSA) 1999) stipulates in regulation 5 (2) (c) "due attention is given to representivity of the NETC on such relevant grounds as race, gender and disability"(cf 5.4.3). The NETC, at the time of writing is not functional (cf 3.3).

1.3.2 Consultative structures at provincial level

As previously mentioned, education in South Africa is largely devolved to the nine provincial authorities. This enables provincial departments of education to respond to the situational demands of their provinces and implement policies in response to the particular needs of its people.

1.3.2.1 Gauteng Province

Gauteng Province, the smallest of the nine provinces, covers just over 17 000 square kilometres which is approximately 1.4% of the total land surface of South Africa. Despite its size, Gauteng is home to approximately eight million people comprising 18.1% of the total population of South Africa (www.gpg.gov.za). What may seem as an anomaly in these proportions can be traced back in history. In the seSotho language “Gauteng” means “Place of Gold”, which is appropriate as the province has its economic and historic roots in the thriving gold industry that was sparked off by the discovery of gold in Johannesburg in 1886. The province has highly developed transport and communication infrastructures, excellent financial institutions and a well-serviced urban environment (www.gpg.gov.za).

1.3.2.2 Consultative structures in education in Gauteng

Because of its excellent infrastructure and wealth relative to most other provinces in the country, Gauteng Province has often taken the lead in education initiatives within provincial governance. Thus Gauteng was the first province to establish a consultative structure giving stakeholders the opportunity to participate in the policy process. It is the task of the individual member of a legislature to ensure that the expectations and needs of his/her interest groups are taken into account and their values respected during deliberations of the legislative body. To include civil society in the education policy-making process, a provincial education and training council was established (Gauteng Province 1996) to advise the MEC for Education. The GETC was officially launched on 28 February 1997 (Lackay 1997:12).

Section 7 (a) of the *Gauteng Education Policy Act* (Gauteng Province 1998) stipulates, amongst others, that the GETC must assist the MEC in developing education policy for the Province. Section 15 (a) of this act also requires consultation by the MEC with the GETC prior to finalising education policy, introducing education-related legislation in the Provincial Legislature and

issuing education-related regulations. As such the GETC is an advisory Council to the MEC. A similar council, the KwaZulu-Natal Education Council, was established and the inaugural meeting was on 10 March 2000. Detailed regulations for these councils have been published in three provinces only, Gauteng, Kwazulu-Natal and Mpumalanga (Zafar 2002:17).

A survey of international literature and data bases like the Education Resources Information Centre (ERIC), reveal that there is a paucity of information on statutory bodies or education councils that function in an advisory capacity in other countries (Zafar 2000:10). Other international councils traced are the National Committee for Citizens in Education in the United States of America and the National Board of Employment Education and Training in Australia (Marginson 1992:26). Although these councils differ both in composition and function with those in South Africa, there are areas of overlap.

However, it was found that education and training councils that function in an advisory capacity do exist in Brazil and Botswana and are similar to the proposed NETC in South Africa (Zafar 2000:10). There is a general proliferation of structures in Brazilian education and confusion with regard to their various powers and functions (Zafar 2000:12). Zafar is of the opinion that although the Brazilian government may delegate certain powers to the councils, the purpose of this is often so that government can deny responsibility for those functions. The National Council on Education in Botswana's main purpose is to monitor and evaluate the education system on behalf of the public (Zafar 2000:12).

Whether consultative forums will continue to play an influential role in policy issues, remains to be seen (De Coning 1995:12). De Coning is of the opinion that their relationship with formal government structures is intricate and various scenarios are possible. Continued credibility will largely depend on factors such as activities and independence granted to them, as well as visible and qualitative inputs by non-governmental players (Ibid). Friedman and Reitzes (1995:15) warn that too close an association with the government could place civil society in the awkward position of being co-opted and used as mere "...conveyer belts for the implementation of government policy". These authors conclude that:

The idea of organs of civil society being managed by the state, by definition negates the idea of civil society. Furthermore, such limited participation does not provide opportunities for capacity building and empowerment.

Alternatively, placing forums between society and government, could insulate Government from the full range of community interests. Friedman and Reitzes (1995:10-11; 21-22) rather suggest a strengthening of the representative capacities of formally elected representatives in order to ensure that grassroots needs are reflected in the authoritative policy- and decision-making processes.

Policy-making forums and processes differ in their capacities to utilise information, provide representation for competing perspectives and anticipate implementation problems (Smith 1996:502). The author further argues that problems of information utilisation may be especially acute when lay citizens face the challenge of identifying, comprehending, and applying the results of empirical research.

1.4 PROBLEM FORMULATION

In South Africa much emphasis has been placed on the need for participation by civil society in the policy-making process. In Gauteng Province this notion stands central to the task of the GETC. However, Jansen (2001:13) intimates that little is known about the importance and influence of individuals shaping the policy terrain on behalf of organisations. Likewise the motivation and capabilities of citizens and public managers in consultative processes will depend much upon the capacity of new systems of public policy making to support and mediate the diversity of interests (Ranson 1995: 444).

Karlson, McPherson and Pampallis (2001:177) argue that in provinces where advisory/consultative councils have been established, they appear to have been less than effective advocates for greater equality and suggest that reasons for this require further investigation.

In the light of the above, it is necessary to gain insight into the role of the GETC in education policy-making in Gauteng Province.

The following questions facilitate the demarcation of the problem more clearly:

- What are the perspectives on education policy-making?
- What is the role of civil society in the policy process?
- In what way can stakeholders be included in the education policy process in South Africa?
- How does the GETC function?
- What are the perceptions and experiences of members of the GETC of their role in the education policy process in Gauteng?
- How can the findings of this study contribute to improve the role of civil society in the policy-making process in education at provincial level?

1.5 AIMS OF THE RESEARCH

In the light of the above research problem, the following objectives for this research are identified:

- The viability of education and training councils is largely untested and unresearched. The present investigation aims at providing a thorough background and understanding of the policy phenomenon, specifically regarding education. Particular emphasis is to be placed on the role of civil society and other stakeholders in this process.
- The investigation aims at examining the role of stakeholders/civil society in the education policy process in South Africa on central and provincial level. Particular emphasis will be placed on the composition and functioning and the role of the GETC in policy-making in education in Gauteng Province.
- It is further intended to investigate the experiences and perceptions of members of the GETC of their role in the policy process by means of a qualitative study. In this way data are gathered which can be used to extend the body of knowledge concerning the role of civil society in education policy-making and to make recommendations with a view to improve their participation towards effective policy-making encompassing all needs in education.

1.6 RESEARCH METHODOLOGY

1.6.1 Literature study

The literature study will explore and interrogate literature with respect to the policy phenomenon and the extent to which stakeholders are included in the education policy process. Literature to be perused include amongst others, policy documents such as, Acts of Provincial Parliament, regulations, journal articles, newspaper reports and documents generated by the GETC. Cilliers (1973:133) states that the prospective researcher can only hope to undertake meaningful research if s/he is up to date with existing knowledge on the prospective subject. Cilliers is of the opinion that the researcher must trace all available literature, which is both broadly and specifically relevant to the subject.

The particular value of the literature study, according to Seaman and Verhonick (1982:82-88) is to enable the investigator to:

- determine the extent to which research has developed in the field, as well as what remains to be learned
- establish the context, nature and significance of the research problem
- distinguish between what is relevant or irrelevant to the study
- identify different perspectives to the research problem
- interpret the findings.

1.6.2 A qualitative approach

While a more detailed explication of the methodology, the rationale for the choice of methodology and the research design are fully presented in Chapter 4, a preliminary overview is given here.

Since the purpose of this research is to elucidate the experiences of members of the GETC of their role in the policy process, a qualitative approach was considered most apt. Qualitative research in education is a methodological expression of the fact that “... many researchers are more interested in a quality of a particular activity than in how often it occurs” (Fraenkel & Wallen

1990:367-368). This means that qualitative research requires that the data to be collected must be rich in description of people and places (Patton 1990:169). For the purposes of this research qualitative research may be defined as a multi-perspective approach (utilising different qualitative techniques and data collection methods) to social interaction, aimed at describing, making sense of, interpreting or reconstructing phenomena in terms of the meaning people bring to them (Denzin & Lincoln 1994:2). The main data collection strategy used in this research is the in-depth semi-structured interview. This can be regarded as “a conversation with a purpose” to obtain valid and reliable information (Kahn & Cannell 1957:149). Marshall and Rossman (1989:82) argue that this technique offers the following advantages:

- large amounts of data can be obtained quickly
- a wide variety of information can be obtained from a spectrum of informants
- because the technique is interactive, immediate follow-up questions are possible for clarification and expansion.

Qualitative research requires a plan for choosing sites and participants and for beginning data collection (Schumacher & McMillan 1992:372). In this research members of the GETC were selected who were considered to be “information-rich”. This is known as purposive sampling and is defined by Schurink (1998:253) as selecting participants who are judged to be “especially informative subjects”. Twelve members of the GETC were selected as participants. These members were considered to be information rich; representing a variety of constituencies; race, gender, participation at meetings, attendance at meetings, sub-committee members and EXCO (cf 4.4.6). During the interviews participants frequently mentioned two interest groups which were not represented by any of the selected participants. This necessitated inviting representative of these groups to participate in the research. Thus two more members of the GETC were included as participants (cf 4.4.5.1; 5.3.2). However both members requested that other members of their respective interest groups also be interviewed. Three extra members were thus interviewed. In total 17 participants took part in the interviews, 12 were interviewed individually and the other five participants in two groups consisting of two and of three members respectively (cf 4.4.5.1). Notes made during observation of GETC meetings formed part of the data.

In this kind of enquiry, analyses and interpretation of findings take place simultaneously, that is during and not only after data collection. As a result successive interviews are modified to include new questions as suggested by those participants who were interviewed previously (cf 4.4.5.). Data were finally analysed by a process of identifying recurrent themes, categories and patterns in the data. Presentation of the data includes the direct words of the participants.

Reliability in qualitative research is concerned with consistency. This was achieved by coding the raw data in ways that others can understand and arrive at the same themes and conclusions (Schulze 1999:52). Several themes emerged from the field notes, interview transcripts and documents. The themes were organised through predetermined steps of careful recording, reading and rereading, analysis and grouping under important recurring topics or emerging themes (cf 4.4.6).

Schulze (1999:52) argues that validity is ascertained by spending sufficient time with subjects, by persistent observation and by triangulation. Triangulation is defined as the use of two or more methods of data collection in the study of some aspect of human behaviour (Cohen & Manion 1994:233).

Although the main method of data collection in this study is in-depth interview with participants, the researcher also attended almost all GETC meetings over a period of five years as well as social functions and Bosberaads with members of the GETC (cf 4.4.5.1).

A research study should be internally and externally valid, as well as reliable and objective. Lincoln and Guba (1985:290) propose four constructs for a qualitative inquiry namely credibility, transferability, dependability and confirmability. The study measuring up to the four constructs are described in chapter 4.

1.7 CHAPTER DIVISION

The policy phenomenon and the role of civil society in policy making in education is examined in chapter 2. while the role of the GETC in the policy-making process is discussed in chapter 3. Chapter 4 provides the research design, a discussion of the methodology used to investigate the role of the GETC as well as the rationale for the choice of qualitative methodology. The analysis

of the data collected is reflected in chapter 5. Chapter 6 includes a synopsis of the findings of this study as and the emanating recommendations. The research is designed to be exploratory and descriptive and thus no attempts are made to establish cause and effect relationships under experimental conditions. The primary aim of the enquiry is to understand and describe how members of the GETC experience the role of the GETC in the policy process.

1.8 SUMMARY

The ANC Government has tasked itself with the democratisation of society and an important mechanism for that process is a truly representative government. If the government is going to initiate and implement policies and legislation, then such legislation and policies should be widely supported. Although National and Provincial Legislatures provides for forums (Education standing Committees or Portfolio Committees) in which proposed policies and legislation can be debated, legislatures are largely political forums thus, of necessity, it excludes a wide range of significant voices in all sectors of civil society (cf 3.4).

The GETC was established to ensure that all significant voices in Gauteng Province could be given a hearing in contributing to the education-policy-making process. The GETC has to ensure that very diverse stakeholders in education and training engage with each other and with the Government. The GETC was constructed to ensure that any representative provincial organisation with an interest in education and training is permitted and encouraged to participate in the education debate. In view of the above this study is motivated by the need to establish the role of the GETC is playing in the policy process as experienced and perceived by its members. Finally, this study was designed to address the lack of research on the participation of stakeholders in education policy-making in South Africa after years of centralisation and exclusivity.

CHAPTER 2

THEORY ON POLICY

2.1 INTRODUCTION

This chapter is concerned with issues of policy in education. Education policy making is generally thought to be linked to the ideology or philosophy of the policy makers. This also holds true with regard to the nature of civil society (Taylor, Rizvi, Lingard & Henry 1997:15-17). Prunty (1984:3) also views policy as an exercise of power and control directed not only towards the attainment or preservation of some preferred arrangement of schools, but of society as a whole.

Although policy is argued to be multi-dimensional it is also context laden (Taylor et al 1997:15-17). This study is concerned with education policy, which is made on behalf of the state by its various instrumentalities and implemented through state bureaucracies to steer the conduct of individuals, such as educators, students and organisations, schools in this instance. Some policies aim to regulate or control activity (e.g. compulsory schooling legislation), while others are directed at the provision of scholarships, for example. Some policies aim to introduce change, while others are meant to defend the *status quo* or to achieve a return to an earlier set of conditions (Harman 1984:15).

Public policy, unlike policy in private organisations, is generally based on law and is certainly authoritative. It is this authoritative and potentially coercive quality that distinguishes public policy from other policy (Harman 1984:15).

2.2 THE POLICY PHENOMENON

A conceptual grasp of the term "policy" is necessary in order to understand the gist of this chapter, that is, an analytical exploration of policy options in education. The literature on social science contains a multiplicity of definitions of the concept "policy". Consequently, there is no agreement on what *policy* is, how it should be studied, or even whether it is a legitimate concern of social scientists.

Most definitions are based principally on the need to define the parameters of “policy” within specific social contexts. A number of such definitions of policy will be considered in the ensuing paragraphs.

2.2.1 Defining policy

The term policy has its origin in the Latin word “polis”, referring to city or people. Some languages (e.g. Spanish) use the same word to refer to policy as to politics (politica) (Reimers & McGinn 1997:29). A recent trend according to Reimers and McGinn (1997:29) is to define policy as that which organisations do.

Different authors tend to view policy from different perspectives. This makes it difficult to define policy as it means different things to different people and reflects the fact that people approach policy from within different conceptual frameworks. Policy is re-articulated as it is recontextualised across the policy cycle and this is why it is difficult to pin policy down and give it a simple definition (Taylor et al 1997:35). Malen and Knapp (1997:419) concur with Taylor et al and describe policy as an elusive multi-faceted phenomena.

In much of the literature the role of values in the policy process receives attention. Thus Kogan (1975:55) describes policies as “... the operational statements of values”. Lasswell and Kaplan (1950:71) argue that “policy is a projected programme of goals, values and practices”. Good (1959:403) states that policy is “... a judgement, derived from some system of values and some assessment of situational factors, operating as a general plan for guiding decisions regarding the means of attaining desired objectives.”

Another way of thinking about “policy” is to see it as the authoritative allocation through the political process, of values to groups or individuals in a society (Cloete, 1987:22; Easton 1953:129; Prunty, 1984:136). This definition draws attention to the centrality of power and control in the formulation of policy (cf 2.1). It refers to identification and allocation of values to guide decision making and programmes of action to achieve preferred goals within a framework of power and control (cf 2.1).

This, in turn, requires one to consider not only whose values have become institutionalised, but also how these values have become institutionalised.

Harrison, in Gould and Kolb (1964:509), defines policy as “the reference to a course of action or intended course of action conceived or deliberately adopted, after a review of possible alternatives, and pursued, or intended to be pursued”. Meehan (1987:90), like other authors such as Friedrich (1963:79), Hanekom (1987:7-8) and Harman (1984:13), stresses that the action programme is directed towards the accomplishment of some intended or desired set of goals. In the course of action, policy should be seen as a process that is continuously subject to “discontinuities, compromises, concessions and exceptions” (Ball 1990:24).

Reimers and McGinn (1997:29) define policy generally as a statement of the actions to be preferred in the pursuit of one or more objectives of an organisation. According to Badcock-Walters (1997:1), policy must provide the informed basis for a partnership between the state and its provisions of public education and the wider civil society, including those learners, parents and educators who are its principal clients.

Although the informed basis of the partnership is emphasised, a policy is sometimes the outcome of a political compromise among policy makers, none of whom had in mind quite the problem to which the argued policy is the solution. Thus, policies sometimes are not decided upon, but nevertheless “happen” (Lindblom 1968:23). Likewise Claassen (1999:294) says policy should not be seen as an objective outcome, even if research and information inform policy-making, and even if information brokers disseminate this information to policy-makers. Policy is ultimately a subjective, paradigmatic construct.

In this study policy will be interpreted in broad terms in order to accommodate the multifaceted process resulting from the participation and involvement of civil society, stakeholders and the bureaucracy. A widely accepted definition of a policy is that it is a plan or general course of action (to be) adopted by a government, party or person. It therefore follows that education policies are plans devised to serve some specific purpose, which may be economic, political, purely education or a combination of these. Such policies are usually contained in some form of policy statement. Fowler (2000:9) defines policy as “the dynamic and value-laden process through which a political

system handles a public problem. It includes a government's expressed intentions and official enactment as well as its consistent patterns of activity and inactivity".

In this definition, the concept government includes all elected and appointed public officials at all levels as well as the bodies or agencies within which the officials work. Clearly a policy statement by legislation is essential to prevent public administration from becoming an end in itself.

For the purposes of this study and for the purposes of finding a working definition for policy, policy can be defined as a statement of intent, because policy articulates basic principles to be pursued to attain specific goals.

2.2.2 The statutory aspect of policy

Public policies are generally enforceable through legislation and special agencies that monitor the implementation process. The translation of education policy into legislation produces a key text, the Act (Bowe, Ball & Gold 1992: 277). This in turn becomes a "working document" for politicians, teachers, unions and the bodies charged with responsibility for "implementing" the legislation. Education policy is created by legislative enactment, executive decree and judicial pronouncement (Prunty 1984:77).

A law is binding on all citizens and an Act of Parliament, or an Act of a provincial legislature, is known as "primary legislation" (Musker 2000:9). It is approved by elected politicians by majority vote. "Regulations" are known as secondary legislation and they are issued by a Minister or, in a province, by the relevant MEC. Although they are issued in different ways, there is no difference between the intent and the effect of primary legislation to that of secondary legislation. Regulations issued under an Act are considered to be part of that Act and an official document gives expression to policy (Musker 2000:9).

Because of the unique contextual constraints and/or situational factors no two governments generate identical laws to achieve similar goods. Most people using the term laws, actually mean statutes – laws enacted by legislatures. There are ten legislatures active in South Africa - the National Parliament and the nine provincial legislatures. Fowler (2000:9-10) states that if one is seeking to determine what the policy really is, certainly one of the first sources to consult is the written law. However, law and policy are not identical. Many outdated laws are still on the books

but are not enforced while some are purely symbolic. Also not every policy appears in statutes (Fowler 2000:10).

Most statutes are worded in general terms and many of the details needed to put them into practice are not written into the statute itself. These details are usually developed as rules and regulations. As with statutes these rules and regulations provide important clues as to what the policy really is (Fowler 2000:10).

Cibulka (1994:112) states that legislators specify goals in statutes and implementers set up regulations to ensure their fulfilment. The bottom-up view argues that “street-level bureaucrats” such as teachers with their knowledge of what they and their clients (students) need, can adapt policies effectively through a process of “backward-mapping” (Elmore 1980:1). This leads to “adaptive implementation” in which programmes are institutionalised. Backward mapping starts with the lowest level of the implementation process in order to generate a policy and establish a policy target at that level. Elmore (1980:1) defines backward mapping as:

... backward reasoning from the individual and organisational choices that are the hub of the problem to which the policy is addressed, to the rules, procedures and structures that have the closer proximity to those choices, to the policy instruments available to affect those things and hence to feasible policy objectives.

2.3 THE PURPOSE OF POLICY

As outlined previously where various definitions of policy are described, it can be argued that the purpose of policy is to state what action should be taken to attain a specific objective in accordance with the ideologies and values of the policy makers (Cloete 1987:23).

The specific objectives of policies have lead to the grouping of policies into four categories as indicated by Harman (1984:15):

- policies concerned with the essential functions of schools and tertiary education institutions. A large part of this relates to curriculum, but it includes policy related to setting objectives and goals, recruitment and enrolment of students, student assessment (whether by internal or external means) award certificates, diplomas, degrees, and student discipline

- policies concerned with the establishment, structure and governance of individual institutions and the whole education system or parts of it
- policies which relate to the recruitment, employment, promotion, supervision and remuneration of all staff, but particularly different categories of professionals
- policies related to the provision and allocation of financial resources and the provision and maintenance of buildings and equipment.

Although policies are generated to meet specific needs or purposes, it cannot be assumed that this development process will subscribe to a particular scientific basis and rationale. The process may, in fact, be haphazard, random and informed by a number of perspectives on policy.

2.4 PERSPECTIVES ON EDUCATION POLICY

There are different approaches to policy. In this section a multiple perspective approach will be discussed. A multiple perspective approach to policy is promising because it exposes the complexities of policy activities and encourages the consideration of rival interpretations of policy developments. Each lens “has the potential to generate a distinctive picture” (Dubnick & Ardes 1983:172). Each unearths aspects and intricacies of policy that would be easily missed with a single lens perspective. Each can help “keep the windows of the mind open” (Pal 1992:172) to the different or deeper understandings that can be engendered through the intelligent application of multiple perspectives.

Although these perspectives, as well as others, could be added to enrich analyses, their potential benefits cannot be realised if they are indiscriminately or superficially applied (Malen & Knapp 1997:437).

A long-standing criticism of the multiple perspectives approach is that it is cumbersome and at times unwieldy.

While many perspectives could be brought to bear on education policy, only the rational, organisational, political, symbolic and normative perspectives are discussed. These perspectives were selected, because they undergird much of the literature on education policy.

2.4.1 Rational perspectives

Rational perspectives rest on the premise that policy is a value-maximising choice and an optimal solution to a substantive problem or set of problems. Rational lenses put the focus on policy content and on the substantive viability of policy alternatives (Malen & Knapp 1997:423).

Interpreted from the vantagepoint of rational perspectives, the purpose of policy is to solve a substantive problem or set of problems. Harman (1984:13) sees policy as a position or stance developed in response to a problem or issue of conflict and directed towards a particular objective. This gives the impression that there is general agreement when policies are generated and that they are implemented in a straightforward and unproblematic way. This view reflects functionalist assumptions about the way society works, that society is underpinned by a value consensus and that the various institutions contribute to the ongoing stability of the whole. This approach is also known as a “positivistic” or a technicist approach. It can also be said that rational models tend to conceptualise policy development in distinct and linear phases. The problem with this aspiration, however, is that it is based on an assumption that decisions in the public sphere could somehow be made in a value-neutral manner. This view stipulates that, for it to be of any use, knowledge must be scrupulously grounded in a value neutral content to ensure that only essential facts are provided by the most systematic observation possible.

This approach overlooks the complexity of education, which is a highly contested endeavour in which members of the same community have widely different views. Although the intended outcome is assumed to be the solution to the originally identified problem, rational theorists acknowledge that intentions do not beget results in a straightforward fashion. As Nelson (1977:145) observes, policy analysts and actors recognise the “fiction of a once and for all optimisation decision”. The inclusion of an “adjustment loop” recognises that policymakers may have to assess effects and make mid-course corrections to maximise the prospects that the substantive problem will be steadily addressed and ultimately solved.

Rational perspectives encompass a means-ends theory of action and policy is cast as the instrumental means for achieving the stated ends (Malen & Knapp 1997:423). Although all means-ends links need not be elaborated in policy provisions, rational perspectives suggest that causal connections have been identified, anticipated gains and corresponding costs have been

specified, and "... marginal tradeoffs between different policy choices have been exposed and examined (Green 1994:9)". When these tradeoffs have been made explicit, a rational calculation of one option's comparative advantage over another can be made.

Rational perspectives embrace a unitary policy actor assumption. The unitary actor may be a single individual or more typically a cluster of individuals, groups and agencies that act in concert as one rational individual (Malen & Knapp 1997:424). This assumption is pivotal, since rational perspectives rest on the notion that consensus on values and consistency of action are required in order for value-maximising choices to be instituted.

The rational perspective conceptualises policy as a relatively static and value-free text, which is an attempt by the state to find a rational solution to optimise people's and the nation's interests. Policy gets formulated by politicians with the assistance of senior bureaucrats and becomes the blueprint for implementation (cf 2.7.3.2; 5.5.2). The policy makers define what others must do and are not themselves responsible for the implementation. They are there to find a rational solution based on objective criteria and methods to a problem. The rational approach is also referred to as a functional approach (cf 2.5.2).

2.4.2 Organisational perspectives

Organisational perspectives derive primarily from sociological, anthropological and psychological views of organisational activity. These lenses focus on the invocation of familiar repertoires as a natural if not inevitable reaction to actual or anticipated disturbances within an organisation and its environment that threaten to disrupt the organisation or its sub-units (Malen & Knapp 1997:425).

Organisational perspectives suggest that the purpose of policy is to ensure the stability and the survival of the organisation. Policy is a response to an organisational disturbance and the disturbance is a problem, but one of a different character than rational perspectives would uncover. The facts of the situation may be identical, but their meaning differs, as does the participants' motivation for action.

According to Malen and Knapp (1997:426) organisational perspectives unveil a policy process that is markedly different from the characterisations suggested by rational perspectives. The policy

process is precipitated by an organisational disturbance and unfolds through stages including (1) prompt attention to the disturbance; (2) selective, at times, frenetic search of standard operating procedures for a course of action that fits the disturbance; (3) loose attachment of a familiar or adapted routine to the disturbance, which satisfies the immediate situation and (4) incremental adjustments typically engendered through trial and error learning.

Seen through a rational lens, declining tests scores, for example, signal a failure to educate children, a condition to be addressed by careful analysis of the reasons for drops or gaps in achievement measures and thoughtful formulation of actions derived from this analysis (Malen & Knapp 1997:426). Seen through an organisational lens, failing tests scores evoke a fear of public complaints, student transfers, and potential interruptions or reductions in the flow of resources to the system. Action is thus required more to protect the organisation from the anticipated ramifications than to correct the actual incidence of declining test scores.

While rational perspectives see policy as an impetus, organisational perspectives see policy as a response. Organisational perspectives assume that policy actors, situated in particular positions and concerned primarily with matters that fall within their particular units, interact to determine policy. Since policy actors have defined spheres of responsibility their attention tends to be riveted on their respective areas of concern. Rather than assuming that actors can see a whole problem, organisational perspectives suggest those problems are matters to be parcelled out to specialised units. Values, beyond the overriding concern for organisational survival, are not exposed by this perspective or viewed as a major factor shaping action (Malen & Knapp 1997:427).

2.4.3 Political perspectives

Political perspectives focus on policy as a vehicle to regulate conflict over the distribution of scarce material and symbolic resources in ways that affirm the legitimacy of the system.

According to political perspectives, the purpose of policy is to regulate social conflict and retain institutional legitimacy (Malen & Knapp 1997:428). Since conflicts over the distribution of benefits and burdens in society are rarely resolved, they must be continuously managed. Policy becomes a means for mediating these disputes, allocating scarce resources and valued outcomes

and maintaining public confidence in the system's rights and responsibilities to make authoritative decisions about who gets what, when and how.

Political perspectives suggest that policy develops through stages or phases: interests are articulated and issues are generated; alternatives are formulated, often aggregated; choices are enacted; and choices are implemented, albeit with varying degrees of fidelity (Malen & Knapp 1997:428). Policy may or may not be evaluated in the strict rational sense, but responses to it generate feedback that precipitates new or renewed demands for attention or restitution. This process departs even more sharply from the characterisations suggested by other perspectives and argues that the phases are highly interdependent and interactive; and they all pivot on power, or, more precisely, the strategic use of power. Whatever the style of play, be it collaborative or combative, the relative power of players is the critical force that fuels, forms and reforms policy. If the players aim to appease the powerful, it could be described as an elitist approach. If however, it is accepted that there is a dispersal of values throughout society, governments may try to please as many interest groups as possible. Thus Wallace (1993:323) refers to this approach as the "radical" or "pluralist" approach.

The pluralist approach accepts a dispersal of values and power throughout society and argues that governments attempt to please as many interest groups in the policy process as possible (Taylor et al 1997:27).

Viewed through the political lenses, the intended outcome is enhanced institutional capacity to regulate conflict and retain legitimacy. Since policy is a settlement that mirrors the unequal power and diverse interest of key actors, its efficacy is judged by its ability to manage the endemic conflict and maintain an underlying confidence in the system as a legitimate entity (Malen & Knapp 1997:428).

Since policy is an outgrowth of the interplay of influence among conflicting interests, consistent, coherent and constantly implemented policy is not expected. Rather, packages of ambiguous, contradictory proposals that accommodate potentially powerful pluralistic interests are more probable and patterns of variegated implementation are virtually inevitable.

The theory of action vested in political perspectives is that policy produces effects largely through the bargaining and battling, the pulling and hauling that occur as interdependent actors seek to advance their agendas in the numerous arenas where policy gets brokered (Malen & Knapp 1997:429).

Portrayed through political lenses, policy actors are neither unitary actors nor organisational conglomerates, but are members of shifting coalitions that align and realign themselves as competing pressures arise and power configurations fluctuate. Values get elevated in political perspectives and policy disputes often centre on what values will prevail. Thus policy is seen as a 'struggle between contenders of competing objectives, where language – or more specifically discourse – is used tactically' (Fulcher 1989:7).

Policy is defined as the authoritative allocation of values and an exercise in power. It is not a text, which is value-free and straightforward, but it uses a particular language to legitimise this power. Policy processes are permeated with values, which beg the question of whose interests they serve and whose efficiency and effectiveness are being promoted. This political view of policy is sensitive to the policy context, content and implementation processes and emphasises politics in action and the continuous interaction of the various stakeholders over policy. In other words, policy is conceptualised as a dynamic, interactive and multi-layered non-rational process which is being constantly negotiated, adopted and contested among various policy stakeholders.

The widening interest in education policy in recent decades has arguably politicised policy-oriented research in the field. More accurately, the latent political functions of policy analysis have become more widely recognised. On the positive side policy research can promote what Reich (1988:3-4) calls "civic discovery".

The core responsibility of those who deal in public policy – elected officials, secretaries, policy analysts – is not simply to discover as objectively as possible what people want for themselves and then to determine and implement the best means of satisfying these wants. It is also to provide the public with alternative visions of what is desirable and possible, to stimulate deliberation about them, provoke a re-examination of premises and values, and thus to broaden the range of potential responses and deepen society's understanding of itself.

2.4.4 Symbolic perspectives

Symbolic perspectives cast policy as imagery. Defining a symbol as any image conveyed by gesture, visual means or verbal cues that stands for a more complex idea or condition, these perspectives suggest that policy sends signals and creates symbols that serve important functions (Malen & Knapp 1997:430).

Generally speaking, policy viewed from symbolic perspectives is intended to shape conceptions of institutions, the problems they face and the work they carry out. In discussions of policy, symbolic actions are “characteristically portrayed as strategic moves by self-conscious political actors ... as instruments by which the clever and the powerful exploit the naive and the weak” (March & Olsen 1984:738).

Seen through symbolic lenses, the policy process proceeds from perceived institutional needs in the policymakers’ eyes, to the promulgation of cues and the transmission of messages to key audiences. The process is hardly linear (Malen & Knapp 1997:431) but it subsumes steps traversed in interactive fashion such as:

- perception of institutional needs
- creation or selection of symbols from the jointly held traditions, sagas and values of the audiences
- targeted communication of symbols to key audiences
- assessment of audience responses, and
- adjustment of symbols to maximise audience responses.

As symbolic perspectives suggest, the intended outcome is an audience response such as an expression of commitment to institutions and a heightened awareness of or a diminished concern about an issue (Malen & Knapp 1997:431). The authors argue that according to these perspectives, policy is expected to shape the meanings and motivations, conceptions and commitments of the audience. Thus the efficacy of policy resides in its capacity to shape perceptions of social conditions, events and institutions, irrespective of its capacity to alter actual social circumstances (Malen & Knapp 1997:431).

According to symbolic perspectives, policy actors can be unitary entities, segmented conglomerates, shifting coalitions or individual agents (Malen & Knapp 1997:431). But whatever the configuration, they are communicators and meaning-makers that tap collectively held values related to their particular policy preferences. Malen and Knapp (1997:431) argue that policy problems are construed as a matter of perception and symbolic perspectives suggest that policy problems are not real but are manufactured; they remain salient only as long as their symbolic meaning has potency for a key institutional audience.

Understood through symbolic lenses, information is a means for apprehending institutional needs and gauging audience responses (Malen & Knapp 1997:431). The authors argue that it can become a symbol in and of itself, in that the possession, generation or utilisation of information becomes a way to signal a semblance of rational deliberation.

2.4.5 Normative perspectives

Grounded primarily in philosophy and history, normative perspectives take many forms. The version employed here regarding normative perspectives concentrates on the reciprocal relationship between social values and public policies and reveals how policies affect and reflect social values (Malen & Knapp 1997:432).

Since values are present in all the preceding perspectives, normative lenses are not a discrete parallel path on the conceptual map. They cut through the preceding perspectives as well as add to them (Malen & Knapp 1997:433).

According to normative perspectives, the purpose of policy is to promote and protect social values in at least two ways: by shaping conceptions of a good society and the appropriate aims of education in society; and by creating conditions that conform to these ideals (Malen & Knapp 1997:433). Simply put, normative perspectives not only unveil how policy affirms, advances, neglects, or otherwise alters conceptions of values or social conditions, they also contain the criteria and the standards for determining whether the ends sought, the means used, and the changes evoked advance or inhibit the realisation of ideals. Since normative perspectives focus on the worth of and the justification for policy, they tend to influence strategies that concentrate on the ends and means of policy overtures (Malen & Knapp 1997:434).

The above does not capture all perspectives dealt with in the literature. However, it does illustrate that perspectives on policy are still a contested field and that the debate is by no means concluded.

2.5 POLICY ANALYSIS

Just as there is little agreement on how to define policy, there is also no consensus on what to call the systematic investigation of policy (Prunty 1984:5). Prunty says that the term that has been settled upon, “policy analysis” is widely used in literature, but it must be pointed out that many similar and synonymous terms are popular as well. These include policy sciences, policy research, and policy studies and in some instances applied sociology. If critical policy analysis is to understand the context in which a policy arises, to evaluate how policy-making processes are arranged, to assess its content in terms of a particular set of education values, to investigate whose interests the policy serves, to explore how it might contribute to political advocacy, to examine how a policy has been implemented, and with what outcomes, then it is clear that policy analysis cannot be located in any particular disciplinary tradition (Taylor et al 1997:20).

2.5.1 Defining policy analysis

Building on Dye’s (1995:2) simple definition of policy as “whatever governments choose to do, or not to do”, a simple definition of policy analysis in this study might be, “the study of what governments do, why and with what effects” (Taylor et al 1997:35).

It should be acknowledged that policy analysis is a multi-faceted activity (Gordon, Lewis & Young 1977:27). Gordon et al (1977:27) see policy analysis to include two major orientations: analysis for policy and analysis of policy. Under the “*analysis for policy*” heading, “policy and advocacy” is included. This “denote(s) any research that terminates in the direct advocacy of a single policy, or of a group of related policies, identified as serving some and taken as valued by the researchers” (Gordon et al 1977:27).

The second type of analysis in the “for” category is called “information for policy”. Here the “researcher’s task is to provide policy-makers with information and perhaps advice. It assumes a case for action, either in terms of the introduction of a new policy, or the revision of an existing one” (Gordon et al 1977:27).

Applicable to either analysis, “for” or “of” policy, is the type called “policy monitoring and evaluation”, which “can be aimed at providing direct results to policy-makers about the impact and effectiveness of specific policies” or “be used for feasibility analysis in future policy design” (Gordon et al 1977:27).

“Analysis of policy determination” is by far the most common concern of the policy analyst. This domain of inquiry considers “the inputs and transformational processes operating upon the construction of public policy” (Gordon et al 1977:28).

One final type in the “analysis of policy” category addresses “policy content” and as such is “conducted for academic advancement rather than public impact”. Frequently such analyses focus on the values and social theories underpinning the policy process. While the typology of Gordon et al (1977:28), may be useful in clarifying the multi-dimensional quality of policy analysis and hence reconciling differences about the place of advocacy versus scientific knowledge, there is considerable more complexity to policy analysis than is intimated in these multiple facets.

Taylor et al (1997:36) reject any absolute distinction between analysis of and analysis for policy because such distinctions are somewhat artificial, although, they argue, that in some circumstances these distinctions may be conceptually useful.

Policy analysis can also be viewed as an attempt to measure the costs and benefits of various policy alternatives and to evaluate actual and proposed activities. It is an aid for elected and appointed policy-makers to make decisions (and thus eventually policy) that will be in the public interest (Goldwin 1980:44). Furthermore, it is concerned with the conditions and structures that will enhance the efficiency of official actions (Lane 1982:384-385). It attempts to provide policy-makers with neutral and objective advice pertaining to the best programme in terms of economy and efficiency (Jenkins-Smith 1982:89). In addition, policy analysis is an aid to provide evidence for decisions already made or to determine whether existing programmes should be continued (Bozeman 1979:267).

In addition there are policy analysts who concentrate on analysing the policy process while others look at the results of the policy. It is thus not easy to arrive at a universally acceptable definition or categorisation of the field of education policy analysis.

2.5.2 Approaches to policy analysis

De Clercq (1997:128) argues that, broadly speaking, policies can be analysed in two different ways. They can be conceived as:

- rational activities (the same as the **functional approach**) aimed at resolving group conflict over the allocation of resources and values in order to restore the cohesiveness, order and/or functionality of the society (Taylor et al 1997:24)
- exercises of power and control and authoritative allocation of values between different social groups (the same as the **conflict approach** according to Taylor et al (1997:24)) (cf 2.1). De Clercq (1997:128) deems this a "**political approach to policies**".

The **traditional view** is that policy analysis and interpretation should be functional to policy development. Policy analysis will assist in determining the best course of action to adopt and in guiding implementers in translating this policy decision into practice to achieve the intended goal. The key questions will be (De Clercq 2000:9):

- what is the problem to be addressed?
- what is the appropriate clear policy response?
- what implementation issues and steps need to be developed at each level of the implementation chain?
- what are appropriate controlling and monitoring mechanisms to ensure that the goals of the policy are achieved?

The above is based on a positivist approach to knowledge, that knowledge is value-neutral, grounded in empirical facts (which are distinct from values).

Underpinning this approach, is the belief that education is neutral, value-free and that policy development and implementation are rational/technical exercises which will benefit the society as a whole.

The critical view rejects the positivist assumption that social science knowledge can be value-neutral and asserts that policy analysis is a value-laden activity, which explicitly makes judgements as to whether and in what ways policies can help to make things better. It is interested in developing education policies that are consistent with an education system that is linked to the concerns of social justice and democratic participation. Critical policy analysis is about struggling against oppressive social structures and practices by examining ways in which agendas are set and framed in favour of which interests and by identifying and overcoming obstacles to democratic policy development and planning processes. It is therefore a dialectic tool, which will not only look at technical issues of policy and planning but also at politics and how to strategize for progressive change towards more just and democratic policy outcomes (De Clercq 2000:9).

De Clercq (2000:9) sites the following key questions that need to be addressed in critical policy analysis:

- what are the issues that constitute the focus of the policy, i.e. how does the policy construct and frame the problem?
- how does the policy come about and who is involved?
- how does it propose to solve the issues?
- whose interests are being served?
- what is the policy content, its gaps and tensions?
- what is the implementation context and its processes?
- which/whose interests are privileged?
- what are the intended and unintended consequences?
- how do they contribute to the goals, which include social justice goals?

In brief, critical policy analysis sets out to understand what is taking place. It anticipates political

pressures, mobilises countervailing support as well as creates pressures towards more progressive policy changes. By understanding the power relations that arise at all stages of the policy process, analysing the manner in which this power is exercised in making political choices and identifying new options, policy analysis can contribute to organisational learning and shift the policy development process towards the interests of the more disadvantaged (De Clercq 2000:10).

Since policy takes on many forms, performs many functions and begets many effects, it is difficult to fix boundaries, let alone the workings of a policy or set of policies. Elusiveness may be a fundamental defining element of public policy (Steinberger 1980:187). Many authors elaborate the difficulties associated with systematically examining this elusive phenomenon. Efforts to analyse policy developments are seriously complicated by the mysteries of social problems and the intricacies of public policies (Malen & Knapp 1997:419).

Policy studies not only examine perspectives on policy analysis and development but also focus on those persons and groups who, for varied reasons, participate in the policy process.

2.6 TYPES OF POLICY

Not all policy scientists use the same classification to describe the various categories and types of policies. There is also no necessity to have just one classification system. Contextual constraints often determine the nature of classification systems. However, classification systems for policies does enable a more effective understanding of policies and the policy process.

Harman (1984:15), De Clercq (1997:128) and Taylor et al (1997:34) make useful distinctions between the different types of policies that apply to each of the following categories:

- **substantive and procedural policies**

Substantive policies reflect on what the government should do or is going to do while procedural policies spell out who is going to take action and through which mechanisms (Anderson 1979:126). The procedural function of documents is clear in the structures and processes they spell out for the implementation of each of the policies.

- **symbolic and material policies**

Symbolic policies are more rhetorical about needed changes while material policies provide real resources to some interest groups and are generally a commitment to implementation through the provision of resources, whereas these are absent in symbolic policies. Anderson (1979:131) is of the opinion that material policies “actually provide tangible resources or substantive power to their beneficiaries or impose real disadvantages on those who are adversely affected”. An example in South Africa’s education system of a material policy is the *South African Schools Act* (Republic of South Africa (RSA) 1996c). The *National Education Policy Act (NEPA)* (Republic of South Africa (RSA) 1996b) is an example of a symbolic policy. Barasa and Mattson (1998:41) are of the opinion that the symbolic nature of documents lies in their shared vision of the kind of educators being developed – a vision which at times remains purely rhetorical and difficult, or impossible, to ensure through procedures and regulations (for instance, how does one ensure that educators “exercise authority with compassion” or even that all educators have a common understanding of what this means?). Rein (1983:131) suspects that symbolic policies can have a strategic function in legitimising the views of certain groups and altering the political climate in which issues are discussed.

- **regulatory and deregulatory policies**

Policies in the equity and social justice areas tend to be more regulatory. The regulative function of documents, for example, lies in the legal control it establishes over the teaching profession. It is now law that educators have to be registered by a professional body as stipulated by section 21 of the South African Council for Educators Act 2000 (Republic of South Africa (RSA) 2000). Anderson (1979:128) says regulatory policies “involve the imposition of restrictions or limitations on the behaviour of individuals or groups” and “reduce the freedom or discretion to act of those who are regulated”. Deregulatory policies tend to be associated with an ideological commitment to minimal government intervention.

Such policies are not concerned with overt control, though more subtle mechanisms of control may emerge in devolved systems.

- **redistributive and distributive policies**

These policies shift the allocation of resources or rights among social groups. Much depends on how the allocation of resources is made. If an allowance is made to a targeted group through means testing, the policy could be said to be redistributive. According to Anderson (1979:131) redistributive policies involve “deliberate efforts by the government to shift the allocation of wealth, income, property or rights among broad classes or groups of the population”. Distributive policies involve straightforward allocations of resources, benefits or entitlements. Prunty (1984:5) argues that distributive policies are those in which resources are allocated to assist particular groups, and where those seeking benefits are not in direct competition with each other. A compensatory education programme designed to help migrant children with language skills would be an example of a distributive policy.

- **rational and incremental policies**

In rational policies there is a set of prescriptive stages for the development of policy and incrementalists argue that policy development works over time by building on existing policies and practices.

- **bottom up and top down policies**

Top-down approaches are those where the policy is formulated in central government and then disseminated and distributed “down” to provincial departments through to the school system. In contrast, bottom-up policies build, on current existing practices and pressures for change.

Classification systems for policies, however, enable a more effective understanding of policies and even the policy process.

2.7 POLICY DEVELOPMENT

Policies are usually developed close to the top of the political system (Fowler 2000:11). Presidents and ministers make speeches, legislators develop statutes and pass budgets. The State today is so large and complex that much policy has its gestation within the bureaucracy, rather than from a legislative framework or from a minister or political party. Politicians and bureaucrats

both administer and formulate policy (Taylor et al 1997:31). Anderson (1979:98) states that "Policy is being made as it is being administered and administered as it is being made".

Policy-making is the activity, which precedes the statement of a goal, and it involves processes and actions, inclusive of decisions on selecting from alternatives, a strategy to achieve a goal (Lerner 1976:21). The result of policy-making is a policy. Decision-making is not synonymous with policy-making because decision-making is a moment in an ongoing process in which alternatives are evaluated and a deliberate choice is made (Harrison 1975:5). In practice, policy-making involves making many deliberate choices with a view to arrive at a final statement of a goal.

As stated previously, there is no consensus as to what is meant by "policy process" and "policy-making," as different authors have different approaches to the topic. Harman (1984:16) emphasises the notion of a policy process, rather than the more traditional concept of "policy-making". The author believes that public policy is essentially about the transformation of group conflict over public resources and values into authorised courses of action concerning "policy-making". Harman (1984:16) argues that the concept of "policy-making" concentrates attention almost exclusively on the decision element of policy at the point of formulation, whereas the concept of "policy process" generally involves a series of sequential stages or phases, covering a span from when a particular programme has run its course and is terminated, or takes on some new form. These stages are described in paragraph 2.7.3. There are debates within sociology about whose values are allocated in the policy process and whose interests these values represent. According to Taylor et al (1997:27) there are those, which accept a dispersal of values and power throughout society and argue that governments attempt to please as many interest groups in the policy process as possible.

The process of policy-making in education and training should be practised in the art of consultation, listening, reasoning and persuasion as well as offering vision and leadership (Claassen 1999:14) as policy-making involves thought processes and actions, inclusive of decisions on selecting a strategy from alternatives to achieve a goal (Lerner 1976:21).

At the core of all policy work lie important theoretical assumptions about what constitutes policy and the policy process. Literature on the process of policy development has mainly been concerned with the relationship between research and policy-making. This approach has emphasised the role of research, researchers or knowledge producers and policy makers in policy-making. Within this approach two main trends can be identified: Those who see policy formation happening in stages and those who see it happening in multiple streams. A description of these trends is given below.

2.7.1 Policy-making represented by stages

The policy-making process is divided into sequential steps and each stage is treated as functionally distinct and involving different actors. Harman (1984: 17) identifies the following stages:

- **Issue emergence and problem identification**

Recognition of a problem or matter needing government attention; problem gains place on the public agenda and the official agenda; early mobilisation and support for particular strategies.

- **Policy formulation and authorisation**

The exploration of various alternatives; the formulation of a preferred course of action; efforts to achieve consensus or compromise; formal authorisation of particular strategies such as through legislation and the issuing of regulations or publication of directives.

- **Implementation**

Interpretation of policy and its application to particular cases; and development of a programme or programmes.

- **Termination or change**

Termination because the problem has been solved; the policy was unsuccessful or the outcomes were thought to be undesirable; major change in the direction resulting from feedback, or replacement by new policy.

Rist (1995:150) refers to the last stage as policy accountability. This occurs when the policy programme is sufficiently mature that one can address questions of accountability impacts and outcomes. In this model of policy, research enters the policy process at “appropriate” stages to guide policy-making, by documenting the existing state of affairs, assessing the feasibility of alternative outcomes and designing the mechanisms for bringing about change (Platt 1972:138).

In practice the stages mentioned do not occur in a series or in isolation from each other. As the public policy debate gathers momentum, an interaction will be set up between all the stages. As policy options begin to be identified and interrogated, these processes will feed into the choices made by political parties. The demands of political organisations will give focus to the exploration of policy options. Negotiations will continue and will influence existing state policies, while the negotiation process, in turn, will itself give direction to the last stages.

2.7.2 Policy-making represented by multiple streams

The other trend in policy-making postulates that policy-making happens in multiple streams. Schoole (1999:46) argues that a model that focuses on the flow and timing of policy action, captures on-the-ground realities of policy-making better. In this model streams of problems, solutions and politics move independently through the policy system. Officials are buffeted by demands, increasingly constrained in resources and under constant scrutiny from the media and public and they are often under pressure and unable to guarantee the outcomes which they promise (Schoole 1999:46).

Blackstone and Plowden (1990:12) argue that in this process there are often gaps and sometimes no linkages at all between realities, perceptions, decisions, actions and consequences. Weiss (1990:vii) affirms that in this situation, officials sometimes turn to advisers for additional assistance. But given the complexity of the issues with which they deal and the entangled interconnections among them, they need specialised forms of knowledge and analysis.

Mapping the policy process as multiple streams differs from the stages model in two major respects (Schoole 1999:46). Firstly, it does not view decision-makers as solitary or isolated actors confronted with clear-cut policy choices. Instead, argues Schoole, policy-making is treated as an interactive process which involves multiple players making choices under conditions of

considerable uncertainty and ambiguity. Secondly, it leaves space for participation of actors other than the ruling elite. The actors are individuals and groups who are not in government, but nevertheless occupy important positions in civil society and have a considerable stake in policy outcomes (Schoole 1999:47).

Malen and Knapp (1997:420) define the policy process as a process which refers to the interactions through which policy evolves, how policy is initiated, formulated, enacted, implemented, evaluated and revised. The policy process can occur in either of two ways:

- a linear model invoking clearly identified stages
- a non-linear interactive model in which all stakeholders engage.

The second model is difficult to describe in detail owing to the high degree of uncertainty with respect to appropriate outcomes and the wide range of contextual factors that impact on successful implementation. The interactions among stakeholders are diverse and generally unpredictable. Participation levels of participant stakeholders depend on the current agenda and priorities. The literature thus abounds in descriptions of the phase or stage model. This interactive model does not deny that stages can be identified in the policy process, but prefers to acknowledge the complexities and imbalances that can inform these stages.

2.7.3 Stages in the policy process

Attention is paid to a systematic and detailed development of the phase model in order to disclose some of the ambiguities and complexities raised by those insisting on non-linear interactive models. In effect the model presented can be seen as an integration of the two approaches to the policy process. Fowler (2000:13) is of the opinion that the policy process is the sequence of events that occurs when a political system considers different approaches to public problems, adopts one of them, tries it out and evaluates it. The policy process is thus viewed as a sequential pattern of action involving a number of functional phases of activity that can be analytically distinguished, but not separated. The process itself is circular. To understand the dynamic nature of "policy" it is necessary to identify the various stages of the policy process. Fowler (2000:13) says that the stage-model as described below has weaknesses because it suggests that the policy process is more orderly and also more rational than it really is.

However, she argues, it does provide a helpful framework for organising information and for investigating how policies change.

A process model, postulated by Dunn (1994:15-18), which is generally regarded as representative of the international experience in policy making, shows that the phases of agenda setting, policy formulation, policy adoption, policy implementation and policy assessment/evaluation are fairly common (De Coning 1995:153). Badat (1991:22) also distinguishes five phases in a so-called stage model in the policy process. These phases are similar to Dunn's phases. Dunn (1994:15-16) regards the phases as representing:

... ongoing activities that occur through time. Each phase is related to the next, and the last phase (policy assessment) is linked to the first (agenda setting), as well as to the intermediate phases, in a non-linear cycle or round of activities. The application of policy analytic procedures may yield policy relevant knowledge that directly affects assumptions, judgements and actions in one phase, which in turn indirectly affects performance in subsequent phases.

Although the first two stages of the policy process occur so quietly that they are almost invisible to the general public, the third and fourth stages (formulation and adoption) occur in more visible arenas (Fowler 2000:194).

Wissink (1990:31) defines the policy process as:

... a complex and irregular process which has inherently distinguishable phases which can be identified and studied, but which are for all practical purposes mutually dependent on each other for the information and resources to maintain the system.

A South African contribution to process models worth noting is the stage model of policy making by Wissink (Fox, Schwella & Wissink 1991:32). The authors note that an alternative approach to developing a policy-making model is to break down the policy process into descriptive stages that correlate with the real dynamics and activities that result in policy outputs. They note that the problem encountered with most models is that the process is viewed as being sequential in

nature, whereas policy is often initiated at different stages and bypasses many activities.

Wissink makes use of a process model adopted from Jenkins (1987:17) which provides for initiation, information, consideration, decision, publication, implementation and evaluation. His assumptions on which the model is based are of particular relevance. Any particular policy may go through one or more stages simultaneously, or may move back and forth between stages, rather than progressing through the stages in a sequential manner. Wissink (1990:30) points out that the fact that a government has adopted a particular policy and initiated the implementation thereof, does not mean that the policy process has been completed. He, however emphasises that no policy is ever complete, because the policy process is an ever-changing and continuous process into which analysts and researchers can break at any point in time. The advantage, however, for analysts in this context, is that several different but mutually independent stages of the process can be analysed.

Mutahaba, Baguma and Halfani (1993:49) recently put forward a useful model by following a macro approach and placing a significant emphasis on institutional factors. Although they acknowledge the complexities of policy processes, they successfully reduce the stages of the policy process to three dimensions. The dimensions are policy formulation, policy implementation, policy monitoring and evaluation. The authors regard policy formulation as encompassing problem identification, data and information generation and analysis as well as decision-making. According to this interpretation the policy-implementation phase includes co-ordinating, communicating, organisation, planning, staffing and executing. The authors regard monitoring and evaluation as consisting of the determination of information needs, the generation of information, the transmission of information, assimilation analysis and assessment and feedback to policy formulation. The importance of an institutional focus on policy-making processes is clear when Mutahaba et al (1993:49) note that the effectiveness of the policy process is highly dependent upon the interrelation between functions, organisations and capacities.

In a way, the South African policy-making process can be described as the White Paper process, due to the great emphasis on formulating national policies through this type of government document (Lungu 2001:95). The White Paper process conforms in several aspects to Dunn's

agenda-setting and policy formulation stages (Lungu 2001:95). In the light of the above discussion the generic process model will be addressed.

2.7.3.1 Agenda setting

At any given time, every society has numerous social problems, but only a few are ever identified as public policy problems (Fowler 2000:15). In order to have a chance of eventually becoming policy, an issue must be placed on the policy agenda. Social forces set agendas for policy-making and powerful politicians usually set the policy agenda (Fowler 2000:16) (cf 2.7). Sometimes the activities of grass-roots organisations influence political leaders' agendas (Fowler 2000:16). This entails the identification of problems and issues for which policy positions are required. It is directly linked to the availability of information pertaining to societal and community needs and the alternative methods of providing for these needs.

A common source of legislative proposals, is interest groups. Most interest groups have a long list of policy changes they would like to see and, according to Fowler (2000:197), when these interest groups judge that the time is ripe, they develop them into appropriate legislative proposals. Most teacher unions, for instance, have ideas about how their collective bargaining could be strengthened and how teachers' compensation could be improved (Fowler 2000:197).

Dunn (1994:17) regards agenda setting as mainly consisting of problem structuring that can supply policy relevant knowledge that challenges the assumptions, which underlie the definition of problems. The meaning which Grindle and Thomas (1989:229) attach to agenda setting is of particular note. This includes circumstances, pressing and chosen problems, the status of decision-makers, innovation or incrementalism and timing.

2.7.3.2 Formulation

For the purposes of this study policy formulation is defined as the purposeful articulation or formulation of policy (De Coning 1995:180). Authors often regard the concept as part and parcel of policy analysis and the drafting of policy simply as the outcome of the analysis stage. Specific skills are, however, involved in drafting policy and particular attention needs to be given to the formulation of policy. Anderson (1994:84) notes in this regard that: "Policy formation denotes the

total process of creating or developing and adopting a policy. Policy formulation, in contrast, refers more narrowly to the crafting of proposed alternatives or options for handling a problem”.

It is surprising that the local and international literature offers relatively little on this subject. Although rarely stated, some individuals have the ability to draft policy in an open and accommodating way (De Coning 1995:180). Anderson (1994:106) refers to policy formulation as a technical process. He remarks that:

Legislation or administrative rules must be drafted that, when adopted, will appropriately carry the agreed-upon principles or statements into effect. This is a technical and rather mundane but nevertheless highly important task. The way a bill is written and the specific provisions it includes can substantially affect its administration and the actual content of public policy”.

Anderson also points out that laws and rules have to be carefully written as people will look for loopholes or try to bend the meaning of policies to their own advantage.

Formulation is a process by which actual policies are devised by developing proposed courses of action with the help of appointed individuals and other sources of policy information such as interest groups. It can only take place if a body or forum authorised to do so does an authoritative selection and allocation of values. This separation of knowledge and action is problematic conceptually as well as in practice (Reimers & McGinn 1997:30). Reimers and McGinn argue that in most situations the persons who generate knowledge are not the same persons who formulate policy and are not the same persons who carry out the policies. They ask whether it is possible for the policy-maker to have the same knowledge as the researcher and whether it is possible for the implementers to have the same knowledge as the policy-makers.

Before a policy can be formally adopted, it must be expressed in written form. During policy formulation and adoption, three major processes occur (Fowler 2000:194). Fowler argues, and in many ways most importantly, that policy is expressed in writing, taking the form of a statute, an administrative rule, or court decision. This process is never easy because words have a range of meanings and can be interpreted in several ways.

People who formulate policy language are acutely aware of the fact that such details as the choice of *may* rather than *must* or the definition of *day* will affect a law's range of possible interpretations.

The first written text developed is usually a *bill*, a draft of a proposed statute (Fowler 2000:17). Most legislators do not write the bills they sponsor. Members of their legislative staff may develop bills, by lawyers retained for that purpose, or by advocacy groups who support the legislation (Fowler 2000:17) (cf 2.4.1; 5.5.2). Writing a bill is a highly technical process, as mentioned by Anderson (1994:106) and few people – even among lawyers and legislators – know how to do it (Fowler 2000:198). Therefore legislatures usually have a legislative drafting office staffed by lawyers who have the special technical skills required for drafting legislation. Provincial and national legislation have to be checked to determine how existing legislation would be affected if the new law were enacted.

This is a time-consuming process. Bills are open for discussion and comment and comment is considered by either Cabinet or on provincial level. Rules and regulations are written after statutes have been adopted and they too, may pass through several drafts before they become official.

A legislator can develop proposals and get them drafted as a bill and introduce it directly into the house of the legislature. Chief executives, secretaries and representatives of interest groups can develop a legislative proposal and get it drafted as a bill, but they cannot directly introduce it into the legislature. In order to accommodate interest groups and other interested parties, Weimer and Vining (1989:212-215) suggest that interaction with policy clients be structured and suggest the use of preliminary drafts. Weimer and Vining (1989:214) argue that policy-makers often have little time and that effective communication can be facilitated by following a few straightforward rules: provide an executive summary and a table of contents for a policy report; set priorities for information; use headings and subtitles that tell a story and use diagrams, tables and graphs carefully. The authors emphasise that soft issues such as professional integrity and scientific credibility are important factors for effective policy dialogue (Weimer & Vining 1989:216).

2.7.3.3 Adoption

The policy ideas developed and discussed in the first two stages of the policy process, usually become legislative proposals before they become bills, then statute laws and finally official policy. A legislative proposal is a serious recommendation for a policy change and can be considered the first step in policy formulation (Fowler 2000:196).

The adoption stage is the formal procedure by which policies come to be adopted by organisations and institutions and involves a public statement of intent of the policy-maker. In order for a policy to take effect, the appropriate body must officially adopt its written formulation. The informal process of policy adoption involves negotiating with a succession of policy actors in order to get them to vote to adopt a bill, and those negotiations usually relate to the way the policy is formulated (Fowler 2000:202).

As they move through the legislature, bills are repeatedly revised and amended. The final product is most likely to differ considerably from both the original legislative proposal and the bill as first introduced.

The different standing committees have meetings open to the public at which experts on the substantive content of the bill testify before the members of the standing committee, providing them with information and answering their questions (Fowler 2000:203). Hearings may be held. If the majority of the committee votes to approve the bill, it is reported out, moving on to the next step (Fowler 2000:203).

A national draft bill is submitted to Cabinet and from there it goes to state law advisers, from where it goes to the National Assembly or the National Council of Provinces (Lungu 2001:95). It is automatically referred to the relevant portfolio committee or select committee for consideration. These committees conduct public hearings and refine the bill and then resubmit it to one of the houses of Parliament according to Lungu (2001:95). Lungu further states that after one house approves the bill, it goes to the other and when both houses of Parliament have passed the bill, it goes to the President for assent and is finally published as law of the country.

Lungu (2001:95) further states that the legislative process is essentially a policy adoption stage, while the implementation and evaluation stages are responsibilities of individual departments who sponsor a bill.

2.7.3.4 Implementation

Once the legislative adoption stage of the policy process has been completed, one can begin to refer to something called public policy (Ababio 2000:68). Public policies are primarily implemented by legislators, the courts, public officials, interest groups and community institutions (Anderson 1994:84-87; Hanekom 1987:48-56). The practicality of policy options developed during the policy analysis stage has to be tested in practice and as some may put it: the proof of the pudding is in the eating of it (De Coning 1995:182). Implementation is the mechanism by which policies are translated into practice.

Most work on implementation focuses on how to increase commitment to the plan by those responsible for its implementation (Reimers & McGinn 1997:34). The passage of a statute and accompanying rules and regulations does not mean the new policy automatically goes into operation. District secretaries, principals and classroom teachers must implement education policies at the grass-roots level (Fowler 2000:17).

These educators are not necessarily enthusiastic about new laws and rules that come down from the top. Therefore the success of implementation depends upon motivating educators to implement the new policy and upon providing them with the necessary resources to do so. Fowler (2000:18) states that research suggests that often new policies are either not implemented at all or are substantially modified during implementation.

There is no neat separation between formulation and implementation. Policy is therefore seen as being partly about the production of a text but also about modifications to the text and processes of implementation. It is an interactive interplay between intentions and actions. It is formed rather than decided. It is both a discourse framing possibilities and constraints as well as a text which can be acted upon by the different policy stakeholders. Typically, in government, the implementation of a public policy involves first, the translation of policy into government

(implementation) policy e.g. a White Paper, and second, translation into administrative policy, and then, third, monitoring and evaluating implementation (Hanekom 1987:54).

In public policy, authors such as Rein (1983:123-128) and Hanekom (1987:60) distinguish three interdependent stages of policy implementation. The first is the development of particular implementation guidelines. This dimension includes priority determination and budgeting. Second, is the translation of executive policy into administrative policies, which should involve issues such as human resources provision, work procedures and organisational arrangements; and third, it should include the overseeing of implementation. In a formal sense this may refer to financial accounts but in contemporary management terms it not only implies control but also leadership of an enabling nature so that corrective action and review may come about during implementation (Rein 1983:127-128).

All interest groups that succeed in influencing the formulation of a particular policy may also influence its success or otherwise its implementation (Ababio 2000:70) (cf 5.4.3). As such the author argues, interest groups may be co-opted to assist policy implementation in advisory or even in leadership capacities. This could be achieved through town meetings in small communities and through ratepayers' associations, vigilante groups and social and political associations in larger communities (Reddy 1992:69).

2.7.3.5 Evaluation

Ideally, policies should be evaluated in order to determine if they work the way they are supposed to. Fowler (2000:180) argues that evaluation is a form of applied research designed to achieve this purpose. It furthermore involves an assessment of the success or failure of policy using particular criteria. It may or may not lead to new agenda-setting and reformulation of policy.

Evaluation is correctly emphasised as one of the most important (and often neglected) phases of policy-making processes (De Coning 1995:184). Evaluation attempts to measure and indicate the success of policy measures taken. It also points to new directions for a repeat of the policy-making process in its never-ending bid to improve policy (Hogwood & Gunn 1984:219).

With regard to the evaluation of public policy, Hanekom (1987:88) makes an important distinction when he states that: "... either the effectiveness of the process of policy making itself, or the effectiveness of the policy outputs need to be considered". Historically, policy evaluation has often been referred to as the last stage of the policy process, where those who determined and implemented the policy and those who were affected by the policy attempt to find out if it has really worked (Anderson, Brady & Bullock 1978:11). It is increasingly being recognised, however, that policy evaluation does not necessarily take place only after implementation of policy, but that it could occur as a continuous activity throughout the policy process (Hogwood & Gunn 1984:219).

According to Dror (1968:25), evaluation involves two main steps: the use of a criterion to ascertain the level of quality (qualitative and quantitative) of a process and the creation of a standard to appraise the ascertained quality. In this regard Dror (1968:31) is rather critical about methodologies employed in policy analysis and states that: "Most of this material relies too much on quantification and rationality, or is diluted by fuzzy thinking". Dror argues that: "While research data is often mainly gathered at either a structural or at an interactional level, sound analysis and intelligent conceptualisation requires that both levels (and their interactions) should be addressed".

The above discussion focused on evaluation regarding the impact of policy. The evaluation phase in fact represents a microcosm of the policy process as a whole. Comprehensive evaluation therefore also implies evaluating all phases, as discussed above. The evaluation of policy content remains a crucial priority as the quality of policy is dependent on both content and process factors (De Coning 1995:188).

In real life, however, the policy process does not chronologically follow the sequence of activities discussed above (cf 2.7.3). The sequential approach, nevertheless, helps to capture the flow of action and is subject to change. Additional steps can be introduced if experience indicates it is needed. The sequential approach is also not "culture-bound" and can be readily used to study diverse issues and various policy-making systems.

In this sense, policy making is a precarious business with unpredictable consequences given the complex interrelations between contextual factors and the variety of key players involved in the policy processes. Many policy players contribute to the way policy works and evolves; often there is conflict and contradiction between the perspectives or interests of those involved and not all players benefit equally. In the end, it is a temporary settlement between diverse, competing forces within civil society and the State.

2.8 PARTICIPATION IN POLICY-MAKING

To participate means, literally, to take part, to engage in something, which, by definition, is different and external to oneself. Participation implies essentially an external relationship (Torres 1996:26). Birch (1993:80) describes participation as an activity “of taking part with others in some social process, game, sport or joint endeavour.

2.8.1 Different types of participation

In an endeavour to better understand the nature of participation in the education sector in South Africa, two competing discourses on participation, namely, indirect participation and direct participation are explored. Walt (1994:18-19) makes a distinction between direct and indirect participation.

Direct participation refers to ways in which people attempt to influence the shaping of policy by close interaction with policy-makers. This could take the form of sitting on policy structures or as members of pressure groups.

Indirect participation is concerned with the election of representatives to serve in government or on any decision-making structure. This form of participation provides citizens with the freedom to choose who could best represent their interests in decision-making processes (Govender 2001:3). Elected or nominated representatives enjoy significant powers in being able to make decisions on behalf of their interest groups.

Direct participation, on the other hand, emphasises participation as a process that requires individual involvement in the activity itself, often in a particular context or shared actions (Govender 2001:3). Emphasis is on the active involvement of substantial numbers of private

citizens (as distinct from elected officials) in the process of shaping and implementing government policies (Birch 1993:81).

A critical aspect of direct participation is its educative role, that is, the development of individuals' psychological capacities and facilitating the acquisition of experience in democratic skills and procedures (Pateman 1970:42). Thus participation is not limited to the act of casting a vote, but would include a range of activities, such as lobbying, signing of petitions, organising and preparing for meetings, serving on policy committees and commissions, debating policy options and engaging in protest action (Govender 2001:4). However, critics of direct participation have pointed to the apathy and disinterest of the majority and maintain that high levels of participation are needed only from a minority of citizens to ensure a stable democracy (Govender 2001:4).

Pateman (1970:68-71) classifies three types of participation, which are useful for consideration in other contexts:

- “Full participation” – when people not only participate in activities but have equal power in making decisions
- “Partial participation” – when participants can influence decisions but do not have the power to make them
- “Pseudo-participation” – refers to situations of disguised participation in which employees (participants or stakeholders) merely endorse decisions, without in anyway participating in decision-making. An illusion of participation often results in such situations.

Pateman's classification is especially useful as it introduces the notion of a “power differential” suggesting that different types of participation imply varying degrees of power, which in turn shape the degree of influence that can be exercised in the decision-making process (Govender 2001:2). It also reveals that the locus of power for final decision-making usually rests with the State or management bureaucracy.

2.8.2 Stakeholders in education policy-making

Persons or groups with a common interest or stake in a particular action and its consequences, are stakeholders. All actors in an institutional context are potential or passive stakeholders (Reimers & McGinn 1997:60). In education this includes groups as diverse as parents, learners,

taxpayers, teachers' unions, public service employees, public contractors, employers, professional organisations, non-governmental organisations and others. All of these groups have an interest in setting the education agenda and shaping the organisations, which are established to participate in the process of education provision (Reimers & McGinn 1997:60).

Individuals in each of these role categories have not only a common set of interests which set them apart from people in other positions in the education system, but have distinctive resources and styles by which they can hope to influence policy (King 1977:79).

Dye (1995) identifies elite, the masses, interest groups and governmental institutions as actors who exert influence on public policy (Lungu 2001:92). The motivation and capabilities of citizens and public managers will depend much upon the capacity of new systems of public policy-making to support and mediate the diversity of interests. There is a need to explore the implications for structures of decision-making, power and legitimacy of the developing institutional capacity that supports the growth of the democratic practice (Ranson 1995:444).

Policy actors refers to the name often given to significant agents in policy making (Taylor et al 1997:28). Within any community, divergent and often conflicting views are held about where the real power lies in terms of education policy decisions (Harman 1984:18). According to Harman, one extreme may be that the role of government is essentially passive and that the evolution of policy is dependent on the interplay of pressure from teachers' unions, parents' associations, employers and other interests. At the other extreme, there may be the view that education policy depends essentially on the personal whim of the Prime Minister, Minister of Education or another powerful official. Both views are exaggerations, though they contain elements of truth. The reality according to Harman (1984:18) is that a wide range of actors shares in policy formulation and that even the formal powers of authorisation are shared among a number of participants.

Salisbury (1973:83) defines interest groups as those people who join, pay dues, go to meetings, seek and hold organisational office and, generally transform in the abstract, initials of the group into flesh-and-blood reality. In other words, interest groups tend to perceive shared attitudes of the group and then, make certain claims upon other groups in society by acting through the institutions of government (Roskin, Cord, Medeiros & Jones 1994:183). Though interest groups

are usually dedicated to the promotion of the interests of a particular group (Hanekom 1987:37), the group may undergo a transformation and become more than a mere body of persons bent upon seeking a common interest.

When the group embarks on real political action to realise demands, an interest group becomes a pressure group (Ibele 1971:230).

A crucial factor is common to all interest groups: they are all non-publicly accountable institutions which attempt to promote shared private interests by influencing public policy outcomes that affect them (Roskin et al 1994:183).

Archer (1984:66) distinguishes between three broad interest groups in education, namely (1) political elite, (2) professional interest groups and (3) external interest groups. The negotiating strength of these interest groups is influenced by their control over:

- the key resources of power
- wealth and expertise
- their structured interests
- organisational capacity, and
- ideology.

Negotiation can take the form of “political manipulation” whereby interest groups bring pressure on the political authorities; “external transactions”, whereby external interest groups transact with the profession for additional resources, or “internal initiation” which involves the initiation of change by members of the teaching profession (Archer 1984:67). Consequently Archer (1984:2) states:

Education is rarely, if ever, the practical realisation of an ideal form of instruction as envisaged by a particular group. Instead, most of the time, most of the form education takes are the political products of power struggles. They bear the marks of concessions to allies and compromises with opponents.

Ababio (2000:129) again classifies interest groups into two types. There is the group, which generally speaking, restricts its activities to a specific subject. Such groups include labour unions, action groups, professional institutes, staff associations, chambers of commerce, ratepayers' associations, women's leagues and churches (Hanekom 1987:37). The second type is what Pretorius (1982:50) would term "institutional interest representation" which comprises interest group representation on institutions such as agricultural and control boards, judicial and arbitration councils, occupational councils and on commissions or committees.

The success, role and degree of influence of interest groups on policies depends on a number of factors (Anderson 1994:35; Hanekom 1987:37 & Ibele 1971:234). These include, amongst others:

- the size of the group's membership
- its monetary and other material resources
- the skill of leadership in dealing with policy-makers, and
- the presence or absence of competing groups.

Anderson (1994:35) sums it up: "the group struggle is not a contest among equals". In attempts to influencing the public policy-making process, interest groups employ arrays of strategies. Ibele (1971:230) is of the opinion that interest groups are lobbyists and make personal contacts with government for policy favours.

2.8.3 Categories of interest groups in education

If our ultimate purpose is to develop a framework within which we can better understand and explain why education policies change, the manner in which we classify participants in that process becomes a critical decision. People's interests are closely tied to the role they play with respect to the education system. An interest group is someone or a group who authorises another to act on his or her behalf (Keith & Girling 1991:256).

2.8.3.1 Elected politicians

According to King (1977:79) elected politicians are that class of governmental leaders – presidents, prime ministers, parliamentarians, mayors and legislators, who are held politically

accountable for the welfare of the city, state or nation. King argues that most politicians are not well-equipped to debate education issues, because their experience in law, or finance, does not serve them especially well in the field of education where their competence seldom extends beyond that of the layman. What role then, do politicians play in the education policy-making process?

They may sense prevailing public opinion and crystallise issues, forcing education officials to formulate some programme to resolve the problem. Politicians holding elective office seldom propose new policy alternatives, but look rather to the education bureaucracy to produce specific proposals (King 1977:80). Nor would it appear that the professional politician is extremely important in biasing the choice between alternatives that are proposed, short of his or her ultimate responsibility to select the final authoritative policy according to King. S/he may serve as a conduit for influence brought to bear by private interests and will relay their demands to the responsible bureaucracy for action. Once the specific policy change is proposed, however, the politician assumes an important role as ratifier of that change. S/he may exercise, also, an effective veto power over proposals coming up from the bureaucracy, which s/he views as a political liability. In most cases, the only real choice the politician has, however, is whether or not to put his *imprimatur* upon the policy alternative proposed by education officials (King 1977:80).

King states that the underlying dynamic of decision for the politician is a calculus of justification. The politician will scrutinise proposals for new policy with an eye to the various elements of his own interest group that those proposals will affect and decide what action can be taken that will be best to satisfy his other political supporters. The primary consideration is to reap political profit in terms of interest group support and avoid politically damaging reaction from the public or interest groups within that public. Bureaucrats, interest group leaders, and even experts are also faced with the necessity of justifying their decisions. Pleasing the membership of a teachers' organisation or a superior in the bureaucracy, difficult as that may be at times, is not as complex as the task confronted by the politician who must somehow convince most interests within his other interest group that s/he is representing them with each vote s/he casts or each policy pronouncement s/he makes (King 1977:80).

2.8.3.2 Education officials

Education officials are, for the most part, appointed persons including ministers of education and their cabinets, other high and middle-level employees in the ministry and education personnel. These are officials held directly responsible for the performance of the education establishment.

King (1977:81) argues that there are major differences between actors in this broad category. Some might most appropriately be characterised as professional educators who have taught in school or been schools administrators and consider themselves, first and foremost, specialists in the field of education. There are also the administrators in influential positions who view themselves primarily as executives (cf 6.3.8). Then there are the education officials who regard themselves as political types, even though not elected politicians. The major function of education officials, according to King (1977:81), appears to be the detection of dissatisfaction with existing policy and the proposing and implementation of new alternatives.

2.8.3.3 Teachers and their organisations

Teachers react either negatively or positively to existing policy, because they are close to the school scene. As reactors to policy, teachers have always had some power to structure policy-making agendas and bring issues to the fore (King 1977:83). King argues that rapidly growing teacher organisations create issues or block implementation, but can also bias policy decisions that are in the making.

Teachers' organisations, like other interest groups, function primarily to promote and protect the interests of their existing membership (cf 5.4.4.2). King (1977:83) argues that for a teachers' organisation to operate effectively as an interest group within a competitive party system, it is prudent to maintain some distance from each of the political parties. If a party is assured in advance of the electoral and financial support of a teachers' organisation, there is little incentive to make concessions to that organisation.

King argues that the effect of such an association between interest group and political party is to cast the interest group in the role of critic and sometimes blocker of government initiative when the opposition party is in power, while savouring the prospect of ministry positions and the control that will be provided when and if the party with which they are allied comes into power.

In South Africa educators are organised into various national organisations like the South African Union for Vocational and Specialised Education (SAUVSA), National Union of Educators (NUE), South African Democratic Teachers' Union (SADTU), Professional Educators' Union (PEU) and Suid-Afrikaanse Onderwysersunie (SAOU). The National Professional Teachers' Association (NAPTOSA) has a management structure, which allows individual affiliates to deal with their own membership (Chetty 1993:20).

2.8.3.4 Parents and their associations

According to Verhoeven (1996:129) participatory parent involvement is designed to unlock centralised, bureaucratic structures that insulate policy and decision-makers who often do not share the aspirations of school communities.

Unlike teachers, parents have trouble organising themselves as an effective force upon education policy in most countries (King 1977:86). King argues that the difficulty that parents experience in organising for effective participation is in part due to a lack of commitment to total organisational effort that other groups, for example teachers, may feel is warranted by their professional interests. More importantly, it is also due to the lack of consensus about what the school should be doing. In many countries (King 1977:87) parents, as well as teachers, are now represented on school councils which have authoritative decision-making power in some areas of school policy. This is the case in South Africa as well. A problem which faces parent participation in formal School Governing Bodies (SGBs), is that the areas left open for real policy decisions may be relatively circumscribed either by law or by the design of the Department of Education. King argues that all too frequently parents serving on these structures fail to obtain the richness of information necessary to deal fully and influentially with the most important issues facing the school.

A major popular criticism of the South African system of education governance is that it has not facilitated the participation of parents in decision-making structures, because mainstream parents are not organised as an interest group in South Africa. There is however a Parents of Children with Specialised Education Needs (PACSEN) interest group with a membership of 14,000 parents (cf 3.5.5.1). The majority mainstream parents are however not organised (cf 5.4.4.1).

Parents, however have representation to participate in policy-making at institutional level at the institutions (schools) in which their children attend by being elected on the SGBs have a long history in England and the 1986 Education Act gave governing bodies more responsibilities (Ranson & Tomlinson 1994:105). In the United States school districts are established by the State and administered by boards, which comprise of elected community representatives. These boards are given much autonomy and ensure that local, cultural and religious values and interests are protected. Interest groups which serve as examples are Boston, Kentucky and Chicago (Looyen 2000:50). In South Africa SGBs have similar autonomy and can make policy on religion, language, admission to schools and a code of conduct for learners.

King (1977:86) is of the opinion that anyone who has attempted to rally parents to an education cause understands the enormous range of pedagogues, philosophies, aspirations, and values represented (cf 5.4.4.1). Parents may at times, be brought together in the common belief that something is wrong with the schools, but when they move to a point of trying to specify what is wrong, unanimity frequently breaks down (King 1977:86). The difficulty that parents experience in organising for effective participation is due, in part to a lack of commitment to total organisational effort (King 1977:86; Govender 2001:17). A related shortcoming has been the lack of organisational development, especially among a major component of the parent's sector.

Parents are important actors in the policy process, although in a somewhat different way from education managers and practitioners. Specific issues may stir the indignation of parents and lead to vigorous protest. However sustained organised influence upon education policy is crucial (Heckroodt 2001b:84).

2.8.3.5 Students

King (1977:88) argues that students, because of their transitory status, have little opportunity to develop experience in policy matters. Student organisations lack organisational skills, financial resources or the status to have a major impact upon education policy, through conventional channels (cf 5.4.4.3).

King (1977:88) acknowledges that students do, however, have the ability to disrupt, thereby creating a problem which will capture the attention of officials and the public. King argues that as

a general rule, the ability of students to influence the education system is diminished in the younger age ranges. The younger child has just as important interests in the education system as the university student, but must rely upon other spokespersons, or the courts, to fend for him.

In South Africa, students are classified as students at tertiary institutions and learners at pre-tertiary institutions, like schools and Further Education and Training Institutions (The former Technical Colleges). Learners are organised in the Congress of South African Students (COSAS) and South African Students' Congress (SASCO) (cf 3.5.6).

2.8.3.6 *The employer*

Principally through their professional organisations (e.g. the Chambers of Commerce) employers introduce the interests of the world of industry, commerce, and agriculture into the education policy process at both local and national levels. Manpower requirements, which are not being met, will forcefully be brought to the attention of school officials and politicians (King 1977:89). Employers and businessmen have especially strong ties to technical education and may serve on committees to develop new curricula in this area. The Gauteng Department of Education (GDE) and Business, like the Chamber of Commerce and others is represented on the GETC. (cf 3.5.6).

2.8.3.7 *The experts*

There is a sizeable assemblage of men and women who hold no official policy-making position, are not politicians, have no obvious education agenda, but still shape education policies, sometimes in a striking fashion. Here King (1977:90) refers to the "experts" – the academic researchers who specialise in education, teacher trainers, newspaper editors, chemists, mathematicians or historians. Many of the proposals for improving the education system are born among the men and women in this category.

King argues that beyond their function of proposing new policy directions, the experts serve to interpret and often to legitimate the education system to the lay public. Their credibility derives from their expertise and they have their own interest groups, which will be influenced, by the positions they take on any controversial education topic of the day.

The above survey of several of the more important roles in the education policy process is far from exhaustive, but the interest groups and roles that have been discussed have had the most consistent impact upon education policy across a variety of issues. Thus participation by stakeholders in the policy-making process can take a variety of forms depending on the structures created to accommodate their participation. The MEC appoints less than 20% of the total members of the GETC as experts (cf 3.5.6).

2.8.4 Consultation

There is a difference between consultation and full participation. The views of interest groups in civil society organisations may be solicited (consulted) on various matters (Govender 2001:2). However, there is no guarantee that such views will be incorporated in decision-making or policy-development. Consultation could therefore become a form of partial or pseudo-participation (cf 2.8.1). National and provincial education departments sometimes create special statutory forums to advise them on policy issues (cf 3.5.1). These advisory councils are structured in such a manner that all relevant stakeholder organisations and education experts are fully represented on them (cf 3.5.6).

Policy-making forums or Statutory Advisory Councils, like the GETC and the Kwazulu-Natal Education Council, comprising interest groups of all of the above-mentioned representative from interest groups, differ in their capacities to utilise information, provide representation for competing perspectives and anticipate implementation problems (Smith 1996:502).

Problems of information utilisation may be especially acute when lay citizens face the challenge of identifying, comprehending, and applying the results of empirical research. Because education policy development frequently relies on committees that draw members from the general public, there are strong reasons to identify impediments to effective research utilisation that may hamper the creation of appropriate and efficacious school policies.

Consultation may also take place within education departments or agencies, between different agencies or government at different levels, and between formal and informal actors. Sometimes consultation is informal and, at other times, the setting is a working group within a department, an inter-departmental committee, an advisory committee, a statutory board, an *ad hoc* working party

or a special committee of inquiry which often would include senior officials, outside professional experts and interest group representatives (Harman 1984:23).

Claassen (1997:24) states that it is better to spend hours consulting in advance and then to announce generally accepted policy, rather than rushing through policy which must be defended for even longer hours afterwards.

2.9 POLICY RESEARCH AND INFORMATION

In order to make informed decisions regarding policies, policy-makers need information (research). Although some attention has been given to the development of policy-oriented research, there has not been much focus upon research methodology for policy analysis within the education policy literature (Taylor et al 1997:40). Ball (1990:9) has noted that commentary and critique rather than empirical research have dominated the field of policy analysis. It would appear that methodological questions about what data or material is needed for analysis and how material is collected have been less important in critical policy work than the theoretical frameworks which are used and the questions which are asked.

In the past most attempts to research policy relied on quantitative research. However, of late qualitative research methods are being used. This reflects the fact that policy research is aiming to unravel the complexities of the policy process, a task for which qualitative approaches are better suited (Taylor et al 1997:40). This is not to deny a place for quantitative methods within critical policy research either alone or in combination with qualitative methods.

Reimers, McGinn and Wild (1995:79) conclude that what is needed to inform policy-making through research, is greater use of the scientific method in the process of policy formulation and decision-making. This will require closer links between researchers and decision-makers, because each will have to change to make these linkages possible. Decision-makers will have to change the authority structure of their organisations and researchers will have to learn the conceptual frameworks and language of decision-makers. The combination of scientific method with open communication will generate the learning organisation.

2.9.1 Types of education policy research

The type of research used by policy-makers to formulate policy is research for policy. There are two main types of education policy research, namely policy-controlled research and self-controlled research (Walker 1993:16). The basic distinction is between research that is controlled by policy makers and research that is controlled by the research organisation. The distinction between the two types of policy research has support in the literature. For example, Fasano and Patterson (1988:4), separate research that is instrumental to policy-making from “enlightenment” research designed to provide “an intellectual backdrop of concepts, propositions, orientations and empirical generalisations” (Weiss 1978:77).

- **Policy-controlled research**

In policy-controlled research there is a tendency to adopt the assumptions and modes of communication of the policy-makers, because the effectiveness of this mode of research depends on a high degree of integration with the processes of policy development (Walker 1993:17). Green (1994:47) argues that there is often a fine line between pre-formulated questions and pre-formulated answers. There are normative elements in all research programmes (Walker 1993:18). Research, which is confined to the elaboration of a pre-given policy, may still be research, provided that it has created new knowledge in the process.

- **Self-controlled research**

The essential point about self-controlled research is that it leaves control of research paradigms in the hands of the researcher (Walker 1993:18). Self-controlled research is not necessarily less normative. The producers of the research define their own agenda and their own relationship with policy, within certain boundaries dictated by the context in which they work (Walker 1993:16).

2.9.2 The relationship between research and policy

Some researchers are concerned that there is too great a “gap” between research and policy (Walker 1993:19). There are complaints that policy-makers ignore research findings, or that they “misuse” those findings, in the sense that they ought to accept the whole of the research rather than picking out the bits that they find useful. Closing the “gap” between research and policy is only desirable in the case of policy-controlled research. In the case of self-controlled research the logic is reversed. The very role of such research depends on its self-determination and this

requires separate spheres of research and a policy. The idea of a forum, which would bring into dialogue the various stakeholders in education to help shape a national strategy for education research, is not a new one (Rudduck & McIntyre 1998:114). The form of such a forum and its functions should, however, not be determined by the principle that in an age when better liaison between research and user communities is generally held to be desirable, a forum is a convenient way of meeting this vague objective (Ibid). Rather, argue Rudduck and McIntyre its form and functions should relate to the weaknesses in the research enterprise that might thereby be cured and the aims and objectives that might thereby be more fully realised.

The principal motive for establishing a forum should be the improvement of the quality of education research. Rudduck and McIntyre (1998:118) argue that in comparison with other fields of professional research, the extent of user involvement in education research is very low. For example it is evident that the engineering user communities are more involved with research and exercise greater influence over the research agenda than is the case in education (Rudduck & McIntyre 1998:118).

Rudduck and McIntyre (1998:119) state that relatively little education research leads to applied outcomes in either the policy or practice in education. Some of the reasons for this low level of application are that politicians decide policy on the basis of values alone rather than in association with relevant evidence, unless the evidence is consonant with their values. They usually work to very short time-scales and will seldom risk putting their policies to trial.

Though education researchers see dissemination as a problem, little is done about it. At the "macro" level Postlethwaite (1984:197) suggests that it is very important that researchers forge or strengthen links with policy-makers from the inception of a major national research project. There are different levels of policy-makers from the Minister to the various divisions in the ministry, the curriculum developers, the teacher unions, school principals and teachers. Postlethwaite (1984:197) argues that these links have largely been ignored.

Rudduck and McIntyre (1998:120) argue that some researchers defend themselves on the grounds that education research has in the past rarely been shown to have any direct impact on policy and practice and so can never be expected to have any direct effect. They state that some researchers

have even adopted the view that empirical education research designed for application is largely pointless and that research is best seen as critiques of policy and practice. Indirect influence has been more readily documented and so, the argument runs, can be accepted as the normal character and legitimate goal of research. "The relationship [between education research and policy]," reports Kogan (in Husen & Kogan 1984:48) "is held by most observers to be insidious, subtle and non-linear rather than direct and decisive" which helpfully lets researchers off the hook of application as well as active co-operation with users.

2.10 SUMMARY

This chapter has sought to provide a theoretical framework in which the essential features of policy development and analysis can be encapsulated. An attempt was made to identify the significant defining characteristics of the concept of policy. It has outlined the various perspectives that underpin policy studies and has articulated some of the approaches that have been adopted to ensure that policies are developed to meet the needs of all persons regardless of race, gender or disability. The various categories under which policies have been subsumed have enabled policy developers to focus more precisely on the purpose of particular policies in order to determine the most appropriate decision-making and course of action that would ensure its successful and equitable implementation.

The various elements constituting this theoretical framework should be seen as interacting with each other throughout the policy development or analysis process. Policy development is seldom a process that logically moves across all the important moments identified by students of policy. In practice the process tends to be more haphazard with various moments being addressed simultaneously. A wide range of actors impact on policy development. These actors are either interested or disinterested parties, politicians, officials in bureaucracies and a host of other sectors. The interaction of these stakeholders may produce conflict but may also provide opportunities for negotiation in order to reach consensus around sensitive and controversial issues (cf 5.4.1).

This chapter has also tried to show that research is an important component of any meaningful policy development or analytical process. Research informs both the development, implementation and evaluation phases. It can occur simultaneously with the development or can precede the entire

process through the identification of policy gaps and ineffective strategies to address important outcomes.

The functioning of a specific provincial statutory council, the GETC and its role in the policy-making process in education will be examined in Chapter 3.

CHAPTER 3

THE GAUTENG EDUCATION AND TRAINING COUNCIL

3.1 INTRODUCTION

This chapter addresses the statutory structures in education, which have recently been introduced at national and provincial levels in South Africa. It specifically addresses the GETC as one of the structures as well and its related functions. This is to be done against the background of the extensive changes in education, following the 1994 democratic elections in South Africa. The process by which the Nationalist Party government made policy had been exclusive in nature and characterised by a top-down approach whereby schools, at the bottom of the ladder, received notification and instructions on how to carry out the new policies. Nzimande (2001:38) reiterates that the system of policy-making inherited by the government of 1994 was completely closed. Claassen (1999:276) concurs and says the emphasis on participatory policy development is in reaction to the undemocratic decision-making processes of the apartheid era.

One of the first initiatives following the 1994 democratic elections was the task of integrating the various departments at national and provincial level into a national Department of Education (DoE) and provincial departments of education. Samoff (1997:4) adds that there was a “[w]idely shared general expectation ‘that post-apartheid education policy would replace the morass of multiple, racially differentiated education departments’ with a single, unified education system”.

It was clearly imperative that to establish a system of such complexity as outlined in the previous paragraphs, adjustment, foregrounding and a reconstruction of knowledge parameters would be required to broaden the involvement of stakeholders and role-players in this process. This imperative led to the founding of the National Education and Training Forum (NETF) on 7 August 1993, through the initial efforts of the National Education Conference, the Private Sector Education Caucus and the Department of National Education (National Curriculum Development Committee 1996:28).

Co-operative governance is one of the most important principles permeating the South African constitutional dispensation and education system (Zafar 2000:6). Chapter 3 of the *Constitution of*

the Republic of South Africa (Republic of South Africa (RSA) 1996d) provides for co-operative governance in South Africa and embraces the concepts of “participation”, “democracy” and “decentralisation”. Co-operative governance is further articulated in Schedule 6 of the *Constitution of the Republic of South Africa* (Republic of South Africa (RSA) 1996d), which gives concurrent powers to national and provincial governments with respect to all aspects of education except higher education. Given these concurrent powers, implementation of education policy resides with the provincial authorities. Both national and provincial governments have responsibility for making laws and develop systems for the implementation of policy. However, framing laws and administrative systems is a concurrent responsibility (Zafar 2000:6).

Democratic decision-making at both national and provincial levels implies a level of inclusivity of education stakeholders and a degree of openness and accountability of political representatives and officials in government. Coombe and Godden (1996:1) foreground this need within the South African context: “There is an acute need for sharing information on local governance in education, and developing practical guidelines on policy and practice”.

Given the potential for conflict between national and provincial legislation in a range of competencies, Chapter 3 of the *Constitution of the Republic of South Africa* (Republic of South Africa (RSA) 1996d) clearly spells out the principles of co-operative governance in that it should guide inter-governmental relations. In cases where a conflict emerges between national and provincial legislation, the *Constitution of the Republic of South Africa* (Republic of South Africa (RSA) 1996d) stipulates that every reasonable measure needs to be taken to settle the dispute internally without recourse to the courts.

The *Constitution of the Republic of South Africa* (Republic of South Africa (RSA) 1996d) also contains a *Bill of Rights* (Chapter 2) which frames all other legislation and administrative State action. From the perspective of education, the *Bill of Rights* entrenches the principles of equality; human dignity; the right to life; freedom and security of the person; freedom of religion, belief and opinion; freedom of expression; freedom of association; children’s rights; education rights; political rights; language and cultural rights. In terms of section 29 of the *Bill of Rights*, “everyone has a right to a basic education, including adult basic education, to further education, which the State, through reasonable measures, must make progressively available and accessible”.

The Constitution clearly defines the role of the national parliament as that of enacting legislation pertaining to the establishment of national norms and standards, education frameworks and policies (e.g. HIV/AIDS in education). No policy adopted or implemented in South Africa may be in violation of the *Constitution of the Republic of South Africa* (Republic of South Africa (RSA) 1996d). Thus laws and policies may be challenged in the Constitutional Court.

An important influence that underwrites policy in South Africa is the commitment to extending citizen democracy and participation in education as expressed in the first *White Paper on Education and Training* (Sayed 2001:255). Alongside this Section 11 of the *National Education Policy Act* (Republic of South Africa (RSA) 1996b) provides for the establishment of advisory councils for education and training at national level.

3.1 PARTICIPATION OF CIVIL SOCIETY IN POLICY FORMULATION

Civil society forms part of a social partnership with government and represents an organised means by which the State departments and society as a whole can interact and co-operate, whilst placing greater emphasis on each citizen's individuality (Heckroodt 2001a:79). It is the task of the individual member of a legislature to ensure that the expectations and needs of his/her interest groups are taken into account and their values are respected during the deliberations of the legislative body to formulate policies, which will promote the general welfare of its people. One such structure is the GETC, which has to be consulted by, and in turn has to inform the MEC for education in Gauteng Province on policy-making.

Heckroodt (2001:78) argues that unless the voice of all stakeholders in education is clearly heard and acknowledged in the consultative process, policies will be impoverished, failing to address the educational needs adequately. Carrim (2001:98) concurs with Heckroodt and claims that policies are more effective when they allow for maximum participation, allowing policy to engage with people's lived experiences and perceived interests at the local levels. This, it is argued, allows for more effective policy implementation.

3.2 PARTICIPATION IN POLICY-MAKING AT CENTRAL LEVEL

In terms of education, the Constitution is delicately poised in differentiating between policy-making for national purposes and executive functions between the Minister of Education and his/her other provincial counterparts (Manganyi 2001:32). The full effect of the constitutional arrangements is that the national minister has executive accountability for higher education and all national policy in respect of the school system, while the provincial members of the executive council have executive responsibilities for the schools under their jurisdiction (Ibid).

Section 37 in the *White Paper on Education and Training* (Republic of South Africa (RSA) 1995), states the following regarding consultation in the management of education:

The Ministry of Education is committed to openness and consultation in the management of education. However, it has inherited, in existing laws, a fragmented system of education consultation, which reflects the racially divided nature of the former South Africa. This must be replaced by a representative body or bodies which can provide effective channels for debate on and communication of public concerns on education and training policy and its implementation, which will provide advice to the Minister and be available for consultation by the Minister on matters within his or her competence (the Minister will support similar legislative steps at provincial level). In preparation for setting up the new structures, the Ministry will seek the advice of a wide range of stakeholders in education and training, including especially the organised teaching profession, organised students, parent organisations, and the National Education and Training Forum.

According to the *White Paper on Education and Training* (Republic of South Africa (RSA) 1995), the responsibility to determine norms and standards is the competence of the national Department of Education, while the provinces have the competency to implement policy directives and are in charge of direct provisioning (De Clercq 1997:134). It was also stipulated that education reforms had to be subjected to bona fide negotiations. De Clercq argues that the *White Paper on Education and Training* (Republic of South Africa (RSA) 1995) is a symbolic policy document which is gestural and with some momentary public relations importance,

designed to reassure all stakeholders with uncontroversial education principles and values as well as broad and general symbolic regulatory policy frameworks (De Clercq 1997:135). De Clercq further argues that the final version of the White Paper became increasingly contradictory in its efforts to address the concerns of all stakeholders, and in particular to appease department officials disturbed by the unfamiliar direction education policies are taking. It also became rather accommodating towards both the white public and private schools.

Carrim (2001:101) argues that the provisions of the Constitution within the education sector are operationalised through the *National Education Policy Act (NEPA)* (Republic South Africa (RSA) 1996b). The NEPA is the outcome of the discussions of two prior versions that were passed as *White Papers No. 1 and No. 2 in Education and Training* in 1994 and 1995 (Carrim 2001:101). The NEPA also sets out the principles on which all education is to be based. It provides the regulatory platform for policy development and implementation in an extremely divisive political and social environment (Manganyi 2001:31). The author states that the NEPA confirmed certain constitutional provisions while adding to the law through interpretive amplification. The major thrust of the NEPA is to define the powers and duties of the national and provincial education ministries. In these specifications of the NEPA, a particular expression of education decentralisation and modes of representation and participation are noticeable (Carrim 2001:101). According to Manganyi (2001:31) the NEPA is also the vehicle for the creation of public participation opportunities in the education policy-making process.

In the case of education, the demarcation of nine provinces means that the education system can now be constituted by one national and nine provincial education ministries, as opposed to the 19 racially and ethnically defined departments of education under apartheid. Carrim (2001:101) argues that the powers and the duties constituted in the NEPA give provincial education ministries considerable autonomy in deciding education matters. This leaves the national ministry with the primary role of ensuring adherence to constitutional provisions, establishing and monitoring norms and standards of education in the country and providing support for provincial activities. Provincial ministries are free to determine education policies and curricula, manage education institutions as they see fit, employ educators and utilise education budgets as they deem necessary (Carrim 2001:101).

Section 2 in the NEPA provides for the determination of national policy for education, consultations to be undertaken prior to the determination of policy, the establishment of certain bodies for the purpose of consultation, the publication and implementation of a national education policy and the monitoring and evaluation of education. Through the NEPA, section 11 (1) the Minister must establish consultative bodies to advise him or her on national education policies. Three statutory bodies were to be established, namely the Council of Education Ministers (CEM), Heads of Education Departments Committee (HEDCOM) and the National Education and Training Council (NETC). The two statutory structures that meet at the national level and greatly facilitate co-ordination between the national parliament and the provincial parliaments are the CEM and the HEDCOM (Republic of South Africa (RSA) 1996).

Although the Minister of Education has established all three Statutory Councils, the NETC is yet to be formally constituted, five years after the passing of the relevant legislation (Govender 2001:10). Nominations for a chairperson and members were called for in the media with a closing date of 4 June 1999. Karlson, McPherson and Pampallis (2001:177) argue that participation of stakeholders in the management and policy process is not taking place at systemic level and refer to the NETC in this regard. Reasons for the non-functioning of the NETC have, at the time of writing, been, at best, vague.

3.3 PARTICIPATION IN POLICY-MAKING AT PROVINCIAL LEVEL

As mentioned above, all provinces may institute legislation dealing with education issues within their province, providing that such legislation does not violate laws passed at national level. This means that provinces may prioritise issues depending on the needs of the particular province. Education legislation adopted by the different provinces by provincial legislature may therefore differ.

A non- statutory consultative structure, The Pretoria Witwatersrand Education and Training Forum (PWWETF) was established in the then Pretoria Witwatersrand Vereeniging Province on 19 November 1994 (Founding Agreement of the Pretoria Witwatersrand Vereniging Education and Training Forum (PWVETF) 1994:1). In 1995 when the Provinces were renamed, the PWWETF changed its name to the Gauteng Education and Training Forum (GETF).

Various consultative structures exist in Gauteng Province whereby civil society can voice their opinions. These are (Heckroodt 2001a:77):

- party political structures
- public hearings that the legislature convenes
- parliamentary interest group offices
- education standing committee
- education desks of political parties
- policy desks of political parties

The Gauteng Provincial Legislature is a political forum. Section 104-(1) (a) of the Constitution (Republic of South Africa (RSA) 1996) states that the legislative authority of a province is vested in its Provincial Legislature, and confers upon it the power to pass a constitution for its province. Provincial Legislatures in the nine provinces of South Africa are statute making bodies. MECs are appointed members of the Provincial Executive Council. In Education the MECs are also members of the Council for Education Ministers (CEM). The different political parties are represented in the Education Standing Committees. These committees review draft legislation regarding education before it is submitted to the Legislature. The overall governance structures and division of responsibilities for education set the stage for any discussion on specific policy domains.

A wide range of significant voices from all sectors of civil society is excluded from debates in these Standing Committees (Carrim 2001:99). It was thus important for Government to set up structures in which these voices could be heard and in which all stakeholders in education could participate.

3.3.1 Acts and regulations as enabling legislation for statutory advisory councils in education in Gauteng Province

In 1995 the Provincial Legislature passed the *School Education Act* (Gauteng Province 1995) which enabled the MEC for education to establish an Education and Training Council (GETC), District Education and Training Councils (DETCs) and Specialist Advisory Councils (SACs). *Regulations for the establishment of the Education and Training Council* regarding the

composition and procedures of organisational recognition and nomination were published in the *Provincial Gazette Extraordinary* on 6 June 1996 (Gauteng Province 1996).

In 1998 the Provincial Legislature passed the *Gauteng Education Policy Act* (Gauteng Province 1998), repealing sections 5, 18, 21, 32 to 46 and 88 of the *School Education Act* (Gauteng Province 1995) which dealt with democratic governance. These sections had made provision for the GETC, DETCs and SACs. The *Gauteng Education Policy Act* also provided for the establishment of the GETC, DETCs and SACs, but with certain amendments to their functioning (Appendix K).

Thus the GETC had to change course from January 1999 with the publication of the *Gauteng Education Policy Act* as some of the functions assigned to it had been changed. The guidelines, structures and processes in the *Gauteng Education Policy Act* assist in the transformation of the Gauteng Provincial Education system in that it encourages goal-directed policy-making within a broader public environment. It also creates an overarching legislative framework for the making of policy pertaining to education in the province.

The *Regulations for the Establishment of the Education and Training Council* (Gauteng Province 1996) were repealed on 25 July 2001 in terms of the newly promulgated *Regulations on the GETC, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units* (Gauteng Province 2001). These regulations provide for the composition and procedures of organisational recognition and related to the GETC as well as the DETCs, SACs and Local Education and Training Units (LETUs), which fall under the jurisdiction of DETCs. The previous *Regulations for the Establishment of the Education and Training Council* (Gauteng Province 1996) made provision for the composition and procedures of organisational recognition and nomination, for the GETC only, and not for the DETCs, SACs and LETUs. The GETC once more had to change course with passing of these regulations (Gauteng Province 2001) (Appendix J) on 25 July 2001.

The GETC thus functioned under two Acts and two sets of regulations in five years.

3.3.2 Interrelation of statutory advisory councils for education in Gauteng

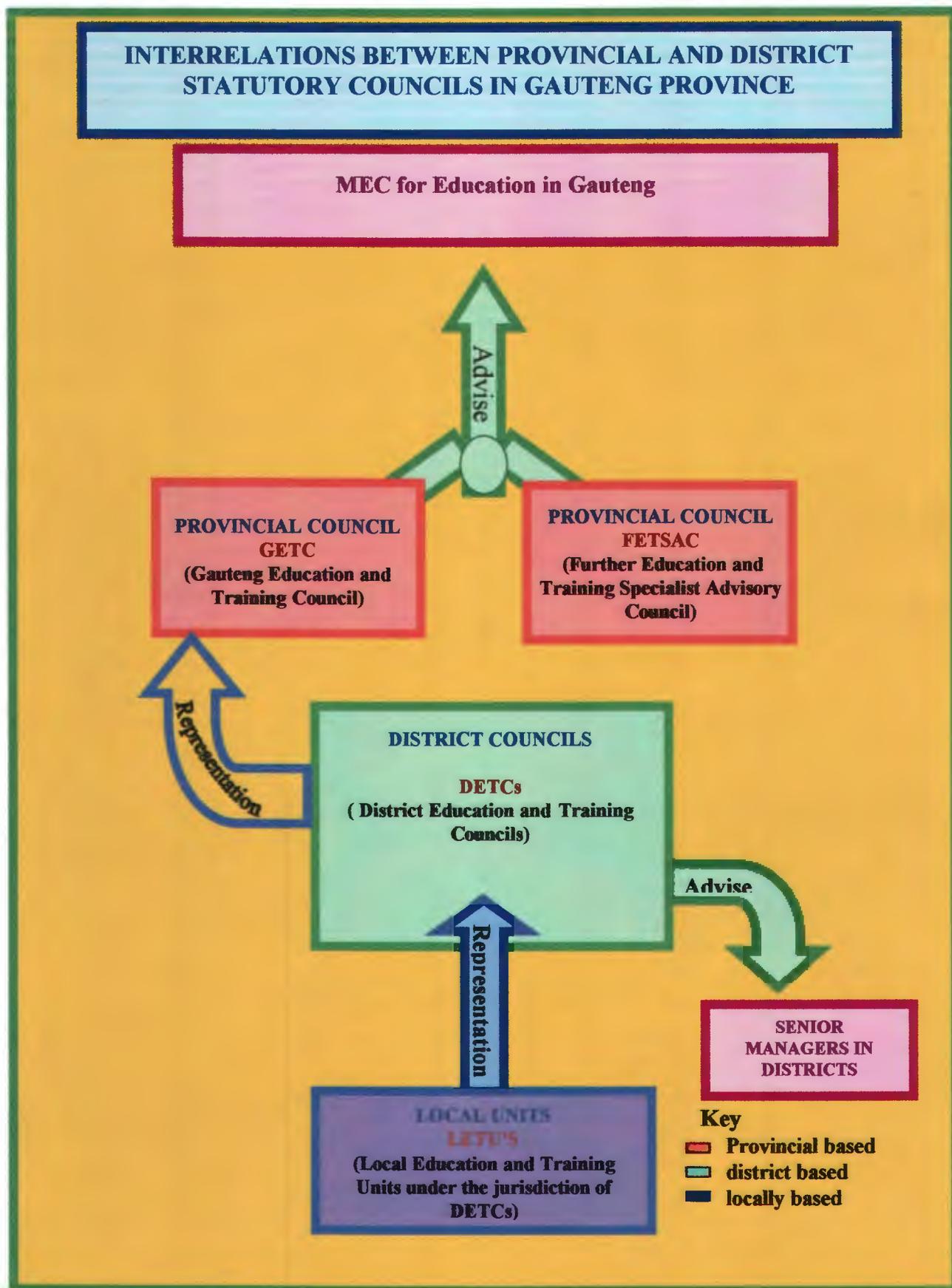
As provided for in the legislation mentioned above the GETC and the Further Education and Training Specialist Advisory Council (FETSAC), were established in 1997 and 2001 respectively. Following on this, the establishment of approximately 150 LETUs was commenced during the first half of 2002 and it is envisaged that 12 DETCs will be established by the end of 2002. Although this study focuses on the role of the GETC in education policy-making in Gauteng Province, it is necessary to give a brief description of the interrelation between all the statutory councils for education.

All statutory advisory structures in education in Gauteng Province are interrelated. The interrelation between the education statutory councils in Gauteng Province, namely the GETC, FETSAC, DETCs and LETUs is exemplified in figure 3.1. The interrelation can be described as follows;

- The two red blocks depict the GETC and FETSAC as provincial advisory Councils. The green arrow above these two Councils blocks indicates their advisory role to the MEC of Education. The GETC is to advise the MEC on policy, legislation and all education related matters in the province. The FETSAC advises the MEC on policy and matters related only to Further Education and Training.
- The green block depicts the DETCs, in the process of being established. The blue arrow to the left of the DETC block indicates the representation of the DETCs on the GETC. One representative of each of the 12 DETCs has representation on the GETC. The green arrow to the right of the DETC block indicates the advisory role of the DETCs to the respective twelve senior managers in districts.
- The purple block depicts the LETUs which fall under the jurisdiction of the DETCs. The blue arrow above the LETU block indicates their representation on the DETCs. The MEC appoints a member from each LETU to the DETC.

The illustration is on the following page.

Figure 3-1 Interrelations between statutory advisory councils



The system of the statutory advisory structures in education in Gauteng is illustrated in figure 3.2 in a three-tier framework, with each tier representing a different level of the system. On provincial level the GETC and FETSAC advise the MEC; on district level the DETCs advise the senior managers in districts and on local level the LETUs (under the jurisdiction of the DETCs) advise the senior managers in districts..

Figure 3-2 The three-tier governance framework in statutory advisory councils in education in Gauteng Province

LEVEL	PERSON ADVISED	ADVISORY BODIES
Provincial	MEC	Gauteng Education and Training Council (GETC) Further Education and Training Specialist Advisory Council (FETSAC)
District	Senior managers in districts	District Education and Training Councils (DETCs)
Local	DETCs in districts	Local Education and Training Units (LETUs under the jurisdiction of DETCs)

3.4 THE ROLE AND FUNCTION OF THE GETC

A major task of the new Government of Republic of South Africa (RSA) was the democratisation of the South African society and an important mechanism to achieve this is a truly democratic government. If the Government was going to initiate and implement policies and legislation, then such legislation and policies should be widely supported. It is also recognised that a government does not have all the wisdom in store with respect to education and training and that it could benefit from the scrutiny of its ideas and proposals by a broader group of people.

3.4.1 The purpose and rationale for the establishment of the GETC

The GETC was the first advisory council to the MEC on policy-making to be established in South Africa (Zafar 2000:7). It is indicative of the province's commitment to reflect the ANC's policy of democratic and participatory decision-making in its practices (Ibid). The year 1994 can be marked as the commencement of an era in which enormous changes in education took place. As could

also have been expected, it was inevitable that these changes would be contested (Metcalf 2002):

The purpose of the GETC was to establish a forum for inclusion, a forum for debate and serious consideration of different views. This forum would be a platform on which Government can try and persuade and convince people of the initiatives they were taking and also benefit from the wisdom of the stakeholders who would have a variety of experiences that could really deepen the quality of the outcomes.

Muth (1984:27) concurs with Metcalfe (2000) and is also of the opinion that persuasive power is important in a group and actors can establish their competent authority by clearly pointing out the reasons for the decisions they make (cf 5.4.1). There can also be power play amongst stakeholders. Muth (1984:27) defines power as "...the ability of an actor to affect the behaviour of another actor". Fowler (2002:31) agrees with Muth and states: "All actors have power and power permeates the education system, although some actors are more powerful than others, all have power".

Metcalf (2002), however, is of the opinion that power play should not come into the equation when she says:

The GETC could be the space where there would be robust engagement between Government and stakeholders and between stakeholders themselves. The way it was constructed was to ensure that there were spaces for minority voices and small groupings, because in a democracy all voices need to be heard and not only the big ones. If credibility and legitimacy is not given to the views of the stakeholders, they are even further and further marginalised and society will even be more fragmented. If people feel that their views are considered seriously and they are seriously engaged, then they are more inclined to stay within the mainstream. The majority views are not necessarily correct.

Metcalf (2002) is clearly convinced of the need for Government to engage with all relevant stakeholders and the benefit that can be derived from such engagement. Members from different organisations represent the different interest groups in the GETC (cf 3.5.6). Many

organisations had to start engaging with people in forums to which they previously had no access (Carrim & Sayed 1992:21). Innes (1999:9) reports on the working of these councils as "... it is difficult. The players in each sector – many of them arch rivals – have to work together and agree on a whole range of issues ... they have to see that their actions and procedures are focused on achieving the same aims"(cf 5.4.1).

3.4.2 Procedures for the establishment of the GETC

In order to establish the GETC, certain procedures were followed. This included the publication of a notice for application for membership to the GETC. This notice was published in four major daily provincial newspapers: Die Beeld, The Citizen, The Star, The Sowetan and in the Provincial Government Gazette of Gauteng.

Organisations from different interest groups applied for membership and a membership committee evaluated the applications. This committee made recommendations for membership acceptance to the MEC. On the recommendations of the membership committee, 47 organisations were granted membership in the GETC, while the MEC appointed a further nine individuals by virtue of their expertise or experience (Appendix A section A1.1 & A1.2). This gave a total of 56 members representing civil society in the policy-making process in education in Gauteng Province.

The GETC was inaugurated and officially launched on 28 February 1997 (Lackay 1997:12). The members must ensure that the desires and needs expressed by the organisations they represent are voiced and debated at the GETC meetings. Thereafter they have to report back to their organisations (cf 5.4.4).

According to the first set of regulations (Gauteng Province 1996), the term of office for membership of the GETC was two years, whereafter organisations could reapply for further membership. The first two-year term of office lapsed in February 1999. The then MEC, Ms. M. Metcalfe, however, granted an extension of membership until September 1999. The extension intended that, should the then MEC not be re-appointed for a second term of office after mid June 1999, the MEC to be appointed, would have an experienced GETC at his/her disposal. The new MEC for education, Mr. Ignatius Jacobs, extended the first term of office further, until the end of February 2000. Although these two extensions amounted to a three-year term of office, contrary to the stipulated two years, it was with good intentions of the outgoing and incoming MEC's.

Although the membership of the GETC was given permission to have membership extended to eventually three years, as described above, the Executive Council (EXCO) of the GETC, was however, elected on an annual basis as stipulated in the regulations (Gauteng Province 1996).

With the promulgation of the regulations on 25 July 2001 (Gauteng Province 2001), the term of office for GETC members was extended from two to three years. The current Council's term of office expires in February 2003. Four different chairpersons occupied this position in the GETC from February 1997 till May 2002. One chairperson served in two consecutive terms, having to act as chairperson at mid-term because of the resignation of a predecessor.

3.4.3 Vision and mission of the GETC

The vision of the GETC, as a broad based representation of stakeholders in education, is to advise the MEC on quality education and training for all learners in Gauteng Province (Appendix G section G1).

The mission of the Council as a consultative structure, is that the GETC shall strive to build constructive relationships with stakeholders through whom the MEC is able to access public opinion on policy and the state of education in the province (Appendix G section G2).

3.4.4 Criteria for membership

The MEC may, on written application by an organisation representing an interest group referred to in paragraph 3.5.6, approve membership to the GETC if:

- the organisation has a written constitution which provides for the membership of the organisation in a manner which does not violate the provisions of section 9 of the *Constitution of the Republic of South Africa*
- the MEC is satisfied that the organisation represents a significant proportion of the relevant interest group in the province
- the MEC is satisfied that the organisation has a demonstrable interest or history of involvement in the matters falling within the terms of reference of the GETC.

If an application for membership to the GETC is declined by the MEC, s/he must give written reasons for the non-compliance to the organisation.

3.4.5 Representation and participation in the GETC

For the purposes of this study it is important to establish the meaning of the terms “representation” and “participation”. Carrim and Sayed (1992:31) argue that representation allows interests to be articulated whilst potentially also silencing them and participation allows for the promotion of the interests of the actors, whilst also potentially allowing for these interests to be “submerged” for the benefit of the common good.

3.4.5.1 Representation

Carrim and Sayed (1992:31) are of the opinion that people who are in organised groupings are in a position to articulate particular demands, but in so doing they silence other demands since the articulation of demands, although representative, entails a process of selection, whether for strategic purposes or otherwise (cf 5.4.3). The authors further argue that this silencing of other demands raises tensions in relation to the extent to which representatives in fact represent the interests of all the members of a particular organisation or group. In addition, demands that are not represented or articulated tend to be submerged by demands that are articulated, while people who are not in organised groupings do not have access to processes of representation and their demands are not articulated at all (Carrim & Sayed 1992:31). This is true for the unorganised, like mainstream parents who are not represented in the GETC. Only Parents of Children with Special Education Needs (PACSEN) are represented in the GETC (Appendix A). They are a relatively small interest group, of plus minus 14000 parent members in comparison to parents of learners of mainstream schools, who are still not represented, in an organised interest group. Mainstream schools (institutions) imply schools not especially catering for Learners with Special Education Needs (LSEN).

Despite the positive aspects of seeking representation of all possible stakeholders in an organisation such as the GETC, policy-making in post-apartheid South Africa still faces a number of challenges and constraints. Nzimande (2001:38) argues that:

We have inherited a system of policy-making that was completely closed. The previous work of portfolio committees of parliament was not open to public scrutiny and debate. It is important to recognise that we tried to change the inherited system through the establishment of new rules and procedures.

Nevertheless, civil society has still to undergo a mind-shift from passive inertia to participation in policy debates. Lungu (2001:92) is of the opinion that there are variations between government departments on the use of established processes; while some attempt to be as inclusive as possible; others confine participation in the policy process to certain stakeholder groups. Moreover, Lungu argues that a policy area as large as education, with thousands of institutions, nine regional departments, a number of labour unions and interested Non-Government Organisations (NGOs) affects almost the entire population, while adequate representation of all these stakeholders is structurally limited.

3.4.5.2 Participation

Participation places huge demands on people when reconstructing society (Metcalf 2002). Metcalf argues that the process of democratising happens in education, health, safety and security and a whole range of areas and it is not everybody in society who feel that they have a responsibility to contribute to social organisations outside of their home, outside of their church, outside of their immediate family and work responsibilities. Ordinary citizens thus have to spread themselves very thin to participate everywhere. Moreover, Pinni and Cigliutti (1999:199) note that the socio-economic level of particular groups influences the level of participation, since families without economic resources are unable to afford or spare the time to participate. This means that levels of participation vary according to the socio-economic level of the community.

De Clercq (1997:142) is of the opinion that effective participation depends on a number of prerequisites:

- the State must be strong and endowed with sufficient organisational and institutional capacity and resources to be capable of managing viable systems of government

- if the State is committed to its own democratisation, it must also assist in the democratisation of civil society by mediating between different groups and assisting in the empowerment of the weakest civil society groups
- civil society, on the other hand, must be well organised and reflect the plural and diverse interest groups of society
- civil society's organisations must be able to deliver and bind an interest group to decisions taken by its leadership through proper accountable and mandated procedures and processes.

Govender (2001:1) states that a major factor in mediating the nature of participation, especially the meaningful participation of citizens and key actors, is the role of the State in exercising its power as dominant stakeholder.

Adding to the prerequisites mentioned by De Clercq, Van Valey and Petersen (1987:40) foresee the following:

- the public must be able to enter the decision-making process at an early stage (cf 5.7.3)
- for meaningful citizen participation all segments of the public have to have the opportunity to take part in the policy formulation process (cf 3.5.7).

These authors are of the opinion that outreach efforts may be necessary to ensure participation by the poor and minority groups. They also argue that frequent technical assistance will be necessary to translate existing scientific knowledge for citizens and to collect and analyse new data (cf 3.5.7; 5.6.3). If the public is to have an effective voice, ongoing means of facilitating participation will be needed, because decision-making is rarely so leisurely as to permit the public the time to create a new participatory structure for each issue that must be addressed (Van Valey & Peterson 1987:40). The GETC is an innovative participatory statutory council that provides the public with real opportunities to affect the policy-making process. Pinni and Cigliutti (1999:199) concur with the above writers and are of the opinion that participation is a learning process that requires intermediate steps toward the consolidation of small gains and warn against barriers to participation, noting that administrators may tend to control the councils, a tendency that can relegate civil society to its traditional roles (cf 5.4.4.4).

Ideal conditions for participation, as per prerequisites mentioned, do not exist in South Africa. It is important to understand what the relationship between the State and civil society can or cannot achieve. The involvement of civil society can be either a token gesture because of concerns of and demands on the senior state bureaucrats or, if encouraged through public submissions, lobbying and involvement in multipartite advisory bodies, it could result in the entrenchment of the position and interests of the already powerful privileged voices (De Clercq 1997:143) (cf 5.4.3). Anderson (1999:191) states that participation is a broad discourse that has come to be what post-structuralists call a “floating signifier”, meaning that the term participation is often appropriated by different groups promoting different agendas (cf 5.4.1). Metcalfe (2002) argues that participants in a debate should have enough confidence in the integrity of whatever position they take and be able to defend it anywhere, for example also in an informal settlement. Even if people are not persuaded they should at least be able to link the ideas heard in debates to their positions.

De Clercq (1997:143) is of the opinion that there is a strong vocal and dominant presence of conservative (White) forces in multipartite forums, lobbies and in the bureaucracy which militates against a significant shift in social power relations (cf 5.4.3). It is further argued that advisory bodies, like forums or councils could have their powers contained or phased in, depending on the character of the State department, the nature or capacity of its public representatives and the purpose and scope of the task itself. The responsibility of the State is a contributing factor to participation in structures especially created for this purpose. Karlson, McPherson and Pampalis (2001:172), are of the opinion that while the State encourages community participation in governance, little practical support has been forthcoming for major national organs of civil society. The National Education Co-ordinating Committee (NECC), for example, was allowed to cease functioning in 1995, despite appeals for assistance to the State for resources. Similarly, the appeal of the National Association for School Governing Bodies has been met with words of support but little assistance in obtaining material support (Karlson et al 2001:172).

There is, of course, a danger in equating the public interest with the content of compromises struck by organisations in civil society (Roux 1995:34). The author argues that the adoption of a pure civil society model would tend to encourage a “lowest common denominator” outcome in the sense that any policy adopted would represent the minimum compatible short-term goals of the interest groups concerned. The goal of an efficient civil society structure should be to build a

framework which forces organisations in civil society to look at the long-term public interest rather than their own, short term, factional interest.

3.4.6 Membership of the GETC

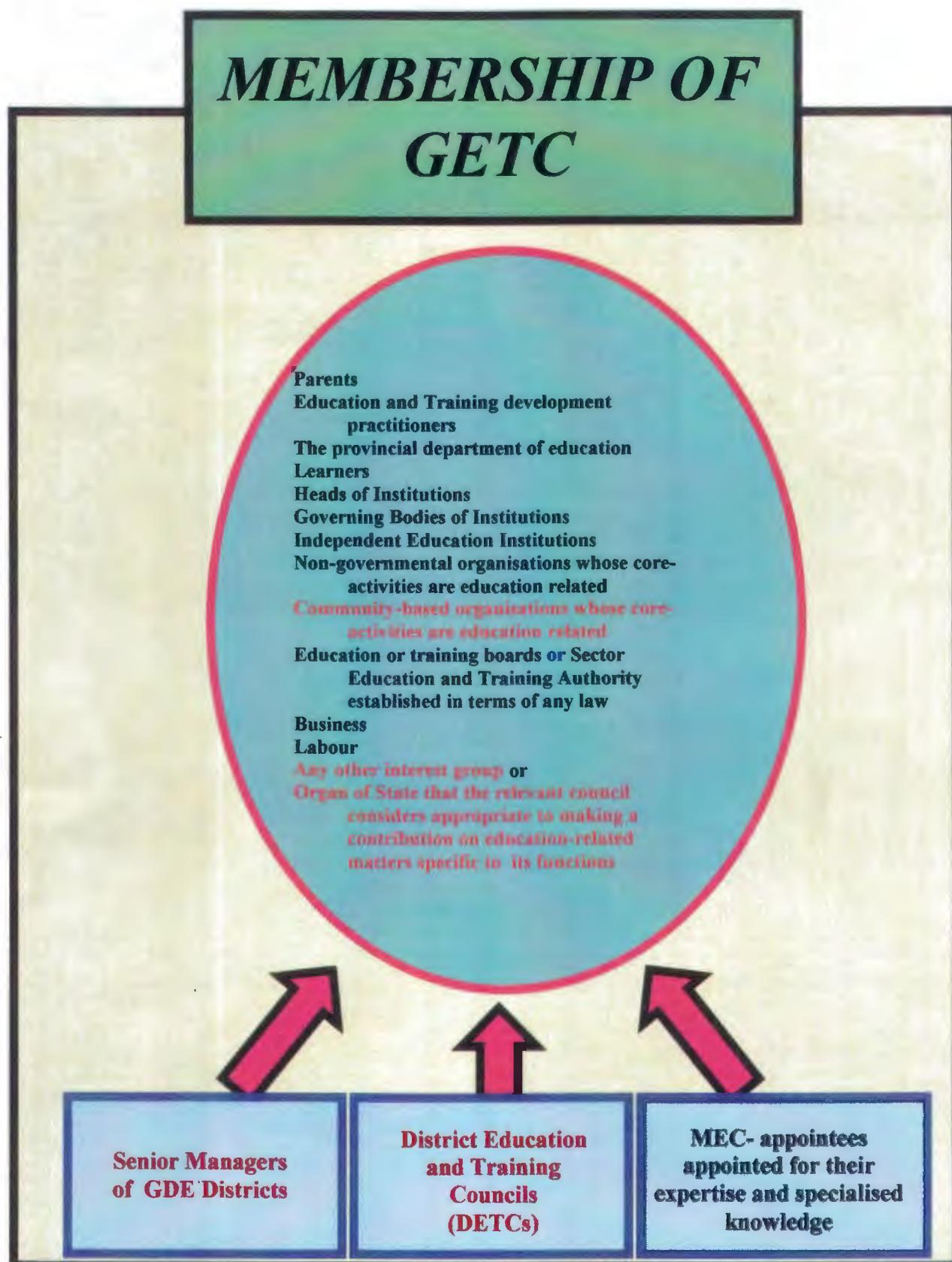
Section 10 of the regulations (Gauteng Province 2001) stipulates that the GETC must be composed of one representative to the GETC of the following interest groups as illustrated in Figure 3.3:

- each district council established in the 12 education districts
- parents
- education and training development practitioners
- learners
- heads of institutions
- governing bodies of institutions
- independent education institutions
- non-governmental education organisations whose core activities are education related
- business
- labour
- the provincial department of education in Gauteng Province
- community based organisations whose core-activities are education related
- senior managers in districts in the GDE
- education or training boards or Sector Education and Training Authorities (SETAs)
- any other interest group or organ of State that the GETC considers appropriate to contribute on education-related matters specific to its functions
- MEC appointees: these are individuals, numbering less than 20% of the total GETC members, appointed by the MEC and who by virtue of their experience and/or expertise, are able to make a valuable contribution to education in the province.

The interest groups Parents, Heads of Institutions, Learners and Sector Education and Training Authorities (SETAs) are under represented in the GETC (cf 5.4.4). The following interest groups, highlighted in figure 3.3 are not represented in the GETC at the time of writing (cf 6.3.8):

- District Education and Training Councils (DETCs)
- senior managers in districts in GDE
- community-based organisations whose core activities are education related
- other organs of State that the GETC considers appropriate in making a contribution on education-related matters specific to its functions
- any other interest group(s), not listed above, that the GETC may consider appropriate in making a contribution on education-related matters pertaining to the activities of the group(s).

Figure 3-3 Membership of the GETC



3.4.7 Capacity building of members

Policy-making forums differ in their capacities to utilise information, present opposing perspectives and to anticipate problems (Heckroodt 2001:87). Difficulty in utilising information may be especially acute when lay citizens face the challenge of identifying, comprehending and applying the results of empirical research. Heckroodt (2001:88) argues that the analytic interpretation of policies is a specialised function and councils should be equipped to perform this task satisfactorily. An orientation manual (Appendix G) has been developed for capacity building of members to assist them with the necessary legislative background, vision and mission of the GETC and how the GETC operates. Capacity building is also done at GETC conferences where members are introduced to the policy-making processes.

The *White Paper on Education and Training* (Republic of South Africa (RSA) 1995) outlines several measures to address the issue of “capacity building” (defined simply as “empowerment”) in education, although this was largely in relation to school governance. A complementary process of capacity building for organisations of civil society such as the Congress of South African Students (COSAS), is also required, “if the collective voices of the most marginalised are to be heard” (Tickly 1997:186). Tickly (1997:186) draws attention to the fact that the Congress of South African Students (COSAS) has lacked the organisational skills and resources to influence policy through official channels (cf 5.4.4.3; 6.3.5). Tickly is of the opinion that *The White Paper on Education and Training* (Republic of South Africa (RSA) 1995) reflects only a token gesture towards the inclusion of students in the running of schools, a long-standing demand of COSAS.

Inadequate representation, the need to build strong organisations in some interest groups and the disparate nature of skills among stakeholder representatives, highlight the need to build capacity in policy analysis and effective participation in democratic processes (Govender 2001:18) (cf 6.3.5).

3.4.8 The structure of the GETC

The GETC functions through three structures, namely the Council, the Executive Committee and the Plenary. The Council comprises of 34 members at the time of writing (Appendix A 3). The EXCO has six members and the roles of the office bearers are spelt out in Appendix J sections 35

to 41. The GETC is empowered, with the prior approval of the MEC, to establish sub-committees to investigate various matters referred to it. These sub-committees may co-opt members with the necessary expertise, from outside the Council. All committees of Council, however, are convened and chaired by a Council member and the GETC may dissolve them when necessary.

The EXCO, in consultation with the Council, prioritises, organises, sets agendas for Council meetings and co-ordinates the activities of the GETC. The function of Council is to debate and make recommendations to the MEC on all relevant education issues as well as draft legislation, policy and legislation. The Council ratifies decisions of the EXCO and reports from working groups and sub-committees. The Council arranges two plenary meeting a year, where all stakeholders in education are represented and at least 600 people generally attend.

3.4.9 Work programme

The work programme is decided on at annual conferences of the GETC and the EXCO drives the process. From 1997 till 1999 the MEC provided the GETC with an annual legislative programme, but since 2000 the GETC works on an ad hoc basis regarding policies and legislation. This ad hoc procedure of receiving policy and legislation without any forewarning or legislative plan makes it difficult for the GETC to plan their work programme or do projects on their own initiative. When policy and legislation are received from the MEC the relevant sub-committees meet and submit their reports to the full Council for ratification. This must all happen within 30 days from receipt of the mentioned documents.

The GETC functions reactively on policy and legislation on which they comment but pro-actively by reporting on national draft policy and legislation as well as reports and discussion papers and research initiated. One such pro-active report was the report *Focus on Curriculum 2005: Phase One. Report on the Implementation and Development of Curriculum 2005 during 1998* (Gauteng Education and Training Council 1999) (cf 5.7.2).

Besides the pro-active report mentioned above, the GETC's pro-activeness is further illustrated in their tabling of the following reports to the MEC:

- the *Focus on Curriculum: Phase One Report on the Implementation and Development of Curriculum 2005 during 1998* submitted on 3 February 1999.
- the *Early Childhood Development (ECD) draft policy* came to the attention of the members, before it was forwarded by the MEC to the GETC for comment and a submission in this regard was submitted to the MEC.
- the *Preliminary Report on the 1999 Results at Adult Learning Centres* was compiled by the GETC and submitted to the MEC on 24 June 1999 (GETC 2000).
- the *Second Report of Results at Adult Learning Centres* was forwarded on 28 September 1999.
- the *Guidelines for the Evaluation of HIV/AIDS and Sexuality Education Programmes* were compiled and forwarded on 24 November 1999.
- the senior certificate examination results were analysed and extensive reports were submitted for four years.

From time to time the MEC also requests the GETC to conduct investigations for example:

- the *Deracialisation of Schools* (18 September 2001).
- the *Financial Sustainability and the Promotion of Self-managing Schools and General Management* (3 August 2001).

The GETC also comments on some national draft policies and legislation, although it is not obligated, by legislation, to do so as is the case with provincial policies and legislation. Appendix F contains a list of 57 submissions made to the MEC from February 1997 till March 2002. A distinction is made between national documentation and provincial documentation in the Appendix.

3.4.10 Functions of the GETC

Section 7 of *Gauteng Education Policy Act* (Appendix K) stipulates that the GETC must:

- assist the MEC in developing education policy for the province
- consider and make recommendations to the MEC on all legislation related to education before it is introduced in the Provincial Legislature
- on its own initiative or at the request of the MEC investigate and consider matters relating to education and report on its findings to the Member
- on its own initiative or upon the request of the MEC, make recommendations to the MEC on matters regarding education in the province
- consider and respond to the annual and quarterly reports of the Chief Executive Officer (CEO) of the GDE
- perform any function assigned or delegated to it in terms of the Act or any other law
- on or before the last day of March of each year, present a written report on its activities for the previous year to the MEC, which must be tabled in the Provincial Legislature by the MEC within 14 days after its receipt.

Legislation further stipulates that the GETC must be consulted by the MEC prior to determining education policy, introducing education-related legislation in the Provincial Legislature or issuing education-related regulations. The consultation process with the GETC must commence at least thirty days prior to finalising the policy document to be entered in the *Gauteng Education Policy Register* (cf 5.5.2).

If, however, public interest requires that policy be made or that a regulation be issued without delay, the consultative process may be shortened or dispensed with, but the MEC has to inform the GETC accordingly, prior to making the policy or issuing the regulation. The MEC furthermore does not have to consult the GETC or other stakeholders if a technical amendment is effected providing that no substantive change to the original text is effected (Appendix K Section 18 (3) (b)).

The then MEC for education, Ms. M. Metcalfe, applied this section of the *Gauteng Education Policy Act* once of her intention to issue a notice for the *Regulations relating to Governing Bodies of Public Schools* (Gauteng Province 1997), because of the urgency for the promulgation thereof.

3.4.11 GETC meetings

The GETC accomplishes its mandate through meetings. Regulation 42 (Gauteng Province 2001) stipulates that the Council and its EXCO must meet at least four times per year. Since the establishment of the GETC, eleven Council and EXCO have been held per year. The quorum for meetings used to be 50% plus one, till 25 July 2001. With the promulgation of the new regulations (Gauteng Province 2001), it was changed to not less than 30% of members present.

Policy, legislation and other education issues are discussed at meetings. GDE officials are from time to time invited to do presentations to the GETC on the philosophy and thinking behind draft policies submitted to the GETC.

Two plenary meetings for stakeholders are held annually. The April plenary meeting is normally a feedback to stakeholders on the GETC's and GDE's annual reports. The October plenary meeting programme addresses a topical education theme. The GETC plenary meetings provide the Department and the GETC the opportunity not only to report on its activities but also to reflect on what has been achieved.

Legislation provides for the establishment of sub-committees with the concurrence from the MEC (Gauteng Province 1998). Subsequently 11 standing sub-committees were established by the GETC since 1997, to support the GETC in its work (Gauteng Education and Training Council 2002:10-13). Membership of a sub-committee extends beyond that of the Council and experts in a particular field are recruited to address particular issues or aspects of the proposed legislation and/or policy. It is often necessary to convene such working groups at short notice with a consequent loss of representivity (Heckroodt & Van der Vyver 2000:104). There may also be a lack of expertise as particular persons invited may be unable to attend because of prior commitments. While the GETC assigns certain functions to the sub-committees it remains accountable and retains authority to amend or rescind any decision taken by such a committee as

well a to dissolve a sub-committee should no further purpose be served to retain it. The *Examinations and Assessment Sub-committee* is one such a sub-committee, which was dissolved in 2001, due to its overlapping functions with the Examination and Assessment Board (Gauteng Education and Training Council: 2002: 10-11). All working groups and sub-committees, present their reports to the GETC for discussion and ratification before they are submitted to the MEC.

The respective briefs of the sub-committees are as follows (Gauteng Education and Training Council 2002:10-13):

- *Constitution and Rules sub-committee* - to review, propose and possibly amend the Rules and Constitution of the GETC as and when deemed necessary
- *Education Budget sub-committee* - to study, analyse and comment on the Provincial Education Budget and assist with compiling the GETC budget
- *Curriculum sub-committee* - to monitor the implementation and development of Curriculum 2005, including the assessment of the Curriculum
- *Legislative sub-committee* - to provide the core of an *ad hoc* committee to study and report on all proposed provincial legislation and regulations pertaining to education and training in the Province
- *Communications and Marketing sub-committee* - to implement the Council's marketing and communications strategy in order to promote the work of the Council to stakeholders
- *Examinations and Assessment sub-committee* - to scrutinise examination results and assessment methods at education institutions. This committee was dissolved in 2001 because of its overlapping functions with the statutory Examinations and Assessment Board.
- *Culture of Learning, Teaching and Service sub-committee* - to consider and comment on all aspects of the Culture of Learning, Teaching and Service Campaign of the GDE
- *The Deracialisation of Schools sub-committee* - to conduct whatever research is necessary regarding deracialisation

- *The HIV/Aids sub-committee* - to assess existing programmes to see if it is in line with the Guideline document of the GDE and develop a programme that meets these Guidelines and assist schools to assess programmes
- *The Financial sustainability and the promotion of self-managing schools and general school management sub-committee*– to research the financial sustainability of schools
- *The Further Education and Training (FET) sub-committee* – to analyse policy for FET institutions and other aspects regarding the implementation of the national FET Act.

From time to time the GETC also establishes working groups to report and investigate on matters which do not fall within the ambit of the various sub-committees. These working groups terminate after the completion of their reports. Examples of such working groups are: the Religious Working groups; the ECD working group and Learners with Special Education Needs working group.

Not all of these sub-committees are functional all the time, but meet when required to do so by the GETC or EXCO. Although these sub-committees and working groups may consist of members outside the Council, the Constitution of the GETC requires that the chairpersons must be GETC members.

3.4.12 Attendance

The attendance at meetings from April 2001 to March 2002, averaged 54%. Attendance of the individual members at meetings varies from 0% to 100% as reflected in table 3.1 (Gauteng Education and Training Council 2002:21-24). Some organisations have not attended for one year and some organisations have been absent from three consecutive meetings without rendering apologies (cf table 3.1).

Regulations 19 (c) (Gauteng Province 2001) stipulates that if a representative of an organisation has, without good cause, failed to attend three consecutive meetings, the Council can pass a resolution requesting the MEC to suspend membership (cf 5.6.1). The MEC will allow organisations that default, an opportunity to make mitigating representations, prior to suspension of membership. To date this route has not been followed by the GETC as the EXCO prefers to consult with members themselves.

Table 3-1 GETC cumulative attendance register for April 2001 to 31 March 2002

Key: P = Present; AA = Absent with apologies; A = Absent without apologies

Interest group and organisation represented	28/5 2001	11/6 2001	30/7 2001	27/8 2001	17/9 2001	22/10 2001	19/11 2001	28/01 2002	25/2 2002	25/3 2002	% Attendance
Interest group: Educators											
South African Union for Vocational and Specialised Education SAUVSE	A	P	P	A	A	A	A	P	P	P	50
National Union of Educators NUE	P	AA	P	AA	P	AA	A	P	AA	P	50
South African Democratic Teachers Union SADTU	P	AA	P	P	AA	P	AA	AA	P	A	50
Professional Educators' Union PEU	P	AA	A	P	P	A	P	P	P	P	70
Suid-Afrikaanse Onderwysers Unie SAOU	P	AA	P	P	P	P	P	P	P	P	90
Gauteng Congress for Early childhood Development SACECD	P	AA	P	P	P	P	A	A	A	A	50
Interest group: Learners											
South African Student's Congress SASCO	A	AA	A	A	A	A	A	A	A	A	0
Congress of South African Students COSAS	A	AA	A	AA	A	A	A	A	A	A	0
Interest group: Head of Institutions											
Association of Further education and Training Institutions of South Africa AFETISA	A	AA	P	P	A	AA	P	P	P	P	60
Interest group: Governing bodies of Institution											
Federation of South African Schools FEDSAS	P	P	P	P	P	P	P	P	P	P	100
Interest group: Independent Education Institutions											
Independent Schools Association of Southern Africa ISASA	A	AA	P	A	P	A	A	P	P	P	50

Interest group and organisation represented	28/5 2001	11/6 2001	30/7 2001	27/8 2001	17/9 2001	22/10 2001	19/11 2001	28/01 2002	25/2 2002	25/3 2002	% Attendance
South African Board of Jewish Education SABJE	A	P	AA	P	A	A	A	P	P	P	50
Catholic Institute of Education CIE Attendance of main member	A	P	P	P	P	P	P	AA	P	P	80
Catholic Institute of Education (Attendance of alternative member) CIE	P	P	P	P	P	P	P	P	A	P	90
Federation for Independent Early Learning Development and Training Centres FIELD (Attendance of main member)	P	P	P	P	P	P	P	P	P	AA	90
Federation for Independent Early Learning Development and Training Centres FIELD (Attendance of alternate member)	P	P	P	P	P	P	P	P	P	AA	90
Interest group: Non Government Organisations (NGOs)											
Afrikaanse Taal en Kultuur Vereniging ATKV	A	P	P	A	AA	P	P	P	A	P	60
Society for the Promotion of Arabic SPA	A	AA	A	A	AA		P	AA	P	AA	20
Inter-Church Commission for Education and Training ICCET	A	AA	A	A	AA	A	P	AA	P	A	20
Council for Adult Training and Education CATE	P	P	P	AA	AAP	AA	P	P	AA	A	60
Interest group: Business											
Johannesburg Chamber of Commerce and Industry JMCCI	P	P	P	P	PP	P	P	P	AA	P	90
Afrikaanse Handels Instituut AHI	P	P	P	P	P	AA	P	A	A	P	60
Interest group: Parents											
Parents of Children with Specialised Education Needs PACSEN	P	AA	P	A	P	P	P	P	P	P	80

Interest group and organisation represented	28/5 2001	11/6 2001	30/7 2001	27/8 2001	17/9 2001	22/10 2001	19/11 2001	28/01 2002	25/2 2002	25/3 2002	% Attendance
Interest group:											
MEC Appointees											
MEC appointee no 1	A	P	P	A	AA	AA	P	A	A	A	30
MEC appointee no 2	A	P	P	A	A	P	A	AA	A	P	40
MEC appointee no 3	P	P	P	P	P	AA	P	P	P	A	80
MEC appointee no 4	P	P	P	AA	P	A	P	A	A	P	60
MEC appointee no 5	P	P	P	P	P	P	P	A	P	P	80
Interest group: Provincial Government											
Gauteng Department of Education GDE	A	P	AA	P	AA	A	A	A	A	A	20
Interest group: Labour											
The Federation of Unions of South Africa FEDUSA	P	P	AA	P	P	P	P	P	P	A	80
National Council of Trade Unions of South Africa NACTU	A	P	P	A	AA	A	A	A	A	A	20
Congress of South African Trade Unions COSATU	A	AA	AA	A	A		A	A	A	A	0
National African Federation of Chambers of Commerce NAFCOC	P	AA	A	A	A	A	A	P	P	P	40
Interest group: Sector Education and Training Authorities (SETAs)											
Services Sector Education and Training Authority SSETA	A	AA	A	A	A	A	A	P	AA	A	10
Medium Advertising Packaging Printing and Publishing MAPPP SETA	A	A	A	P	A	A	A	A	A	A	10

3.4.13 Administration of the GETC

The GETC is funded by the GDE and the sub-directorate Representative Structures, responsible for the administering of statutory councils and boards administers the budget within provincial regulations and administrative practices on advice of the GETC. The GETC compiles the budget according to departmental procedures. The budget for the financial year 2002/2003 is R234 000.

Besides operating costs, allowances for travel and subsistence are paid to members according to section 13 (1) of the *Gauteng Education Policy Act* (Appendix K).

According to legislation, the GDE must provide administrative support to statutory bodies set up by the MEC for Education to assist in the policy and legislative development process (cf 6.3.12). The GETC is one of these statutory councils and the Representative Structures Sub-directorate of the GDE provides such administrative support. The Sub-directorate comprises of 10 officials with the researcher as manager. At the time of writing two posts were vacant. One of the staff members is responsible to fulfil the duties of Administrative Secretary to the GETC.

In this study reference is made to the Secretary and the Administrative Secretary. The Secretary is a member of the GETC, elected as Secretary to the EXCO, during the annual elections. The Administrative Secretary is a GDE appointee responsible for all administrative and secretarial functions of the GETC and all its committees. Hereafter, the Secretary of the EXCO is referred to as **Secretary** and the official from the GDE as the **Administrative Secretary**.

3.4.13.1 Functions of the Administrative Secretary appointed by the GDE

In terms of section 39 of the regulations (Gauteng Province 2001), the functions of the Administrative Secretary of the GETC are as follows:

- keeping and maintaining a record of representatives
- attending all meetings of the GETC and its EXCO and recording the minutes of the proceedings at those meetings
- conducting the correspondence of the GETC and keeping originals of letters received and copies of letters sent
- reading significant correspondence that has taken place since the previous meeting at each meeting of the GETC
- retaining a copy of the confirmed and signed minutes of every meeting of the GETC, its EXCO or any other sub-committee in safe custody in the office of the Council for a period of at least three years from the date those minutes were confirmed

- submitting to the MEC the annual report of the Council e consultative process between the MEC and the GETC.

For the effective functioning of the GETC the Administrative Secretary has to:

- liase between the GETC and the GDE
- advise the GETC on working procedure
- provide information on pending legislation
- provide all secretarial functions for the GETC
- prepare agendas and notices for meetings and collect relevant documents (section 43 of regulations 2001)
- ensure that all documentation pertaining to meetings are received by the members at least 10 days before meetings are to take place (section 43 of regulations 2001)
- the execution of all functions and activities assigned to him/her by the Council.

The documents for meetings are distributed by means of postal services, faxes and e-mails and at times by courier. Documents are often voluminous and therefore have to be despatched, timeously in order to reach the members 10 days before meetings, as required by legislation (Appendix J regulation 43 (i)).

3.4.13.2 Functions of the Secretary of the EXCO

According to regulation 39 (Gauteng Province 2001) the Secretary of the GETC must ensure that the administrative and secretarial work arising from the activities of the GETC is carried out and that the administrative and secretarial work of the office of the Administrative Secretary is attended to. This entails:

- keeping and maintaining a record of representatives on the relevant council or unit attending all meetings of the relevant council or unit, and its EXCO and recording the minutes of the proceedings at those meetings
- conducting of the correspondence of the relevant council or unit and keeping originals of letters received and copies of letters sent

- reading of significant correspondence that has taken place since the previous meeting at each meeting of council
- retainment of a copy of the confirmed and signed minutes of every meeting of the Council, its EXCO, or any other sub-committee of the Council in safe custody in the office of the Council, for a period of at least three years from the date those minutes were confirmed
- submitting to the MEC of an annual report on the activities of the Council.

Besides the above responsibilities of the Secretary of the GETC, the Rules of the GETC (Appendix D) determines that the Secretary and Treasurer must audit the work of the Administrative Secretary to ensure that minutes of all EXCO and Council meetings are being kept and the Council is operating within its budget.

3.4.14 Constitution of the GETC

When the Constitution of the GETC was developed and adopted, it was done in compliance with regulation 27 (Gauteng Province 1996) which stipulates that the GETC must adopt a constitution, not inconsistent with the *School Education Act* (Gauteng Province 1995), by a majority of two-thirds of its members.

The MEC appointed an interim chairperson at the launch of the GETC and at the first meeting in March 1997, the process of developing a constitution commenced. The present Constitution of the GETC was adopted on 24 June 1997 (Appendix B) under Regulations Notice 1893 of 1996 (Gauteng Province 1996). The first election of EXCO members took place in May 1997.

Because of the repealing of certain sections relevant to statutory councils, like the GETC, in the *Education Policy Act* of 1998 and the subsequent repealing of the regulations of 1996 (Gauteng Province 1996) by the regulations of 2001 (Gauteng Province 2001), (cf 3.4.1) the GETC has to align their present Constitution according to the new legislation. At the time of writing, the proposed draft amendments to the Constitution of the GETC (Appendix C) had not yet been adopted. The Legislative sub-committee has met to discuss the proposed amendments and is in the process of submitting the amendments to the GETC.

3.4.15 Rules of the GETC

The *School Education Act* (Gauteng Province 1995), section 34 (4) stipulated that the GETC shall determine its own rules to regulate its meetings and procedures at such meetings. The *Gauteng Education Policy Act* (Gauteng Province 1998) which repealed the *School Education Act* (Gauteng Province 1995), makes no reference to rules for councils. The GETC's existing rules, which were adopted in February 1998 are still in force (cf Appendix D). The existing Rules, however, will have to be amended to be aligned with the *Gauteng Education Policy Act* (Gauteng Province 1998) and the Regulations (Gauteng Province 2001). The proposed amendments to the Rules, to align the rules with legislation are attached (Appendix E). At the time of writing, the proposed draft amendments to the Rules of the GETC (Appendix E) had not yet been adopted. A short summary of the Rules of the GETC (Appendix D) is given in the following paragraphs.

Applications for membership are addressed to the Administrative Secretary, who in consultation with the staff members of the Sub-directorate Representative Structures in the GDE, scrutinises each application to ensure that it complies with the criteria required for membership.

At every EXCO meeting the Liaison Officer (cf 5.5) scrutinises the accumulative attendance register supplied by the Administrative Secretary to note which members are not attending meetings. The Public Relations Officer (cf 5.5), in conjunction with the Administrative Secretary, is responsible for communicating with stakeholders. The Public Relations Officer should also attempt to establish a sound relationship with the Education Standing Committee of the Provincial Legislature so that Council may interact meaningfully with them.

MEC appointees may only be represented by alternates (persons substituting for main members), provided that Council has been advised of the names of alternate members, in writing before or at meetings.

The acceptance of membership implies that the representative of an organisation acknowledges an obligation to attend all meetings as far as possible. Should members not be able to attend Council expects that an apology be tendered. Certain procedures for the election of EXCO members must be followed. The EXCO is elected annually as soon as its term of office has expired.

3.4.16 Submissions made to the MEC by the GETC between May 1997 and March 2002

The GETC reports on its findings and comments on policy and legislation by means of submissions or reports to the MEC. During the five years of its existence, the GETC presented 57 submissions to the National Department of Education (DoE) and the MEC. A summary of these is as follows:

- June 1997 till March 1998, 15 submissions
- April 1998 till March 1999, 11 submissions inclusive of two special projects
- April 1999 to March 2000, 12 submissions inclusive of 4 special projects
- April 2000 to March 2001, 9 submissions inclusive of 2 special projects
- April 2001 to March 2002, 10 submissions inclusive of 2 special projects.

A detailed list of submissions from June 1997 to March 2002 is attached (Appendix F). The wide variety of issues as illustrated in the scope of submissions, which had to be dealt with by GETC, implies that members need to be conversant with most, if not all aspects of education. Table 3.2 as example illustrates the wide range of submissions, national and provincial, made by the GETC between June 1997 and March 1999 (Appendix F sections F1- F3).

Table 3-2 List of submissions made by the GETC, Nationally and Provincially between 1997 and 1999

<i>Type of document</i>	<i>Title of document</i>	<i>Report submitted to the MEC</i>		
		<i>1997</i>	<i>1998</i>	<i>1999</i>
National policy, legislation and/or regulations	Language in education Documents	June 26		
	Skills Development Bill	Oct 17		
	Norms and standards for school funding		Feb 17	
	Further Education and Training Bill		Aug 20	
	National policy for HIV/Aids in public schools			Mar 16
National discussion documents	Aspects of law relating to HIV/Aids	Sept 19		

Type of document	Title of document	Report submitted to the MEC		
		1997	1998	1999
	Green Paper – FET		May 25	
	Report of Ministerial Committee on Religious Ed			May 4
	Comment on Consultative Paper no 1 on Special Education			Oct 26
Provincial legislation	Examinations and Assessment Bill	July 29		
	College Education and Training Bill	Oct 15		
	Education Policy Bill	Nov 27 Draft 1	July 28 Draft 2	
	Examinations and Assessment Amendment Bill		Aug 19	
Provincial regulations	Admission of learners to public schools	Nov 27		
	Independent schools	Nov 27		
	Centres for Adult learners		Jan 28	
	Misconduct of learners		Jan 28	
	Promote objectives of the Examinations and Assessment Act		Aug 24	
	Admission of learners Amendments		Aug 24	
	Regulations for College Councils			Nov 23
	Regulations for GETC, DETCs, and LETUs		Jan 28 First draft	Second draft Nov 28
Regulations for education policy register			Nov 24	
Provincial policy	Assessment Policy – Draft 6			May 4
National Reports	National Committee on Further Education		Feb 17	
	National Business Initiative – FET Audit Report			Jan 27
Provincial reports	Reports on symbol distribution for senior certificate examinations	March 11	May 26	
	Report on members of the Examination and Assessment Board		May 26	
	Report on Knowledge and skills for the Smart Province			Jan 27
	Phase 1 report comment on grade 12 examination in 1997			May 28
	Preliminary report of results of Adult Learning Centres		June 28 first report Sept 28 second report	
Research undertaken	Implementation on and development of Curriculum 2005 during 1998			Feb 3

Legislation prescribes that the MEC is not obliged to accept recommendations made by the GETC but s/he is obliged to give reasons in writing for not accepting recommendations (cf 3.4.4). Furthermore no time limit for a response from the MEC, is stipulated in legislation. Legislation also obliges the MEC to consult the GETC on proposed policy and legislation (cf 3.4.10). Five Notices, however, were published in the Provincial Gazette by the MEC, without consultation with the GETC (Gauteng Department of Education 2000b):

- Notice 993 of 1997 (24 March 1997): *Notice of Determination of Minimum Requirements of Constitution and Standing Orders of Governing Bodies of Public Schools*
- Notice 992 of 1997 (24 March 1997): *Notice of Determination of the Number of Members of Governing Bodies of Public Schools for Learners with Special Education Needs*
- Notice 1457 of 1997 (6 May 1997): *Amendment of Regulations relating to Governing Bodies of Public Schools*
- Notice 1059 of 1997 (24 March 1997): *Notice of Determination of Guidelines for Establishment, Election and Functions of Students' Representative Council of Learners*
- Notice 2497 of 1998 (28 September 1998): *Repeal of Regulations relating to the Senior Certificate Examination.*

Most of these notices were published shortly after the GETC was established and a possible reason for their not being submitted to the GETC, could be ascribed to the lack of experience of not clearly knowing its role in the policy-making process.

3.4.17 Contribution of GETC to policy-making in education from March 2000 till February 2001

To establish the contribution of the GETC to policy-making, the final policies and legislation were compared with the recommendations made. The findings of the comparisons are set out below:

- *Regulations made in terms of the Education Policy Act, 1998 (Act No. 12 of 1998): Regulations on the GETC, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units (dated 14 March 2000).*

The MEC accepted 80% of the Council's recommendations.

- ***Draft Regulations relating to the Admission of Learners to Public Schools (dated 31 August 2000).***

Of the recommendations submitted, 67% was accepted by the MEC.

- ***Gauteng School Education Amendment Bill, Draft 1 (dated 1 December 2000).***

The GETC was invited by the GDE to assist in the development of the *Amendment Bill Draft 1* and comment on the first draft was made to a division in the GDE. No comment was expected from the MEC. However, the officials of the GDE accepted 115 of the 119 recommendations made by the Council. This translates into 96.6% acceptance, which is significant.

- ***Submission on the Education Policy Bill (Revised Draft 2 dated 28 July 1998)***

The significance of the GETC's recommendations with respect to the *Gauteng Education Policy Bill 1998* is reflected in the extent to which changes were incorporated into the final document. The MEC accepted 80% of the recommendations to this Bill, which became an Act towards the end of 1998 to be implemented in 1999. This Act governs the GETC and other statutory Councils in Gauteng Province (cf Appendix K).

Some of the recommendations accepted by the MEC and finally promulgated in the Act (Gauteng Province 1998) were the alignment with the new policy initiatives and terminology in relation to the National Qualification framework and the South African Qualifications Authority. The Act was also made reader friendly by improved headings and sub-headings. Broader accountability was introduced into education management by the GETC's recommendation that education District Directors report to District Education and Training Councils and principals of institutions to their respective SGBs on a quarterly and annual basis. The roles and functions of the various statutory councils were clarified by including the need for these councils to submit annual reports to the MEC for education in the province (Appendix K section 7 (g)).

The acceptance by the MEC of 67% to 80% of the recommendations made by the GETC on the above draft legislation indicates that the GETC contributed to policy-making in education. There

are, however, a number of submissions to which the MEC still has to reply, but there is no reason to believe that an analyses of the MEC's replies expected in due course, will negatively the effect the outcome of the analyses to date.

3.5 THE POLICY PROCESS AT WORK

3.5.1 Interpretation of policy within the GDE

The GDE sees policy as "political sagacity, prudence, skill or consideration of expediency in the conduct of public affairs" (Gauteng Department of Education 2000a). Therefore, according to the GDE, policy could be interpreted to mean strategies or forms of expediency taken in the interest of the larger public.

From this interpretation, the Department sees legislation as a particular strategy or form of policy (Ibid). Legislation may manifest in the form of primary legislation (Acts), secondary legislation (regulations and notices), circulars, directives and certain decisions (Gauteng Department of Education 2000a). Both primary and secondary legislation is binding upon all citizens and both have the same powers.

Departmental circulars and instructions are from time to time, issued without clear statutory authority and often contain elements of policy-making. As such it may be viewed as quasi-legislation while in fact such circulars are intended to guide the conduct of officials in exercising powers and in some instances, to inform the public about the general policies that are likely to be followed when discretionary administrative powers are exercised (Gauteng Department of Education 2000a). This is of significance since not all policies can be "crystallised" into legislation (Gauteng Department of Education 2000a). Circulars, directives, rules or guidelines may, however, may not be in conflict with the empowering legislation, nor infringe legally protected rights and interests.

3.5.2 Interpretation of the policy-making process by the GDE

The assistance and consultation provisions pertaining to policies apply to any education policy made in terms of section 15 of the *Gauteng Education Policy Act* (Gauteng Province 1998). Section 7 (a) of the *Gauteng Education Policy Act* (Gauteng Province 1998) stipulates that the GETC must assist the MEC in developing education policies.

The *Gauteng Education Policy Act* however, does not prescribe the scope of assistance required and the GDE accepts the opinion of the State Law Advisor that assist means that “if requested by the MEC to assist, the GETC should be available and willing to assist” (Gauteng Department of Education 2000a).

It lies, according to the GDE, within the discretion of the MEC to decide whether s/he requires assistance from the GETC to develop policy, rather than the MEC being obliged, by law, to be assisted by the GETC. The GDE is of the opinion that, as a public body, the MEC is not bound to implement or follow the views of those consulted and nor does such consultation require eventual agreement between the consultor and the consulted (Gauteng Department of Education 2000) (cf. 1.2.5).

The GDE argues that the purpose of consultation by the decision-maker is to inform him/her on a range of opinions and issues that s/he needs to take heed of, but that ultimately, the consulted will have had an opportunity to participate by attempting to influence the decision. The GDE regards this in itself an important process value.

Because of this interpretation of the function of the GETC to assist the MEC on policy-making, the GDE has included the GETC only in stage 7 in the *Policy Route* of the education policy-making process (cf 3.6.3.7).

3.5.3 Stages in the Policy Route of the GDE

The GDE published its *Policy Route in the GDE* in January 2001 for the policy-making process in education. This is illustrated in figure 3.4. Descriptions of the sequence (stages) in the *Policy Route* are given but these are not numbered. The researcher, however, numbered and identified the respective descriptions (in the illustrated blocks) as stages to make it easier for the reader to follow. The various “stages” of the policy-making process of the GDE will be discussed in the following paragraphs and should be read together with figure 3.4.

3.5.3.1 Stage 1 - the identification of a need (Agenda setting)

Proposed policy or legislation often derives from some overarching need or framework. A broad proposal is presented to the MEC who decides on who has to draft the policy; either departmental officials, policy writers or a group of lawyers commissioned to generate a first draft. The policy

cycle begins with the development of draft policies by officials in any of the Directorates at the GDE Head Office for example, in the Human Resource Development Directorate where for instance a Gender Policy may be developed. The draft policy is distributed to the different divisions in the GDE and broad-based structures of the Government to afford them the opportunity to review the draft and make recommendations (cf 3.4). This stage resembles the agenda setting stage in the policy process (cf 2.7.3.1)

3.5.3.2 Stage 2 - the document is approved by the respective line manager (Policy formulation)

The respective line manager of the Directorate where the policy was developed and refined, approves the policy. This stage resembles the policy formulation stage in the policy-making process (cf 2.7.3.2)

3.5.3.3 Stage 3 - the approved policy document is passed to the Strategic Policy Development Directorate (Policy formulation)

The document is passed to the Strategic Policy Development Directorate, which is responsible for alignment and co-ordination of policy. This stage resembles the policy-formulation stage in the policy-making process (cf 2.7.3.2)

3.5.3.4 Stage 4 - the Senior Manager of the Strategic Policy Development Directorate passes the draft policy to the Executive Management Team (EMT) (Policy formulation)

The draft policy is tabled at the Executive Management Team meeting for discussion where it is either approved and forwarded to the Chief Executive Officer (CEO) of the GDE who gain forwards it to the MEC. It can also be returned to the source of development at the agenda setting stage (stage 1) for revision (cf 2.7.3.1). If the draft has to be reworked, it has to pass

through stages 1 to 4 again. This stage resembles the policy formulation stage in the policy-making process (cf 2.7.3.2)

3.5.3.5 Stage 5 - the draft policy is signed by the CEO and MEC (Policy formulation)

The MEC and CEO scrutinise the draft policy. It is either approved and signed by them, or returned to the source of development at the agenda-setting stage, stage 1 (cf 2.7.3.1). This stage resembles the policy formulation stage in the policy process (cf 2.7.3.2)

3.5.3.6 Stage 6 - the MEC and CEO approve and sign final draft copy of the policy (Policy formulation)

The CEO and MEC approve and sign the final copy of the draft policy and the final copy is filed in the GDE Policy Register (cf 3.5.10). This stage resembles the policy formulation stage in the policy-making process (cf 2.7.3.2)

3.5.3.7 Stage 7 - the draft policy is passed to the GETC (Policy formulation)

After the policy has been adopted by the CEO and MEC and if the MEC chooses s/he may consult the GETC prior to finalising the draft policy. Once the MEC is satisfied with that the policy or legislation reflects Government policy, the draft document is made public and comment is invited from all stakeholders. At this stage the draft document can be submitted to the GETC. This stage resembles the policy formulation stage in the policy-making process (cf 2.7.3.2)

3.5.3.8 Stage 8 - the final amended policy is passed to Library Information Division and placed in the Education Policy Register (Policy adoption)

At this stage recommendations from the GETC (if the MEC has chosen to submit it to the GETC) and the broader public are taken into consideration. Recommendations at improving the quality of the legislation are generally accepted (cf 3.5.17), while those recommendations that clearly strike against the intended impact of the legislation, are more often rejected. At this stage the document is translated from English into the other official languages of the Province. Once the public has commented within a prescribed period of 30 days, and if the draft copy has been passed to the GETC for comment, (if the MEC had chosen to do so) the MEC may consider and accept or reject recommendations made and advise the GETC (if consulted) on reasons for declining recommendations.

This comment can be given simultaneously with the publication (gazetting) of the policy. The final policy is then published in the Provincial Gazette and entered into the Gauteng Education Policy Register as prescribed according to regulation 16 (Gauteng Province 1998). In the case of primary legislation (Acts) it is forwarded to the Provincial Legislature. The proposed legislation would then go to the Standing Committee on Education via the Speaker for evaluation and discussion. Between Cabinet approval and the submission to the Standing Committee is an obligatory period of 21 days. This is a requirement stipulated in the standing rules of the Legislature.

What often happens is an overlap of the period of obliged consultation for comment with the GETC with the period of obligatory comment in the public domain. Once the bill is approved by Parliament, the Premier signs the legislation and determines the date of implementation. The Act is then published in the Provincial Gazette and becomes binding on all citizens. Secondary legislation (Regulations) and policies do not have to be submitted to the Education Standing Committee and adopted by the Gauteng Provincial Legislation. This stage resembles the policy adoption stage in the policy-making process (cf 2.7.3.3).

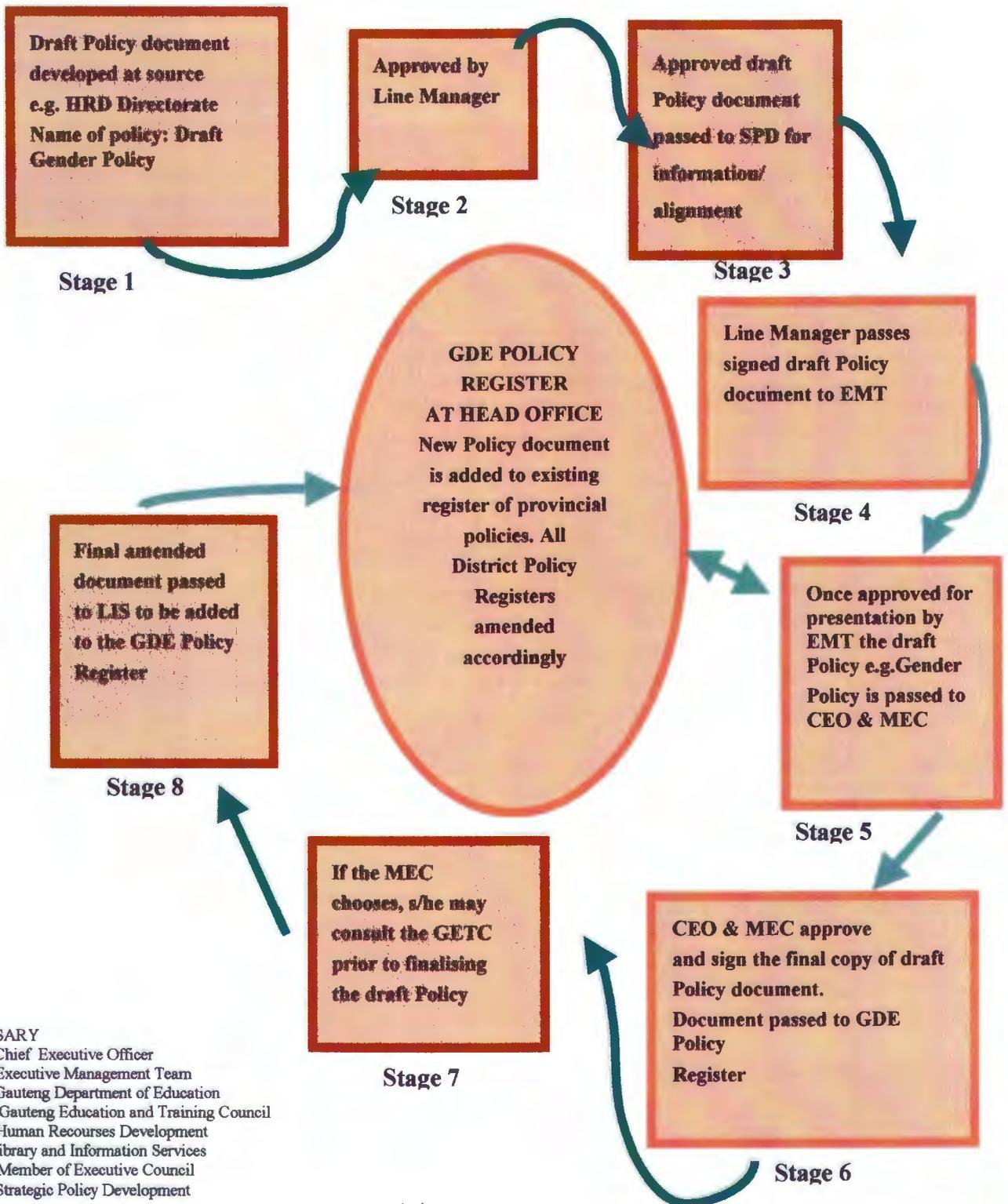
3.5.3.9 Stage 9 - Policy implementation

This stage is not illustrated in figure 3.4. The GDE has a directorate, which is responsible for the implementation, evaluation and monitoring of policies. This directorate visits schools to monitor whether policies are implemented. In 2001 the admission policy for public schools was monitored in a number of schools and a report compiled on the findings. This stage resembles the policy implementation stage in the policy-making process (cf 2.7.3.4)

3.5.3.10 Stage 10 - Policy evaluation

This stage is not illustrated by the GDE in figure 3.4. The directorate mentioned above is, however, responsible for the evaluation and monitoring of policies. This policy route of the GDE was generally followed since the formulation and implementing thereof in January 2001. It correlates with the stages in policy making of agenda setting, formulation, adoption, implementing and evaluating (cf 2.7.3) Although the policy-making process is illustrated and described in a linear fashion, the policy-making process in the GDE is not a linear process, but follows multiple streams, that is, policy moves from all the stages.

**Figure 3-4
POLICY ROUTE IN THE GDE**



- GLOSSARY**
 CEO Chief Executive Officer
 EMT Executive Management Team
 GDE Gauteng Department of Education
 GETC Gauteng Education and Training Council
 HRD Human Resources Development
 LIS Library and Information Services
 MEC Member of Executive Council
 SPD Strategic Policy Development

Effective policy management requires a number of essential skills according to De Coning (1995:240). These include:

- the ability to make and enforce policy decisions
- to ensure co-ordination to base such decisions on sound information and analysis
- to monitor and evaluate the implementation and continued appropriateness of policies and programmes.

The GDE has a Directorate, Strategic Development and Planning, which is responsible for these functions. The GDE does not view education policy-making as isolated, single acts that can be centrally managed, but rather as a dynamic process which is likely to transpire through numerous smaller decisions and processes of which the GETC is one.

3.5.4 The GETC's interpretation of their role and place in the GDE's Policy Route

The GETC interprets section 7 (a) of the *Gauteng Education Policy Act* (Gauteng Province 1998) different to the GDE. The GETC is of the opinion that they should be involved in assisting the MEC in developing policy and that they should be involved in the *Policy Route* of the GDE in stage one in the agenda setting stage and not in stage 7 as stipulated in the *Policy Route*. They base their argument on legislation and interpret their function as assisting the MEC in developing policy and therefore cannot be involved after policy has been written. They want to be involved as from the beginning of development of policy to understand the philosophy of the policy. They are also of the opinion that the MEC has no choice in consulting with them on legislation, policy and regulation as determined in legislation. The GETC has however in the five years of functioning been consulted by the MEC on most legislation and policy documents except a few as mentioned in paragraph 3.4.6.

If the GETC is to be consulted by choice of the MEC as reflected in stage 7 of the *Policy Route* it has fundamental implications for the GETC. In the *Gauteng Education Policy Act* it is obligatory for the GETC to be part of the development of education policy for the Province (cf 3.4.10). If the MEC has a choice to consult the GETC, it relegates the function of the GETC at the behest of the MEC, who is the political head of Education for the Province. It is in direct violation of Section 4 (m) of the *National Education Policy Act* (Republic of South Africa (RSA) 1996b)

which determines that a National Education Policy shall be directed towards “ensuring broad public participation in the development of Education policy and the representation of stakeholders in this governance of all aspects of the Education System”. If the MEC has a choice to consult it also negates the sentiments expressed by the present MEC for Education of Gauteng in his foreword to the Policy register of the GDE a published in March 2000. In the foreword the MEC has expressed the following sentiments: “through structures such as the GETC, DETCs and SACs the public have access to participate in the policy-making process of the Province ... all the structures should be seen as enabling mechanism to effect real change in the policy terrain”.

3.6 SUMMARY

The GETC is a largely untried statutory advisory body. Establishing the GETC was an attempt initiated by the Provincial Government to set up a fully representative statutory advisory body, for the MEC of education, that could be used as a sounding board for the visionary ideas of a new education dispensation (cf 5.4.2). Members of the GETC, the MEC and the GDE were all engaged in an important process in which each embarked upon a new learning experience. The early years made considerable demands on the MEC in respect of ensuring that the vision for a transparent and participative government was implemented by appropriate legislation, at a time of institutional change, democratisation and rationalisation in the schools.

This chapter reflected on the establishment, functioning and work done by the GETC during its first and second terms of office. The change in acts and regulations had an impact on the course of the GETC while the Council contributed in no small manner in setting education in the Province on the Government’s intended route of democratisation by promoting participation by civil society. Despite successes to date, the GETC’s task to solicit and ensure democratic participation at and from all levels of civil society remains a challenging, if not somewhat daunting one. It will be a major task of our new democratic state to take forward the deepening of democratic participation at all levels in our society. In the next chapter the methodology of the research for this study will be described.

CHAPTER 4

QUALITATIVE METHODOLOGY AND RESEARCH DESIGN

4.1 INTRODUCTION

The preceding chapters form an important background to the investigation contained in this study. Chapter 2 provides a theoretical background to policy and the participation in policy formulation through organisational structures. One such structure is the GETC. This was described in chapter 3. It illustrates among others that participation in policy through statutory structures, like the GETC, is largely untested and needs further investigation.

Chapter 3 describes the establishment and functioning of the GETC as a statutory structure to provide for the participation of civil society in education policy matters in the Gauteng Province. The researcher's position as the Head of the sub-directorate that administers the GETC, together with the literature study and the description of the functioning of the GETC, served to identify some of the crucial issues pertaining to participation in policy formulation, as well as to indicate gaps in the existing knowledge on statutory structures.

Chapter 4 presents a detailed description of the design and methodology, which was used to study the role and functioning of the GETC. This research explores the role of the GETC through key-informant interviews, participant observation and the study of documents.

This chapter begins with a discussion of qualitative research methodology, followed by the rationale for the choice of this approach and a description of the design of the study, including a description of the procedures used in interviewing the participants. An account of the methods used to analyse, order and understand the data is also given providing justification for the methods of data gathering and the subsequent analysis employed. The main steps in the gathering of data for the research are described in this chapter.

4.2 QUALITATIVE METHODOLOGY

Qualitative research is an umbrella term covering many methods and approaches to the study of human behaviour. It involves becoming aware of an observed problem through a willingness or “a passion to see” and become aware of new perspectives towards everyday life and human activity (Webb & Glesne 1992:773-805). Bogdan and Biklen (1992:2) also refer to qualitative research as an umbrella term, adding that it refers to several research strategies that share certain characteristics. The authors state that the data collected has been termed “soft”, that is rich in description of people, places, and conversations, and is not easily handled by statistical procedures. Strauss and Corbin (1990:17) concur with Bogdan and Biklen and define qualitative research as any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification

Hitchcock and Hughes (1995:12) state the following about qualitative methodology: “By qualitative methodology, we mean approaches that enable researchers to learn at first hand, about the social world they are investigating by means of involvement and participation in that world through a focus upon what individual actors say and do”.

Qualitative research methodologies are identified as dealing with data that are principally verbal (McMillan & Schumacher 1997:15; Yin 1993:57). Mouton and Marais (1990:155-156) state that qualitative approaches are those approaches in which the procedures are not as strictly formalised, while the scope is more likely to be undefined and a more philosophical mode of operation is adopted.

Wolcott in LeCompte, Milroy & Preissle (1992:23) explores the interrelatedness among qualitative approaches by examining strategies across disciplines and perspectives. Through the analogy of a many-branched tree, Wolcott (1992:23) provided a visual means to conceptualise the common roots among the many diverse strategies. Wolcott proposed four different sets of qualitative strategies (i.e. archival, interview, non-participant observation and participant observation), each forming a branch of a tree that he called qualitative inquiry.

In this way, Wolcott was able to move the critical dialogue beyond categorical divisions to an exploration of commonalties and differences among a broad range of qualitative approaches.

Schumacher and McMillan (1993:372) maintain that "... qualitative research is based on a naturalistic – phenomenological philosophy that views reality as multi-layered, interactive and a shared social experience". Researchers will thus use any kind of information they can identify and accumulate to facilitate answers to their queries. Bogdan and Biklen (1982:73) elucidate further stating that data include materials such as interview transcripts, field notes, as well as diaries, photographs, official documents and newspaper articles. In this research semi-structured interviews as well as participant observation were dominant strategies used to collect data.

The term "qualitative research" can mean different things to different people (Strauss & Corbin 1990:17). It is therefore difficult to describe qualitative research in a way that will satisfy everybody. For the purpose of this study qualitative research is defined as a multi-perspective approach to social interaction, aimed at describing, making sense of, interpreting or reconstructing this interaction in terms of the meanings that the subjects attach to it (Denzin & Lincoln 1994:2).

Bogdan and Biklen (1982:3) remark "In participant observation the researcher enters the world of the people he or she plans to study, gets to be known and trusted by them". Following the period of participant observation, semi-structured interviews were utilised to elicit data from GETC members; interviews were recorded on a tape recorder and transcribed for closer examination. The data were analysed by a process of systematically searching and arranging the interview transcripts, notes and other materials accumulated by the researcher to increase understanding and to enable the researcher to present that which was discovered to others (Bogdan & Biklen 1982:145).

The problem formulation in paragraph 1.4 suggests the need for a rich body of qualitative data. Walker (1985:178) cautions that qualitative research designs do not exempt the need to derive appropriate questions and identify pertinent issues from previous theoretical and empirical research. However, he adds the following: "... care should be taken not prematurely to foreclose potentially fruitful lines of enquiry". Walker's argument suggests that the chosen research instrument should be flexible enough to allow unexpected lines of enquiry, while retaining its roots in issues identified in the literature review.

A key dimension of the study is the social relationships that exist between stakeholders in the policy process. Thus, interviews are seen as appropriate for this study. Marshall and Rossman (1989:102) indicate that the in-depth interview is particularly useful "for discovering complex interconnections in social relationships". The nature and type of interaction among stakeholders in various phases of the policy-making process also influence the utilisation of information by policymakers (Dunn 1994:418). Dunn argues that policy analysis is not simply a scientific and technical process. It is also a social and political process where the scope and intensity of interaction among stakeholders governs the way that information is produced, transformed, and utilised.

Denzin and Lincoln (1994:2) define qualitative research as a multi-perspective approach (utilising different qualitative techniques and data collection methods) to social interaction, aimed at describing, making sense of, interpreting or reconstructing phenomena in terms of the meaning people bring to them (Denzin & Lincoln 1994:2). Thus, qualitative enquiry plays an important role in education research by "... assisting us in raising new questions, by leading us to question assumptions, by cultivating an appreciation for complexity, and finally by expanding our frames of reference" (Sherman & Webb 1988:45).

4.2.1 The role of the researcher

The researcher comprises the key research instrument in qualitative research, collecting and analysing the data obtained from the natural setting of the participants with a view to improving or contributing to reform, in this case the world of education (Bergh & Van Wyk 1997:54). It also involves "posturing" (taking a stance) by the researcher, through active listening and being "problem-focused", analogous to being familiar with the field as with a "marketplace of ideas" (Wolcott 1992:4-15; Woods 1992:372; Patton 1990:14). The researcher's own actions are as much part of the study design as the research instruments used (Becker & Geer 1970:150).

In qualitative research the researcher must strive to build a relationship of reciprocal trust and rapport with his/her subjects (cf 4.2.2.2.7). The quality of the data depends on this rapport in so far as it increases the likelihood of participants sharing authentic knowledge of their life-world with him/her (Measor 1985:57). Lemmer (1989:132-137) views the stance taken by the researcher to be crucial in obtaining valid data, with personal characteristics which could

simultaneously have advantages and drawbacks. Although the researcher attempts to work with scientific appraisal and objectivity, s/he is nevertheless a person with values, beliefs, interpreting what is seen and heard, being neither too involved nor too distant, yet never manipulating truth in order to serve the quest of authenticity (Woods 1992:373-379).

The researcher should maintain a certain detachment from the participants, so that after having completed the reconstruction of the participants' reality, the researcher can transcend this view to see what they do not see in an attitude of critical awareness, yet refraining from passing any judgement (Lemmer 1989:133).

Skills are needed for interviewing: "... showing understanding of and empathy with the interviewee; active listening; explicating; checking; identifying ..." Thus the researcher is a "finely tuned instrument with considerable skills, but is a person, no less, with values, beliefs and a self" (Hammersley et al 1994:59).

4.2.2 Principal characteristics of qualitative research methodology

This section seeks to highlight important characteristics of qualitative research. Only those characteristics relevant to this study will be addressed.

4.2.2.1 The researcher works in natural settings

Miles and Huberman (1994:10), state that for many qualitative researchers the main object is to focus on naturally occurring ordinary events, in natural settings, so that they have "... a strong handle on what 'real life' is like". Therefore qualitative researchers study qualities or entities and seek to understand them in a particular context (Smith 1987:174). There is a preference for informal and less standardised interviews, rather than formal questionnaires (Vulliamy, Lewin & Stephens 1990:11). Qualitative research is concerned with life as it is lived, things as they happen, situations as they are constructed in the day-to-day, moment-to-moment course of events (Bergh & Van Wyk 1997:54). In this research the researcher attended almost all GETC meetings and was able to gather data in the natural setting (4.2.3; 4.4.5.1). By doing so, the participation of members, the interaction within the GETC, the level of preparedness, the punctuality, the concentration, body language, members' seating preference, respect for the chair and many more aspects could be observed.

4.2.2.2 The research is descriptive

Data collected are in the form of words or pictures. In collecting descriptive data, qualitative researchers approach the world in a nit-picking way (Bogdan & Biklen 1992:30). The world is approached with the assumption that nothing is trivial. Everything has the potential of being a clue that might unlock a more comprehensive understanding of what is being studied (Bergh & Van Wyk 1997:54). Nothing is taken as a given and no statement escapes scrutiny (Bogdan & Biklen 1992:30). Patton (1990:40) supports this view by saying that detailed thick descriptions, using direct quotations to capture people's personal perspectives and experiences are used. This study investigates the experiences and perceptions of members of the GETC by means of a qualitative approach. The report of the finding (cf chapter 5) includes rich descriptions and direct quotations in an attempt to capture the essence of what the participants said.

4.2.2.3 The process, rather than the outcome, is the concern

Lemmer (1992:293) argues that qualitative researchers are concerned with the process whereby certain behaviour is realised rather than merely with outcomes of behaviour. Vulliamy et al (1990:11) support this saying that by focusing on the process of social interaction, qualitative research involves the ongoing collection of data. The process of social interaction among GETC members themselves and other role-players and institutions were researched.

4.2.2.4 Data is analysed inductively

Qualitative researchers do not search out data or evidence to prove or disprove hypotheses they hold before entering the study; rather the abstractions are built as the particulars that have been gathered are grouped together (Bogdan & Biklen 1992:31). Researchers do not collect data to assess preconceived models, hypotheses or theories (Bergh & Van Wyk 1997:55). Qualitative research aims to understand phenomena within a particular context and uses an inductive form of reasoning (Neuman 1994:41).

This means that qualitative researchers develop concepts, insights and understanding from patterns in the data, rather than collecting data to assess preconceived models, hypotheses or theories (Bogdan & Biklen 1982:5). A flexible research design is followed which begins with only vaguely formulated research questions. Concepts, insights and understanding are developed from patterns in data (Bergh & Van Wyk 1997:55). The picture is being constructed as the researcher collects and examines the parts. The researcher uses part of the study to learn what the

important questions are. He does not assume that enough is known before undertaking the study (Bogdan & Biklen 1992:31-32). In the case of this research, the interactive form of the research design – interviews and observation – lends itself to inductive logic.

4.2.2.5 “Meaning” is of essential concern in the qualitative approach

Qualitative researchers are concerned with making sure they capture perspectives accurately and are interested in the ways different people make sense out of their lives (Bogdan & Biklen 1992:32). The researcher requires information regarding the assumptions people make about their lives and what they take for granted. Collected data is often shown to informants/participants/subjects for them to check the researcher’s interpretations (Bergh & Van Wyk 1997:55). Some researchers who use videotapes, show the completed tapes to the participants in order to check their own interpretations with those of the informants (Bogdan & Biklen 1992:32). In this research the transcripts of all the interviews were given to the participants to scrutinise and comment on in order to establish whether what was said was a true reflection of what they meant.

4.2.2.6 Small samples are used

Although qualitative research does not exclude the use of large samples, most qualitative research studies use small samples since such research focuses on the detail and quality of an individual or small group’s experience (Lemmer 1992:294). Validity depends not so much upon the number of cases studied as upon the degree to which an informant faithfully represents a certain cultural experience (Lofland & Lofland 1984:62). The reality of collecting data from participants when doing qualitative research can be so complex that it is often the case that the researcher cannot decide at the outset on the number of participants to be selected (Krathwohl 1991:21; Schumacher & McMillan 1993:382). The researcher will search for information-rich participants who will participate in the research process until sufficient data have been obtained to draw meaningful conclusions (Hoberg 1997:48). In this research initially 12 information-rich key informants were selected to be interviewed, but after the twelfth interview the data was not saturated and two more group interviews were held, which included two and three participants respectively (cf 4.4.5.1; 5.3.3).

The sample size is directly related to the purpose of the study, the research problem, the major data collection technique and the availability of information-rich participants (Schumacher & Mcmillan 1993:382). In this research 17 GETC members were interviewed (cf 4.4.5.1; 5.3.3). This sample provided information-rich cases for study-in-depth.

4.2.2.7 Qualitative researchers try to understand people from their own frame of reference

Qualitative researchers empathise and identify with the people they study in order to understand how they see things (Bogdan & Biklen 1992:6). In this study the researcher includes personal experience and empathetic insight as part of the relevant data, while taking a neutral non-judgemental stance toward whatever content may emerge. Taylor and Bogdan (1984:6) affirm that: "The researcher seeks not "truth" or "morality" but rather a detailed understanding of other people's perspectives."

The researcher is not a "tabula rasa" but a person with specific ideas and a personal theoretical frame of reference, in terms of which the gathering, interpretation and reporting of data will take place. This implies that the researcher should apply the principle of "role-taking" to guard against the delusion of so-called objectivity. Smaling (1994:59) regards "role-taking" as a spiritual activity through which an individual imagines him/herself in the position of another to enable him/her to understand, anticipate and interpret the behaviour or experience of the other person.

Sherman and Webb (1988:178) warn that qualitative research cannot be carried out by people who see themselves as detached, neutral observers, concerned with the kinds of observation, measurement and prediction that are presumed to be unbiased and unaffected by the enquirer's vantage point or location in the world. In qualitative research the researcher occupies an integral position crucial to obtaining valid data, which is built on a relationship of reciprocal trust and rapport, thereby enabling the participants to share knowledge of their life-world willingly (De Villiers 2001:171) (cf 4.2.1). De Villiers further argues that this requires that the researcher temporarily attempts to suspend his/her own beliefs, maintaining a certain objective detachment and an attitude of critical awareness in a stance of delicate balance between objectivity (or scientific distance) and empathy. This is what the researcher attempted to do in this study.

4.2.2.8 All perspectives are valuable

The aim of a researcher's investigation is not finding "truth" or "morality", but understanding other people's perspectives. All people are viewed as equals: the child's view is regarded as just as important as the teacher's or parent's (Bergh & Van Wyk 1997:56). No aspect of social life is too mundane or trivial not to be studied (Taylor & Bogdan 1984:6). Thus all participants in this research were viewed as equals being able to make a valuable contribution to the data.

4.2.3 Data collection strategies

According to Birley and Moreland (1998:40) the collection of data is not merely a process of collection, but also a process of creation. LeCompte and Preissle (1993:158) and Bogdan and Biklen (1992:106) state that data is any kind of information which researchers can identify and accumulate to facilitate answers to their queries. Data in qualitative research are present in vast varieties of forms such as field notes, observations, conversations, and interviews to a range of records and documents (Hitchcock & Hughes 1995:296).

Vital to the process of qualitative enquiry is the concept of observation, which includes the concepts of watching, asking, listening and examining. Observation and interviewing thus yield complementary rather than comparable data (Wolcott 1992:19-20). What people tell the interviewer reveals how they believe things should be, whereas the researcher observes firsthand how things are, especially when participative observation extends throughout an appropriate time period.

The researcher will be using multiple data collection strategies. The rationale for this decision is the development of converging lines of inquiry, a process of triangulation. The use of multiple sources of data provides multiple measures of the same phenomenon, thus the finding or conclusion in a study is likely to be much more convincing and accurate if it is based on several different sources of information (Yin 1989:97).

Semi-structured interviews, participant observation and the use of documentation as data collection techniques will be discussed in the ensuing section, since these are the dominant strategies employed in the current investigation.

4.2.3.1 *Semi-structured interviews*

McMillan and Schumacher (1997:264) state that the interviews are usually in one of three forms; structured, semi-structured or unstructured. In a structured interview the written questions are exactly what will be asked orally, with appropriate probing questions (McMillan & Schumacher 1997:264). Semi-structured interviews are more flexible than the structured interview because the interviewer asks certain major questions to all participants, but each time the sequence can be altered in order to probe more deeply and overcome a common tendency for respondents to anticipate questions (Cohen & Manion 1998: 271; Hitchcock & Hughes 1995:157). Unstructured interviews could be described as social interaction between equals in order to obtain research-relevant information (Berg 1995:29).

An interview schedule may be constructed to serve as a guide but should at no time be allowed to dictate the interview and participants in semi-structured interviews should be allowed to raise issues and elaborate on aspects. The interview guide is attached as Appendix H and only served as a guide in this research. Bogdan and Biklen (1992:97) state that the researcher, by using semi-structured interviews, can be confident of getting comparable data across subjects.

Kahn and Cannel (1957:149) describe the qualitative in-depth interview as “a conversation with a purpose” – the purpose being to obtain valid and reliable information. Marshall and Rossman (1989:82) argue that this technique offers the following advantages:

- large amounts of data can be obtained quickly
- a wide variety of information can be obtained from a spectrum of informants
- because the technique is interactive, immediate follow-up questions are possible for clarification and expansion.

When a study involves extensive interviewing or when interviewing is the major technique, the use of a tape-recorder is recommended (Bogdan & Biklen 1992:128) (cf 4.4.5.1). Thus all interviews were recorded and transcribed. The typed interviews are called transcripts. Transcripts compromise the main data of this study.

Interviews normally begin with a short introductory talk in which the interviewer informs the participant of the purpose and gives assurances that what is said in the interview, will be treated confidentially (Bogdan & Biklen 1992:96-97) (cf 4.4.5.1). Interviewees should be briefed with respect to the nature and purpose of the interview as part of the informed consent procedure (Lincoln & Guba 1985:270). The participants should be given an opportunity to “warm up” by being asked, for example, “How did you happen to get into this line of work?” (Ibid). Participants were asked how they became GETC members. This gave participants practice in talking to the interviewer in a relaxed atmosphere while at the same time providing valuable information about how the participant construes the general characteristics of the context (Lincoln & Guba 1985:270).

Lincoln and Guba (1985:270) state that questions become more and more specific as the interview moves along and as the interviewer begins to sense what is salient about the information the participant can provide. The researcher asked probing questions on information provided by participants.

When the researcher made appointments for interviewees the participants were briefed about the purpose of the research project, the possible duration of the interviews and a choice of where the participants would like to be interviewed. Moreover, permission was obtained allowing the researcher to quote certain parts of the interview and interpret such in the light of the rest of the research.

4.2.3.2 Participant observation

In participant observation the researcher enters the world of the people s/he plans to study, gets to know, be known and trusted by them, and systematically keeps a detailed written record of what is heard and observed (Bogdan & Biklen 1992:2). In doing participant observation it is the researcher’s aim to observe events while causing as little disruption as possible in the social situation. In this respect, developing trust and establishing relationships are a crucial part of a researcher’s involvement in the social scene (Burgess 1984:92; Jorgensen 1989:15).

Considerable time is necessary for the participant observer to develop an insider view of exactly what is happening in the setting under study. It is difficult to determine how long participant

observation will last. Patton (1990:265) points out that the major determination of the length of the study will be the resources, interests and needs of the researcher. In this research the researcher attended almost all GETC meetings over a period of five years (cf 4.4.5.1; 4.2.2.1; 4.2.3).

4.2.3.3 Documents

The term document is used to denote any written or recorded material other than a record that was not prepared specifically in response to a request from the inquirer (such as a set of interview notes) (Lincoln & Guba 1985:277). Examples of documents include letters, diaries, speeches, newspaper editorials, case studies, television scripts, photographs, medical histories and notes (Lincoln & Guba 1985:277). Yin (1989:85) mentions letters, memoranda, agendas, other written reports, evaluations of the same 'site' under study and news clippings play an explicit and significant role in any data collection.

Bureaucratic organisations have reputations for producing a profusion of written communication and files (Bogdan & Biklen 1992:135). These are memos, minutes from meetings, newsletters, policy documents, proposals and the like (McMillan & Schumacher 1997:455). The analysis of such documents will generally shed some light on the "official perspective" (Bogdan & Biklen 1992:136). In this research the researcher as insider made use of annual reports, minutes of meetings, submissions and documents generated by the GETC and the Gauteng Department of Education, news clippings (cf 1.3.2.2) and transcripts of proceedings at plenary meetings (cf 5.4.4).

4.3 RELIABILITY AND VALIDITY IN QUALITATIVE RESEARCH

Empirical-analytical researchers, influenced by positivism, regard methodological principles, such as objectivity, reliability and validity as only attainable through strict regulation, dissociation from prejudice, impartiality and neutrality. Because qualitative research is regarded as open, flexible and not strictly regimented, these empirical-analysts question the objectivity, reliability and validity of qualitative data. This is due, among others because qualitative researchers study the object of research as it is observed, experienced and defined by the participants. Dreitzel (1970:3) is of the opinion that qualitative methods should not be based on fixed lines of direction. Lather (1991:52) agrees, noting that "post-positivism has cleared methodology of prescribed rules and

boundaries." Miles and Huberman (1988:226) support the phenomenologists who strive to render accountable (but never rigid) methods and procedures of data gathering and interpretation.

Thus ways in which researchers can "scientifically" account for the methodological principles of reliability and validity in qualitative research have been developed. Lather (1991:51) states that accounting is no longer in the sense of following specific regulated methods and procedures to guarantee "true" results, but rather as a method of "correcting guesses" rather than "giving truth".

4.3.1 Reliability

Reliability addresses the question: Will two researchers independently studying the same setting or subjects come up with the same findings? In qualitative studies, researchers are concerned with the accuracy and comprehensiveness of their data. Qualitative researchers tend to view reliability as a fit between what they record as data and what actually occurs in the setting under study, rather than the literal consistency across different observations (Bogdan & Biklen 1992:48). Two researchers studying a single setting may come up with different data and produce different findings. Both studies can be reliable. The reliability of one or both studies would be questioned if they yielded contradictory or incompatible results (Bogdan & Biklen 1992:48).

However, Goetz and LeCompte (1984:211) and Smaling (1994:78) regard reliability as the elimination of casual errors that can influence the results. Smaling (1994:78) views reliability, in the sense of absence of random errors, as an aspect of methodological objectivity because the pursuit of objectivity includes avoidance of distortions. In addition to eliminating random errors, qualitative researchers can apply various measures to increase the reliability of the study. A few aspects of reliability will now be discussed.

4.3.1.1 Internal reliability

Internal reliability refers to reliability during the research project. According to Smaling (1994:81-82), Goetz and LeCompte (1984:213; 217), Miles and Huberman (1994:231-243) Guba and Lincoln (1982:241-243), Denzin (1988:511) and Pfaffenberger (1988:28-30), the following measures can contribute to limiting random errors during qualitative research:

- triangulation
 - ◆ method triangulation: the use of more than one data collection method to gather information (such as interviews, observations, questionnaires and others)
 - ◆ theoretical triangulation: the use of more than one theoretical perspective to interpret data
 - ◆ data triangulation: the use of two or more kinds of data sources (such as interview data, dossiers, artefacts, literature and others)
- cross-examination (peer examination)

a method used to determine whether casual misinterpretations infiltrated the findings of the research. This can be done by comparing the findings with those of other researchers, orally or through their written work
- consensus

the way in which consensus regarding the findings is reached through open discussion between the research participants
- auditing

the preservation of all information regarding the research, as well as data, surveys and notes so that the findings can be verified by independent persons
- mechanisation

the use of audio tapes and video recordings to store information and the use of computers for the processing of data.

4.3.1.2 External reliability

External reliability refers to the verification of the findings of the research, when independent researchers under the same circumstances and using the same participants (Shimahara 1988:87) conduct the same research. To increase external reliability, Smaling (1994:82) and Goetz and LeCompte (1984:213-217) are of the opinion that a qualitative research report should contain the following:

- a “thick” description of aspects such as the status and role of the research participants the researcher had in mind, relevant characteristics of the participants, concepts that were used, theoretical ideas and methods of research
- an exposition of the theoretical starting points and arguments underlying the various choices made in the research.

Qualitative researchers have to continue to construct measures which would limit random errors, but at the same time encourage a deeper understanding of the participants researched and of the research process (Nieman, Brazelle, Van Staden, Heyns & De Wet 2000:285).

4.3.1.3 Reliability of design

Schumacher and McMillan (1993:386-388) refer to reliability of design as follows:

- the researcher’s role: the importance of the researcher’s work relationship with the participants requires that research studies identify the researcher’s role and status within the group
- social context: social context influences data content and a description should be included of the people, time and place where events or interviews took place
- data collection strategies: precise descriptions must be given of the varieties of observation and interviewing strategies as well as the way in which data was recorded and under what circumstances
- data analysis strategies: through retrospection accounts must be provided of how data was synthesised, analysed and interpreted
- analytic premise: the conceptual framework must be made explicit
- informant selection: informants must be described as well as the decision process used in their selection.

4.3.1.4 Reliability in data collection

Qualitative researchers commonly use a combination of possible strategies to reduce threats to reliability. Schumacher and McMillan (1993:391) stipulate the following criteria for reliability in data collection:

- verbatim accounts: verbatim accounts of conversation, transcripts and direct quotations are used in this research
- low-inference description: concrete, precise descriptions from field notes and interview elaboration's are used when the data is analysed
- mechanically recorded data: a tape recorder is used during individual interviews to ensure accuracy
- negative cases or discrepant data: researchers actively search for, record, analyse and report negative cases or discrepant data.

4.3.2 Validity

Goetz and LeCompte (1984:221) indicated that to determine the degree of validity the following questions need to be asked: Are the researchers really measuring or observing what they think they are, and to what degree have the findings also been tested or refined by other research?

According to Smaling (1994:83-87), Campbell (1988:720), Goetz and LeCompte (1984:222-228), Miles and Huberman (1984:231-243) and Denzin (1970:201), there are measures that can increase both the internal and external validity of research findings. These measures are described in the following paragraphs.

4.3.2.1 Internal validity (*validity within the research study*)

Internal validity may be defined in conventional terms as the extent to which variations in an outcome variable can be attributed to controlled variation in an independent variable (Lincoln & Guba 1985:290).

Thus Cook and Campbell (1979:37) define internal validity as the "approximate validity" [the best available approximation of the truth or falsity of a statement].

Internal validity can be improved by the following (Schumacher & McMillan 1993:391-392):

- lengthy data collection period: this is said to provide opportunities for continued data analysis, comparison, and corroboration to refine ideas and to ensure the match between research-based categories and participant realities. The interviews took place over a period of 12 weeks. The researcher attended most meetings of the GETC since its inception (4.2.3; 4.4.5.1; 4.2.2.1).
- participant language: research participants are encouraged to answer questions in their own words and the researcher encouraged participants to use their own words and preferred language (4.4.5.1).
- field research: the participant observation and in-depth interviews took place in natural settings. The observation in the Council's meeting venues and interviews were conducted at the offices or homes of participants, home of the researcher and in a board room of a hotel (cf 4.4.5.1; 5.3.3).
- disciplined subjectivity: researcher self-monitoring subjects all phases of the research process to continuous and rigorous questioning and re-evaluation.

The notion "internal validity" is also to be used with reference to the data collection strategies characterising the research (content/concept validity) as well as the framework in which such data collection takes place (logic validity).

4.3.2.2 External validity (validity of the results regarding the intended object of study)

External validity may be defined as "the approximate validity with which we infer that the presumed causal relationship can be generalised to and across alternate measures of the cause and effect and across different types of persons, settings and times" (Cook & Campbell 1979:37).

As external validity relates to the validity of the research results, the researcher should, according to Nieman et al (2000:285):

- give an accurate description of the research process, reasons for the choice of methods, the circumstances under which, and context in which the research was conducted (cf 4.4)

- provide a “thick description” of the research situation and context so that others can ascertain whether and to what extent the research results are valid or can be useful in their own situation or context (chapter 5).

This study is not concerned with generalisation or prediction, therefore external validity is not dealt with in depth (cf 4.4.8).

In conclusion, the necessity for measures as described in paragraphs 4.3.1 and 4.3.2 is summarised incisively by Lather (1991:69) as “most important, if we do not develop such procedures, our theory-building will suffer from a failure to protect our work from our own passions and limitations”.

The above analysis of the qualitative methodology clearly indicates that this method focuses on understanding the world in which one lives, and interpreting it from the participant’s frame of reference (Nieman et al 2000:285). The authors also argue that although qualitative research demands an open, flexible and not strictly regimented methodology, data credibility need not be forfeited. Nieman et al is of the opinion that qualitative researchers reconceptualised objectivity, reliability and validity and it is from this reconceptualised stance that they approach these methodological principles. Thus, for example, the starting point from which the research is approached determines objectivity. The qualitative researcher’s opinion that the “object” should “speak for itself” and the application of so-called “subjectivity” to understand and interpret the data within the specific context, are regarded as ways of increasing objectivity.

Some qualitative researchers are not comfortable with the use of the terms reliability and validity. They affirm that these constructs are particularly applicable to quantitative research practices and consequently have little or no relevance in qualitative studies.

Lincoln and Guba (1985:301-320) propose alternative but matching constructs for a qualitative inquiry, all of which test the “truth value” of the study (Lincoln & Guba 1985:294). These constructs which are described below are credibility, transferability, dependability and confirmability.

4.3.3 Credibility

The construct of credibility matches the positivist paradigm of internal validity and suggests that the researcher must "...demonstrate that the inquiry was conducted in such a manner as to ensure that the subject was accurately identified and described (Marshall & Rossman 1989:145). Miles and Huberman (1994:279) add that the descriptions should be "context rich and meaningful", that the account should 'seem convincing or plausible", that concepts should be 'systematically related" in pursuit of "internally coherent" findings, and that the data presented should be "well linked to the categories of prior or emerging theory".

Because this qualitative construct strikes at the heart of the truth-value of the study, every effort has been made to obtain and present context-rich data, to systematise the analysis of the data, and to provide the reader with a clear picture of the flow of the research activity. Moreover, the interview procedures and subsequent analytical process reflect a sustained effort by the researcher to apply the same techniques to all respondents. Where this was not possible it is clearly indicated.

Lincoln and Guba (1985:307) believe that findings will be more credible if the inquirer is able to demonstrate a prolonged period of engagement (to learn the context, to minimise distortions, and to build trust) to provide evidence of persistent observation (for the sake of identifying and assessing salient factors and crucial atypical happenings), and to triangulate, by using different sources, different methods, and sometimes multiple researchers.

The researcher had a prolonged engagement with the GETC members and has attended almost all GETC meetings from its inception. She is therefore well known to GETC members and has spent the past five years "soaking in the culture through ... her pores" (Lincoln & Guba 1985:302).

Webb (in Lincoln & Guba 1985:306) states that confirmation of a proposition by two or more measurement processes greatly reduces the uncertainty of its interpretation. Thus triangulation of data for this study was the collection of data using three modes: interviews, participant observation and documentation (cf 4.4.5).

For referential adequacy typed copies of transcriptions of all the interviews were retained. Member checking took place both during and after data collection. During the interviews techniques such as repeating respondents' statements and requesting clarification or examples

were used to promote credibility (Lincoln & Guba 1985:314). After the recorded interviews were transcribed, the draft transcriptions were submitted to each participant to check and comment on (cf 4.3.3).

4.3.4 Transferability

Transferability relates to the extent to which the research findings are applicable to other contexts (Lincoln & Guba 1985:316). This matches the positivist notion of external validity, which is traditionally seen as difficult to achieve in qualitative research given the complexity and variety of possible social situations (cf 4.4.8).

The internal relationship dynamics among stakeholders in the GETC do not differ widely and it is conceivable that some of the findings may be transferable to other statutory councils (cf 4.4.8).

4.3.5 Dependability

The third construct is a necessary mutation of the positivist notion of reliability, which assumes "... an unchanging universe, where enquiry could, quite logically, be replicated" (Marshall & Rossman 1989:147). The social world is rather different and more dynamic, but the researcher is nevertheless, according to the construct of dependability, required to "... account for changing conditions in the phenomenon chosen for the study as well as changes in the design created by increasingly refined understanding of the setting" (Marshall & Rossman 1989:146-147).

This research was clearly defined in time and space (interviews taking place in participants' offices, homes, board room of a hotel and the home of the researcher over a period of three months) (cf 4.4.5.1). Miles and Huberman (1994:278) add, with respect to dependability, that reliable qualitative research is characterised by the clear specification of "basic paradigms and analytic constructs" and on "connectedness to theory".

4.3.6 Confirmability

Confirmability matches the positivist construct of objectivity, but shifts the focus from the inherent characteristics of the researcher to the nature of the data. The key issue is whether another researcher will obtain the same findings using the same data. In other words it is accepted that the subjectivity of the researcher will influence the research in the gathering of the data. Since this is necessary in order to "... gain some understanding, even sympathy, for the research

participants in order to gain entry into their world” (Marshall & Rossman 1989:147).

However, it then becomes important to ascertain the accuracy of the data itself and to check for bias in interpretation.

Data accuracy was ensured by tape recording the interview and transcribing it word for word. (cf 4.4.5.1). The researcher did the transcription and in attempt to avoid bias, has retained the contextualised voice of the respondents to a large degree in the construction of the chain of evidence (cf 4.4.5.1).

The foregoing analysis of the qualitative methodology clearly indicates that this method focuses on understanding the world in which one lives, and interpreting it from the participant’s frame of reference. The object of study is thus defined as it is actually experienced and observed by the participants themselves. Although qualitative research demands an open, flexible and not strictly regimented methodology, data credibility need not be forfeited.

Guba (Lincoln & Guba 1985:316) states that “since there can be no validity without reliability (and thus no credibility without dependability) a demonstration of the former is sufficient to establish the latter”.

4.4 DESIGN OF PRESENT STUDY

This study was carried out within the framework of a qualitative research design using mainly semi-structured interviews. In addition observation during meetings and the studying of official documents served to validate what was said during the interviews as well as providing additional information and insight. In the ensuing representation, a description of delimitations and procedures implemented in this study, follows.

4.4.1 Choice of qualitative methodology

When exercising a choice with regard to method, researchers often have to decide between qualitative and quantitative methods (or a combination). Although the choice of research method is influenced to a great extent by several pragmatic factors such as the epistemological disposition of the researcher, the research audience, time limitations and several other factors, it seems that the problem and purpose of the intended research are the main determinants when selecting the

most suitable method for constructing knowledge.

Since the purpose of the present research is to elucidate the role of the GETC in the policy process as perceived and experienced by members of the GETC. The GETC is a new structure and there is a lack of clarity regarding the role of the GETC in the policy process in education in Gauteng. There is thus a need for exploratory research methodology, which would enable the problems explored, and the questions asked to become more specific as the study progresses. After all it is the unique demands of the problem which indicate the method rather than the method which limits the problem (Romanyshyn 1971:107).

The aim of this research is to explore, describe, explain or understand the perceptions members of the GETC have of their role in the GETC, in order to obtain new insights and provide meaningful interventions into the functioning of the GETC so that one may contribute to the knowledge of improving the functioning of the GETC in education policy-making in Gauteng. This is necessary as education is one of the "caring professions" functioning in a "world of scarce resources" (De Vos, Schurink & Strydom 1998:5-20).

4.4.2 Statement of subjectivity

The researcher in this study is the head of the sub-directorate of the GDE responsible for the administration of the GETC and attended most GETC meetings. The Administrative Secretary was however more actively involved in minute writing. The researcher's knowledge of the GETC's functioning enabled the researcher to post pertinent questions. Another advantage of the researcher is knowledge of participants was that the interviews were often like a "conversation between friends" (Bogdan & Biklen 1992:96). This personal involvement of the researcher had, at times, the added advantage of gaining deeper understanding of the topics under study (Jansen & Peshkin 1992:715-717). The researcher interacted with the participants in an unobtrusive and non-threatening manner because both parties knew each other well and were not threatened by the researcher's position in the Department.

Bogdan and Biklen (1992:46) state that qualitative researchers have wrestled over the years with charges that it is too easy for the prejudices and attitudes of the researcher to bias the data. The worry about subjectivity is particular when the data must "go through" the researcher's mind before they are put on paper. Bogdan and Biklen (1992:46) are of the opinion that the

researcher's primary goal is to add to knowledge, not to pass judgement on a setting. The researcher consciously guarded against the danger of having preconceived ideas regarding the GETC and allowed the participants the opportunity and time to raise ideas, express thoughts and feelings during the course of all interviews.

Bogden and Biklen (1992:46) state that what qualitative researchers attempt to do, is to study objectively the subjective status of their subjects.

A thorough knowledge of the debates within the GETC may not always prove advantageous because during interviews participants, being aware of the researcher's appreciable exposure to the GETC, may feel that it is not necessary to "explain" things to the researcher. The researcher, however, asked probing questions when participants used acronyms or indicated that the researcher is aware of certain information.

The researcher made use of the semi-structured interview, which is a more flexible version of the structured interview. It can be argued that the advantage of this type of interview lies in its approach to data collection which can help to reduce interviewer bias and lead to easier analysis of data (Hitchcock & Hughes 1995:157). The authors state that this view rests on a major assumption that interviews are "context independent" and free from the influence of the interviewer so that a more objective view of the social world of the respondents emerge. The researcher constantly confronted her own opinions and prejudices with the data.

4.4.3 Background

The researcher has been involved in previous research on the GETC. This research was an evaluation of the functioning of the GETC during its first two years after establishment i.e. from February 1997 till March 1999. Data gathering was mainly done by questionnaires distributed to stakeholders in education who attended plenary meetings of the GETC or were GETC members at the time. During this research project GETC members were not interviewed. Senior managers of the GDE were interviewed to provide information on the functioning of the GETC. Interviews were very structured and had specific objectives in mind. Interviewees were not encouraged to raise issues or elaborate on answers given. The data were not analysed according to procedures typical of qualitative research. The findings from this research will, however be used to validate

some of the findings of this research (cf 4.4.8.4).

4.4.4 Choice of participants

The participants were carefully and deliberately selected to provide information-rich cases for an in-depth study (Fraenkel & Wallen 1990:374). This deliberate selection which Patton (1990:169) refers to as purposeful sampling, is a process of "...selecting information rich cases for study-in-depth."

As the researcher is familiar with the members of the GETC it was not necessary to make use of a "gate-keeper" and the researcher carried out the selection of participants. Twelve key-informants were selected based on the researcher's knowledge base after attending almost all meetings of the GETC on monthly basis from February 1997 till February 2002. In this research GETC members were seen as individuals who "... possess special knowledge, status, or communication skills" and who are willing to share this with the interviewer (LeCompte & Preissle 1993:166). The researcher identified these participants because they were likely to be "...knowledgeable and informative about the phenomena the researcher is investigating" (Schumacher & McMillan 1993:378).

The criteria for the selection of information rich participants by the researcher, were:

- gender
- race
- attendance at meetings
- participation in meetings
- period of membership (varying number of years of experience in the GETC)
- chairpersons of sub-committees
- EXCO members
- chairperson of the GETC
- general members

The sample represents a useful cross-section of worldviews, historical interventions in education

and future expectations for the GETC and can therefore be considered sufficient both in number and diversity. An attempt was made to interview at least one member of all the interest groups represented on the GETC. It is also argued that this “purposive” sampling drawing on “strategic key-informants”, was an appropriate research decision given the research opportunity (Groenewald 1986:18).

Lofland and Lofland (1984:62) argue that validity does not depend so much upon the number of cases studied as upon the degree to which an informant faithfully represents a certain cultural experience. This characteristic is also applicable to this study.

4.4.5 Data gathering

The process of data collection is not an end in itself. The culminating activities of qualitative inquiry are analysis, interpretation and presentation of findings (Patton 1990:371). Data was mainly collected by means of interviews, observation and documents. Interviews and observations tap human sources and by noting nonverbal cues that are transmitted while those interviews or observations are under way (Lincoln & Guba 1985:267) The authors mention non-human resources as documents and records left behind by humans in their everyday activities that provide useful insights about them.

4.4.5.1 Semi-structured interviews

The researcher initially planned to have 12 individual interviews. One participant selected for an individual interview was accompanied by a friend who observed the interview (cf 5.3.3). Information gleaned from the interviews necessitated that more interviews be done to include interest groups not included in the original group of participants (cf 4.2.2.6; 5.3.3). These two additional interviews resulted in group An attempt was made to interview at least one member of all the interest groups represented on the GETC interviews though not planned by the researcher, but on request of the interviewees. One interview group comprised of two participants and the other of three. This resulted in 14 interviews being done with 17 participants (cf 4.2.2.6; 5.3.3). Interviews were held between 06:30 in the morning to suit the diaries of participants and 18:00. No interviews were held in the evenings.

Lincoln and Guba (1985:268) state that the interview is a conversation with a purpose and the participants were briefed on the purpose for doing the interviews (cf 4.2.3.1). The interviews

were conducted either in the participants' offices, at the researcher's home or at participants' homes (cf 4.3.2; 4.3.5; 5.3.3). One interview was conducted in the boardroom of a hotel after a GETC sub-committee meeting (cf 5.3.3).

The mutual trust relationship built over a period of time during the researcher's role as observer at meetings from 1997 till 2002 ensured the co-operation of the interviewees (cf 4.2.2.1; 4.2.3). This trust-relationship eliminated having to convince participants of the sincerity of the researcher's intention to collect data in an objective manner (Schurink 1998:300-302). Interviewees were assured that their identity and any information that they provided would in all circumstances, be treated as confidential. The names of the members are indicated by alphabetical letters in chapter 5 table 5.1. English was the preferred language of communication (cf 4.3.2.1; 4.4.8.3).

A sensitive tape recorder was used to record all interviews (cf 4.4.8.2). An informed consent was obtained from the GETC members to use a tape recorder (Burns & Grove 1993:103) (cf 4.3.2.1). This consent acknowledged all the rights that subjects are entitled to and included the following: anonymity and confidentiality, the right to privacy, the right to fair treatment and protection from discomforts and harm (Burns & Grove 1993:660). One participant did not agree to the interview being recorded. However, as this interview progressed the taking of notes by the researcher slowed the tempo of the discussions and the participant suggested that the interview be recorded and assured the researcher that s/he was comfortable about being recorded.

To facilitate analysis of the data all taped interviews were transcribed and typed word for word by the researcher (cf 4.3.6). Transcribing data is important in ensuring reliability and validity (Van Wyk 1996:164). The recordings proved to be of a high quality and the researcher relied on notes made during the interviews to reconstruct some segments of the data. Transcribing interview data is notoriously "fraught with slippage" and "dependent on the knowledgeability and skills of the transcribing person (Miles & Huberman 1994:51). The researcher is convinced that the quality of the recordings and the word-for-word transcription approach adopted, ensured a high degree of accuracy and freedom from bias. The researcher's knowledge of the field (for example her acquaintance with the many acronyms in use in the South African education sphere) ensured that potentially obscure references were understood. Because of the danger that transcribed words may lose some meaning as tone, volume, emotionality, and accompanying facial and body

gestures and disposition cannot be portrayed (Van Wyk 1996:164), notes were kept during and immediately following the interviews (cf 4.4.8.2).

The recordings of the interviews provided an unimpeachable data source; assured completeness and provided the opportunity to review as often as it was necessary to assure that full understanding has been achieved (Lincoln & Guba 1985:271). The researcher could also review for non-verbal cues such as significant pauses, raised voices, etc (cf 4.3.7). Most interviews lasted an hour or more and there was no time to play back recorded interviews to participants. Instead the typed transcripts were forwarded to the participants affording them the opportunity to read the transcripts in order to verify that the notes were a true reflection of the interview that took place (cf 4.4.5.1). Participants were invited to react and to add new material of which he or she was reminded on reading the transcript. Three participants edited the transcripts, more for technical reasons, but did not alter or add information.

The study draws on literature on the topic which assisted the researcher in defining concepts, assess data and construct a guideline for interviews. Use was made of the guideline for interviews and participants were encouraged to raise issues during the semi-structured interviews (Appendix H). Although the questions in the guideline were fairly specific in intent (McMillan & Schumacher 1997:265), it did not restrict responses from the participants. This guide was not seen as a structured schedule or protocol, but rather a list of general areas to be covered with each informant. It had the advantage that it provided for relatively systematic collection of data and at the same time ensured that important data were not forgotten (Schurink 1998:300). In the interview situation the researcher decided on how to phrase questions and when to ask them as the interviews developed (Bogdan & Biklen 1982:92). The researcher limited her own contribution to the interview to a minimum and introduced the general theme on which information was required, motivated interviewees to participate spontaneously and stimulated them through probing and steered them back, tactfully to the research topic when there was digression (Schurink 1998:300).

The researcher began the data analysis after receiving edited transcripts from participants and being notified that participants were satisfied with the content of the transcripts. This assisted the

researcher to refashion probing questions in the following interviews to be held on the basis of the previous insights (Lincoln & Guba 1985:273). An example of this is when participants mentioned that there is under-representation of certain interest groups and that the GETC is not catering for the needs of the training sector. Probing questions regarding the under-representation and training were asked to elicit more information. This led to the researcher's awareness that data were not saturated and participants from these sectors (interest groups) were requested to be interviewed (cf 4.2.2.6; 5.3.3).

Probing was done in a friendly reassuring and non-threatening way and the researcher made it clear that although a given response is acceptable, further information was required. This assisted in avoiding the impression that the participants' responses were rejected. To prevent data bias, no value judgements were made by the researcher during probing. The researcher obtained proficiency in probing by extensive experience and practice in a previous research project (cf 4.4.3). In probing the researcher asked open-ended questions, like; "Could you please tell me about your experience in the GETC?" Interviewees were asked for clarification and more information in a casual way, for example; "Can you please tell me more about ... and what do you mean when you say...". The researcher sometimes also gave a reflective summary in her own words of the ideas, opinions and feelings expressed during interviews.

This was done to make sure that the interviewees were correctly understood: "What you are saying is"; "Do I understand you correctly when you say that ..."; "In other words, you feel that", and "Is it therefore your opinion that?"

4.4.5.2 Observation

As an official of the GDE, responsible for the management of statutory councils, such as the GETC (cf 4.3.2.1) the researcher is tasked, amongst others to attend GETC meetings (full Council, Plenary, EXCO, EXCO/MEC and EXCO/CEO meetings), Bosberaads (conferences), end of year social functions and has observed conversations amongst members. This assisted the researcher in getting to know and be known and trusted by the participants in this research. *Ipsa facto* numerous telephonic and personal conversations were held with members of the GETC in this period. The researcher, however, is not the Administrative Secretary (cf 3.5.3), tasked to do the administrative functions, like minute writing. Attending these meetings afforded the researcher

the opportunity to observe the participation and contribution of members during deliberations. The researcher made notes whilst attending meetings. These notes subsequently provided worthwhile reference and background material.

The observation during the past five years (three of which overlapped with the period of study), allowed the researcher greater insight in the members of the GETC and assisted in the interpretation and validation of information gleaned during interviews (4.4.8.3).

4.4.5.3 Documents

Additional data was also collected from relevant legislation, documentation generated for the GETC meetings like agendas and minutes of the full Council, Plenary meetings, EXCO meetings, Standing Committees and working groups as well and reports generated. This documentation included submissions made by the GETC to the MEC on policy, legislation and regulations. The comment from the MEC on the recommendations of the GETC was also studied.

4.4.6 Analysis of the data

The process of data collection is not an end in itself. The culminating activities of qualitative inquiry are analysis, interpretation and presentation of findings (Patton 1990:371).

The main form of data analysis used in this study was that of *content analysis* (Miles & Huberman 1984; Strauss & Corbin). Content analysis is the process of identifying, coding and categorising the primary patterns in the data (Patton 1990:381). In this study the data consists mainly of transcribed interviews and it was analysed in order to understand the experiences of GETC members of the role they played.

The data generated by qualitative methods are usually voluminous (Patton 1990:379). The data comprised of fourteen interview transcripts totalling 260 pages, documents and notes made by the researcher as participant observer at GETC meetings. Organising all this material may be a most daunting task, therefore Fetterman (1988:229) suggests "data reduction" and explains that it is the process of selecting, focusing, simplifying, abstracting and transforming the raw data.

Initially the tape recordings were listened to and transcripts read over and over (cf 4.4.5.1). The transcripts were read to provide a context for the emergence of specific units of meaning. The

researcher started looking for any interesting patterns; whether anything conspicuous stands out as interesting or puzzling. These “chunks of meaning” may contain one idea, episode or piece of information, and could be a word, sentence, few lines or several pages of transcript. These “chunks of meaning”. Also referred to as “Incident units”, “meaning units” or “analysis units” were underlined and coded. These units or segments were organised into topics by means of descriptive names. These topics were selected into categories and names were given representing the meanings of similar topics.

The GETC is a statutory body through which role-players may participate in the policy process. Such councils have, however not been researched in South Africa (Jansen 2001:13). The linking of the research with existing theory on statutory participating councils was therefore not always possible. The theoretical discussions in the study are thus mainly grounded in the data collected and analysed. This is characteristic of a *grounded theory* approach to research. Used in this way theory facilitates the coherence of data and enables research to go beyond an aimless, unsystematic piling up of accounts (Bogdan & Biklen 1982:30).

4.4.7 Presentation of data

A key issue in the presentation of the data is the inclusion of numerous examples of raw data and original discourse. Description is the major purpose of ethnographic type study and the collected data are organised into readable, narrative descriptions with major themes, categories and illustrative case examples extracted through content analysis (Van Wyk 1996:166).

Each example of raw data within the presentation helps to provide the opportunity for the researcher to gauge the level of validity of research data (Bogdan & Biklen 1982:190). This approach is followed in this study because a good qualitative study is well documented with transcriptions taken from the data to illustrate and substantiate the assertions made. Each issue, each inference and each tentative conclusion is supported by reference to one or more extracts from a participant’s discourse. As far as possible in selecting the quotes, the writer has attempted to provide a balance of selections, so that no participant is over-quoted or omitted.

4.4.8 Issues of reliability and validity in the present study

Measures to enhance *reliability* involve a complete description of the research process, so that independent researchers may replicate the same procedures in compatible settings (Shimahara

1988:87). Schumacher and McMillan (1993:391) add other factors as verbatim accounts, low-inference description and mechanically recorded data (cf 4.4.8.2).

Validity is concerned with the accuracy of scientific findings and can be divided into internal and external validity. *External validity* refers to the degree to which findings can be generalised to the population from which the participants were drawn (LeCompte & Goetz 1982:32). This study is not concerned with generalisation or prediction, therefore external validity is not an issue. The internal relationship dynamics among stakeholders in the GETC do not differ widely and it is conceivable that some of the findings may be transferable to other statutory councils (cf 4.4.8). Issues of credibility, transferability, dependability and confirmability are discussed in paragraphs 4.3; 4.5; 4.6 and 4.7. Other issues of reliability and validity applicable to this study are discussed below.

4.4.8.1 Reliability of design

Factors discussed by Schumacher and McMillan (1993:386-388) applicable to this research include (cf 4.3.13):

- *The researcher's role.* The importance of the researchers' social relationship with the participants requires that research studies identify the researchers' role and status within the group (cf 4.2.1; 4.2.2.1).
- *Informant selection.* Informants must be described as well as the decision process used in their selection (cf 4.4.4).
- *Social context.* The social context influences data content and a description should be included of the people, time and place where events or interviews took place (cf 5.3.3).
- *Data collection strategies.* Precise descriptions must be given of the varieties of observation and interviewing, as well as the way in which data were recorded and under what circumstances (cf 4.4.5).
- *Data analysis strategies.* Through retrospection accounts must be provided of how data were synthesised, analysed and interpreted (cf 4.4.6 and chapter 5).

- *Analytic premise.* The conceptual framework must be made explicit.

4.4.8.2 Reliability in data collection

- Qualitative researchers commonly use a combination of possible strategies to reduce threats to reliability (Schumacher & McMillan 1993:391). The following were adopted in this research (cf 4.3.1.4).
- *Verbatim accounts.* Verbatim accounts of conversation, transcripts and direct quotations are used in this research (cf chapter 5).
- *Low-inference description.* Concrete, precise descriptions from notes made during meetings and interview elaborations were used when the data were analysed (cf 4.4.5.1).
- *Mechanical recorded data.* A tape recorder was used during individual and group interviews to ensure accuracy (cf 4.4.5.1).
- *Discrepant data.* Researchers actively search for, record, analyse and report negative cases or discrepant data. This process was also followed in this study and no discrepant data was found.

4.4.8.2 Internal validity

The following are recommended by Schumacher and McMillan (1993:391-392) to improve internal validity (cf 4.3.2.1).

- *Lengthy data collection period.* This is said to provide opportunities for continued data analysis. Comparison, and corroboration to refine ideas and to ensure the match between research-based categories and participant realities. The interviews were held over a period of three months and participants were observed during GETC meetings for five years, three of which overlapped the period of this study (cf 4.2.2.1; 4.2.3; 4.4.5.1).
- *Participant language.* In this research participants were encouraged to relate their experiences regarding their role in the GETC “in their own words” thereby contributing to the internal validity of the research. All interviews were conducted in English and all participants were conversant in English (cf 4.4.5.1).

- *Disciplined subjectivity*. Researcher self-monitoring, subjects all phases of the research process to continuous and rigorous questioning and re-evaluation (4.4.5.2). This was done throughout this research.

4.4.8.3 Triangulation

Although Schumacher and Mcmillan (1993:498) suggest *triangulation* as a technique of pattern seeking, most researchers use it to increase the validity of their research (Measor 1985:73; Mathison 1988:13; Patton 199:187).

Method triangulation (cf 4.4.5) took place by using more than one data collection method, such as interviews, observations and the studying of documents. Theoretical triangulation took place by using more than one theoretical perspective to interpret data. Data triangulation took place by using two or more kinds of data sources such as the data of the interview, literature and documents. Triangulation also took place between findings of research done in 2000 (Heckroodt & Van der Vyver 2000) and the current research (cf 4.4.3).

4.4.9 Limitations of present study

Although a small sample of participants was used the aim of the research was not to generalise the results to other members of statutory advisory councils, but to gain insight into the experiences of members of the GETC. This study does not claim to identify all possible themes relevant to the experiences of members of statutory councils, nor does it attempt to state/argue that the themes identified are typical of all members on other statutory councils. The focus of this study has been on the experiences of members on the GETC of the role of the GETC in the policy-making process with a view to improving this role.

4.5 SUMMARY

This chapter outlined the rationale for qualitative studies and focussed in particular on characteristics of research methodology that would enable the researcher to investigate how participants experienced the role they played in the GETC. An explication of the design of the study includes the selection of participants and the data analysis procedure. It also sought to identify the criteria by which the study and its results could be judged. The chapter concluded with specific reference to particular aspects of the research methodology informing this study. In the next chapter the data generated and analysed will be presented and discussed.

CHAPTER 5

PRESENTATION AND DISCUSSION OF KEY THEMES

5.1 INTRODUCTION

In previous chapters the policy phenomenon (Chapter 2) and the functioning of the GETC (Chapter 3) were discussed. In Chapter 4 the research methodology, the rationale for the choice of a qualitative approach for this research and the research design applied, were described.

Chapter 5 presents an analyses of the data generated during 14 in-depth interviews with 17 GETC members (cf 4.4.4), hereafter referred to as participants. First, the personal characteristics of the participants are summarised followed by significant themes, which emerged from the interviews as well as discussions of such themes.

5.2 THE GETC EXPERIENCE

In preparation for this research, an extensive literature study of policy in education was undertaken as reflected in Chapter 2. Moreover, the researcher, who is the head of the Sub-directorate of the Gauteng Department of Education that administers the GETC, was a member of a research team which evaluated the effectiveness of the GETC during 1997 - 1999. For this evaluation, questionnaires which had been sent to education stakeholders and GETC members were analysed. Interviews were also conducted with senior managers of the GDE, members of the Education Standing Committee, a legal consultant and the MEC for Education in Gauteng, at the time, Ms M. Metcalfe. No interviews were conducted with GETC members. These interviews were mainly aimed at eliciting information on the functioning of the GETC. The interviews were very structured, and did not allow for much discussion. Answers were obtained to set questions. Thus the data lacked the detail and "richness" characteristic of qualitative research.

In the light of the extensive knowledge gleaned from this evaluation and the interrogation of documents, as well as from attending GETC meetings, the researcher expected that the in-depth interviews held with the GETC key-informants in 2002 would concur largely with the experience gained from the research done previously. However, this was true only to a certain extent. The richness of the data obtained during the interviews with the participants and the degree of detail

given were at times so surprising that the researcher was compelled to refer to the literature to verify whether it corroborated with the literature.

5.3 PARTICIPANT CHARACTERISTICS AND BACKGROUND DATA

This section presents responses by participants, which relate to personal characteristics. The interviews were held in English which is the second language for most of the participants (cf 4.4.5.1). Where the words of the participants are quoted in the presentation of themes, no attempt has been made to correct language usage. Where the meaning of a remark is obscured within a quotation the researcher added a word or a phrase between square brackets to prevent misunderstanding. Quotations are presented in inverted commas or as indentations.

5.3.1 The GETC members

Relevant background information, which could assist in understanding the participants' responses to questions asked during the interview, is included in Table 5.1 and 5.2. The GETC was established in 1997 with 56 members of which only one is from a fully fledged government organisation, namely the Gauteng Department of Education (cf 3.5.1 and Appendix A section A3). Five years later, in March 2002 the members dwindled to 34. This was mainly due to the abolishment of Training Boards through legislation in 1998 (Republic of South Africa RSA 1998), the amalgamation of Colleges of Education with Universities, the rationalisation of Technical Colleges into Further Education and Training Institutes (FETIs) and some Non Governmental Organisations (NGOs) which ceased to exist. Sector Education and Training Authorities (SETAs) under the Skills Development Act (Republic of South Africa (RSA) 1998), however replaced the Training Boards. Two SETAs have subsequently reapplied for membership on the GETC and a marketing campaign is under way to invite other relevant SETAs to apply for membership. Not all of the interest groups provided for through legislation are currently represented in the GETC (cf 3.5.6). At present the membership stands at 34 members.

5.3.2 Biographical data of participants

Participants who complied with the criteria for selection were included (cf 4.4.4). The selection of four participants from the MEC appointees was justified considering their respective functions as chairperson, chairpersons of sub-committees and their specialised field of expertise (5.4.4). Two participants from the interest group *Educators* were selected because there are six organisations

representing this interest group and two participants reflected a broader spectrum of the interest group. One participant each, was selected from Business, Labour, Governing Bodies of Institutions, Heads of Institutions, NGOs, Independent Education Institutions, Parents and SETAs.

Four of the 17 participants interviewed were EXCO members representing four different interest groups. They were interviewed management skills as well as being information-rich participants and complying with the selection criteria (cf 4.4.4).

Although representivity is not regarded essential for qualitative research, an attempt was made to include members representing various interest groups as well as ensuring race and gender representivity as far as possible, considering the composition of the GETC and the attendance of members at meetings. At the time of writing, there are 18 White and 16 African (13 Black and 3 Indian) members on the GETC. The racial composition of the group of participants was 12 Whites and 5 Africans (4 Black and 1 Indian). There are 24 males, and 10 females on the GETC and the gender composition of participants were 11 males and 6 females (cf table 5.2). There are no disabled members on the GETC.

Participants from the ten interest groups selected are colour coded in table 5.1 according to the following colours:

- yellow - MEC appointees
- light green - business
- turquoise - education and training development practitioners (Educators)
- pink - governing bodies of institutions (SGBs)
- blue - labour
- red - heads of institutions
- khaki - non governmental organisations (NGOs)
- dark green - independent education institutions
- grey - parents
- brown - Sector Education and Training Authorities (SETAs).

Table 5 - 1 Personal characteristics of participants

MEMBER	GENDER Male=M Female=F	PORTFOLIO	EXPERIENCE INTHE GETC (IN YEARS)	RACE	INTEREST GROUP	PERCENTAGE ATTENDANCE AT MEETINGS
A	M	EXCO	3	Black	MEC APPOINTEE*	80
B	F	Member	2	Indian	MEC APPOINTEE*	40
C	M	Member	4	White	MEC APPOINTEE*	80
D	F	Member	3	Black	MEC APPOINTEE*	30
E	M	EXCO	4	White	BUSINESS	60
F	M	EXCO	4	Black	EDUCATORS	50
G	M	Member	2	White	EDUCATORS	50
H	F	EXCO	4	White	GOVERNING BODIES	100
I	M	Member	4	White	LABOUR	80
J	F	Member	3	Black	HEADS OF INSTITUTIONS	60
K	M	Member	4	White	NGOs*	60
L	M	Member	4	White	INDEPENDENT EDUCATION INSTITUTIONS	50
M	M	Member	4	White	PARENTS	50
N	F	Alternate member	2	White	PARENTS	50
O	M	Alternate	2	White	PARENTS	80
P	M	Alternate	2	White	SETAs*	10
Q	F	Member	4	White	SETAs*	10

*MEC appointees: The MEC appointed these members as individuals for their specialised knowledge of education. They do not represent any interest groups.

NGOs:	Non- Governmental Organisations
SETAs:	Sector Education and Training Authorities
EXCO:	EXCO members

Table 5-2 Race and gender representivity of participants

	RACE			GENDER		
	WHITE	BLACK	INDIAN	MALE	FEMALE	TOTAL
GETC MEMBERS	18	13	3	24	10	34
PARTICIPANTS INTERVIEWED	12	4	1	11	6	17

It is the prerogative of member organisations to nominate representatives they consider best suited to serve on the GETC. There is no legislative requirement for organisations to give due attention to race, gender and disability representivity. Thus organisations generally do not consider these criteria for the selection of their nominees, rather taking the following salient aspects into consideration when appointing a representative:

- can the organisation afford the employee being not being at work?
- is s/he equipped and experienced enough to make a worthwhile contribution to the GETC?
- is s/he able to project the organisation's interest in the particular field of education and training?

5.3.3 Interviews with participants

Initially the researcher selected twelve participants from the various interest groups currently represented on the GETC for inclusion in this study. After the twelfth interview, the researcher realised that the data was not saturated as participants referred to organisations which had not been selected for interviewing by the researcher. This prompted the researcher to request two more GETC members for interviews, one each, from the Parents of Children with Specialised

Education Needs (PACSEN) organisation and the Services Sector Education and Training Authorities (SSETA) organisation. The representative for PACSEN requested that two of members of his organisation, who regularly attends GETC meetings, as alternative members, be included. A group interview was thus subsequently held with three members of PACSEN (cf table 5.1 and 4.4.5.1). Whilst conducting the interview with the SETA, the participant phoned the organisation's Chief Executive Officer (CEO) and requested him to join the interview. The researcher had no objection to this, as he was previously a representative of the then Training Board on the GETC. This interview was thus conducted with two members of the SSETA. The CEO arrived towards the end of the interview and made a valuable contribution to the deliberations by giving his/her perceptions of the role of the GETC at the time s/he was a member of the GETC. The CEO gradually took the lead in the discussions.

The other participant was in agreement with the CEO's opinion and indicated this by means of non-verbal cues. Both the participant and the CEO were informed that the discussion was being recorded and they raised no objections to this.

Fourteen interviews were held, comprising of twelve individual interviews and two group interviews (cf 4.4.5.1). Seventeen participants participated in the interviews. Twelve participants were interviewed individually and three participants interviewed in one group interview and two participants in the other group interview. When similar responses and themes to those previously elicited emerged the researcher considered the data to be saturated after the fourteenth interview (Morse 1995:147-149).

The interest group, "Learners" was not interviewed. The two organisations representing "learners" had not attended any meetings during the period 1 April 2001 till 31 March 2002 (cf table 3.1; 5.4.4.3). Previous representatives could not be traced due to the mobility of learners (cf 5.4.4.3).

All participants are well-known to the researcher. The researcher knew one participant for more than 13 years, nine of the of the participants for at least five years, five participants for three years and two participants for two years at the time of the interviews. All participants were chosen by

the researcher on the grounds of their being information-rich key-informants and complying to the criteria of selection (cf 4.4.4), as well as their willingness to contribute to the research project.

The atmosphere during the interviews was warm, friendly and informal. In every case the participants showed a high degree of *rappport* with the researcher who brought a clear sense of appreciation for their individual contributions to the interview. The result was one of reciprocity, trust, openness and interest in the research.

Of the fourteen interviews, six were held at participants' offices, five at the researcher's home, two at participants' homes and one in a hotel boardroom (cf 4.4.5.1). All interviews revealed a strong commitment by the participants to their role in the GETC, as well as to the organisations which they represent. The interviews lasted between one and one-and-a-half hours and light refreshments were served. One participant brought a friend along to the interview, which was held at the researcher's home. During informal discussions before the interview the researcher established that the participant would like the friend to be present during the interview. The friend was an observer and did not respond to any of the questions or took part in the discussions (cf 4.4.5.1).

One consistent perception established during the interviews is that GETC participants experienced the role the GETC played in its initial years under the first MEC for Education in Gauteng differently from that under the second MEC in later years. This perception is repeatedly illustrated in this chapter.

5.4 MEMBERSHIP OF THE GETC

5.4.1 Members from diverse backgrounds

Hardly any of the 56 founder members of the GETC had known each other before the establishment of the GETC in February 1997. Members came from diverse background in the GETC. According to participants this initially resulted in a degree of mistrust amongst members (cf 3.5.1). As one participant explained:

Because members did not know each others' background there was the perception that ... members represented only their organisations with their own vested interest. They struggled for 'power....', 'supremacy', ... or a

'little place in the sun'. This power struggle was more evident between unions and particularly the members from the business sector.

Moreover the different political sentiments of members contributed to a large degree of mistrust at the establishment of the GETC. A participant mentioned that " I can typify the earlier period where members of the GETC tried to find common ground amongst one another and to the later stage where members evolved in a way forward for the GETC".

Fortunately, as explained by a participant, the initial mistrust gradually made way for an "understanding between members after working together on the avalanche of draft legislation". Thus members gradually came to the realisation that an agreement on working together had to be reached if they wanted to contribute towards the improvement of education. One participant explained:

It became more apparent that members were working towards a better education system for all. The original mistrust and that of friction watered down. It may not have completely disappeared, but bridges were built, a better understanding was achieved and the seeking of a common solution for all and common ground became easier.

Participants explained that members began to realise that the diversity of their backgrounds could be seen as an asset. The fact that decisions are taken after discussion and consultation also contributed to the finding of common ground. In this regard it was felt that the diverse inputs from the different parties in the GETC brings about a balanced view to legislation and policy.

In short, all participants expressed the opinion that the diversity, which was initially regarded as a problem was later seen of great value to the GETC in the policy-making process. Being exposed to the diverse viewpoints of the different organisations, policy could be contextualised against a background broader than only education. This was succinctly described by the first MEC of education in Gauteng (Metcalf 2002):

Many people come with resentment and mistrust and that is not a problem, because that is why the GETC exists. It is there for those flavours and those

tendencies to be heard, to be acknowledged and to be engaged with. I appeal for honesty – honest engagements and the ability to listen and to be persuasive.

The researcher as participant observer at GETC meetings noticed that for a period of time in the beginning of the functioning of the GETC, members sat in certain groupings.

After the first year the venue for meetings was changed and it was interesting to note how members chose their seats in the new venue. Organisations with very different views sat next to one another and there was a good racial mix.

Discussion

The diversity in the backgrounds of members of the GETC can generally be construed as a positive contribution in furthering the aims of the GETC in that opinions can be voiced from different perspectives, thus evolving into cross pollination and healthy discussion to enhance the policy-making process (cf. 2.10).

Zafar (2000:20) mentions similar findings in her research on national and provincial statutory advisory councils in education and concludes that “... greater cohesion has developed among the stakeholder representatives since the inception of the GETC”.

5.4.2 Expectations of the members

Participants had varied expectations of the GETC and the role they needed to play in it. One participant was of the opinion that:

Initially when I was appointed to become a member of the GETC, I thought that this was going to be a council that will open up education and will try and bring a balance into education so that those things, which were lacking in education could be resolved through negotiations, through advice, through possibly research. My feelings were that the GETC was a Council, which could really move and get things done.

One participant, previously attached to the GDE, was equally optimistic that the knowledge members gained in the GDE would serve a useful purpose in guiding the GETC on its route

forward. The participant felt that “here was an opportunity for somebody who has been in the Department, somebody who has been part of that structure and understands the dynamics”.

In contrast, a participant with long experience in education had less idealistic expectations of the GETC, and said: “I did not expect it to be any different from what it actually did, because I have had long experience in education. I didn’t expect miracles, I knew it was a new body and it would have to find its feet. I think it has taken a bit of time to find its feet”.

A number of participants had no preconceived expectations of what their role would be or what the GETC was about and one of them said: “I was really confused of what is going to happen, what is this GETC and so on”. Another participant added:

I think as a MEC appointee one of the problems has been that we have never been properly briefed on exactly why we are there or who do we give feedback to, how we actually impact, or how do we help the MEC do his job better.

The above quotation also reflects the general feeling amongst many participants that they had not been briefed properly. This perception was aptly summarised by one of the participants who said: “We were thrown into the structure and grew with the structure”.

Although only a few participants expressed particular expectations of the GETC it was evident that these participants expected to be required to contribute to the upliftment of education. Where participants felt that the GETC was not fulfilling their expectations they experienced disappointment in both the structure and role of the Council.

Discussion

It is clear that most participants expected to participate directly in the policy-process (cf 2.8). This implies a range of activities such as organising and preparing for meetings, serving on various sub-committees and debating policy options (Govender 2001:4). Where expectations of members are not realised, or not in accordance with the role of the structure in which they serve, their interest in meaningful participation decreases.

5.4.3 Racial, gender and political representivity

In order to align the functioning of the GETC with the vision of the education authorities, it is necessary to maximise participation by the various interest groups within civil society in the formulation of education policy (cf 2.7.3.4). Members should therefore be representative of the stakeholder-mix in education in Gauteng.

Participants were in agreement that full representivity in the GETC is necessary. One participant voiced this in stressing the need to bring about "... a consensus of opinions that cuts across all the barriers of racial, gender, political biases and organisations". This participant experienced that "...as time went on we had to learn that somewhere we need to argue certain points of view so that we [GETC] start persuading one another in terms of understanding them [the point under discussion]".

Participants were concerned that allegations are made that the GETC, and in particular the EXCO is not representative enough or that certain components of the demographics of South Africa are not represented in the GETC. One participant was specific in saying:

... the GETC was very often seen as being too White, too right-winged, for example. For me that was one of the reasons why I left EXCO or didn't make myself available for it, because I believed that there had to be a greater participation and a different image.

As time passed an increase in both racial and gender representivity on the EXCO became noticeable and a participant made the following observation:

When it [GETC] started, when you looked at the Executive, we would have only the chairperson being a black person and the rest being Whites. Now we have 'Darkies' here, ...

... we have women within the Executive..." I think it [EXCO] reflects the demographics of South Africa. We are able to listen to one another and argue constructively ... as time went on.

Although the issue on race and gender representivity is likely to remain on the agenda of both public and private institutions in South Africa for some time, there were participants who felt that this should not stand central to either the membership of the GETC or its EXCO. One participant argued, that as the GETC members grew familiar with each other "... the issue of looking at a White person speaking, or a 'Darky' from a particular point of view started disappearing".

On the other hand, a participant argued that the different groupings do not make equal use of the opportunities afforded to them to contribute to decisions taken by the GETC. In this regard the participant contrasted the attendance of representatives from the "old guard" – referring to influential people from the previous dispensation – and the "new guard" who represent the current political tendencies. The participant explained:

What makes it pathetic, is that the old strong guard still stands there and comes in regularly. The new guard that should be coming in and be bringing in innovation or other ideas is not represented. We never have COSATU [Congress of South African Trade Unions], we never have the youth bodies ...the other side of the coin is not represented well.

Historically racial groupings are automatically linked with certain political affiliations, namely the white hegemony of the previous dispensation. Although many white people, the opposition in particular, did not share this political philosophy, the legacy lives on and this is probably why the perception in the GETC prevails that many white people are of the "old order" and many black people are "revolutionaries and activists". This most probably contributed to the sense of mistrust (cf 5.4.1) that existed when the GETC was established.

One participant elaborated: "... the disproportionate representation of political affiliations created a degree of tension between the politicians and the GETC". Another participant is of the opinion that the "old strong guard still stands there [in the GETC]" referring to the White membership.

Discussion

In education many groups, including parents, learners, teacher unions, public service employees, non-governmental organisations and others are seen as stakeholders (cf 2.8.2). All these groups

have an interest in setting the educational agenda and shaping the organisations which are established to participate in the process of educational provision (Reimers & McGinn 1997:60). Because of South Africa's history, racial, gender and political representivity are also seen of being of great importance.

Although racial, gender and political bias seems to be diminishing (cf 5.4.1), it is clear that such bias will continue to exist as long as members remain of the opinion that there is disproportionate representation by the various groupings (cf 3.5.5.2). Moreover the GETC is constantly being criticised for not reflecting the racial and gender composition of the country. In this regard De Clercq (1997:143) warns that there is a strong vocal and dominant presence of conservative (white) forces in multipartite forums, lobbies and in the bureaucracy which mitigates a significant shift in social power relations (cf 3.5.5.2). There is, however, no legislative requirement that organisations must give due attention to representivity on the GETC and organisations representing interest groups may nominate or elect any of their members they deem best suited to serve on the GETC (cf 5.4.4).

Representivity by race and gender is at present being dealt with by the Government at national level. In the regulations to provide for the establishment of the National Education and Training Council (NETC) due attention is given to representivity of the NETC on such relevant grounds as race, gender and disability. To accelerate the establishment of racial, gender and disability representivity on the GETC the regulations governing the GETC it may well be prudent to be amended similarly.

If the racial imbalance becomes normalised in the GETC, the issue of racial representivity on the GETC will also become less of a concern.

The EXCO had a concern as far back as 1999 that it (the EXCO) was not representative of race and gender and then, as a consequence, the following plan was adopted to address the issue (Gauteng Education and Training Council 1999:2):

- to invite suitable persons to attend EXCO meetings and attempt to find suitable women
- if suitable persons were found, then one or more of the elected committee members could resign and new elections be called
- with the Council regulations currently under review, the power to co-opt members to serve any identified project with full rights could be built into the regulations. The membership of co-opted members can be terminated at any time by the EXCO and their terms of office may not exceed the term of office of the elected members
- an attempt will be made to ascertain why women members are not nominated and elected.

The full Council agreed at the time that an African man and a woman be invited to attend EXCO meetings (Gauteng Education and Training Council 1999:4). This was duly done.

As members got to know each other, race and gender prejudices seemingly moved to the background (5.4.1). Likewise, their initial mistrust changed as they were compelled to interact in order to reach collective consensus through discussion within the Council (cf 3.5.5). This is important for the more the voice of the GETC reflects the full spectrum of stakeholders of civil society, the greater the degree of credibility the GETC will have with participating members like the MEC, the GDE and outsiders (cf 5.4.4).

This credibility will be strengthened through the consensus obtained in a Council characterised by a rich diversity of ideas and opinions. It is therefore essential that representivity be ensured (cf 3.5.5.1).

5.4.4 Views on organisational representivity

In order to align the functioning of the GETC with the vision of the education authorities, it is necessary to maximise participation in the formulation of education policy by the various interest groups within civil society.

Legislation provides for a broad variety of potential interest groups to be represented on the GETC provided they comply with certain legal requirements (cf 3.5.6). A participant felt that some of these requirements placed undue restrictions on certain organisations which adversely

affected representivity and deprived the GETC of valuable input. The participant explained:

We are still facing all those hurdles of getting your constitution in line with the *Constitution of the Republic of South Africa* regarding any discriminatory clauses, to be able to qualify for membership of the GETC. I think it will take a while.

On the other hand, the majority of participants felt that neither the stipulations of the *Constitution of the Republic of South Africa* nor the prerequisite that groups prove that they have a demonstrable interest in and commitment to education were in any way restrictive. One participant expressed this as follows:

Access to the GETC is not difficult, provided you comply with some very basic requirements, like: a constitution which does not violate the Constitution. A significant proportion of the relevant interest group falls within the jurisdiction of the GETC and has a demonstrable interest or history of involvement in the matters falling within the terms of reference of the Council.

Another participant could not understand why “people actually don’t get involved [in the GETC] and why people are not rushing to give their views”. Most members felt that the GETC is reasonably representative qualifying this by saying that “almost all major role-players are there with the exception of a few”.

Participants mentioned a few organisations which they thought should have representation according to the interest groupings for membership on the Council. This will be discussed in paragraph 5.4.5.

Discussion

Democratic participation in the policy process implies a level of inclusivity of education stakeholders (cf 3.2). This cannot be achieved if some organisations are excluded from the GETC and thus from the policy process.

The GDE is also concerned about the representation of organisations and how they participate in GETC meetings. At a plenary meeting of the GETC on 20 October 2001 (Gauteng Education and

Training Council 2001) (cf 4.2.3.3), the Group General Manager (GGM) of the GDE expressed the opinion that:

The question goes to how the GETC is organised and how it is being used and in many cases being abused? It goes to the heart of questions around – what is the representivity in the GETC in terms of organisations that participate in the GETC and how those organisations participate... One of my criticisms is that some of the organisations which are part of the GETC, don't fulfil their obligations when they have to bring their interests and their issues to the GETC and try to make an influence ... impact. The other problem with the GETC at the moment – and the question that we have to ask is: Whose interests does it serve whose interests does it advance?

The GGM was also of the opinion that transformation in education has been delayed by the manner in which some organisations use the GETC to further their own aims. This may have a negative impact on the mandate of the MEC to transform education in order to ensure redress and equity. The GGM asked:

If the GETC is going to be abused and used in a way that delays transformation, then we have to ask the question – is it then not right for the MEC to begin to try to make amendments to how the organisation works to ensure that transformation is actually achieved?

The amendments referred to by the GGM relate to proposed amendments to the *Gauteng Education Policy Act*, dealing with the GETC and other statutory councils like the DETCs and SACs (cf 3.4.3). The proposed amendments have been commented on by the GETC and forwarded to the MEC. No feedback has been received other than a letter that the document has been referred to legal advisors and will be returned to the GETC in due course for further comment (cf 3.5.16).

The proposed amendments refer to a significant curbing of the functions and powers of the GETC. The obligation for the MEC to consult with the GETC, for example, is removed and replaced by the GETC making recommendations and consider already

promulgated legislation. Currently the MEC may not publish legislation unless s/he has consulted the GETC. This draft amendment indicates that the GETC must comment after legislation has been promulgated. Consequently if recommendations are accepted, it would necessitate further legislation and amendments to already existing legislation.

The draft amendments to *Gauteng Education Policy Act* further remove the obligation of the GDE to submit annual and quarterly reports to the GETC. This proposed amendment shirks the GDE's accountability to stakeholders and the sharing of information.

Organisational representation is hampered by specific problems inherent to some organisations. In general participants were of the opinion that interest groups were reasonably well represented on the GETC. They were however, concerned about a few significant interest groups not represented, on the GETC. Of particular concern with many participants was the lack of "mainstream" parent representation.

5.4.4.1 Need for mainstream parent representation

Although the organisation, "Parents of Children with Specialised Education Needs" (PACSEN) which represents "Learners with Special Education Needs" (LSEN) is represented on the GETC, thirteen out of the seventeen participants would like to see a parent organisation which represents all parents of learners at ordinary ("mainstream") schools represented on the GETC (cf 2.8.3.4).

There were drives in the past by some organisations to organise mainstream parents, as explained by one participant: "We had meetings throughout the country to try and get parents organised into a particular grouping. It didn't work, as parents rely heavily on their School Governing Bodies to represent them ... so to get parents organised is almost an impossible task!"

Despite the difficulties that may be encountered and of which the participants are fully aware, most of the participants felt that a parent grouping other than parents who are members of SGBs, should be represented on the GETC. One participant explained the reasoning behind this:

Certain sectors of the community have missed out on the experience of democratic participation and I'm talking specifically of the African sector of our community. There has been very little participation by parents, even at ordinary school level.

To them it will be a learning curve and we might as well begin now. We cannot wait and say, 'people are not ready to participate'. We need to plunge them into the exercise, let them listen and see how the thrust and debating and meetings takes place, so that they begin to understand.

In much the same vein another participant saw an advantage not only for the process of policy-making, but also for the parents chosen to serve on the GETC. He explains:

Those who come from the confrontational tradition of politics, where you have no opportunity to argue your position and to be listened to, to get results you had to be confrontational, they will have to learn in a structure like the GETC ... They are not used to that kind of debate and we believe that they could benefit quite a lot and encounter benefits by having more and more people getting to buy into this type of discussion, before decisions ... rather than fighting before decisions.

It is clear that participants have given the issue of parent representivity much thought and even put forth suggestions on how this could be achieved. One participant was of the opinion that parents should first of all begin to organise themselves in local and district structures, like Local Education and Training Units (LETUs) and District Education and Training Councils (DETCs). Through these structures they can gain experience in listening to other interest groups and carry that experience through to the GETC. They will then have representation on the GETC through the representation of the DETCs on the GETC.

Another participant concurred and said:

By ensuring that DETCs nominate parents to be their representative on the GETC, we can get more opinions from grassroots level on the GETC. Parents can in this way get representation on the GETC, but not directly as yet as a provincial parent body – they must first go through a learning curve of discussion and not of confrontation at local structures.

Most participants felt that "if we are not getting parents involved in school activities, we will not be successful in creating new structures for parents. There must be a reason for them to become

involved". However, problems were foreseen since participants are of the opinion that principals of schools dominate school governance as a participant summarised: "School principals still overshadow the parents in School Governing Bodies and parents should have their own organisation without other influences from the so-called learned". It was nevertheless conceded that principals are willing to assist in getting parents organised, thus problems foreseen in organising parents could be overcome (cf 2.8.3.4). When PACSEN was established the support of principals was an important factor. A participant explained:

A lot of assistance came from principals and teachers because principals felt it was necessary to get parents involved in an organisation. We had strong principals that assisted us in the running of it [a parent's organisation] and getting it off the ground.

Although principals can assist in establishing parent organisations, parents themselves must be willing to become involved in an organisation. To do so, parents need to know about structures such as the GETC. However, one participant warned: "The GETC is not visible enough. There are organisations, like us, who never knew of the GETC and have not applied for membership". The participant continued by explaining that PACSEN did not know of the GETC prior to being told about it by a member of the GETC. The participant concluded: "I don't think the GETC is exposed enough for the parents to come on board".

An interesting view was expressed by a participant from PACSEN who referred to the *Education White Paper 6: Special Needs Education*. (Republic of South Africa (RSA) 2001) whereby children with disabilities will have to be accommodated with learners in mainstream classrooms. This participant remarked that "mainstream" parents could easily combine with their organisation because

My feelings are that we are going the inclusion way and you are going to have parents whose children do not have a disability going to be affected by the presence of disabled children in the classroom situation. So I am saying, and our Constitution allows, that you don't just allow for parents with children with special needs for also for parents of "normal" children.

This obviously implies that the parents of all learners should be represented on the GETC and it is not surprising that limited parent representation on the GETC is a concern of all the participants. How serious this concern is, is borne out by a participant who said: "... the sooner we get in together with parents from mainstream schools, the quicker we get on to the road of recovery of fitting in all our children together". It was however also emphasised that getting all parents on board would require a concerted effort. This would need to include facilities, administrative staff and financial assistance with the necessary media coverage to have an advocacy campaign to get parents involved.

There is appreciation for the change that is taking place from the "old" to the "new" in education and the added responsibilities for parents brought about in this progression. A participant summarised:

I feel that the parents have a bigger stake at the moment to determine which way to go, because things that is coming on to the parents and the parents have been in line the whole time, but that is the old way, that parents were seen and not heard and now the new way is that parents must be heard.

A participant pointed out that parents are the majority members in School Governing Bodies (SGBs) and that some SGBs are members of School Governing Body Associations. One such an associations is a member of the GETC, therefore parents are actually indirectly represented in the GETC. The participant is, however concerned that:

Parents are however, still one step removed from real representation in the GETC and I would say that no school governing body association on the GETC can truthfully say they represent the views of parents generally.

The establishment of an inclusive parent body may not necessarily eliminate all associated problems and a participant warned about possible conflict between two sectors having representation on the GETC as member of a parent organisation and as member of a School Governing Body Association. The participant argued that: "Parents must first of all participate in School Governing Bodies so that they support that governing body." The same participant said

that School Governing Bodies have many problems trying to get parents to come to attend meetings let alone parent organisation meetings.

Discussion

The previous MEC (Metcalf 2002) is of the opinion that the SGBs are the most viable organisations for parents, but contends that it is a “common phenomenon” that only a very small percentage of parents is prepared to spend time to serve actively on other structures. She concluded that parents at present serving on the SGBs and/or other structures, would be unlikely to be willing to serve on yet another body. Therefore elected parents should canalise their energy in SGBs.

The majority of participants, however argued in favour of “mainstream” parent representation on the GETC and felt that although parents are already represented in SGBs and might have indirectly representation on the GETC, through School Governing Body Associations provincially, they should have their own organisation. Parents will be represented on LETUs, DETCs and the GETC. PACSEN felt that they obtained much more useful information on the GETC, than what they experienced on SGBs.

Parents are represented as the majority stakeholder on SGBs and as such need to formulate the mission statement of the school, adopt an admission policy, code of conduct, language policy and religious policy, all of which may not be in violation of government policies (Republic of South Africa (RSA) 1996b). This necessitates a clear understanding of national and provincial legislation. It also means that parent representatives on SGBs are more aware of areas within the broader framework of national and provincial policy which should be addressed. Through representation on the GETC parents will have a greater opportunity of participating in the policy-making process. Parents would have a direct influence on all provincial policies and it is therefore important that the whole spectrum of parents and not only one segment, PACSEN be represented. It will however not be an easy task to establish mainstream parent organisations (cf 2.8.3.4)

The broad involvement of parents is a serious challenge as there is evidence that despite the formal shift of power from the education departments to parents, the actual power of most parents, while increasing somewhat, cannot really be considered markedly greater than before

(Karlson et al 1996:7). King (1977:86) concurs, however warning that in most countries parents have trouble organising themselves as an effective force in education policy-making (cf 2.8). Where parents are organised, such as in SGBs, Karlson et al (1996:7) warn that it was found that school principals continued to exercise a great deal of power over their schools. In some cases SGBs hardly functioned and in others were considered to be little more than support for the efforts of the principals. Parents should thus form a separate interest group on the GETC and thus, allowed to have a say in education matters discussed by the GETC (cf 2.8.3.4).

5.4.4.2 Need for school principals' representation

Provision is made for an interest group "Heads of Institutions" in the membership of the GETC (cf 3.5.6). This sector was not, at the time of writing represented by an association for school principals. Heads of Further Education and Training Institutes (previously called Technical Colleges) however are represented within the interest group: Association for Further Education and Training Institutions of South Africa (AFETISA).

There is currently no organisation on the GETC representing school principals. A participant felt that "if they [school principals] were to become involved, a high level of participation can be expected".

It was argued that direct representation of school principals would be relatively easy to realise as principals are organised and some principals belong to the Gauteng Principals' Association (SAPA:GAUTENG), which is the provincial branch of the South African Principals' Association (SAPA), which is the registered union for principals (cf 6.3.8).

Most participants supported the representation of school principals on the GETC and a participant argued: "If there is a need for principals to be called to a special meeting, specifically convened for them, then it stands to reason that there could be a need to have their own organisation to share best practices". Another participant argued that "principals are accountable for the implementation of policy in their schools and would readily take ownership of this if they were part of the development of relevant policies".

Some participants again felt that principals, as educators (teachers) already have “indirect” representation on the GETC through their respective educator unions and should not be represented as an interest group, Principals.

Discussion

These viewpoints relate well to Govender’s (2001:16) argument that “Principals are at the coal face level of implementing policies and many of them do not participate in the policy-making process”. They would be more likely to take ownership of policies and perhaps be more willing to implement them better, were they to have been involved right at the outset (cf 2.8.3.3; 6.3.8). Lessons were learnt with the outcomes based education policy, where educators and principals were not consulted, but had to implement the policy. Such lessons will be ignored at great risk to the credibility of the GDE.

Although principals, being members of their educator unions (cf 2.8.3.3) have indirect representation on the GETC, they have a specific management focus and are responsible for the implementing of policies.

5.4.4.3 Need for learner representation

At present learners are represented on the GETC by two learner organisations, the South African Students’ Congress (SASCO) and the Congress for South African Students (COSAS) (cf 3.5.6). SASCO represents mainly black students in higher education institutions and COSAS mainly black learners from schools. As a result of this very few, if any, White learners are in effect represented on the GETC.

Most participants remarked on the non-attendance of the above organisations for the past year and the need for learners from other race groups to “become members of the existing organisations to get a more balanced view from learners”. A participant reported that after having visited mainly white schools it appeared that the schools don’t see the necessity of having learners organised on a

provincial level; that his organisation had tried to launch a predominantly white learner association, but it was not well supported and could not sustain itself.

Two more participants mentioned that their organisations tried unsuccessfully to establish learner organisations at their previous Model C schools. One participant reported on discussions held with some principals during which it was evident that principals felt that “the learners’ task is to be in the classroom”. These principals argued that it would negatively affect a learners’ study programme to involve them in issues on provincial and national level. This attitude of principals will take some time to change and thus the issue of including learners on SGBs is still not widely supported. The attitude of some educators that “learners are to be seen and not heard” still prevails.

This comment is substantiated by the remark of another participant in reporting the following comment by a school principal: “... you know it is very difficult for me to accept there is a woman on my SGB and now even kids”. According to this participant, learners reported at a training session of learner representatives on SGBs that after the welcoming of members of the SGB by the chairperson, the chairperson would say “I am asking the pupils to put the kettle on and then they can go”. It therefore seems that there are two serious obstacles to overcome in order to realise successful learner organisations, as explained by one participant:

The main problem learner organisations face seems to be that such organisations appear unable to sustain themselves and an attitudinal shift would be necessary before persons in authoritative positions would be comfortable in accepting the participation of learners.

A conclusion on the ineffectiveness of learner organisations could only be drawn from remarks made by participants interviewed. It was not possible to solicit input from learner participants due to non-attendance during the past year (table 3.1). Attempts to contact the members representing students and learners were unsuccessful (cf 5.3.3).

Discussion

Learners, because of their transitory status, have little opportunity to develop experience in policy matters (cf 2.8.3.5). Student organisations lack organisational skills, financial resources or the status to have a major impact upon education policy, through conventional channels (cf 3.5.7; 2.8.3.5; 6.3.5).

Learners do, however, have the ability to disrupt, thereby creating a problem which will capture the attention of officials and the public (cf 2.8.3.5). COSAS marched in May 2002 through Johannesburg streets causing havoc, by plundering vendors and damaging cars. The question is asked, if there is a platform like the GETC and they have representation on it (cf 3.6.5), why don't they use the GETC as a platform.

Organisations of learners in the South African education system lack the infrastructure to sustain their organisations (cf 3.5.7). Reference is also made in literature to the lack of resources these organisations experience (cf 3.5.7). The mobility of learners is a problem for continuity of membership of the GETC where the term of office is three years. Likewise, the non-attendance and representatives who changed ever so often mean that experience within the GETC is not carried through.

Capacity of learners must be built thus enabling them to participate in debates in meetings with confidence and this process should already start at the institution when learners are trained to fulfil their role in School Governing Bodies (cf 6.3.5). The White learners' voices are absent in the GETC and although there were attempts to establish multicultural learner organisations, there is a need for their participation on the GETC (cf 6.3.8).

5.4.4.4 Need for District Education and Training Councils' (DETCs) representation

The *Gauteng Education Policy Act* (Gauteng Province 1998) provides for the establishment for District Education and Training Councils (cf 3.4.3). Unlike the GETC which assists the MEC on the

development of policy, the DETCs advise the senior managers in districts on education matters in the respective districts (cf 3.4.3).

At present grassroots representation from civil society in districts is lacking on the GETC because the twelve DETCs are still in the process of being established in July 2002. The GETC thus has little working knowledge of the operations in education districts in Gauteng and the effect thereof on stakeholders. It is the perception of a participant that because of the non-existence of DETCs some senior managers in districts are not aware of the stakeholders' needs and

... are managing without knowing what the needs of the communities are ... they are reacting to problem areas instead of doing proactive planning in their districts.

The DETCs can help a District Manager to get a better overall picture.

The fact that the DETCs are not currently represented on the GETC "leaves a vacuum between what is happening on the ground and what is experienced in the GETC" a participant reiterated. The participant also foresees great advantages for the GETC, should DETCs be represented and said "the nature of our agenda will change because ... it will be informed on issues from the ground".

A participant had a concern that if DETCs are not carefully structured manipulation and intimidation by senior managers in districts and officials can take place. The participant therefore expressed the wish that the strongest voice in the DETCs should be that of civil society.

Discussion

Districts in the GDE are in the process of establishing DETCs (cf 3.4.3). These structures should be fully functional by the end of 2002. DETCs will advise senior managers in districts on any education matters in their respective districts. Through representation on the GETC, DETCs will have the opportunity to assist the MEC in the developing of policy (cf 3.4.3). This will address the concern that the GETC currently lacks grassroots representation (cf 3.5.5.2).

There is however the concern that administrators (officials) may tend to control the Councils and it can relegate civil society to its traditional roles (cf 3.5.5.2).

5.4.4.5 Need for Sector Education and Training Authorities (SETAs) representation

At the inception of the GETC, representatives of eight Training Boards were included (Appendix A section A1). This changed in 2000 when the Training Boards were replaced by Sector Education and Training Authorities (SETAs). These newly established SETAs had to reapply for membership on the GETC. The SETAs have within them a wealth of training initiatives. Only two of 25 SETAs are currently members of the GETC. A participant raised a concern about the few SETAs on the GETC and said that "I think we should apply our minds to get those SETAs onto the GETC". However, another participant had reservations about the capability of the GETC to accommodate the wide spectrum of training which the SETAs represent and said: "I fear they [the SETAs] will find nothing there [at the GETC] that will add value to them, with the exception of the Education and Training and Development (EDTP) SETA".

On the other hand, concerns were expressed that the GETC discussed mainly education issues, and not "training" issues. In spite of this, a SETA participant felt that representation of his/her organisation on the GETC was valuable "... even though only, the Skills Development Act, was discussed related to our sector, it was very much worth while attending meetings". The participant remarked that "at least then you get to see the documentation before it becomes legislation and you have a chance to make an input, which you might have missed, because nobody reads every Government Gazette that comes out".

The need for the GETC to cater for training is echoed by most participants. One participant aptly summarised it by saying:

The word 'training' was not written into the GETC's corporate identity by mistake, it was put in there because there is a strong feeling in the country that education by statutory state, and for that matter private bodies, formal education and training done

by commerce and industry and other groups should talk to each other ... and on the whole they don't.

According to a participant representing a SETA, the value of the GETC regarding training is that:

The GETC is a perfect opportunity for your MEC to service the link between the Services SETA and the regional Department of Labour offices, where together we begin involving ourselves in intensive incubation projects, which can be driven by public providers.

A participant in the training sector commented that "enough talking has been done, we have spoken now for four years, there has got to be a delivery will, then we are more than happy to play the game with you [GDE]"

The reason why the majority SETAs have not applied for membership of the GETC is aptly given as follow:

SETAs are at different stages in development. We have literally in the Services SETA come to our second year of being in place ... some of the other SETAs are even slower than that of getting their staff compliment on board and actually to start getting things rolling. When you set up something there are not really any ground rules for it; it takes a huge amount of time and capacity to do it. I think it is a prioritisation of where they saw their most urgent need. If we as SETAs do not fulfil our requirements in terms of legislation, the Department of Labour have the right to close us down. So the other SETAs and there are 25 of them would have been looking at the absolute 'have to do things' first and the "nice to have things" later and quite possibly this [application for membership] would fall into the "nice to have".

Discussion

According to the *White Paper on Education and Training* (RSA 1995:15-16) an integrated approach to education and training would be one of the vital principles that would lead and direct education provision in a new education dispensation. It is therefore important that the GETC should include representatives from both these sectors within its membership.

The GETC received and commented on only two documents relevant to the training sector in its five years of existence; The *Skills Development Bill*, 1997 (commented on 17 October 1997), which is national legislation and the "*Knowledge and Skills for the Smart Province: An Agenda for the New Millennium* (commented on 27 January 1999) which is a provincial document (Appendix F2.10).

The GETC is not obliged by legislation to comment on national legislation, but does so from time to time (cf 3.5.16; 3.5.9; 5.4.4.5; 6.2.2). With the promulgation of the Skills Development Act (1999), Training Boards ceased to exist SETAs were established. Seven All Training Boards ended their membership due to the reconstruction of their organisations. Only two SETAs reapplied for membership after restructuring. The attendance of these SETAs is irregular for the past year (cf table 3.1) because they have just started functioning and have other priorities, but will presumably improve when these issues have been taken care of.

No other provincial policies or legislation regarding training has been submitted to the GETC since 27 January 1999. When the *Skills Development Act* was discussed it was found that the Training Boards participated poorly in the working group. The reason was that all Training Boards had by then already submitted comments from their respective organisations and felt that it was duplication. Thus in this case the opportunity which the GETC provides for comments, was not utilised by the SETAs. This deprived the other members of valuable insights which could have assisted them in formulating the comments of the GETC on the *Skills Development Bill*.

5.4.5 Mandates and reporting back to interest groups

Organisations with an interest in education and training and who fulfil the criteria set for membership are able to nominate a representative to the GETC. Each representative receives different mandates from their different organisations. All participants, with the exception of those

appointed by the MEC, report back to their organisations in one way or another. Participants have different intervals for reporting back and it varies from monthly to quarterly meetings. They also have their own structures to which they report to on a regular basis, either in writing or verbally as a participant explained:

I phone them regularly and I give them feedback by way of written reports and I also communicate with them if there is new matter on the table... So there is a continuous discussion and liaison between myself and my organisation.

Half of the participants report back to their organisations during regular management meetings at regional or provincial level and have standing items on agendas for this purpose. How serious one organisation considers report back is indicated by a participant who said:

Information [from the GETC] is reported back to the 55 people there who represent every single one of our branches in Gauteng ... 13 of them. They also meet once a month and they will go back to their branches and say these are the reports that we have and if there's anything relevant from the GETC, it is mentioned.

Four of the participants interviewed are MEC appointees and are thus members of the GETC by virtue of their specialised knowledge. These appointees have no interest groups to report back to, and do not seem to be compelled to report back to the MEC at specific times (cf 3.5.6; 5.3.2).

Most participants interviewed, mentioned that they had difficulty in disseminating information timeously to their members for comment because "the information that is reported back is almost always taken from the minutes of the previous GETC meeting and if minutes arrive late there is not sufficient time to compile a report". This makes the timeous despatch of documentation to all members of the GETC very important.

The timeous receipt of documentation before meetings is also seen as crucial by participants and it is reported that if minutes are received less than ten days before a meeting, logistical problems ensue. Of equal importance to representatives of interest groups, is the quality and detail of the

documents they receive. In this regard, participants mentioned that this has been deteriorating. One participant summed up the problem:

This is also a tragedy, for over the past two years we found less and less on which to report back and to say 'this is what is happening', other than to say the GETC is in crisis. There are problems.

It is evident from the above that most participants follow similar procedures when reporting to their interest groups with the difference that meetings of those groupings are not always held on a monthly basis and information subsequently reaches members late. Two participants overcame the problem of their organisations' meetings not being coinciding with the GETC monthly meetings, "by way of newsletters to their members "I take notes, ... and compile newsletters". One of the two participants added, "I take notes which I then give to our members at the next meeting". This participant's General Council meets every six weeks and the participant explained the procedure s/he follows:

Say for instance a document that has just come through and obviously pertains to schools specifically, because not all the stuff is always relevant for schools, we meet and we disseminate the information. It is not an easy thing to get information to all members.

Most participants have received broad mandates and one participant motivates this practice:

It is a long way to reach members ... when we reach a person, already there is another report on the way, before we can get feedback from them. It is more of a problem because we have a lot of members. We overcame the hurdle of time constraints by broad mandates.

Another participant concurs and said:

The lines of communication are very long, especially when we have to comment on legislation in a very short period of time. It was difficult to get

specific mandates on specific matters, because my organisation comprises of voluntary people.

Being given broad mandates is not seen as a problem for participants and most feel that they are fully aware of the opinions of their members and are thus able to speak on their behalf. One interviewee explained:

I say [to the organisation] when I come back [from GETC meetings] I said this and this and then I get the OK and they say 'you were right, we agree to that'. It has never happened that when I come back and make a feedback that they said no, you were out of line of what we are thinking.

Participants with experience in the education field and a very good knowledge of their organisation's thinking and principles were confident about making a contribution on behalf of their organisations within the framework or parameters of the mandate held and in line with own experience, because

If you come with the background, I'm at the [name of organisation] for 11 years. I know what is going on in the organisation and when I make a contribution I feel that I don't compromise my organisation, but I can say something which can be backed by the organisation of being correct in saying.

Another participant shared this view but also uses own initiative from time to time to express his opinion "I know their [the organisation's] opinion, and then sometimes I use my own opinion, but most of the times it is the opinion of my organisation".

Discussion

Typically stakeholder groups (civil society interest groups) in South Africa elect representatives to serve on various sectoral committees and government structures, where this is provided for by legislation (cf 2.8). This constitutes the essence of indirect participation in the education sector in South Africa. However, this participation can only be relevant if the representative of the group

reports back regularly to the members of the group. Members of the GETC state that this is not always possible, mainly due to time constraints.

Most participants had, to a certain extent, overcome the time-constraints imposed in dealing with the documentation regarding policy issues by having their mandates broadened. However, it still remains imperative that a strict time schedule be adhered to as the interrogation of the voluminous documents remains an arduous and time-consuming task. This has implications for both the Administrative Secretary and members of the GETC.

Although the mandates that participants received from their organisations varied from organisation to organisation, mandates allow a reasonable freedom for all participants interviewed (cf 3.5.1). The latitude allowed by the mandates makes the adherence to a time schedule of at least ten days for the receipt of all relevant documents before GETC meetings crucial, to allow sufficient time for preparation and consultation (cf 5.6.4). It is therefore imperative that members not only receive notices of meetings, agendas and minutes well in advance but also all supporting documents (cf 6.3.12).

The GETC is under obligation to comment within a 30-day period and diligently adheres to this. When the MEC receives the comment he/she consults with the relevant officials in the Department and other political structures (cf 3.4). The experience is that unless a certain piece of legislation is very urgent, legislation and policy is not promulgated within six months after the GETC had submitted it to the MEC (cf 3.6.3.10).

5.4.6 Interpersonal and working relationships between GETC members

According to the majority of participants the most marked changes in the GETC since its inception, were those pertaining to the interpersonal and working relationships amongst members. This is summarised by a participant as follows:

The GETC has changed from a very diverse organisation to an organisation where the members are more in line, think in line, or think alike and the mistrust between the various members and racial groups' background has disappeared to a large extent.

Even more significant is the realisation that mistrust has made way for camaraderie and frankness as aptly put by a participant who stated:

I would like to share with you and this is a very positive thing, the camaraderie amongst the GETC members. It is really wonderful, now that we have become friends. By friends I don't mean we are friends within a social way, but we are friends in the Council and there is an openness and frankness amongst the members. We can easily discuss matters with each other. That is important, because you must be a family so that you can openly discuss whatever the route is that needs to be taken. There is a trust relationship.

Discussion

In the five year period of functioning of the GETC the members have grown to respect and appreciate each others' viewpoints, so much so that consensus was reached on all recommendations made.

5.5 ADMINISTRATIVE INFLUENCES ON THE GETC

The GETC is managed by the EXCO comprising of elected office bearers. Provision is made for office bearers like a chairperson, deputy-chairperson, secretary, treasurer and two more positions the GETC considers appropriate (cf Appendix J section regulation 35). These two office bearers for the GETC are the public relations officer and the liaison officer. These office bearers are elected annually by the full Council. Although provision is made for an office bearer to fulfil the role of secretary, an Administrative Secretary is also appointed by the Gauteng Department of Education. The role and functions of these two secretaries however differ (cf 3.5.13).

The Gauteng Education Policy Act (Gauteng Province 1998) obligates the GDE to provide the GETC with administrative support necessary to enable it to perform its functions (cf 3.5.13). For this purpose the GDE made provision for a sub-directorate to provide administrative support to statutory councils. One of these officials fulfils the role of Administrative Secretary to the GETC and is supported by other members in the sub-directorate (cf 3.5.13).

The Secretary of the GETC, on the other hand, oversees the administrative and secretarial work of the Administrative Secretary arising from the functioning of the GETC and that the administrative and secretarial work of the office of the Administrative Secretary are carried out. This means that the Secretary of the GETC must ensure that the administration of the office of the Administrative Secretary is conducted in an appropriate manner as prescribed by legislation (cf 3.5.13):

The Secretary as office bearer of the EXCO of the GETC is hereafter referred to as Secretary and the Secretary appointed by the GDE is hereafter referred to as the Administrative Secretary to avoid confusion (cf 3.5.13.2).

5.5.1 The role of the Administrative Secretary

Regarding the administration of the GETC participants referred to the role fulfilled by the Administrative Secretary appointed by the GDE. With the exception of three participants, all other participants experienced a decline in the efficiency of the administrative functions following the appointment of a new Administrative Secretary in May 2001. The participants are of the opinion that in order to ensure uninterrupted effective functioning of the GETC the incoming Administrative Secretary should have been allowed a period of time to understudy the outgoing Administrative Secretary "so that when the other person moves out, then the second one should have learnt from the previous person" a participant remarked. Another participant said that "... when you make abrupt changes in replacing people in jobs someone else has to struggle to find his feet and that will cause a gap that will create serious problems and tensions at times".

Participants acknowledged that the decline in the efficient administration of the GETC could be attributed to the lack of experience of the official and expressed the hope that efficiency would rapidly improve. Most participants drew a comparison between how they experienced the administration of the GETC under the two Administrative Secretaries. The "loss of speed" in the functioning of the GETC is described by a participant as follows:

Up to a certain stage the administration of the GETC went extremely well, but after the GDE got rid of the official who did the job, the administration took a tremendous nose dive and it is now a battle to get documentation in time and a

battle to get documents out. The whole functioning of the GETC has deteriorated rapidly.

On the other hand, criticism was also levelled at the first Administrative Secretary. Six participants mentioned that they thought that the minutes were not a true reflection of some meetings in the past and one summarised this comment as:

I think, the then Secretary [first Administrative Secretary of the GETC] influenced the minutes just a little bit. The Secretary's [first Administrative Secretary] own ideas went into it and you know an extra word here, an adjective, which minutes should not have.

One of the six participants mentioned above, who commented on the way in which the previous Administrative Secretary reported on meetings was of the opinion that:

First of all I think that Mr. X [the then Administrative Secretary] may have influenced the GETC far too much and where he didn't, he may have influenced documentation. The danger there, was that I believe that the Department saw that influence to a greater extent perhaps, than what was there, but nevertheless it was there, and that was a danger. On the other hand, Mr. X of course was highly efficient, got a lot of documentation done, was highly regarded by most members of the GETC and that was a plus factor.

In contrast another participant was of a different opinion and saw the possible positive influence on the GETC by the then Administrative Secretary as a positive contribution, saying:

To me, it would be only strengthening the knowledge of the people present, because I don't think, while I was ever present, that the Secretary [Administrative Secretary at the time] said 'this is what must be said' and actually changed what people said in the various workshops or in the general Council. But then many of these opinions that he [previous Administrative Secretary] expressed were well

founded. I mean we did have the knowledge and the expertise to correct it if it was not right, if it was not well written.

This point of view was supported by a participant who experienced that “the previous Secretary [Administrative Secretary] had perhaps to an extent influenced meetings, because he could quite ably give the contents of the various documents, but I wouldn’t say it was influencing”.

Most participants felt that the then Administrative Secretary at times could have had an influence in how minutes and submissions were written, but felt that in general meetings were not influenced. Participants were of the opinion that the then Administrative Secretary added value to the process, but “that documents at times were influenced by the personal view of the Secretary” as described by a participant. Most participants felt that “the ‘bringing in’ of opinion should have been corrected by members” as aptly summarised by a participant.

A participant is of the opinion that the present minutes “... are not so elaborate and thus containing less detail, but despite the ‘skeleton nature’ of the minutes I haven’t felt that I’m hearing somebody else in the minutes and in a sense the minutes became a little more objective”.

One participant displayed a more pragmatic view regarding the content of the minutes and is of the opinion that:

The GETC is very First World, ... its documentation, its implementation, its meeting procedures, its output ... although they’ve [minutes] improved since then, the minutes became a little more skeleton after, with the change of the Secretary [Administrative Secretary]. But I haven’t felt that I’m hearing somebody else in the minutes.

Although efficiency of the GETC could be improved by greater clarity on the role and tasks of the Secretary of the GETC and the Administrative Secretary appointed by the GDE, it is the practical problems arising from inefficiency which seems to be causing the most concern. One participant commented that:

Why must I comment on this and nobody has given a covering letter, no key areas are explained to look at when I read the document. The fundamentals are not even there, like who is the person sending this document and what input is needed by when.

Another participant concurred and felt that documentation is sent out in a careless manner and motivated this statement by saying:

If you feel that you're sending the documentation to somebody you care for and want that person to make an input, you have a particular way of presenting it. But if you don't care, you send it in the particular way as is the case now.

This perceived "careless manner" in which documentation is despatched may add to the perception by participants that the GDE does not value the GETC, because the Administrative Secretary is a GDE employee and the perception is already there amongst participants that the GDE does not value the GETC (cf 5.8.2).

On the other hand, a few participants noted that things were improving and that they were now receiving notices of meetings, minutes and agendas ten days before meetings. However most participants voiced dissatisfaction that the bulk of supporting documents for discussion at meetings, itemised on agendas, were only handed out at the commencement of meetings. This does not allow time for preparation and consultation. A participant summarised:

We have requested so many times that all documentation be send to members before meetings. Lately we get the agenda, minutes and notice of meeting in advance, but I am not talking about minutes and that, but the additional working documents which only gets handed out at meetings ... who can comment on them there?

Most participants expect the Administrative Secretary, tasked to assist the GETC, to be highly competent and well-versed in the complexity of the policy-making process and a participant summarised:

The Secretary [Administrative Secretary] should know all the workings, all the legislation, nationally, provincially, circulars, the lot ... at present the Secretary [Administrative Secretary] does not know the documentation the GETC has to handle and circulars referred to in minutes are all mixed up, the numbers do not correspond with the names of the circulars and we spend 'hours' to rectify the minutes and it is time consuming. Therefore meetings are getting longer and longer".

Another participant added that decisions taken at meetings were not executed by the Administrative Secretary and commented:

Too many uncompleted items are standing over from meeting to meeting. I sit at a meeting and we just laboriously go through the items on the agenda, which some have been there for two years or more, because they've not been attended to by the Secretary [Administrative Secretary].

The time it takes to correct minutes at meetings was commented on by a participant as: "... the reading of minutes became more difficult and therefore minutes were disputed at almost all meetings by members and we took ages to correct the minutes".

A corrective action was suggested by a participant in that:

The Secretary [Administrative Secretary] should draw up an action and decision plan with clear due dates and names of persons responsible for executing the decisions. This should go out with the minutes to alert members and the Secretary himself [Administrative Secretary] well in advance to action the decisions, if the actions are carried out, the adoption of the minutes will not take so long.

Besides the criticism about the way in which administrative functions were carried out, most participants felt that the GETC is, however, still functioning efficiently in the sense that "meetings are held and start on time, with the exception that most tasks aren't executed properly by the Secretary [Administrative Secretary]".

While most participants expressed concern about the Administrative Secretary's quality of work, they accepted that it is a learning curve for that official. Participants, however expressed strong feelings that the administrative support to the GETC needs to be improved, because it is the "kingpin of the GETC's effective functioning" as aptly remarked by a participant. All participants felt that the GETC's effective functioning depends to a "great deal on the delivery of the Secretary [Administrative Secretary]" as a participant summarised.

Assistance must be given to the Administrative Secretary and a participant is of the opinion that "... the EXCO and especially the GETC Secretary has to give guidance and ensure that the work is properly done".

Most participants however felt that any Secretary needs certain skills for minute writing and that "it is a learning experience and expertise in minute writing should start to appear after s/he had gained experience". This was reiterated by a number of participants who felt that improvement in the writing of the minutes was already noticeable.

Moreover there seems to be uncertainty regarding the role of the two secretaries dealing with GETC matters, namely the Administrative Secretary and the GETC Secretary. A concerned participant said:

We need to deal with this uncertainty, which seems to have cropped up, about the Secretary of the GETC versus the secretariat [Administrative Secretary]. There is a lot of secretarial work, which the Secretary [Administrative Secretary] does for us, but I think in our understanding it should be the Secretary [GETC Secretary] who interacts directly and makes sure that things get properly done by Mr P [name withheld], as the GETC would like them to be done.

Discussion

The GETC had functioned for four years when the second Administrative Secretary was appointed. There was no orientation period for this Administrative Secretary. For a Council of this nature the role for a new Administrative Secretary is a daunting task which will take time to master. The new Administrative Secretary should have had an induction period to acquire a

working knowledge of the GETC as well the legislation underpinning the GETC as there was no transition period or a period to understudy the first Administrative Secretary functions. The previous Administrative Secretary of the GETC fulfilled a secretarial function for the forerunner of the GETC, the "Pretoria Witwatersrand Verening Education and Training Forum" (cf 1.3.1) whereby valuable experience was gained. S/he was also the Administrative Secretary from the inception of the GETC.

The GDE was restructured in 2001 and the present Administrative Secretary was appointed in a position of which he had no experience and little skills, such as, computer skills necessary to compile minutes. This resulted in the loss of momentum of the functioning of the GETC as indicated by participants. Given the circumstances under which the present Administrative Secretary had to take up his task, he should be given a chance to equip himself with the necessary skills as participants remarked. However, it is true that the accuracy with which the tasks are executed by the Administrative Secretary is of utmost importance, because s/he is the conduit through which the GETC functions.

Clearly the Administrative Secretary is responsible to execute tasks allocated to him/her at meetings. If tasks are carried out efficiently and timeously, they will not be transferred from agenda to agenda, causing delays and frustration for the members as expressed by participants (cf 6.3.12). Time spent at GETC meetings is of the essence to participants and they expect all administrative activities, including the minutes (quality, correctness, and timeousness) to meet their needs for preparation (cf 5.6.4) and meaningful contribution (cf 6.3.12). The Administrative Secretary should manage the flow of documentation between the GETC, MEC, GDE and others. The tracking of documents is of utmost importance and the Administrative Secretary should fulfil this function diligently and execute functions assigned to him/her (6.3.12).

The EXCO should manage the Administrative Secretary and assist in executing directives. The regulations governing the GETC changed in 2001 and the GETC Secretary is obliged to ensure that certain functions by the Administrative Secretary be carried out (cf 3.5.13.1). The Rules of the GETC also determine that the GETC Secretary must do an annual audit of the work of the Administrative Secretary on certain aspects (cf 3.5.13.2). The findings of this audit should be

followed through by the EXCO to assist the Administrative Secretary to meet their expectations (cf 6.3.12).

5.5.2 Engagement with policy and legislation

The GETC receives draft policies and legislation from the MEC to comment on within 30 days (cf 3.5.10). These documents are generally of a technical nature (cf 2.7.3.2)). Because the GETC is constituted of members of civil society, all members are not *au fait* with policy language. Most participants remarked on the “technical jargon” of documentation (cf 2.7.3.2). A participant mentioned that the members of the GETC come from different backgrounds – some from disadvantaged background and thus will not engage with documents in the same manner as others.

Although not all participants had problems accessing the documents, it was felt that it would assist members if documentation was elucidated on in some way. One participant said: “It would assist members if policies could be accompanied by explanatory notes or by persons actually presenting the drafts to the GETC”.

Examples were given of words that could be interpreted out of context and lead to incorrect conclusions. As example a participant mentioned: “For instance, the concept ‘equity’ can mean equalising the playing field or it can mean equity with some redistribution of justice”. Elaborating further, this participant said: “What I expect of the law, or what you might expect or somebody else might be quite different”. Beside the terminology confusion noted by participants, mention was also made by some participants that their poor command of English had an effect on their participation and understanding at meetings.

Concern was expressed regarding the situation at meetings, where no or very little guidance is given, resulting in lengthy discussions. A participant commented:

The studying of legal documentation can be tedious and time consuming, but careful consideration should be given to the contents thereof and recommendations forwarded to the MEC because when it becomes law, it has to be implemented and if the policies are not implementable, then we ‘sit’ with it.

Concern was raised about the present situation where members have to prepare for meetings and no guidance on documents is given. A participant noted that “The meetings now feels so loose ... like it is just a group of individuals having a discussion and the strongest voice is going to prevail!”. This participant mentioned that the previous Administrative Secretary “studied the documentation, explained the background and some terminology but it is no more done”. All participants felt that documents should be mediated to assist GETC members in better understanding the context to prepare for meetings by saying:

Very often, when you look at the draft policies and legislation without understanding the context, one can reject or accept it without knowing the implications within the context ... Once you don't understand the context you become suspicious of that particular recommendation.

Some participants would appreciate even more prior information and would like to know the authors of policies, arguing that if one knows the origin/author of the policy you are in a better position to understand the underlying political ideology which underpins the policy. However, others felt that there is the danger that this could result in support or rejection of policies based on ideological principles coupled to the person who wrote the policy, rather than objectively considering it on the merit of the policy context.

Most participants commented on documents as “long and complex” documents which may not be read or simply being read or “being read to look for mistakes rather than reading it with the view of gaining a holistic view of the issues at hand”. Furthermore, a participant feared: “If one reads to find mistakes, one reads at a different level than what the case would be if reading was done to obtain a holistic view”.

The above opinion is shared by another who remarked: “If a person from the GDE or the Secretary [Administrative Secretary] could give a summary of the documents, members would be able to relate to the content much better”, and suggested that:

We should bring in the director or the more senior person in that unit, to have time to share, to debate, to analyse, to present and then we step back time wise and say what did that person say, what did it mean, how can we assist, what do our

organisations and our experiences tells us what would work in practice and what not.

There are various reasons for participants wanting documents and/or explanations in whatever form ahead of time. However, it is evident all participants wish to be in a position where they can peruse documents carefully to the fullest in order to contribute at GETC meetings. One participant said in this regard:

If we are advised about the content of the documents and a few main points given on what we should focus by the Secretary [Administrative Secretary] it would assist members in doing a bit of 'pre-digestion' before meetings ... that is if the Secretary [Administrative Secretary] will get the documentation to us in good time.

A participant was of the opinion that "Even the MEC could come to the meetings with new policies he wishes to develop and explain the background and the philosophy behind it". This view was shared by a participant who felt that:

The MEC is in the position to give a broad state of education in the Province and motivate the reason for the development of new policies ... policies will be seen within the broader context of education and better accepted and understood.

Importance is placed on the assistance that should be rendered by the Administrative Secretary. A participant elaborated:

The Secretary [Administrative Secretary] should liaise with the relevant section in the GDE who developed a policy, familiarise himself with the content, philosophy and reason why the policy is being developed and inform the Council, if GDE officials cannot fulfil this function.

Discussion

Smith (1996:502) argues that members of policy-making forums or statutory advisory councils (like the GETC) differ in their capabilities to utilise information, provide representation for

competing perspectives and anticipate implementation problems. It is apparent that the GETC is no exception.

From the arguments above it is clear that some form of mediation of policy documents is needed by members whether by the MEC, authors of policies, GDE officials or the Administrative Secretary. It was argued that not all members of the GETC are knowledgeable about policy language (cf 2.2.2).

Ways should be explored to render documentation more accessible to GETC members in order that their participation at meetings and preparation for meetings can be maximised. This could assist in facilitating a more representative and informed discussion of the issues at stake.

5.6 GETC MEETINGS

GETC and EXCO meetings are held on a monthly basis and members agree on the schedule at the first meeting of the year. There are several standing sub-committees and these committees meet as the need arises (cf 3.5.11). The importance of regular attendance at meetings is underpinned in legislation and if members without good cause fail to attend three consecutive meetings, a resolution can be taken by the GETC to request the MEC to withdraw their membership (cf 3.5.12).

5.6.1 Attendance

Table 3.1 reflects attendance of members for a period of one year (April 2001 to 31 March 2002). The table shows that on the whole the attendance of members at GETC meetings is unsatisfactory. A participant expressed concern about this and alleged that continuity in communication between members in organisations is hampered:

You will find that members are not attending this meeting and then things are discussed at the following meeting, another member is not there who attended the previous one. As a result you will find that there is a communication breakdown.

Several participants remarked on the poor attendance of learners in particular (cf 3.5.12). This interest group comprises of two organisations, Congress of South African Students (COSAS) and South African Students Congress (SASCO). The representatives from these organisations have

not attended any meetings for more than a year (cf 5.3.3). The representatives from these organisations were replaced during the previous year. Another participant expressed dissatisfaction with this, adding that learners could have contacted the MEC appointees should they have specific problems in attending meetings. It was further contended by this participant that representatives of COSAS and SASCO could have requested MEC appointees to table issues on their behalf or brief the MEC appointees on their views on specific issues. The concern is that these two, supposedly cohesive bodies, are forfeiting the opportunity of contributing towards the cause they are supposed to be serving.

One participant is of the opinion that the problem lies within the organisations themselves and argued that “management of their [learners] organisations is a problem, because they do not know what it is to run an organisation,” while another participant considered the historical background of learners, saying they

... come from a tradition of ‘Organise and confront and we will see what comes out of it’. These learners must be made aware of channels available to them to voice their opinions, partake in their affairs and make contributions.

On the other hand, comments were also made concerning the absenteeism of the representative of the GDE and participants were of the opinion that this member could have fulfilled the role of advising senior managers of the GDE about the functioning of the GETC. A participant pointed out that absence of the representative from meetings would also influence the ability of the representative to report on the GETC to the GDE in an objective manner. The participant explained:

Maybe this representative of the Department could have played the role of informing the other Senior Managers of the work being done by the GETC ... I don't know if it would have been the solution for the apprehension of officials towards the GETC, because you must remember that they [the GDE representative] may have gone back [to the GDE] and said, look, everything you think about the GETC is hundred percent correct from what I have just heard.

In other words, participants take issue not only with the poor attendance of the representative of the GDE at meetings of the GETC, but also with the manner in which s/he reports on the functioning of this structure.

Another participant saw the poor attendance of the GDE as an issue which could weaken the role of the GETC:

A weakness of the GETC was the lack of active participation by the Gauteng Department of Education in the GETC. I think that it was very important that the person [GDE member] who was there [GETC meetings] should have been the one who went back to the Broad Management Team and said: 'look this is what is happening' at the GETC.

The point was made by most participants that the GETC as well as the organisations represented on this structure are adversely affected when meetings of the GETC are poorly attended. One participant explained the impact on his own organisation:

An organisation loses in the end. Something new might just come up at a meeting and, if I had not attended, we [the organisation] might not have had the opportunity to give an input if we were not present that day and we would definitely have missed an opportunity.

When asked to explain possible causes for the high level of absenteeism at meetings, participants mentioned time constraints, decreased enthusiasm for the work of the GETC, lack of commitment to serving on the GETC and an agenda not relevant for their organisation.

Discussion

As mentioned earlier, overall attendance is not satisfactory (cf 3.15.12). The average attendance of members from 1 April 2001 till 31 March 2002 was fifty four percent which is not considered satisfactory (cf 3.15.12). For the first four years of functioning of the GETC (February 1997 till 24 July 2001) the quorum had been set at 50% plus one. It was difficult to reach a quorum and meetings often had to be reconstituted as the Constitution of the GETC allows for a meeting to

reconvene with the members present forming the quorum (cf Appendix B section 9). Quorums were normally met half way through the meetings, because of members arriving late. Since 25 July 2001, when new regulations were promulgated and the quorum was changed to 30%, quorums were easily reached.

Absenteeism has to be dealt with in terms of legislation (cf 3.5.12). The researcher observed that the Council was reluctant to request the MEC to terminate the membership of members contravening this regulation. Instead, the researcher was requested to contact the members to ascertain reasons for their absenteeism. The researcher fulfilled this function and reported on the findings to the EXCO. All members contacted had good cause for not attending meetings. These reasons correlated with reasons given by participants on the decline in participation at meetings (cf 5.6.2). This approach, however, did not result in improving the attendance of those members.

5.6.2 Participation in discussions at meetings

For the GETC to function effectively, it is imperative that members participate in the discussions at meetings. However, a participant experienced a decline in the enthusiasm with which members participated in GETC meetings in recent years in comparison with participation levels in earlier years. The participant explained:

In the beginning participation in the GETC was, I found ... a lot more enthusiastic as far as I was concerned ... a lot more enriching than it is now. There was a lot more excitement to begin with ... now towards the end of the second term of office I found less and less people becoming involved and less and less people giving input, which is very saddening.

One participant put forth an interesting theory on why participation by members was decreasing and ascribed it to:

A lot of it has to do with the sense of worth and a sense of whether what you're doing is worthwhile to somebody and at the very beginning the GETC, I think, felt that it had a purpose and I think at the moment it probably feels that it doesn't know what that purpose is, or does not feel that what it is doing is worthwhile.

What is happening now is that many members of the GETC say that it is not worthwhile serving on the Council, because we're not moving forward.

Some participants were of the opinion that participation is unevenly distributed amongst the members of the various interest groups and the following observation by a participant is indicative of this:

I think the level of participation in the GETC is uneven. I think there are widely different skills within the GETC and that there are people who understand a fairly sort of formal structure and others not. I often think that sort of thing precludes people from commenting or creates a lack of confidence. Often it breaks down in terms of race and gender. So ironically you find that the people who are most articulate are from the minority groups, rather than the people who represent huge interest groups like the teacher unions or SADTU.

Another participant concurred with the above opinion and said: "Representatives of certain other interest groups have expertise that allow them to be very influential. These more articulate representatives are more vociferous in discussions and can dominate meetings". Having a good understanding of the functioning of the GETC is also noted as an advantage for participation, even amongst regular attendees, as was mentioned by a participant:

At meetings participation seems to be confined to a certain group of people who seem to be quite *au fait* with how the GETC functions. There are unfortunately other people, even those faithfully attending meetings but whose participation somehow is not up to scratch.

Likewise another participant emphasised that participation in GETC meetings depends on knowledge and access to information for better understanding of issues placed on the agenda. Thus better informed members could play a dominant role in proceedings and decisions taken. The participant explained:

If there is an unevenness in the group, the people who know more can contribute more and obviously in that sense influence things more, even though it might not

be the dominant view, but they do have a way of influencing things, because they have access to better information.

Another participant perceived that s/he could "... identify half a dozen people who contribute in meetings on a regular basis and maybe even less who gives input in a substantive way in terms of advice, written comment and things of that nature".

The lack of resources within organisations is also seen as a reason for poor participation by some organisations. A participant emphasises:

It became apparent that not all the interest groups had the same resources available. That exacerbated the original mistrust existing between the members, because the more researched, the more knowledgeable and the more historically so-called advanced/privileged member bodies had more resources available to them and could give better inputs, better in the sense not necessarily of quality, but of quantity inputs.

In addition to the above, the command of language was mentioned as a drawback for participating in GETC discussion by a number of participants. One acknowledged: "Maybe it is a lack of my fluency in English which limits me to participate" This reluctance of members to participate was also mentioned by another participant who emphasises that:

It was not easy for them to strongly argue their positions. In that way they would feel frustrated and they would end up not coming to the GETC, because their voices were not heard because of the language.

Time constraints experienced by members is also cited as having a negative impact. A participant intimated that this could give rise to members participating only when the topic is relevant to them. This opinion was supported by another participant who said:

It is a sad state, but I actually don't make myself available for example for workgroups anymore and I haven't done that for over a year, largely because I say to myself, 'I've got to evaluate what my time constraints are, can I afford time

away from my normal job and will it bring benefits, not just to my members, but broadly in taking that time away?' And if I can't answer yes in those cases, I withdraw from it, because I must give my time to where it's best used and I think that's true of a lot of people.

The duration of meetings also impact on the schedules of members, especially as some felt that not much had been achieved at meetings lately as noted by a participant:

I do believe that we spend a huge amount of time on meetings and recently when I get home, I think, what have I achieved today and sometimes I cannot honestly say that I've achieved anything. We're not going forward, we're just stuck.

One participant emphasised that participation in GETC meetings depended on knowledge and understanding of issues placed on the agenda. Thus better informed representatives could play a more dominant role in proceedings and decisions taken. The participant explained:

If there is an unevenness in the group, so the people who know more can contribute more and obviously in that sense influence things more, even though it might not be the dominant view, but they do have a way of influencing things, because they have access to better information.

However, the biggest contributory factor to the low participation levels, as seen by all participants, was the manner in which the GDE officials and the MEC dealt with the outputs of the GETC. This was expressed by a participant as:

Why are we sitting here for three hours? Just to tick off that the MEC has not given us the comments on five things for the last two years – I don't know if I want to be in a meeting that constantly has to write letters and say: 'Please reply, official, MEC please reply. Please come and give us some feedback – how is this and that working – we really don't know' ... Just to go to meetings and tick off is something I find very frustrating. I look around the room often and see that there is very good material there that is not being used and that worries me a lot.

Another comment in this regard is: "I think a lot of it has to do with the sense of worth and a sense of whether what you're doing is worthwhile to somebody".

One participant drew attention to the lack of participation by members from the training sector (SETAs), stating that:

Perhaps they're not comfortable to speak in that environment [GETC meetings] ... or alternatively the debate is at a level that they just cannot participate in. The debates in the GETC were always heavily education centred and not training centred and whereas the training sector was not participating, there was just no way that they could participate, because of the debate not being relevant. That is however, not entirely the GETC's fault because the department is education centred and not training centred. So it effectively denied others' input anyway!

In contrast to Council meetings, the level of participation in sub-committees and working groups was experienced positively by most participants. There was generally agreement amongst participants that the level of participation and work done in sub-committees and work groups was of a high standard. A participant even commented that "I think a core of people go with a passion ...I have been impressed by the depth with which the sub-committees sit and make recommendations".

All participants were of the opinion that sub-committees or working groups could be "more functional by meeting more regularly, not only when there were issues to be discussed in their respective areas of expertise". Valid comment was offered by a participant who stated: "If the sub-committees do not meet regularly, then members lose interest in playing a role and cease to regard the committees as meaningful," whilst another participant was of the opinion that "an opportunity to determine their own terms of reference should be given to them [sub-committee] and they should also be able to identify issues which they think are pressing."

The view that participation on sub-committees is generally seen as good indicates that members participate on an issue they understand well and have a particular interest in. Ways should be found to engender the same amount of interest and enthusiasm for participation in GETC meetings. As one participant acknowledged: "I don't think we have applied our minds to the

problem of how to motivate and activate members to participate". On the other hand, the paucity of diverse opinions as experienced in sub-committees was summarised by a participant: "When you've got a small group

of members participating you have a very thin set of opinions coming through and that means that you do not have the rich experience of everyone."

All participants acknowledged the value of diverse opinions being expressed during discussions in the GETC. A participant explained: "Sometimes during the debates you will find that some people end up withdrawing their original positions, because they are persuaded of the broader issues and not just the result for a specific interest group". Participants remarked that their non participation in debates did not mean that they did not value the debates, but mentioned that the agenda items were often not in their field of expertise.

Discussion

Regarding participation in structures, Anderson (1984:37) argues that citizen participation is thin, even in democratic states. Many people do not engage in organisations. Metcalfe (2002) perceives that the dominant voice in the GETC is the most organised voice and that this is often the interest groups representing the more privileged sector of the South African society. People with access to resources, people who are able to have the skills, people who are able to travel easily to meetings, people who have the documents photocopied, people who have the resources for some analysis to be done for them are going to dominate the debate.

It could have been easy and defensible against specific criteria, such as time constraints, for the chairman to allow "dominance" as perceived by Metcalfe (2002) of the meetings. However, the researcher observed that the various chairpersons at all times through the years allowed all members the opportunity to participate in GETC meetings. Chairpersons however did not attempt to elicit the views of those members who did not participate by, for example, providing for a minority report or any other form and this could be perceived that only the well-versed participants debated issues. Through debates and persuasion, consensus was however always reached on recommendations made to the MEC. No other views were submitted to the MEC, because no other contesting views were put forward in meetings (This apparent lack of

knowledge to participate in meetings could be minimised if capacity can be built and a participant suggested that:

We should look at a manual as a guide to help individual members. As you know members change and these new members have to get into the swing of things without really knowing what is expected of them. So if we can get a guide to help them, that could really help.

Most participants suggested that some form of training be done on an ongoing basis on policy-making to assist members in gaining knowledge to improve their contributions and participation in GETC meetings.

It is reported that participation at sub-committee meetings and the reports generated as exemplary. As was mentioned by most participants, the researcher also observed debates of quality in the GETC. However, some members rarely participated in debates, but nevertheless attended regularly. This, as explained by the participants, should not be seen as an unwillingness to participate, but rather as some items on the agenda do not fall within their field although they may find the information valuable and thus elect to attend the meeting. Accessing the English language was also a problem.

5.6.3 The need for capacity building and resources

Members of most policy-making forums or advisory councils differ in their capabilities to utilise information, present opposing perspectives and anticipate problems for implementation (cf 3.5.7). This has a negative impact on frequency and value of a members' participation.

All participants expressed the need for debate among as many members as possible, if not all. One participant's motivation for inclusive dialogue was that there is a need to "establish a dialogue of understanding on the principles on which policy is based". Some participants were particularly concerned about "weaker" and "unorganised" interest groups. This point of view was aptly put by a participant stating: "Attention may have to be paid to assisting weaker or more unorganised interest groups to ensure that they can participate appropriately and that they are not marginalised in debates".

It was further argued by some participants that “weaker and unorganised” representatives of interest groups should and could be assisted towards a greater understanding of the policy process and the role of the GETC. The concerns of these participants are aptly summarised by one participant who said: “Attention may have to be paid to assist weaker or more unorganised interest groups to ensure that they can participate appropriately and that they are not marginalised in debates”.

The lengthy documents received for comment within a short period of time is a general problem experienced by all participants. This was as aptly described by a participant:

I mean I open my e-mail and I find 15 to 16 documents that I must print, I am beginning to say, why can somebody not just explain to me what I must do, so that I can scan the document and not laboriously have to work through it. You know it is also my own paper that I have to use to print and I go through reams of paper.

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This apparent lack of knowledge to participate in meetings could be minimised if capacity can be built and a participant suggested that:

We should look at a manual as a guide to help individual members. As you know members change and these new members have to get into the swing of things without really knowing what is expected of them. So if we can get a guide to help them, that could really help.

Most participants suggested that some form of training be done on an ongoing basis on policy-making to assist members in gaining knowledge to improve their contributions and participation in GETC meetings.

Discussion

For the GETC to convey to the MEC the desires and needs for education as expressed by civil society in its broadest terms, serious consideration has to be given to develop and implement appropriate strategies. A variety of capacity-building models are available which can be adapted.

It should be mentioned that an orientation manual to build capacity of GETC members was developed in 2001 (cf 3.5.7). Unfortunately, due to lengthy agendas at meetings and other pressures it has been carried over from the one agenda to the next and has as yet not been approved by the GETC. It is, however, clear from the participants' views, that a manual alone will not suffice and training to build the capacity of members, is essential.

The only capacity building provided at present is conducted at GETC conferences once a year, but the training slots are short and the training is not sustained. The need to build strong organisations within some interest groups and the disparate nature of capabilities and skills among some stakeholder representatives, highlight the need to build capacity in policy analysis and effective participation in the democratic processes (Govender 2001:18).

5.6.4 Preparation of members for meetings

It is evident that the extent of participation in GETC meetings is proportionate to the extent with which participants have prepared themselves and has an impact on the productivity of the meeting. The counter productive effect on GETC meetings by members who do not prepare for meetings is experienced by as a participant as "... those people whose preparation isn't that well...take up a lot of discussion to get the information so that they can participate". Another participant is of the opinion that:

Once you have done your homework you are at ease and you can debate any issue at any time. But once you have not done your homework you will just be a passenger and you will watch and be shocked from time to time to say: "Hey what are these people talking about?".

Many participants remarked that their preparation for meetings is hampered by their not always receiving all documentation well in advance. This obviously does not enable members to do the necessary preparation for meetings and results in members having to "scan" documentation at meetings to participate from a knowledge base.

Good preparation could lead to expediency in GETC meetings as remarked by one participant stressing that: "When you get there [GETC meetings] you are able to articulate certain positions – the voices of the people you represent". Another participant remarked:

If people just simply came, having read the documentation before, come with their opinions clearly stated, debate their opinions and if we cannot reach consensus, we divide the house ... then we would move faster through the agenda.

In contrast, one participant had a more philosophical approach remarking:

All is not lost if members do not prepare for meetings ... if you hadn't read the document you would by the end of the meeting know what it was about. So, if you just wanted to go to learn, you've got it and very often if you had read the document you then saw views from others that you had not taken into account and gave you a perspective and you heard other points of detail, which also you have missed.

Another participant is not unduly perturbed about members not preparing sufficiently for meetings and was of the opinion that the lack of preparation is not unique to GETC meetings only "A lot of people don't read documents. It is not just peculiar to the GETC and not unusual in an organisation".

It was also argued that members who did not prepare for meetings, would realise in due course the disadvantage thereof as participant remarked: "As time went by members soon realised that they had to prepare for meetings or else ... you don't have those fruitful discussions ... and only a few people would monopolise debates".

Discussion

There are various points of view that could be taken on the preparedness of members for meetings. Members who have had previous exposure to meeting procedures and who have sufficient resources and support structures, are more likely to be well prepared for meetings. People who are ill prepared may frustrate such members. However the remarks by more than one participant show that there is appreciation for the disadvantages, both past and present which handicap some members and makes it extremely difficult for them to access all the information needed to prepare adequately for meetings. Members cannot do proper preparation for meetings if documents reaches them late or is handed out only at meetings (cf 5.5.1).

However, if sound debate and inputs is not produced by a vast majority of members, it could be argued that recommendations made by the GETC are not representative. This is an issue the GETC will have to debate.

5.6.5 Decision taking by consensus

The rules of the GETC determine that decisions will be taken by consensus and any divergent views should be forwarded to the MEC for a final decision (cf Appendix C 10). Taking into account the lack of facilities and other shortcomings hindering satisfactory preparation, the principle of reaching consensus is placed in jeopardy. This was clearly demonstrated by a participant who said:

If a person objects strongly enough and consistently enough, they will be heard. I just don't think that they have always objected strongly and consistently enough and that is the organisation's fault.

Concern was raised about some decisions being made when all members are not present as expressed:

Unfortunately those who came regularly to meetings often dictated the sufficient consensus approach. So you would have dissenting voices perhaps not coming to the next meeting and hence the dissent is gone. So the consent approach goes through. This is very satisfying if your viewpoint goes through, but really it doesn't solve the real problem.

When the Constitution of the GETC was compiled in June 1997, the issue of weighted voting was raised and a participant perceived the process as follows:

The first arguments took place ... where some majority stakeholder unions like SADTU and COSATU wanted a weighted vote as against the other members' one vote per member. It took some political intervention to put this question to bed, whereafter the GETC functioned on the basis of a consensus seeking body where every member has one vote.

It is unlikely that this procedure will be changed in the near future.

Discussion

When shaping the Constitution of the GETC in June 1997, this diverse group of members decided that decision taking will be by means of consensus. This resolved the issue of weighted votes albeit through political intervention. Stakeholder organisations with larger memberships, particularly those from the democratic movement, argued for more than one representative. After much deliberation the Council resolved to have one representative per stakeholder from each constituency. If two votes had to be allocated to big organisations, instead of one vote, the danger could be that decisions are taken on votes and not on reasoning.

The GETC serves as an advisory council to the MEC and the MEC has final decision-making powers (cf Appendix K). This means that both the consensus of opinion as well as the divergent views would be considered by the MEC.

Chetty (1993:6) maintains that consensus rarely comes about as a natural occurrence and indeed in some instances it has to be “manufactured” to accommodate disparate and conflicting viewpoints and demands.

Zafar (2000:19) mentioned that the fact that the issue of weighted voting was resolved in the GETC, given the disparate interest groups is seen as a major achievement of the Council.

5.7 THE ROLE OF THE GETC IN POLICY-MAKING IN EDUCATION

The main task of the GETC is to advise the MEC on policy pertaining to education. To be effective in fulfilling this role, the main stakeholders in education should to be represented on the GETC and participate fully in its functioning.

5.7.1 Understanding of “policy” by GETC members

The *Gauteng Education Policy Act* (Gauteng Province 1998) obliges the GETC to assist the MEC in the developing of policy for the province (cf 3.5.10). For the GETC to fulfil the task entrusted to it in terms of the above obligation, the members serving on the GETC should have a clear understanding of the concept of policy and policy-making. Most participants interviewed had a good understanding of what policy is and their interpretations reflected typical phrases like, “course of action”; “framework”; “... goals are set for the organisation”; “... action programme”; “... value laden process” (cf 2.2.1).

A participant who is a policy analyst describes the layman’s understanding of policy as a conflation between regulations and legislation and said:

I have always understood policy as a sort of a process. I think the layman’s understanding of policy is often to conflate policy with legislation or policy with regulations. But I think if we don’t have a more ‘nuanced’ and developed understanding of policy, which looks at it as a process and understands the limits of policy as well, we are constantly going to be in this trap where we have high expectations of policy and then in its implementation things don’t work out and people reflect back on policy rather than looking at the system more holistically.

Another participant saw policy as an instruction to schools and defined it as follows:

Policy means to me if I can put it in Italics, means "*law*". A policy is a document, which gives instruction to schools in the way they should do things – so policy means a regulation or a firm instruction on what is going to be done or what must be done.

Discussion

Most participants were able to verbalise their understanding of the concept policy although they did not use text-book definitions. This is to be expected after five years of active participation in policy analysis and recommendations to the MEC. Participants also indicated that policy is an approach, which changes direction, it is value-laden and it is a course of action (cf 2.2.1).

5.7.2 Perspectives of the role of the GETC in policy-making

Having established that participants had a good understanding of policy, it was necessary to establish how they saw their role in the policy-making process within the broader education context. One participant said that the role of the GETC is "adding value by aligning the policy-making process with the policy-implementing process" and motivated it:

You will find that the outcomes of implementations becoming a mismatch with the intention of the policy itself, mainly because policy-makers are not policy-implementers and in this area the GETC is contributing to more implementable policies... If the implementation is not accurate with the intention of the policy, then you will find that the policy becomes symbolic and it achieves nothing.

In line with this participant's view, another participant elaborated on the supportive role the GETC has to play:

I thought the role of the GETC was to add support, advice and value to the education process in the Province and be able to act as a sounding board for policy and legislation. I never saw the GETC as a vetoing or a gateway [to] policy or legislation... It is also not our job to act as a political body, which would say 'we

don't like your policies...' the ruling party decides the direction, it wasn't for the GETC to decide that. So the objective was a support function.

One participant gave substance to the "sounding board" concept mentioned above and described his/her experience as a previous GDE employee as: "When I was in the Department, I would have wished to have had a place to bounce ideas".

The GETC is also seen as having its "widest role to be a kind of watchdog and a test place for the wider education community to interact with legislation and to be part of the development of legislation". This is reiterated by another participant who said:

... to have a good education system in place where all the stakeholders participate to the best of their ability and to have a body that would give input to the MEC who would then use that information to actually get a better policy in place.

In essence, concurring with the above in so far as assisting the MEC to access the views of all stakeholders in the province on policy a participant remarked that the GETC assists the MEC in not having to "move from one organisation to the other, but instead having them [GETC] there so that consensus between stakeholders is reached on issues in transforming education".

The extensive role of the GETC was stressed by a participant who is of the opinion that the scope of the GETC as set out in legislation is "vast and the function is much broader than only that of advising the MEC on policy and legislation. They [GETC] also have the latitude to initiate policy".

A participant perceived his role in the policy-making process as being:

An information conduit, able to take back to organisations information that are current. Information often arrives a little sooner at the GETC than elsewhere. The importance of the information is the invaluable comment made by the different stakeholders in the GETC.

Regarding the role of the GETC in policy-making a participant was concerned that “structures like the GETC must not just become formalistic structures that are there. They must begin to have more teeth in terms of advising how education is proceeding in Gauteng”.

A participant summarised the view of all participants in emphasising the value the GETC added to the policy-making process as: “The work done by Council and its comment on legislation has been very good and very thorough and has shown that there is expertise in the Council ... and State officials and administrative people get to hear a view to some extent from the outside”.

Some participants however, had reservations about the role the GETC played. One participant experienced that the “GETC had on the whole not taken pro-active steps which came from within itself” and sees this as a weakness of the Council. Another participant would also like to see the GETC as a more pro-active structure and is of the opinion that:

The GETC should do a bit of research on proposed changes in education. That is a matter which we haven't really given much attention to. Seeing that we are an advisory body you should advise ahead of time as to what changes are needed in education. If you have to advise on what is already written down and which is practically already policy, then it doesn't leave much space and room for the initiatives, or knowledge or the expertise or the skills of the members to help to get a sensible policy in place and to get education moving ahead.

On being pro-active one interviewee suggested that the GETC should get closer to practice and “visit schools to actually see how policy is implemented”. Another participant was hesitant in taking this approach because of the reaction the Department might have in that “some officials might take offence to that”.

From previous experience in displaying initiative and being criticised for this, one participant justified the GETC's hesitance to be pro-active. This participant remarked: “When the GETC took initiative and brought out a research report on Curriculum 2005 we were ‘slated’ by the GDE. They do not like any criticism”. On the other hand another participant said that the workload of the GETC could handicap the GETC in becoming pro-active by saying: “Records

will show how many submissions the GETC had to comment on the past five years, and that most of the time of the GETC was consumed by that". This participant also felt that the GETC was already pro-active in that it commented on national legislation, although not been obligated to do it, as was the case with provincial legislation and also that a number of reports were generated on its own initiative, like the analysis of Senior Certificate Examinations completed yearly (cf 3.5.9).

The fact that the GETC was never consulted by the MEC or GDE when strategic plans and the Department's budget were decided upon was seen by the majority of participants as a loss of important management information with which the GETC could have engaged in. One participant remarked as follow:

The GETC has never been informed of the strategic plans of the Department and I feel that we should have been part of their [GDE's] strategic planning sessions. It would then have been easier to work from information to be proactive.

Not involving the GETC leads to "unnecessary duplication if the one hand one hand does not know what the other hand is doing" this participant concluded.

Discussion

The role of the GETC as described in legislation is that beside the comments to be made on policies and legislation, initiative can be taken by the GETC to investigate and consider matters relating to education and report on its findings to the MEC (cf 3.5.10).

The general feeling is that the GETC is an advisory structure on policy and legislation to the MEC. It is there to enhance civil society participation in policy-making and implementation in debating issues to transform education into the best education and training system to serve all members of society.

The GETC did not only play a reactive role, as perceived by some participants, and has investigated and submitted substantive submissions on both the national and provincial departments of education (cf 3.5.9). The avalanche of new policies and legislation could have been a restricting factor for the GETC's lack of time to be more pro-active as is expected by some participants. The 57 reports generated by the GETC in the five years of functioning are

substantial documents and copies are available for inspection (cf 3.5.16). An indication of the significance attached to the GETC's contribution to the policy-making process is reflected in the scrutiny of four randomly selected submissions on major provincial legislation (Acts and Regulations) submitted to the MEC during the period July 1998 and December 2000. In analysing these submissions it was found that the MEC had accepted between 67% and 80% of the recommendations made by the GETC (cf 3.5.17). This is an indication that the GETC contributed to policy making.

The GETC has been pro-active in the past five years and out of own initiative investigated and submitted a number of research reports to the MEC (cf 3.5.9). Only one report was mentioned by participants, namely the *Focus on Curriculum: Phase One Report on the Implementation and Development of Curriculum 2005*.

Having an extended stakeholder base, the GETC could make itself invaluable by taking initiatives to identify areas where it could contribute. In doing so the GETC must exercise the necessary caution so as not to be accused of wanting to "take over" the GDE or duplicating on issues already being addressed by the GDE or MEC. At the same time valuable pro-active contributions could be made if the relevant information is made available to the GETC in good time by the GDE or MEC. This calls for closer liaison between the MEC, GDE and the GETC by among others, inviting members of the GETC to participate in the GDE's strategic plan deliberations.

From deliberations during meetings and particularly after the criticism levelled at the GETC, the researcher became aware of the members' desire to be more pro-active and not only just review draft policies and legislation. Whilst conceding that their primary role is largely a reactive one to comment on draft policy and legislation, some pro-active display could serve as stimulant to members to remain on the Council.

5.7.3 The stage of involvement in the policy-making process and obligation on the MEC to consult the GETC

The GDE's *Policy Route* published on January 2001 is illustrated in figure 3.4. All participants had two areas of criticism on the Department's *Policy Route*.

Firstly participants were perturbed about the late stage in the policy-making process the GDE involved the GETC. Secondly they were concerned about the perception by the GDE that the MEC is not obligated to consult the GETC prior to finalising policy and legislation (cf 3.5.10).

Legislation prescribes the GETC's very existence as being essentially to "assist the MEC in developing policy". The participants interpret this specific function assigned to them as being involved in the development of policy and not merely to comment on draft policy, which is already at an advanced stage in the policy-making process. A participant contends that the GETC, "according to legislation should be involved in the policy-making process from the beginning" and argued as follows:

I think the whole idea of setting up the GETC was in fact that they should be there right at the beginning, that they have an important role to play in the policy process. I mean one understands that there has got to be a separation between Government and the GETC. Eventually it is the role of the GDE to govern and to implement policy, but I think in terms of informing and influencing the policy process, certainly our whole history tells us that we need to have representative groupings right at the beginning.

Most participants were of the view that the GETC should be involved in policy-making in the beginning (stage 1) (cf 2.7.3) when policy is being developed "at source" as a participant described it (cf figure 3.4).

The other area of contestation is the GDE's interpretation of the MEC having a choice to consult with the GETC on policy and legislation. The Department is of the opinion that "If the MEC chooses, he/she may consult the GETC prior to finalising the draft policy (cf figure 3.4 stage 7). The participants argued that if the GETC is only to be consulted by choice of the MEC, it would "defeat the advisory role of the GETC to the MEC in making policy". Other participants saw stage 7 (figure 3.4) as misleading saying: "... the actual wording as illustrated in stage seven, can be misleading because it indicates that the MEC will choose when he wants to consult".

Participants argued that according to legislation the only exceptions for the MEC not to consult the GETC on regulations made are, when the MEC feels that it is in the interest of the public to publish regulations, and an emergency requires that it be made without delay or where a technical amendment has to be made to existing policy and legislation that no substantive change to the original text is effected (cf 3.5.10). The GETC must, however, be informed of this decision by the MEC before it is published (cf 3.5.10). Participants emphasise that very few policies and legislation will go this route and thus the choice of consultation is an exception not the norm for all policy and legislation as indicated in the *Policy Route*.

Participants interviewed are of the opinion that the MEC has no blanket mandate to choose whether s/he wants to consult with the GETC prior to the finalisation of policy and legislation (cf 3.5.10). A participant suggested that the wording of stage 7 in the policy route be changed to two phrases in line with legislation as interpreted by participants:

The MEC consults the GETC prior to finalising the policy but, if in the interest of the public, urgent policies can be published by the MEC, after the GETC is informed. The second sentence can be about the technical amendments which does not have to be consulted on if it is not substantive changes.

This happened once during the term of the previous MEC when it deemed necessary to be in the interest of the public to publish Notice 786 of 1997: Regulations for School Governing Bodies of Public Schools. The GETC had just begun to function when the then MEC informed the Council in person at a GETC meeting of the decision not to consult with them before the regulations were published, because of the urgency of the regulations. Participants mentioned that a number of other notices were published in the beginning years of the GETC, but could not name them.

Two participants were of the opinion that if the GDE's interpretation of the MEC's choice whereby "the MEC needs to consult the GETC if s/he wishes to", the objective of democratic participation in the policy-making process for education is in essence negated.

Another concern was that whilst the *Policy Route* stipulates the role of involvement of three parties, namely the MEC, GDE and GETC, the one party, the GETC was left out of discussions when the *Policy Route* was developed. One participant remarked: “The GETC should have been consulted by the Department to get our interpretation of the Policy Act. Now we ‘sit’ with the *Policy Route* and are only involved at almost the end of the ‘loop’... I don’t agree being consulted so late”.

A participant also mentioned that the Amendments to Misconduct of Learners was published as policy in the *Government Gazette* without consulting with the public or the GETC and said:

I have raised this agenda item several times at GETC meetings and the Secretary (Administrative Secretary) had to establish what happened there. We are still waiting for an answer and I can assure you the amendments are not technical to have bypassed us.

Discussion

On a national level, the National Education Policy Act (NEPA) (Republic of South Africa 1996) section 4 (m) stipulates that national education policy shall be directed toward “ensuring broad public participation in the development of education policy and the representation of stakeholders in the governance of all aspects of the education system” (cf 3.5.5.2).

On a provincial level public participation is encapsulated in the *Gauteng Education Policy Act* and section 5 (1) (e) stipulates that:

All education policy made in terms of this Act must contribute to the development of an education system which encourages public participation in the processes of formulating education policy, facilitates stakeholder representation in appropriate decision-making bodies and ensures democratic governance of education institutions administered under the auspices of the provincial department.

According to Van Valey and Petersen (1987:40), effective participation of civil society in the policy process is dependent on, among others, that the public be allowed to enter the decision-making process at an early stage. The concern of the participants that the GETC is involved in a very late stage is thus valid.

It was argued by participants that stakeholders be brought into the consultative process (*Policy Route*) as stipulated by legislation and not by choice of the MEC as indicated in stage 7 in the *Policy Route* of the GDE (cf 3.4). Section 7 (b) of the *Gauteng Education Policy Act* (Gauteng Province 1998) stipulates that the GETC must consider and make recommendations to the MEC on all legislation related to education before it is introduced in the Provincial Legislature (cf Appendix K). It also further states in section 15 (1) (cf Appendix K) that the MEC must consult the GETC prior to determining education policy and introducing education-related legislation.

Two exceptions where the MEC is not required to consult the GETC is stipulated in section 18 (3) (a) and (b) of the *Gauteng Education Policy Act* (cf 3.5.10).

The wording of stage 7 in the *Policy Route* of the GDE ignores the consultative imperative of section 5 (1) (e) of the *Gauteng Education Policy Act* towards the GETC (cf Appendix K). Consultation is described in paragraph 2.8.3. Consideration can be given in revising the wording as suggested above, if all legislative prerequisites are taken into consideration.

Participants are also of the opinion that the GETC should be consulted from the beginning of the development of policy (stage 1) because of their function to assist the MEC in developing policy for the province (cf 2.7.3). This opinion is justified in legislation in the functions assigned to the GETC (cf 3.5.10). The criticism of participants that the GETC is not always consulted does however, appear to be a bit exaggerated. The GETC was only not consulted on 5 notices being published in the Provincial Government Gazette) and that was in the beginning of the establishment of the GETC when the GDE and GETC and MEC could easily have overlooked the consultation process. (cf 3.5.6). There was one occurrence of non-consultation by the MEC in 2001, when the *Amendments to the Regulations for the Misconduct of Learners* were published without consultation.

5.8 RELATIONSHIP OF THE GETC WITH OTHER OFFICES

The GETC does not work in isolation and is dependent on information from various sources like the MEC, GDE, National Department of Education and members to obtain information and use the information relationships built with various officials.

5.8.1 Relationship between GETC and the MEC

As an advisory structure to the MEC, it is imperative that a good relationship should exist between the GETC and the MEC. Unfortunately this does not seem to be the case and most participants interviewed, felt that the MEC attached little value to the role played by the GETC. The remarks of participants serve to illustrate this perception:

The MEC maybe saw no need for the Council and maybe he [MEC] saw the Council as manipulated or dominated by certain individuals or groups and therefore does not value our opinion and if the MEC had valued our work he would have responded to our reports.

One participant summarised the feelings of most participants by saying:

I do not think that the GETC is taken seriously enough and that the inputs given by the GETC is not given sufficient attention and consideration and the weight that it should get, either from politicians or from the GDE.

Furthermore, the MEC's regular postponement or cancelling of GETC EXCO meetings was not only seen as a sign of the MEC not attaching value to the GETC, but also gave rise to unhappiness and members' increasing lack of motivation. A participant remarked: "The MEC is not acknowledging the work being done ... it is like a vacuum, we have to give advise to somebody mysterious".

All participants remarked on the MEC's late responses to GETC submissions. As one participant put it: "I am getting tired of items sitting on agendas meeting after meeting, because the MEC does not reply. If the MEC had valued our work, he would have responded to our reports".

Participants consider it important that the GETC's efforts should add value to the policy-making process. As such it should be seen as having value to the MEC and the above participant is of the opinion that

The GETC would only have value, if the MEC believes it has value... it doesn't mean that the current GETC has no value, but we'd have to open a debate with the MEC to say – do you need a body? Forget what is there - do you need a body?

Legislation alone cannot justify the existence of the GETC. In the opinion of a participant it must be of value to the MEC:

No matter what legislation says, if the Department and the MEC see no function for the GETC then there is no reason in even changing it ... there's no reason for its existence. Its existence cannot only be based on legislation. You can put anything in legislation and that just forces something to exist, but not to have value.

Two participants expressed the need for reciprocal support from the MEC saying that there is the perception that the MEC is not giving the GETC the assistance it needs. One of the participants explained: "The MEC expects certain things from us, but doesn't really give us the support, like not telling us what he wants us to do after we've put in a considerable effort in a proposal to him".

Participants also remarked that there seems to be a lack of clarity on what the MEC expects of the GETC and what the office of the MEC is willing to offer in return. One participant explained:

Let's look at what it [the GETC] needs to do, lets look at what the MEC wants it to do. Then we can evaluate their needs against whether we think what is valuable. For example, if the MEC simply wants a body to propagate his own views, or to support him, then there will be no value in that for most interest groups. They would say 'forget it, I'm not being sucked into that'.

The perception that the role of the GETC was currently not being fully supported or appreciated by the MEC has led to a feeling of despondency amongst members. This was underscored in the following comment by a participant:

Some members became disenchanted with the GETC and decided that they would rather spend their energy and time back at their interest group bodies where they can make an input or where they can effect change or where they can make a meaningful contribution to their own interest groups because ... it doesn't matter to the MEC whether there is a GETC or not, he just carries on and we have to ask: 'can we have a reply on this and that document?'

Viewing the situation objective and holistically, one participant came to the MEC's defence suggesting that the fault could lie with the Administrative Secretary for not ensuring co-ordination between the GETC and the office of the MEC:

Perhaps the Secretary [Administrative Secretary] does not follow up on submissions submitted to the MEC and also ... is the MEC reminded of outstanding items he has to respond to. With his busy programme these things can slip through.

The lack of visibility of the MEC at GETC activities, combined with his political role, was a concern of two participants, one of whom remarked:

We have never seen him [MEC], we don't know him, we only read about him and it seems like all he is doing is playing politics instead of working on implementation operations. Either they play politics or they play delivery, they cannot play both games.

The other participant was of the opinion that: "The education of the province's children is much too important to permit it to become entangled with politics".

All participants expressed a need for the MEC to be more visible to GETC members and to occasionally attend GETC meetings to meet the members who advise him and for him to inform the Council of his views and strategic plans.

“Ordinary Council members would also like to meet the MEC, hear his opinions and not just hear it from the EXCO. We are his advisors, but he does not give us any guidance or disclose his strategic plans with us” a participant said.

In short, the perception that the MEC does not value input by the GETC, does not respond timeously to its submissions and does not speak with the full Council, is seen as having a negative impact on the role the GETC is able to play. A participant summarises his/her perception as follows:

Besides all the administrative problems I told you [the researcher] of earlier, the loss of momentum of the GETC can also be laid at the door of the MEC. We do not know where we stand with him and how he really views the GETC.

The efforts that the GETC EXCO has made to build relationships with the MEC are acknowledged by a participant who said “.... They [EXCO] have tried to engage with the MEC to understand their role, to build up a relationship”. However a few participants do acknowledge that the relationship between the GETC and the MEC has improved. One participant remarked: “The relationship is better than it was before, but we haven’t reached the ultimate” while another said “of late the MEC ... means well and whenever he’s been interacted to directly by the EXCO, it has been positive”.

Besides the protection the GETC has in legislation, the MEC makes policy and legislation for the province and can close the GETC by means of legislation. A participant felt strongly that “... if they [MEC and GDE] don’t want a body like the GETC and we can’t convince them of a reason for it, there’s no reason for its existence”.

Discussion

The MEC is a political appointment holding a political office and is expected to implement the ideologies of the government of the day. It is accepted that policy is often characterised by the projection of ideals. It can thus be expected of policy-makers, who are politicians in the first instance, to create, sustain and at times inflate expectations (Chetty 1993:6). The GETC is an advisory body to the MEC who is the political head of Education in the province and sets the ideology of policies. Education is funded by public money and Government is accountable for this expenditure, in this case education.

To assist the local government, in this case the Provincial Government of Gauteng, it is the MEC's task to oversee education. Fowler (2000:23) postulates that it is an illusion to think that politics and education can be separated. The author further argues that even when education is governed by "non-partisan" elected SGBs, political activity continues. However, such activity is often relatively quiet and hidden, making it difficult for ordinary citizens to understand and influence. Fowler (2000:230) argues that politics cannot be separated from public education.

The role of the GETC is to render support and give advice to the MEC in the drafting of education policy and it goes without saying that a good relationship between the MEC and the GETC should exist at all times.

The present MEC has made an effort to show acceptance of the GETC and hosted a luncheon at the end of 2000 where he expressed his appreciation for the GETC's work. In addition the EXCO has held several meetings with the MEC. However, the progress made in promoting a better working relationship between the MEC and GETC has apparently not filtered through to the majority of members who still have a perception of non-acceptance of the GETC by the MEC.

In many instances this breakdown in the relationship between the GETC and the MEC, could be attributed to a perceived indifference of the MEC towards the contribution of the GETC in assisting him/her in policy development.

There are a considerable number of GETC submissions to which the MEC had at the time of writing, not responded (cf 3.5.16). The researcher is aware of the administrative functioning of the GDE and the policy route that is to be followed and this process can be cumbersome, more so because the policy process in the GDE is not linear but follow multiple streams. There were occasions where the draft policy, after the GETC had commented on it, was re-routed back to the policy-makers. Where delays occur in the route a policy takes, this should be communicated to the GETC.

The issue of timeous responses from the MEC's office should be resolved, because it has a negative impact on the members of the GETC. Clear direction to the GETC must be given by the MEC in person to the GETC. This would contribute vastly to the removal of negative perceptions of members of the GETC and contribute towards a sound working relationship.

5.8.2 Relationship between the GETC and the GDE

There needs to be a good relationship between the GETC and the GDE, if the two structures are to function effectively. However, most participants felt that the GDE did not value the contribution made by the GETC. One participant summarised this perception as: "I do not think that the GETC is taken seriously enough and that the inputs given by the GETC is given sufficient attention and consideration and the weight that it should get, either from the politicians or from the GDE". Participants were of the opinion that the GETC very seldom, if at all, receives credit from the GDE for the support the GETC provides (directly or indirectly) to improve policy.

Participants felt that the GETC is experienced as a nuisance to the GDE. As one participant remarked: "We're [GETC] is just a spanner in the works and they [GDE] must just go past us as quickly as they can. When they are past us, it is fine". At a forum, which was supposed to serve the purpose of building relations a participant, said: "The GETC was attacked in no uncertain terms by the GDE and the 'us and them' became even bigger". One participant was very explicit regarding a personal relationship with the GDE and said: "I do think that being on the GETC has deteriorated my relationship with certain people in the Department and I can observe that".

This perception is also seen as a reason for tension between these two parties as one participant remarked: "To a large extent tensions between the GDE and the GETC is not of the making of

the GETC, but as a result of the creation of the GETC as an advisory body overseeing the work of politicians and bureaucrats, because the officials in the GDE write policies”.

On the other hand there is the notion that the GETC itself also adds to the tension and a participant notes: “I get the impression the GDE says this is criticism, that’s all you do in the GETC, just criticise us and maybe that is valid sometimes”. Another participant is also of the opinion that the GETC has to accept some blame for the negative attitude of GDE officials because: “if you listen carefully at GETC meetings an antagonistic approach can be detected by the use of their [GETC members’] language ...”.

It is contended that the GETC could be seen as critical and a threat to the GDE. One participant reasoned that the GDE officials come to the GETC with “an attitude of defending their lives, because it is not a friendly accommodating body where advice on policy-making could be sought in an amicable manner”. The GETC is also seen to operate in certain amount of tension with the GDE. A participant notes: “... there is a lot of GDE-knocking in various forms ”.

“It is important for the GETC to do introspection and ask questions regarding the reason for this treatment by the GDE” a participant remarked and added that “maybe the GDE knows that ... they know that they are going to be aggressively attacked”. This participant felt that the GETC was possibly not perceived by the GDE as “... a body where you feel like ‘these are colleagues of mine’”.

To operate effectively while considered a rival or a structure without a clear role it requires a concerted effort by the party experiencing or perceiving the rejection. One participant went to some length to find an answer to the problem. This participant felt that the GETC did not work hard enough at building relations and said:

The GETC is seen as sort of rival or some criticising body for whatever reason ... and maybe the GETC is seen as some throw back to the past and possibly an invention of the previous MEC - possibly as an MEC’s sideline under the previous MEC, it certainly isn’t under the new one. I think departmental officials have sidelined it, but the GETC has to accept some of the blame for that, because it didn’t work hard enough to get management on its side. A few

Bosberaads, a few invitations and one or two socials don't do the thing. You actually need a communication line with them and that had been proposed many times and the GETC as a Council never pursued it. Unless someone within the Council drives the process and has substantive support for it, it just won't happen.

A participant, who showed some appreciation for the role of the GDE, sees the GDE as so focussed on writing policy "that they do not have an external view". This participant suggested that the GDE should approach the GETC in a manner that brings out the best in them, by making the GETC feel wanted because of their expertise. The participant outlines the approach in mind as follows:

Now if the GDE officials come to the GETC with the wide range of stakeholders with lots of experience, they should not say: 'this is what I've developed, this is what I am thinking of and I've given it to you two weeks ago ... you must have read it, this is what it means. They should approach the GETC and say 'what do you think about it, I need your input. This is what it means ... then they will go back to the GDE and say 'I have been given a certain direction, I have been given support, I can call on X to assist me, I can call on Y [various GETC members] to do this and that.

A participant suggested that officials working with policy "should in fact feel more in power than the GETC, because they have information to give to the GETC and by doing so, empowers the GETC".

The above line of thought is also reflected by a participant for whom the attitude of the GDE towards the GETC is of a concern: "By meeting with the GDE officials and MEC more often so that we can become more friendly with them is seen as a possible way to mend relationships and change attitudes". This approach finds support in the comment of another participant who expressed the following view:

People [GETC members] must put a face to them [MEC and GDE officials] and get to know them and I think people would be more inclined to apply their minds in a much broader way when faced with anything coming from them. As it is, it is

a question of this is our view [GDE's] and we don't care who is on the other side and we are going to push for that. It is then that people fail to give the other side an opportunity to express its views.

The attitude of senior managers of the GDE towards the GETC was a concern to a participant who remarked that "If senior management projects a different image of the GETC, the rest of the officials will portray the same attitude". This participant further argued that:

When GDE officials are requested to do presentations to the GETC, this should not be viewed as instructions, but rather that we [GETC] are seeking assistance from somebody whose responsibility it is to deal with that knowledge ... with that information.

Even the sub-directorate responsible for administering the GETC, who are employed by the GDE, is negatively viewed by colleagues in the GDE as perceived by a participant who said:

I feel for you guys in Representative Structures [the sub-directorate of the GDE responsible for the administration of the GETC] ... that you must be viewed as 'that unit within the department' ... in fact a lot of people [GDE officials] feel ..., and I've had two or three remarks, that it is irrelevant to have them [the sub-directorate or unit]. That is sad for me, because when we [when the participant was still in the employ of the GDE] had set up these structures [GETC and other statutory councils], it was going to be people who represented all these processes. We [the participant spoke of his/her involvement at the GDE at the time] should be promoting the development of these structures.

A participant however said that "We've not reached the point of hate. We are just in such a conflicting process that it is not worthwhile and I do think that, as an end, what would happen is that people will pull out [of the GETC]".

The CEO of the GDE, however, is valued and respected by all participants and the efforts he makes to bridge the gap between the officials and the GETC, are appreciated. One participant reflected on the CEO's request to the GETC EXCO to do a presentation to the top management

of the GDE in May 2002 to inform them about the vision, mission and working of the GETC. In doing so on a regular basis, greater understanding could be ensured. At this specific occasion the participants who did the presentation, felt that a “great deal of goodwill, if nothing tangible” was achieved. A participant reported that since the presentation, the CEO had been in close contact with the Chairperson of the GETC in “a very open way to extend participation” and that “other parties in the GDE have also been forthcoming”.

A subsequent presentation and discussions which the Chairperson and Vice-chairperson of the GETC had had with the Executive Management Team (Top management) of the GDE, towards the end of 2001, will hopefully bring about a “change of opinion and attitude of senior officials and a participant remarked that in discussions with some officials of the GDE “an attitude change was visible”.

This participant however said that it is not so easy to inform GETC members of the attitude change of GDE officials versus the GETC perceived by him/her and said:

GETC members are ‘result orientated’ and want things to change almost ‘overnight’. Peoples’ attitudes and perceptions, however do not change overnight. For one person to try and convince the GETC that the GDE has changed their attitude towards them is impossible”.

In this regard a participant said:

I know the EXCO has made numerous kinds of attempts to speak to the GDE, specifically the senior managers, CEO [Chief Executive Officer] and the MEC. I also know that the Chairperson and Vice-chair had a one on one discussion with them and a presentation to the EMT [Executive Management Team] of the GDE, but I cannot see the outcome of it – maybe it is too soon ...but I still think they [GDE] are not convinced that we actually have a role to play.

It is the view of another participant that it is an inherent characteristic of any organisation to be “result orientated” and that the “proof of the pudding of the attitude change between the GDE and the GETC will lie in the eating thereof”.

How seriously participants view the relationship between the GDE and GETC, is illustrated by a participant who requested that the findings of this research be discussed with the GDE. This participant felt that the following be communicated to the GDE:

Guys there are tensions and we hear this about you, you've heard this about us, tell us what you feel and lets clear the air. Lets talk straight about what this study is telling us down to the nitty gritty and say 'where to from here?'

All participants are eager to build good relationships with both the MEC and the GDE officials and would be prepared to enter into discussions, attend team building sessions and conferences. Participants would also like to establish a communication line with the officials. A participant suggested that the GDE representative on the Council should establish this line of communication. The view is held by a participant that:

The only way the GDE would have got a consistent view that was valid, is if they had [had] a person there [at GETC meetings] that was sufficiently senior to be able to report back [to the GDE], who would participate [and] who did not feel that they had to defend the GDE, because nobody should be defending anything in the GETC, because if it is then that is when we've got a confrontational approach, which is the wrong approach.

The need for a representative of the GDE at all GETC meetings was reiterated by another participant:

... there is no link between the GDE and the GETC. The GDE representative should have gone and reported to the GDE and said 'there is expertise waiting there to assist'. How can this representative inform the GDE about the GETC, if he does not attend meetings.

Discussion

The process of establishing or restoring relationships between the GDE and GETC will take some time, as will the process of building trust and the knowledge base of the GDE of the functioning of the GETC. It is very evident from the observations, perceptions and experiences from participants that the relationship between the GDE and the GETC has not been healthy from the beginning. It is however contended that the GDE alone cannot carry all blame for the poor working relationship. The GETC itself has to carry some blame for not pro-actively pursuing all avenues to improve relationships.

The overall perception of participants is that the GETC is not valued by the GDE because of the negative attitude towards the GETC (cf 5.5.1). What was possibly most frustrating for the GETC was the GDE's apparent disregard for commitments the GDE made but did not honour. On several occasions GDE officials were requested to do specific presentations to the GETC and, once undertaken to do so, the officials were reminded of the appointment by the GETC Administrative Secretary. In spite of this many appointments were not honoured. On one occasion an official disregarded an appointment and the incident was reported to the CEO of the GDE. The relevant official was instructed by the CEO to apologise to the GETC, yet failed to arrive at the next scheduled meeting of the GETC.

The Administrative Secretary, being a GDE employee, is often caught in a cross fire between the GDE and GETC (cf 6.3.12). The fact that the GDE representative attended only 20% of the GETC meetings for a year is perceived as the GDE not valuing the GETC.

In spite of many negative comments concerning the relationship between the GDE and GETC, it is pleasing to note that some participants are experiencing an improvement in the relationship. However, the process of establishing or restoring relationships normally takes time and it is a two way process between two willing parties, although the GDE can be seen as the most powerful role-player. The GDE is a powerful role-player in the sense that they write policies and have to implement policies.

In this regard Fowler (2000:49) argues that individual employees of the system, acting in their capacity as government officials, wield much power. Their power ultimately rests on their institution and the politics and traditions behind it, not on their personal characteristics.

5.9 SUMMARY

A participatory consultative advisory Council, the GETC was, at the time in 1997, a totally new concept. It was established to provide support to the Department's vision of broadening the democratic base for consultation. The role of the GETC was one of rendering advice and support to the MEC in education policy-making based on broad consultation. In fulfilling this role it was and remains essential that a very close relationship of trust should exist between the MEC, GDE and GETC.

The very idea of ensuring diversification amongst members of the GETC led to initial problems in working relationships among its members. The most important is mistrust. However, as time passed and members became better acquainted with one another, the earnestness with which members attempted to contribute towards a common objective, namely improving education, engendered trust which led too an improvement in working relationships.

The participation in policy-making of civil society in the GETC is a form of decentralising the consultative process to the GETC. Often decentralisation does not transfer authority or devolve power to the people. This is the case with the GETC who advises and not decides (cf 3.5.10). Decentralisation instead shifts the locus of power away from a powerful élite at the central level to an equally powerful élite at the local level. It can thus be expected that the GETC would become a powerful force to be reckoned with. It has, however, only advisory powers and not decision-making powers. Furthermore, decentralisation may be used for retaining or extending the power of an existing government by co-opting the local populace into governance through surrendering non-essential aspects to popular control (NEPI 1992:33). However, this is not the case with the GETC, because all policies and legislation are submitted for comment to advise the MEC on policies for the province. Decentralisation may, however, exacerbate existing inequalities and the unevenness of participation was mentioned in this chapter. Suggestions were also made of empowering members to an extent that all members will be on par to contribute evenly.

Documents must be a true reflection of what has transpired at the meeting or task group and the Secretary's nuances must not alter the intent of the document. Documentation should be in such a format that it suits the needs of all GETC members.

Even if participation is illusory at times and a façade, the empowering element through active participation resulting in a more educated and critical citizenry, is worth striving for (Govender 2001:18). This is especially relevant in South Africa where the majority of citizens, have been historically excluded from participating in decision-making and have little or poor quality education. Thus the promotion of greater participatory practices in South Africa should be encouraged wherever possible. This implies the engagement of ordinary citizens in discussion groups, meetings and other interactive forums actively appraising and critiquing policy documents and texts, among other activities.

Key stakeholders (actors), moreover, need strong and well-developed organisations that are capable of providing the requisite skills training and that are committed to involving members rather than alienating them from decision-making processes.

The question why other provinces, besides Kwazulu Natal have not yet established statutory advisory councils remains unanswered. Govender (2001:17) is of the opinion that fast-tracking decision-making through the use of experts and consultants has emerged and may also account, in part, for the lack of commitment by the education authorities to establishing democratic governance structures at all levels, especially when such structures result in time-consuming processes of democratic consultation.

Although the state possesses final decision-making powers in the policy domain by virtue of the electoral process, stakeholders who are well resourced and organised can influence the direction of policy outcomes (Govender 2001:17).

Meaningful participation of citizens and of civil society organisations and their members, (the key stakeholders), are essential ingredients in sustaining democracies and their institutions. This is especially pertinent to models and systems of participation that are founded on representative democracy as is the case in the South African education sector.

Some participants felt that the role of the GETC is a concept that has never come to fruition but has a distinct place in the education structures, as it provides an avenue for debate on issues, which are not strictly labour orientated. The GETC can democratise the flow of information and increase the role of the citizenry.

Finally to quote Tickly (1997:186) "...if channelled effectively through education organisations in civil society, ... mass mobilisation around education issues could potentially become a powerful force for education reform".

CHAPTER 6

SYNTHESIS OF FINDINGS AND CONCLUSIONS

6.1 INTRODUCTION

In 1994 the newly elected government stated, as a priority, that the democratic base for deciding on education policy for the country should be broadened to include all segments of the society that have an interest in education (cf 3.1).

The first MEC for education in Gauteng was appointed in 1994. In 1997 the MEC was instrumental in grouping together a number of individuals who represented the various interest groups in education to form the first provincial statutory education and training council, the GETC, in South Africa (cf 3.5). At the same time it was necessary to determine whether participation in the GETC succeeded in bringing about a sense of involvement by civil society in education and thereby broadening the base for society's acceptance of responsibility for education.

A synthesis of the main findings of the perceptions and experiences of members of the GETC of the role this structure plays in the policy process, is provided. The identification of possible areas for further research is included.

6.2 OVERVIEW OF THE INVESTIGATION

Before embarking on the research a thorough understanding of the literature on policy and the role of civil society in this process was sought. Likewise the institution of the GETC and the role assigned to it in legislation was clarified.

A synthesis of the main findings is given and based on these findings, recommendations are made for improvements that would facilitate the functioning of the GETC.

6.2.1 The policy phenomenon

It is apparent from the literature review that key concepts used in defining policy include, policy, policy process, policy analysis and policy-making (cf 2.2.1). There is no universally accepted theory of policy-making (Hanekom 1987:3). He notes that "In practice it is quite possible that a

blend of various theories/or models could provide an acceptable answer to what the policy-making process entails". A workable definition for this study is, however, given in paragraph 1.2.1.

6.2.2 The GETC

The GETC is a largely untried statutory advisory body (cf 3.7) governed by primary and secondary legislation (cf 2.2.2). It is intended to assist the MEC in policy-making by advising him/her on policy and legislation (cf 6.3.3). The GETC's role and functions are described in the study (cf 3.5.11).

To perform this advisory function, legislation prescribes that the MEC should submit draft policy and legislation to the GETC for advice. During the past five years the GETC studied a substantial number of draft policies and legislation on which recommendations were submitted to the MEC (cf 3.5.17). They also initiated their own investigations and commented on national policy and legislation although legislation does not oblige them to do so (cf 3.5.9).

6.2.3 The research design

Chapters 2 and 3 provided a useful and necessary background to policy-making and the envisaged role of the GETC. However, they did not provide a detailed account of the perceptions of the GETC members of the role they were actually playing in the policy-making process in education in Gauteng Province. As the GETC is a recently instituted body, very little is known of the way it functions or of the way members interpret its role and functions. Thus a qualitative methodology was considered appropriate to conduct this research (cf 4.4.1).

Certain members of the GETC were selected as participants in the research and interviews were held with 17 participants. The researcher was also a participant observer at almost all GETC meetings (cf 4.4.5.1). Documents, such as legislation governing the GETC, and all other relevant printed material generated by the GETC as well as minutes of the GETC were included as data.

The data was subjected to qualitative analysis and organised according to emerging key themes (cf 4.4.6). The findings thus obtained were discussed in chapter 5 and interlinked with existing theory, policy and legislation pertaining to the GETC.

6.3 SYNTHESIS OF FINDINGS AND RECOMMENDATIONS

The significant themes uncovered in the qualitative investigation are synthesised here and integrated with prior research and theory as reviewed in Chapters 2 and 3.

6.3.1 The GETC as untried statutory advisory body

The GETC was an attempt by the then MEC of Education to set up a fully representative statutory advisory body that could be used as a sounding board for the visionary ideas for a new education dispensation (cf 3.5.1). Members of the GETC, the MEC and officials of the GDE were all engaged in an important process in which each embarked upon a new learning experience.

However, it appears that not all role-players shared the same vision. Whereas the GDE and MEC primarily seem to lay emphasis on the comments of the GETC on draft policy documents, members of the GETC want to be involved at the inception of policies, and at times wish to play a more innovative role (cf 3.6.3).

Recommendation

The first five years of functioning of the GETC should be regarded as a period in which the GETC, as a statutory advisory body was exploring its boundaries and determining the nature of its role. It is also accepted that it is the GDE and MEC's earnest wish to develop a democratised education system as prescribed by the Government. However this research revealed some weaknesses and strengths in the overall functioning of the GETC. Furthermore, the perceptions of stakeholders of the role they should be playing differed. It is suggested that the way forward should include discussions between the GETC, MEC and MEC so that they may develop a shared vision of the future and the role stakeholders are to play in the education policy process in the province.

6.3.2 Personal background of GETC members

6.3.2.1 Political affiliation can affect relationships between members

At the establishment of the GETC, the political legacy of the past, particularly with regard to education, was still fresh in the memory of many South Africans. Consequently, at first, members of the GETC did not unconditionally accept one another's bona fides as representatives on the

GETC (cf 5.4.1). Inputs from members were viewed with a certain amount of mistrust as they were suspected of enhancing their own political sentiments (cf 5.4.1). However, after working together for a period of time this mistrust has been minimised, if not completely displaced and consensus is more readily reached on policy issues (cf 5.4.1).

Recommendations

Continuity in membership is necessary to allow members the opportunity to build trust amongst each other. This necessitates prolonged membership and regular attendance of meetings of the GETC to get to know one another and accept each others' inputs as a sincere effort in the interest of learners and the enhancement of their education. Organisations within interest groups should consider appointing representatives to the GETC who will be able to serve on the GETC for the full period and who undertake to attend all meetings.

6.3.2.2 Occupational background can impact on the role played by the GETC

Members employed in education related posts have a distinct advantage over those representing interest groups that are not directly involved in education. Having had to deal with the inadequacies regarding the implementation of certain policies in the past, members from such interest groups are more sensitive to the manner in which policies are formulated.

Recommendations

Organisations should take cognisance that representatives of their organisations should preferably have a good working knowledge and/or at least a serious interest in education when appointing their respective representatives.

6.3.3 Differing interpretations of the stage of involvement by the GETC in the policy-making process

The GETC was not consulted by the GDE when the policy route was determined in January 2001 (cf 3.6.3). Likewise, the GETC differs from the GDE in its interpretation of legislation on the stage at which the MEC is to consult with them (cf 3.6.4). The GETC interprets the words "to assist the MEC in the development of policy for the Province" (cf 3.6.4) as implying that the GETC should be involved in the policy-making process from the beginning of the development of policy (cf 3.6.4). In other words, most members believe the GETC should be involved during

stage one of the *Policy Route* of the GDE (cf 3.6.4). The GDE on the other hand, is of the opinion that, at the discretion of the MEC, the GETC need only be consulted in stage 7 after the MEC and CEO have signed the draft policy (cf 5.7.3).

Recommendation

The GETC represents civil society and as such has a responsibility towards civil society to deliver effective implementable policies reflecting the ideology of the government of the day. In order to involve the GETC to the fullest in the consultative role it has to fulfil, it is imperative that the GDE and GETC resolve their difference in interpretation of this Act. This should be done in conjunction with the MEC and due cognisance should be given of the contents of the legislation as referred to in this study.

Apart from settling the difference in interpretation of the *Gauteng Education Policy Act*, the proposed meeting will also be an opportunity for the MEC to convey to the GETC any areas s/he considers to be addressed in the policy-making process.

Van Valey and Petersen (1987:40) argue that, for effective participation, the public must be able to enter the decision-making process at an early stage defining the problems of society and suggesting alternative solutions. In other words, the public should also be involved in agenda setting which is considered the most important stage of the policy-making process (Ababio 2000:53). Dye (1995:301) agrees adding that deciding what should be considered as problems is more critical than deciding on the solutions. Ababio (2000:53) also argues that setting the agenda is among the preliminaries in the policy-making process, yet it cannot, in practice, be separated from its later stages.

It is acknowledged that the policy-making process is not a linear process and that any particular policy may go through one or more stages simultaneously, or may move back and forth between stages, rather than progressing through the stages in a sequential manner (Jenkins 1987:17). It is, however, imperative that the GETC should be involved throughout all the stages, whether the policy making process is linear or in multiple streams.

6.3.4 GETC's expectations of MEC not entirely fulfilled

Legislation stipulates that the MEC must consult with the GETC prior to finalising policy or legislation. But this does not always happen as the GDE is of the opinion that the MEC has a choice in the matter and s/he may elect not to (cf 3.6.1). This contributes to a lack of understanding of the role of the GETC in the policy-making process.

Similarly legislation stipulates that the MEC is obliged to inform the GETC of all recommendations not accepted by him/her and the reasons for non-acceptance. There is, however, no stipulated time limit laid down in legislation for the MEC to reply to the GETC. Responses from the MEC are often left outstanding for long periods, some as long as a year or more (cf 3.5.16).

Some members of the GETC perceive this delay in response as implying that the MEC and GDE do not value their inputs. Likewise, the representative of the GDE on the GETC hardly attends meetings which exacerbates the problem and leads to a further breakdown in communication (cf table 3.1).

Recommendation

The GETC also has to assume responsibility for proper communication in the role it has to play in the policy-making process. It is therefore incumbent upon the GETC to take it upon itself to establish clear and regular communication with the MEC and to follow through documentation made by the GETC to the MEC on policy-making.

The GETC was not consulted at the time of the development and publication of the development and publication of the GDE's *Policy Route*. Their being a partner in the education policy-making process necessitates close co-operation with the GDE.

It is recommended that the GDE, MEC and GETC EXCO engage in discussions to clear any difference in opinion on what they expect of each other and reach consensus on the interpretation of the relevant sections in legislation which are in dispute. Enough time should be set aside and a venue selected which would be conducive to genial discourse, uninterrupted by any outside interference.

6.3.5 Impact of resources on the role played by members

Although most members have a good working knowledge of policy, there is a clear need to expose them to training in the policy-making process. Documentation from the MEC and/or the GDE is forwarded to the GETC with a covering letter stipulating the due date for recommendations to be made. No explanatory notes are given as to how the documents are to be dealt with (cf 5.2.2) nor any exposition of terminology used (cf 5.2.2). This problem is exacerbated by members receiving large volumes of documentation just prior to meetings due to a lack of communication devices such as E-mail and facsimile facilities. Sometimes members, however, only receive documents at meetings (cf 5.6.3).

Recommendations

Members must be provided with training in the following aspects relevant to their tasks:

- the drafting and analysis of policy or legislation
- meeting procedures and sub-committee work

In addition, members need assistance in the interpretation of policy documents, as well as an improved understanding of the context of the document. Familiarising members further with the contents of documents could be facilitated by:

- somebody mediating documents from the MEC or GDE to make them more accessible to members
- assisting smaller organisations in acquiring communication equipment and other resources like paper.

6.3.6 Need for diversity of representivity

Organisations applying for membership to the GETC nominate a representative considered best suited to the task, without knowing the race, gender and disability composition of the GETC (cf 5.4.4). This could result in an imbalance with regards to race, gender and disability (cf 5.4.4). Although the GETC is on the right course to promoting democratic policy-making, inputs-

solicitation is largely from the dominant voice which Metcalfe (2000) and De Clercq (1997) considers to be that of the White members.

The diversity of the contributions of members of the GETC is of great value to the policy-making process. Exposure to the diverse viewpoints of the different organisations implies that policy can be contextualised against a broader background than education only.

Recommendation

Representivity regarding race, gender and disability in the GETC has yet to be addressed. Barriers preventing representative membership should be identified and overcome. One way of trying to rectify this, is to write into legislation governing the GETC that organisations should give due attention to representivity, such as race, gender and disability of the existing GETC, when appointing representatives from their organisations (cf 5.4.4). However, in “forcing” the issue there is a risk of organisations withdrawing or not applying for membership if they are deprived of the opportunity of mandating their best suited representative to contribute towards the cause of furthering education.

The MEC could also, on approving membership of the GETC, request an organisation to give consideration to this matter.

6.3:7 Lack of representation of organisations in the GETC

Besides the absence of a major role-player, mainstream parents (cf 2.8.3.4), a number of significant interest groups such as school principals (cf 5.4.4.2), District Education and Training Councils (cf 3.4.3), Senior Managers of Districts (cf 2.8.3.2), community based organisations (cf 2.8.3), interest groups whose core activity is education (cf 2.8.3) and learners (cf 5.4.4.3) are not represented in the GETC at the time of writing (cf 3.5.6).

Recommendations

Much effort needs to be put into publicising the role of the GETC within the GDE itself as well as in broader society to make the GETC more visible and enhance its status as a significant statutory advisory body to the broader community. This will contribute towards attaining the goal of transparency in the deliberations leading to the publishing of new education policy.

The interest groups not currently represented should be approached to become a member of the GETC. Strategies should be developed to encourage and facilitate organisations to apply for membership of the GETC. As the Further Education and Training (FET) band, which include Further Education and Training Institutions (previously known as Technical Colleges) and SETAs focus on training, it is imperative that the GETC should give attention to further education and training issues to encourage members from such constituencies either to reapply or to become more fully involved in GETC discussions.

Advocacy by the MEC and GDE will enable the GETC to embark on a programme to identify organisations which qualify for membership. The identification process should also uncover obstacles or reasons for indifference, which hamper civil society's participation in the policy process through the GETC. A wider range of grassroots representivity can be obtained by ensuring that District Education and Training Councils (DETCs) with their concomitant Local Education and Training Units (LETUs) are established as a matter of urgency and be represented on the GETC (cf 3.4.2). The participation and involvement of Senior Managers of education districts is important, because the DETCs have representation on the GETC and their function is to advise senior managers in districts on education issues.

An effort should be made to organise White learners and students into the existing learner and student organisations or new multicultural student/learner organisations. Most community based organisations have training and development as part of their agendas and should be approached to become members of the GETC.

6.3.8 Participation, contribution and attendance of members differs

Members of the GETC all occupy full-time posts (or are scholars or students), attend GETC meetings and participate in its proceedings on a voluntary basis (cf 5.4.5). Most representatives of organisations have clear mandates to participate in proceedings of the GETC without necessarily consulting with either their EXCO or fellow members (cf 5.4.5). Members do, however, report back to their constituencies after GETC meetings, either on a monthly or quarterly basis or by means of a newsletter (cf 5.4.5).

Those members from stakeholder groupings that are well resourced and have well organised

organisational structures contribute more strongly to the work of the council and their voices tend to have hegemonic status (cf 5.6.2).

Pressure of work of members often prohibits them from attending meetings or from spending prolonged periods in dealing with GETC matters (cf 5.6.1). Only half of the members at GETC attend meetings regularly (cf 5.6.1). The poor attendance of the GDE representative had partly led to perceptions of members that the GDE does not value the GETC. The GDE cannot be informed of the work of the GETC and vice versa if there is no attendance of the interest group GDE (cf 5.6.4).

Unfamiliarity with meeting procedures, lack of skills in group work, feelings of inferiority amongst marginalised segments and difficulties in coping with the language medium in which meetings are conducted are contributing factors to the non-attendance and participation of members (cf 5.6.4).

Members' participation in the policy development and legislative agenda seemed to be directly proportional to the extent that their significant core business as stakeholders is addressed by the Council. The attendance and participation of representatives of Sector Education and Training Authorities (SETAs), for example, has significantly declined since training issues are rarely addressed on the Council. Training rarely featured on the agenda of the GETC (cf 5.4.4).

The GETC, in spite of apparent limitations of unevenness in participation, is regarded by participants as an important forum in policy generation. Participation in sub-committees, however, is good (cf 5.6.1). The GETC is in a developmental phase and its effectiveness in assisting the MEC in policy development would increase as all members of the Council become more conscious of concepts, mandates and accountability.

Recommendations

Innovative citizen participative mechanisms should be implemented to enhance participation. The GETC could distribute monthly newsletters to all organisations, keeping them informed of what had transpired during the month. The Administrative Secretary could distribute these newsletters

directly to members of under-resourced organisations, which are without the necessary duplicating equipment or posting facilities.

Member organisations who are represented should consider their participation on the Council as of great importance. The GETC should investigate the reasons for members who attend irregularly, or not at all, or members not participating actively. The necessary steps should then be taken to address the situation, which could include punitive measures (cf 5.6.1).

The GETC could consider making more use of sub-committee work as they generally function very well, possibly because of their particular interest in the issues discussed as well as the size of the group (cf 5.6.2).

Organisations nominating representatives should bear in mind that the proficiency in the language of the meeting is essential in coping with the voluminous work of the Council (cf 3.5.13.1).

The CEO of the GDE should be approached and advised of the poor attendance of the GDE.

6.3.9 Long agendas impact negatively on member participation

GETC meetings are held on a monthly basis and last up to three hours or more as a result of long agendas (cf 5.6.2). This is mainly because items are being continued from one meeting to another. Items on the agenda often cannot be finalised due a lack of response on documentation sent to the MEC or due to the failure of the GDE to address the GETC to elucidate certain items. The lengthy meetings in which items are not finalised impact negatively on member participation (cf 5.6.2).

Recommendations

The GETC should use sub-committees more effectively. Carefully selected and prioritised items could be referred to any of the existing 11 sub-committees (cf 3.5.11). Progress reports should be submitted regularly, and the final report be ratified by the Council.

The CEO of the GDE should be approached for reasons for the non-compliance of GDE officials to address the GETC when requested to do so. It is recommended that the GDE and the GETC

develop a schedule for presentations, by GDE officials which will allow the GDE officials enough for preparation.

6.3.10 Problems concerning scheduling of GETC work programmes

Planning ahead to ensure a balanced workload, is hampered, due to the fact that no advance information on intended or pending policy and legislation has been received by the GETC since 1999. This results in a lack of focus as there are too many concerns to allow the GETC sufficient attention to key areas in the service delivery to the MEC (cf 3.5.9).

Furthermore, legislation prescribes that the GETC should consider and respond to quarterly and annual reports of the GDE. These reports are received late and in an ad hoc manner, sometimes resulting in two reports being received simultaneously. This state of affairs renders the GETC's documents on these reports ineffective because of the time that has lapsed.

Recommendations

The MEC should provide the GETC with an annual plan of intended policies and legislation to enable the GETC to plan and investigate education concerns proactively (cf 3.5.9). The GETC should also regularly engage in deliberations with GDE officials and the MEC in order to have a sound understanding of the strategic plan of the GDE. This will enable the GETC to determine priorities and find ways to focus more carefully on particular areas/programmes/projects in a sustained pro-active way.

6.3.11 Administrative support to the GETC impacts on functioning of GETC

The GETC is reliant upon effective administrative support provided by the GDE and sufficient feedback was received from participants to attest to the contribution of the Administrative Secretary in the effective functioning of the GETC (cf 3.5.1.3; 5.5.1). The Administrative Secretary should also prepare and distribute all documentation timeously before meetings and execute any other functions assigned to him/her (cf 5.5.4; 5.6.4). It was however reported that the Administrative Secretary distributes documents to GETC members without covering letters regarding prior perusal of the documents (cf 5.5.1). The result is that members are at a loss about what to do with the documents (cf 5.5.1).

Submissions sent to the MEC have to be tracked and followed up and reminders sent to the MEC, by the Administrative Secretary, to avoid items reappearing on agendas meeting after meeting (cf

5.5.1). The audit report of the Secretary, included in the *Annual Report of the GETC for April 2001- March 2002* (Gauteng Education and Training Council 2002), indicated some shortcomings in the administrative work which hampers the effective functioning of the GETC.

The effective functioning of the GETC is, however, in jeopardy if decisions and actions are not carried out effectively and timeously (cf 5.5.1).

Recommendations

All documents issued to members of the GETC should have a covering letter with an explanatory brief indicating for information of whom, name of document, purpose of document, time, date and venue for proposed meetings, comments to be submitted as well as format of comments and due dates.

Criteria for the selection and appointment of the Administrative Secretary of the GETC need to be compiled. These criteria should inter alia stipulate that the Administrative Secretary should:

- have an understanding of the issues involved. A discerning ability is essential as the incumbent is employed by the GDE and is often faced with a conflicting role in working as an official of the GDE and at the same time rendering an unbiased service to the GETC (cf 5.8.2).
- be able to compile comprehensive reports and thus possess good writing, research and analytical thinking skills
- have good organising and administrative skills to execute functions emanating from minutes
- be computer literate and have typing skills
- have financial skills.

Training and capacity building on an ongoing basis should be provided to develop and further the skills of the incumbent of the post (cf 5.5.1). The EXCO and specifically the Secretary of the GETC should follow through the findings and recommendations made in the annual report on the audit of the work of the Administrative Secretary (Gauteng Education and Training Council 2002:20).

6.3.12 Relationship between the GETC and the GDE affects functioning of the GETC

Most of the participants reported an apparent lack of understanding by the GDE of the role of the GETC in the policy process. This perceived lack of understanding could mainly be ascribed to the following prevailing situations:

- Only being involved just prior to policy being promulgated, and not from the beginning of the development and formulating of the intended policy, could create the impression that the GETC is mainly involved in criticising the proposed policy as intended and formulated. At the same time some participants perceiving this as an attempt to minimise their role in the process.
- The GDE representative on the GETC attended very few meetings in 2001. There is no standing item on the agenda for management meetings of the GDE where report back on the activities of the GETC is done. The GDE representative could, therefore, not have been in a position to inform the GDE on the workings of the GETC
- In certain instances where the GDE was requested to do presentations at GETC meetings on intended policy, the officials did not turn up, even without the courtesy of excusing themselves.

Recommendations

The perceived negative attitude of GDE officials towards the GETC does not negate the role and function that the Council serves in providing a forum in which civil society can freely express their views, challenge the views of others, and work together to reach a compromise position so that learners in the Province can have access to the best possible education and training.

It is therefore, important that officials from the GDE and GETC EXCO regularly meet in order to inform the GETC on intended policy so that they get the broader picture behind the text. At the same time any differences and misunderstandings as to what is expected by both sides could be cleared. It is further recommended that the GETC prepare and timeously submit a proposed agenda for these meetings to the MEC and GDE.

If necessary the assistance of a third party should be solicited to determine the needs and desires of each and formulate a working relationship for future working relationships. This should include clear guidelines on the expectations on both sides and the MEC's acceptance of such.

6.3.13 Importance of relationship between the GETC and the MEC is important in defining the role of the GETC

Although the GETC is the advisory body to the MEC on policy and legislation it is perceived that the MEC is not visible to members of the Council (cf 5.8.1). This perception exists mainly because of the following reasons:

- Although the Council advises the MEC most members have not yet met the MEC. The EXCO attempts to meet the MEC on a quarterly basis. This does not always materialise.
- The long period between the recommendations made by the GETC, replies on recommendations received and the promulgation of policies and legislation can result in members feeling despondent in not knowing how their recommendations were received by the MEC. Members perceive it as though the MEC does not value their work, as they cannot determine whether GETC recommendations were accepted. Thus they feel uncertain about their contribution towards policy-making or whether their time was well spent.

This unsatisfactory state of affairs should be viewed against the background of a GETC comprising of members doing voluntary work.

Recommendations

The necessity for a sound relationship and good rapport between the MEC and GETC cannot be overemphasised. The MEC should become more visible to all the members of the Council and not only to EXCO members.

The GETC should convince the MEC of the importance to meet regularly in order for the two parties to get to know each other and to build a trust relationship. This will include an understanding on the part of the MEC of the need of the GETC to receive prompt replies to their submissions.

6.4 RECOMMENDATIONS FOR FURTHER RESEARCH

From the findings in this study on the role of the GETC in education policy-making, the following areas for further investigation and research have been identified:

- The extent to which provinces in South Africa accommodate stakeholders in education and training are accommodated in the consultative process.
- The perceptions and knowledge senior officials of provincial education departments have of consultation in the policy process.
- A comparative study of the role of the GETC and the Kwa-Zulu-Natal Education Council in the policy process.
- Ways in which education research and information influence the policy process at provincial level. of recommendations accepted, but in terms of how well the GDE accommodates the full range of stakeholders in education and training in the province in the consultative processes.
- To conduct research to establish whether advisory/consultative councils have been effective advocates for greater equality in education.

6.5 LIMITATIONS OF THE STUDY

Utilising the qualitative methodology in researching the role and functions reflects the limitations and strengths of this approach. The size of the sample could be viewed as an obvious limitation. Informed participants reporting on perceived opinions of fellow members harbour a margin for error in their interpretation of the attitudes and views of fellow members. At the same time opinions expressed by individuals cannot be unequivocally generalised to incorporate the opinions of all the members of the GETC.

As the researcher in this study is the Head of the Sub-directorate responsible for administering the GETC, subjectivity could not be ruled out entirely in the interaction with participants during interviews. At the same time this could be regarded as a distinct advantage as members displayed a large degree of openness in expressing their opinions.

6.6 CONCLUSION

Meaningful citizen participation requires that all segments of the public should have the opportunity to have a say in the policy formulation process (Van Valey & Peterson 1987:40). They are of the opinion that if the public is to have an effective voice, ongoing means of facilitating participation is required. They further argue that decision-making is rarely so leisurely as to permit the public the time to create a new participatory structure for each issue that must be confronted. Participatory mechanisms that provide the public with real opportunities to affect the policy process must be institutionalised. The GETC, which meets the requirements exhorted by Van Valey and Peterson (1987:40) is such an institution.

The GETC is a forum whereby the MEC can interact with all significant and relevant stakeholder organisations in a collective, efficient and effective manner. It is also a forum in which stakeholder organisations can clarify, develop and defend their particular vision for education and training in the province. It provides stakeholder organisations an opportunity to engage with other organisations in discussion and debate in order to arrive at compromise and consensus with respect to all significant policy and legislation impacting on education and training. This process will ensure that all learners in the province receive the most effective and appropriate opportunities to develop their skills, knowledge, values and attitudes hereby enabling them to contribute towards building a better South Africa for all, in all respects.

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APPENDIX A

MEMBERSHIP LISTS OF GETC MEMBERS

A.1 FOUNDED MEMBERS

The 56 members are listed alphabetically

A.1.1 Interest Groups

Afrikaanse Handels Instituut
 Aerospace Industry Education and Training Board
 Association of Professional Teachers
 Association of Governing Bodies
 Afrikaanse Taal- en Kultuurvereniging
 Building Industry Training Board
 Collegiate Association for the Research of Principles
 Committee of College of Education Rectors of South Africa
 Civil Engineering Industry Training Board
 Christian Education Movement
 Catholic Institute of Education
 Committee of Technical College Councils
 Congress of South African Students
 Congress of South African Trade Unions
 Committee of Technical College Principals
 Committee of University Principals
 Disabled People of South Africa
 Electrical Contracting Industries Training Board
 Foundation for African Business and Consumer Services
 Federation of South African Labour Unions
 Furniture Industry Training Board
 Gauteng Association of Chambers of Commerce and Industry
 Gauteng Principals' Association
 Gauteng Department of Education
 Gauteng Education and Training Organisations Association
 Hairdressing and Cosmetology Services Industry Education and Training Board
 Independent Schools' Council
 Information Technology Industry Training Board
 John Bell Trust Language Programme
 Motor Industry Training Board
 Mathematics NGO Forum
 National Council of Trade Unions
 National African Federated Chamber of Commerce and Industry

National Union of Metalworkers of South Africa
Pan Africanist Student Organisation
Printing, Newspaper and Packaging Industries Training board
Public Servants' Association of South Africa
Road Transport Industry Education and Training board
South African Association for Vocational and Specialised Education
South African Board of Jewish Education
Southern African Bus Operators' Association
South African Democratic Teachers' Union
South African Students' Congress
Society for the Promotion of Arabic
Transnet Training Board
Transvaalse Onderwysersvereniging
Transvaal United African Teachers' Association

A.1.2 The following individuals were appointed by the MEC

Rev G. Koen
Mr B. Mkhonto
Ms B. Mosala
Mr E Ratshikopha
Dr E. Tsele
Dr F. Auerbach
Mr B. Morgan
Ms M. Stewart
Ms P.M. Boschiolo

A.2 MEMBERSHIP LIST OF GETC MEMBERS FROM FEBRUARY 1997 TILL 31 MARCH 2000

The GETC, established on 28 February 1997, concluded its first period of office on 27 February 2000 and the MEC re-appointed the existing members who had applied for re-appointment on 28 February 2000. The number of organisations within interest groups are listed. The Regulations for the GETC (Gauteng Province 1996) made provision for 15 interest groups. Only thirteen groups are represented in the membership list. DETCs and SACs were not established at the time.

INTEREST GROUP	ORGANISATION
Educators 1. Educators (6 organisations)	South African Union for Vocational and Specialised Education National Union of Educators South African Democratic Teachers' Union Professional Educators' Union Suid-Afrikaanse Onderwysersunie South African Council for English Education
2. Learners enrolled at schools (2 organisations)	Pan Africanised Student Organisation Congress of South African Students
3. Students (1 organisation)	South African Students' Congress
4. Heads of Institutions (3 organisations)	Committee of Technical College Principals Committee of College of Education Rectors of South Africa (RSA) Gauteng Principals' Association
5. Governing Bodies of Public Educational Institutions (1 organisation)	Committee of Technical College Councils
6. Governing Bodies of Public Schools (1 organisation)	Federation of South African Schools
7. Private Schools (3 organisations)	Independent Schools' Association of South Africa (ISSASA) South African Board of Jewish Education Catholic Institute of Education
8. Non-governmental Education Organisations (3 organisations) 9. Business (4 organisations)	Die Afrikaanse Taal- en Kultuurvereniging Society for the Promotion of Arabic Disabled People of South Africa National African Federation of Chambers of Commerce Gauteng Association of Chambers of Commerce and Industry Foundation for African Business and Consumer Services Die Afrikaanse Handelsinstituut
10. Labour (3 organisations)	The Federation of Unions of South Africa National Council of Trade Unions Congress of South African Trade Unions
11. Training Boards (7 Training Boards)	Building Industries Training Board

INTEREST GROUP	ORGANISATION
	Hairdressing and Cosmetology Services Industry Education and Training Board Transnet Training Board Electrical Contracting Industries Training Board Printing, Newspaper and Packaging Industries Training Board Information Technology Industry Training Board
12. Members of the Executive Council	Mr. B. Mkhonto Ms B. Mosala Mrs P.M. Boshielo Dr F. Auerbach Rev G. Koen Mr B. Morgan Dr M. Tsele
13. Provincial Department	Gauteng Department of Education

A.3 CURRENT MEMBERSHIP LIST OF GETC MEMBERS AS ON 31 MARCH 2002

Membership will terminate on 28 February 2003. Present members can reapply in writing for membership to the MEC. Legislation changed and from 25 July 2002 there are 18 interest groups on the GETC. Twelve interest groups are represented. As on 31 March 2002 the interest groups, DETCs, District Managers, Community Based Organisations, any other interest group, organ of state and education or training boards were not yet represented.

Source: Annual Report of the GETC 1 April 2001 till 31 March 2002 (Gauteng Education and Training Council 2002)

INTEREST GROUP	ORGANIZATION
Educators 1. Education and Training Development Practitioners (6 organisations)	South African Union for Vocational and Specialised Education National Union of Educators South African Democratic Teachers' Union Professional Educators' Union Suid-Afrikaanse Onderwysersunie Gauteng Congress for Early Childhood Development
2. Learners (2 organisations)	Congress of South African Students South African Students Congress
3. Heads of Institutions (1 organisation)	Association for Further Education and Training Institutions of South Africa
4. Governing Bodies of Institutions (1 organisation)	Federation of South African Schools
5. Independent Education Institutions (5 organisations)	Independent Schools Council South African Board of Jewish Education Catholic Institute of Education Federation for Independent Early Learning Development and Training Centers
6. Non Governmental Education Organisations (4 organisations)	Die Afrikaanse Taal- en Kultuurvereniging Inter-Church Commission for Education and Training Society for the Promotion of Arabic Adult Educators' and Trainers' Association of South Africa
7. Labour (3 organisations)	The Federation of Unions of South Africa National Council of Trade Unions Congress of South African Trade Unions
8. Parents (1 organisation)	Parents of Children with Specialised Educational Needs
9. Sector Education and Training Authorities (2 organisations)	Services Sector Education and Training Authority Medium Advertising Packaging Printing and Publishing SETA
10. Members of the Executive Council Appointees (6 members)	Dr F. Auerbach Mr B. Morgan

INTEREST GROUP	ORGANIZATION
	<p>Ms T. Chaane</p> <p>Ms S. Motala</p> <p>Mr. F. Mazibuko</p> <p>Dr Charles Nwaila</p>
11. Business (4 organisations)	<p>National African Federation of Chambers of Commerce</p> <p>Gauteng Association of Chambers of Commerce and Industry</p> <p>Foundation for African Business and Consumer Services</p> <p>Die Afrikaanse Handelsinstituut</p>
12. Provincial Department (1 organisation)	Gauteng Department of Education

APPENDIX B

CONSTITUTION OF GAUTENG EDUCATION AND TRAINING COUNCIL

24 JUNE 1997

B.1 PREAMBLE

This Constitution shall be read in conjunction with the School Education Act (Act No. 6 of 1995), and the Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996). Should there be any contradiction between this Constitution and the School Education Act (Act No. 6 of 1995) or the Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996), the School Education Act (Act No. 6 of 1995) or the Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996), as the case may be, shall take precedence over this Constitution.

The COUNCIL shall strive to co-ordinate the contribution of education and training stakeholders in order to arrive at, and establish agreements on, the resolution of crises in education, to provide a platform for major stakeholders to contribute toward the effective operation of the Gauteng Department of Education, and to contribute towards the broad policy frameworks for the restructuring of education and training in a democratic Republic of South Africa (RSA) which are linked to the human, social and economic needs of Republic of South Africa (RSA). To achieve its mission the COUNCIL shall, without being limiting, endeavour to bring the State and civil society formations into constructive relationships for the reconstruction and development of the education and training sector.

The COUNCIL shall strive to establish itself as a conduit through which the MEC (Education) in Gauteng is able to access public opinion and through which organisations in civil society can lobby the MEC (Education) in Gauteng on policy issues, and civil society formations are able to debate proposals and initiatives and formulate proposals for submission to the MEC (Education) in Gauteng.

It is understood that this Constitution is binding on all COUNCIL members.

B.2 DEFINITIONS

- B.2.1 The following terms shall have the meanings hereby assigned to them unless the context indicates otherwise:
- B.2.2 The COUNCIL shall mean the Gauteng Education and Training COUNCIL, and shall be a three-tiered organisation consisting of the EXECUTIVE COMMITTEE, hereinafter referred to as EXCOMM, the COUNCIL, and the PLENARY.
- B.2.3 CONSTITUTION shall mean this Constitution.
- B.2.4 MEMBER shall mean a member of the COUNCIL or EXCOMM as the context dictates.
- B.2.5 EXCOMM shall consist of those MEMBERS elected by the COUNCIL into one of the portfolios specified in 3. COUNCIL STRUCTURE.
- B.2.6 The COUNCIL shall consist of REPRESENTATIVES and APPOINTEES.
- B.2.7 REPRESENTATIVE shall mean a natural person nominated by an ORGANISATION to the COUNCIL.
- B.2.8 APPOINTEES shall refer to individuals appointed to the COUNCIL by the MEC in terms Regulation 2 (4) of the Regulations for the Establishment of the Education and Training Council.
- B.2.9 The PLENARY shall consist of all education and training stakeholders in Gauteng Province.

- B.2.10 ORGANISATION shall mean a designated organisation in terms of Regulation 3 (2).
- B.2.11 A QUORUM at any meeting of the COUNCIL shall be constituted by 50% +1 of MEMBERS.
- B.2.12 A QUORUM at any meeting of EXCOMM shall consist of 50% +1 of its MEMBERS.
- B.2.13 CONSENSUS shall mean, in respect of any matter to be decided by EXCOMM or the COUNCIL, the unanimous agreement on the matter by all whom are present at the time.
- B.2.14 DEPARTMENTAL STAFF shall mean employees of the department serving as the COUNCIL Secretary.
- B.2.15 ADMINISTRATIVE OFFICER shall mean a person appointed by the Head of Department, in terms of Regulation 6 (3), to perform the administrative functions of COUNCIL, EXCOMM and PLENARY.

B.3 COUNCIL STRUCTURE

- B.3.1 The Gauteng Education and training COUNCIL shall be a three-tiered organisation:
- ◆ The EXCOMM
 - ◆ The COUNCIL
 - ◆ The PLENARY.
- B.3.2 The EXCOMM
- B.3.2.1 The EXCOMM shall consist of those MEMBERS elected by the COUNCIL from the ranks of the COUNCIL. The EXCOMM shall consist of the Chairperson, Vice-Chairperson, Treasurer, Secretary, Liaison Officer, Public Relations/Media Officer and the Administrative Officer. The Administrative Officer shall be a non-voting member of EXCOMM.
- B.3.2.2 The period of office of EXCOMM shall be one year from the date of election.
- B.3.3 The COUNCIL.
- B.3.3.1 The COUNCIL shall comprise REPRESENTATIVES of ORGANISATIONS, as specified in Appendix A, and APPOINTEES, being individuals appointed to the COUNCIL by the MEC in terms of Regulation 2 (4) of the Regulations for the Establishment of the Education and Training Council.
- B.3.3.2 The COUNCIL shall make representations to the MEC to increase or decrease representation on the COUNCIL to meet changing circumstances.
- B.3.3.3 Nomination of REPRESENTATIVES and filling of vacancies shall be conducted as follows:
- B.3.3.3.1 REPRESENTATIVES of the various organisations shall be nominated by the organisation.
- B.3.3.3.2 The term of office shall be two years.
- B.3.3.3.3 Requesting organisations to nominate replacements shall fill vacancies.
- B.3.3.3.4 Each member may be represented by an alternative nominated by the organisation. An alternate member shall present a written mandate at the commencement of the meeting.
- B.3.3.4 Appointment of APPOINTEES and filling of vacancies shall be conducted as follows:
- B.3.3.4.1 The MEC shall appoint APPOINTEES.

B.3.3.4.2 The term of office shall be two years, after which the MEC shall again appoint APPOINTEES.

B.3.3.4.3 Requesting the MEC to appoint replacements shall fill vacancies.

B.4 PRINCIPLES

B.4.1 The COUNCIL shall, through a process of consultation and negotiation, strive to reach CONSENSUS on all issues placed before it.

B.4.2 The COUNCIL shall use all appropriate means to ensure that it functions in a transparent and publicly accountable manner.

B.4.3 Every suitable opportunity shall be used to inform the public of the work of the COUNCIL.

B.4.4 The COUNCIL shall not deprive any MEMBER of the COUNCIL of independent freedom of action in such MEMBER's own sphere of responsibility.

B.4.5 The COUNCIL shall endeavour to be representative of all provincial stakeholders in education and in training.

B.5 POWERS, FUNCTIONS AND DUTIES

B.5.1 The COUNCIL shall at all times operate in accordance with this Constitution.

B.5.2 The COUNCIL shall formulate standing orders and rules to regulate its operation and the operations of its committees, EXCOMM and PLENARY.

B.5.3 The COUNCIL is empowered, with the prior approval of the MEC, to establish committees to investigate various matters referred to the COUNCIL. COUNCIL may co-opt members, with the necessary expertise, from outside the COUNCIL. All committees of COUNCIL shall be convened and chaired by a member of COUNCIL.

B.5.4 The COUNCIL may delegate any power, function or duty to its committees or EXCOMM. The COUNCIL may assign any of its functions to a committee, but shall not be divested of such functions and may amend or rescind any decision of such a committee.

B.5.5 The COUNCIL shall make representations to the MEC to increase or decrease representation on the COUNCIL to meet changing circumstances.

B.5.6 Functions of EXCOMM:

B.5.6.1 EXCOMM, in consultation with the COUNCIL, shall prioritise, organise, co-ordinate the activities of the COUNCIL, set the agenda for each meeting of the COUNCIL and PLENARY and set rules in place for the conduct of meetings, attendance etc.

B.5.7 Functions of the individual members of EXCOMM

- B.5.7.1 The Chairperson shall chair all meetings of EXCOMM, COUNCIL and PLENARY.
- B.5.7.2 The Vice-Chairperson shall deputise for the Chairperson whenever necessary.
- B.5.7.3 The Secretary shall monitor the administrative functions of the departmental staff.
- B.5.7.4 The Treasurer shall monitor the financial administration of the departmental staff.
- B.5.7.5 The Liaison Officer shall liaise with MEMBERS of COUNCIL and EXCOMM with regard to attendance and work performance.
- B.5.7.6 The Public Relations/Media Officer shall promote the image of the COUNCIL in the public eye and arrange all press conferences and releases.
- B.5.7.7 The administrative staff shall prepare regular reports to EXCOMM and an annual report to COUNCIL which, upon adoption, shall be presented to the MEC as its annual report.
- B.5.8 Functions of COUNCIL
 - B.5.8.1 Debate and make recommendations to the MEC and the Gauteng Department of Education on issues pertaining to legislation, regulation and policy.
 - B.5.8.2 Debate and make recommendations to the MEC and the Gauteng Department of Education on any matter referred to it.
 - B.5.8.3 The COUNCIL shall negotiate, on an annual basis, with the Gauteng Department of Education on the budget to be allocated to the COUNCIL. The budget shall include, inter alia, the following:
 - B.5.8.3.1 Office equipment
 - B.5.8.3.2 Consumables
 - B.5.8.3.3 Miscellaneous
 - B.5.8.3.4 Attendance costs of members
 - B.5.8.3.5 Travelling costs of members and departmental staff

B.6 MEETINGS

- B.6.1 EXCOMM shall meet at least four times a year, in order to prioritise, organise, co-ordinate the activities of the COUNCIL and set the agenda for each meeting of the COUNCIL and PLENARY. COUNCIL in this regard shall ratify all decisions of EXCOMM.
- B.6.2 COUNCIL shall meet at least four times a year in order to discuss those matters set for it by EXCOMM and ratified by COUNCIL.
- B.6.3 The COUNCIL shall call a meeting of PLENARY at least once a year or whenever necessary for the purposes of:

- B.6.3.1 information or interaction; or
- B.6.3.2 whenever the COUNCIL for wider consultation has referred a matter to it.
- B.6.4 The ADMINISTRATIVE OFFICER shall attend all COUNCIL, EXCOMM and PLENARY meetings as a non-voting member.
- B.6.5 DEPARTMENTAL STAFF, in addition to the ADMINISTRATIVE OFFICER, may attend all COUNCIL, EXCOMM and PLENARY meetings.
- B.6.6 All comments at meetings shall be addressed through the Chair.
- B.6.7 Members with a personal interest in any matter being discussed shall declare that interest.

B.7 DECISIONS

- B.7.1 Decisions shall be taken on the basis of CONSENSUS, as defined in 2.12, by MEMBERS. All reasonable steps shall be taken to achieve consensus before a deadlock is declared.
- B.7.2 If unanimous agreement cannot be reached as contemplated in 2.12, all different positions shall be stated and the MEC will make final decisions.
- B.7.3 In the case of amendments to this Constitution, a 66% majority of the MEMBERS on the COUNCIL is required for a decision to be effective. If necessary, postal votes will be accepted.

B.8 VOTING RIGHTS IN COUNCIL AND EXCOMM

- B.8.1 All MEMBERS shall have one vote.
- B.8.2 The Chairperson shall have a deliberative and a casting vote.
- B.8.3 The ADMINISTRATIVE OFFICER and DEPARTMENTAL STAFF shall have no voting rights.

B.9 QUORUM

In the event of there being no quorum at a meeting, the members present shall decide on the date of another meeting at which those members present at this meeting shall constitute a quorum.

B.10 LIABILITY

- B.10.1 A MEMBER shall not be personally liable for any debt, damage or loss incurred by the COUNCIL or any other party unless such damage or loss is attributable to the MEMBER who has acted without the authorisation of the COUNCIL and with malicious intent or negligence.

Appendix to the Constitution of the GETC dated 24 June 1997

Composition of COUNCIL

The following shall be members of the Education and Training COUNCIL:

B.1 One representative nominated by

B.1.1 each district COUNCIL

B.1.2 each specialist COUNCIL

B.2 One representative nominated by each designated organisation representing the following interest groups in the province:

B.2.1 parents of learners enrolled at schools

B.2.2 educators

B.2.3 learners enrolled at schools

B.2.4 students

B.2.5 heads of institutions

B.2.6 principals

B.2.7 departmental staff

B.2.8 governing bodies of public educational institutions

B.2.9 governing bodies of public schools

B.2.10 private educational institutions

B.2.11 private schools

B.2.12 non-governmental education organisations

B.2.13 business

B.2.14 labour.

B.3 One representative nominated by each training board in the province.**B.4 Such persons as the MEC in his or her discretion may appoint as members of the COUNCIL.**

APPENDIX C

GETC PROPOSED AMENDMENTS TO THE CONSTITUTION

Suggested amendments are shown in (Comic Sans) type. Suggested deletions are shown in bold underline text.

C.1 PREAMBLE

This Constitution shall be read in conjunction with the (Gauteng Education Policy Act of 1998) School Education Act (Act No. 6 of 1995), and the (Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001) Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996). Should there be any contradiction between this Constitution and the (Gauteng Education Policy Act of 1998) School Education Act (Act No. 6 of 1995) or the (Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001) Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996), the (Gauteng Education Policy Act of 1998) School Education Act (Act No. 6 of 1995) or the (Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001) Regulations for the Establishment of the Education and Training Council (Notice 1893 of 1996), as the case may be, shall take precedence over this Constitution.

C.2 VISION OF THE GAUTENG EDUCATION AND TRAINING COUNCIL

The vision of the Gauteng Education and Training Council, as a broad based representation of stakeholders in education, is to advise the MEC on quality education and training for all learners in Gauteng Province.

C.3 MISSION OF THE GAUTENG EDUCATION AND TRAINING COUNCIL

The Council, as a consultative structure, shall strive to build constructive relationships with stakeholders through whom the MEC is able to access public opinion on policy and the state of education in the Province.

To achieve its mission the Council shall, without being limiting, endeavour to bring the State and civil society formations into constructive relationships for the reconstruction and development of the education and training sector.

The Council shall strive to establish itself as a conduit through which

- the MEC for Education in Gauteng is able to access public opinion and through which organisations in civil society can advise the MEC (Education) in Gauteng on legislation, regulation and policy issues
- civil society formations are able to debate proposals and initiatives and formulate proposals for submission to the MEC for Education in Gauteng.)

It is understood that this Constitution is binding on all Council members.

C.4 DEFINITIONS

The following terms shall have the meanings hereby assigned to them unless the context indicates otherwise:

“Administrative Officer(s)” means a person or persons appointed by the Chief Executive Officer of the Gauteng Department of Education, in terms of Regulation 47 of the Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001.

“Appointees” means individuals appointed to the Council by the MEC in terms of Regulation 12 of the Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001.

“Constitution” shall mean this Constitution.

“Consensus” means, in respect of any matter to be decided by the Executive Committee or the Council, the unanimous agreement on the matter by all whom are present at the time.

“Council” shall mean the Gauteng Education and Training Council, and shall be a three-tiered organisation consisting of the Executive Committee, the Council, and the Plenary.

“Departmental staff” means employees of the Gauteng Department of Education serving as the Council Secretary.

“Member” shall mean a member of the Council or Executive Committee as the context dictates.

“Organisation” means a designated organisation in terms of Regulation 10 of the Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001.

“Plenary meeting” means a meeting of all education and training stakeholders in Gauteng Province.

“Quorum at a meeting of the Council” (means not less than 30% of the total membership of the Council) shall be constituted by 50% +1 of Members.

“Quorum at a meeting of the Executive Committee” (means not fewer than three members of the Committee) shall consist of 50% +1 of its Members.

“Regulations” mean the Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001.

“Representative” shall mean a natural person nominated by a designated organisation to the Council in terms of Regulations 10 and 11 (a) and (b) of the Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001.

C.5 COUNCIL STRUCTURE

- 5.1. The Gauteng Education and Training Council shall be a three-tiered organisation:
 - 5.1.1 the Executive Committee;
 - 5.1.2 the Council; and
 - 5.1.3 the Plenary.
- 5.2 The Executive Committee.
 - 5.2.1 The Executive Committee shall consist of those Members elected by the Council from the ranks of the Council.
 - 5.2.2 The Executive Committee shall consist of the Chairperson, Vice-Chairperson, Treasurer, Secretary, Liaison Officer, and the Public Relations Officer.
 - 5.2.3 The period of office of the Executive Committee shall be one year from the date of election.
- 5.3 The Council.
 - 5.3.1 The Council shall comprise representatives of designated organisations, (appointed by the MEC after consultation with the Council,) as specified in (regulations 10 and 11 of the Regulations) Appendix A, and appointees, being individuals appointed to the Council by the MEC (, after consultation with the Council,) in terms of (Regulation 12 of the Regulations).

- 5.3.2 The Council shall make representations to the MEC to increase or decrease representation on the Council to meet changing circumstances.
- 5.3.3 Nomination of representatives and filling of vacancies shall be conducted as follows:
- Representatives of the various designated organisations shall be nominated by the organisation.
 - The term of office of all designated organisations shall be **(three) two years**.
 - Vacancies shall be filled by requesting designated organisations to nominate replacements.
 - each member may be represented by an alternative nominated by the organisation.
- 5.3.4 Appointment of appointees and filling of vacancies shall be conducted as follows:
- Appointees shall be appointed by the MEC **(after consultation with the Council)**.
 - The term of office of all appointees shall be **(three) two years**, after which the MEC shall again appoint appointees **(after consultation with the Council)**.

Vacancies shall be filled by requesting the MEC to appoint replacements.

5.4 The Plenary.

5.4.1 The Plenary comprises all education and training stakeholders in Gauteng Province.

C.6 PRINCIPLES

- 6.1 The Council shall at all times operate in accordance with this Constitution.
- 6.2 The Council shall endeavour to be representative of all provincial stakeholders in education and in training.
- 6.3 The Council shall, through a process of consultation and negotiation, strive to reach Consensus on all issues placed before it.
- 6.4 The Council shall use all appropriate means to ensure that it functions in a transparent and publicly accountable manner.
- 6.5 The Council shall use every suitable opportunity shall to inform the public of the work of the Council.
- 6.6 The Council shall not deprive any Member of the Council of independent freedom of action in such Member's own sphere of responsibility.

C.7 FUNCTIONS, POWERS AND DUTIES OF COUNCIL

- 7.1 Debate and (advice) **make recommendations to** the MEC on education legislation, regulation and policy **(for the Province)**.
- 7.2 Debate and (advice) **make recommendations to** the MEC on any matter referred to it **(by the MEC)**.
- 7.3 The Council(, **through its Secretary,**) shall negotiate, on an annual basis, with the Gauteng Department of Education on the budget to be allocated to the Council. The budget shall include, *inter alia*, the following:
- office equipment;
 - consumables;
 - miscellaneous; and
 - travelling costs of members and departmental staff.
- 7.4 The Council is empowered, with the prior approval of the MEC, to establish sub-committees to investigate various matters referred to the Council. Council may co-opt members, with the necessary expertise, from outside the Council. All sub-committees of Council shall be convened and chaired by a member of Council.

- 7.5 The Council may delegate any power, function or duty to its sub-committees or the Executive Committee. The Council may assign any of its functions to a sub-committee, but shall not be divested of such functions and may amend or rescind any decision of such a sub-committee.
- 7.6 The Council shall formulate standing orders and rules to regulate its operation and the operations of its sub-committees, Executive Committee and Plenary.

C.8 FUNCTIONS, POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

- 8.1 The Executive Committee, in consultation with the Council, shall prioritise, organise, co-ordinate the activities of the Council, set the agenda for each meeting of the Council and Plenary and set rules in place for the conduct of meetings, attendance etc.
- 8.2 Functions of the individual members of the Executive Committee:
- The Chairperson shall chair all meetings of the Executive Committee, Council and Plenary.
 - The Vice-Chairperson shall deputise for the Chairperson whenever necessary.
 - The Secretary shall (ensure that) monitor the administrative functions of the departmental staff (are completed to the satisfaction of the Executive Committee, Council and Plenary).
 - The Treasurer shall (ensure that) monitor the financial administrative functions of the departmental staff (are completed to the satisfaction of the Executive Committee, Council and Plenary).
 - The Liaison Officer shall liaise with members of Council and the Executive Committee with regard to attendance and work performance.
 - The Public Relations Officer shall promote the image of the Council in the public eye and arrange all press conferences and releases.

C.9 FUNCTIONS AND DUTIES OF THE ADMINISTRATIVE OFFICER(S)

- 9.1 The Administrative Officer(s) shall
- prepare such reports as may be requested by the Executive Committee, the Council, its sub-committees and Plenary;
 - prepare such submissions to the MEC as may be requested by the Executive Committee, the Council, its sub-committees and Plenary;
 - prepare all correspondence as may be requested by the Executive Committee, the Council, its sub-committees and Plenary;
 - maintain an updated data base of the members of the Executive Committee, the Council, its sub-committees and Plenary; and
 - prepare an annual report to Council which, upon adoption, shall be presented to the MEC as its annual report.

C.10 MEETINGS

10.1 The Executive Committee shall meet

- at least **(eleven) four** times a year, in order to prioritise, organise, co-ordinate the activities of the Council and set the agenda for each meeting of the Council and Plenary. All decisions of the Executive Committee in this regard shall be ratified by Council; and
- the MEC and managers of the Gauteng Department of Education as often as is required in order to discuss matters of mutual interest.)

10.2 The Council shall

10.2.1 meet at least **(eleven) four** times a year in order to discuss those matters set for it by the Executive Committee (, the MEC or) **and ratified by** the Council;

10.2.2 call a meeting of Plenary at least once a year or whenever necessary for the purposes of:

- information or interaction; or
- whenever a matter has been referred to it by the Council for wider consultation.

10.3 The Administrative Officer(s) shall attend all Council, Executive Committee and Plenary meetings.

10.4 Departmental staff, in addition to the Administrative Officer, may attend all Council, Executive Committee and Plenary meetings.

10.5 All comments at meetings shall be addressed through the Chair.

10.6 Members with a personal interest in any matter being discussed shall declare that interest.

C.11 DECISIONS

11.1 Decisions (of the Executive Committee, the Council, its sub-committees or Plenary) shall be taken on the basis of consensus, as defined, by members. All reasonable steps shall be taken to achieve consensus before a deadlock is declared.

11.2 If unanimous agreement cannot be reached as contemplated in 7.1, all different positions shall be stated, **(recorded and reported to the MEC if necessary)**.

11.3 In the case of amendments to this Constitution, a 66% majority of the members on the Council is required **(to ratify such amendments) for a decision to be effective**. If necessary, postal votes will be accepted.

C.12 VOTING RIGHTS IN COUNCIL

12.1 The Council shall only vote for members of its Executive Committee.

12.2 All members shall have one vote.

12.3 The Administrative Officer(s) and Departmental staff shall have no voting rights.

C.13 QUORUM

In the event of there being no quorum at a meeting, the members present shall decide on the date of another meeting at which those members present at this meeting shall constitute a quorum.

C.14 LIABILITY

- 14.1 A member shall not be personally liable for any debt, damage or loss incurred by the Council or any other party unless such damage or loss is attributable to the member who has acted without the authorisation of the Council and with malicious intent or negligence.

C.15 COMPOSITION OF COUNCIL

- 15.1 The following (may) be members of the Education and Training Council:

- 15.1.1 one person appointed by each designated organisation representing the following interest groups:

- parents
- education and training development practitioners
- the provincial department
- learners
- heads of institutions
- governing bodies of institutions
- independent education institutions
- non-governmental organisations whose core-activities are education related
- community-based organisations whose core-activities are education related
- an education or training board or Sector Education and Training Authority established in terms of any law
- business
- labour; and
- any other interest groups or organ of state that the council considers appropriate.

- 15.1.2 In addition

- one person representing district managers and one representative from each of the District Education and Training Councils.

APPENDIX D
GAUTENG EDUCATION AND TRAINING COUNCIL RULES
16 FEBRUARY 1998

D.1 Applications for membership

- D.1.1 All applications for membership shall be addressed to the Administrative Officer.
- D.1.2 The Administrative Officer, in consultation with the members of the Secretary, shall scrutinise each application received to ensure that the application complies with the requirements of the Regulations for the Establishment of the Education and Training Council and that it contains
- D.1.2.1 name of a contact person;
- D.1.2.2 contact details, which shall include postal address, telephone number, facsimile numbers and E-mail address (where applicable);
- D.1.2.3 a clear indication of the interest group the organisation represents, as listed in the Regulations for the Establishment of the Education and Training Council:
- a) parents of learners enrolled at schools;
 - b) educators;
 - c) learners enrolled at schools;
 - d) students;
 - e) heads of institutions;
 - f) principals;
 - g) departmental staff;
 - h) governing bodies of public educational institutions;
 - i) governing bodies of public schools;
 - j) private educational institutions;
 - k) private schools;
 - l) non-governmental education organisations;
 - m) business; and
 - n) labour.
- D.1.2.4 a written constitution which does not exclude membership from any person on the basis of race, gender, language, disability or sexual preference, and a clear indication of the objectives of the organisation; and
- D.1.2.5 the total numbers of affiliated members, with a membership list (where possible).
- D.1.3 Once the Secretary is satisfied with the requirements, as contemplated in Rule 1.2, it shall give a preliminary evaluation of each application.
- D.1.4 This preliminary evaluation, together with all supporting documentation, shall be tabled at the earliest possible meeting of the Executive Committee.
- D.1.5 The Executive Committee shall consider the application and make a recommendation, which is to be presented at the next meeting of Council.
- D.1.6 Council shall decide on the suitability or otherwise of the organisation and shall inform the MEC that

- D.1.6.1 it has received the application and evaluated it; and
- D.1.6.2 it has made a recommendation, and shall communicate the recommendation to the Member of the Executive Committee with a request to him or her to make a decision about the application.
- D.1.7 The MEC shall inform the organisation of his or her decision.

D.2 Withdrawal of membership

- D.2.1 At every Executive Committee meeting, the Liaison Officer shall scrutinise attendance lists supplied by the Secretary to ascertain which organisations are not attending meetings.
- D.2.2 Once these organisations have been identified, the Liaison Officer shall communicate with the organisation concerned, either telephonically or by letter, in order to ascertain the reasons for non-attendance.
- D.2.3 Should the reasons given be of such a nature that withdrawal of membership is desirable, the Liaison Officer will make such recommendation to the Executive Committee.
- D.2.4 Should the Executive Committee decide that membership should be withdrawn, it shall ask Council to ratify the decision.
- D.2.5 Should Council ratify the decision, the MEC shall be asked to withdraw the designation of the organisation.
- D.2.6 The MEC shall inform the organisation if its designation is to be withdrawn.

D.3 Communication with stakeholders

- D.3.1 The Public Relations Officer shall be responsible, in conjunction with the Secretary, for communicating with stakeholders.
- D.3.2 The Public Relations Officer, in conjunction with the Executive Committee, shall make proposals, from time to time, as to what means should be used for communication. Possible means include
 - D.3.2.1 public meetings (Plenary meetings);
 - D.3.2.2 press conferences or releases; or
 - D.3.2.3 newsletters.
- D.3.3 Once the decision has been made, the Secretary shall assist the Public Relations Officer.

D.4 Reports of the Secretary

- D.4.1 The Secretary shall report annually to the Executive Committee.
- D.4.2 The Secretary report shall contain a description of the activities of the Secretary relevant to the work of the Council.
- D.4.3 The Secretary shall report annually to Council.
- D.4.4 The annual report shall contain a description of the activities of the Council.
- D.4.5 Council must accept the annual report. The council may amend any part of the annual report.

- D.4.6 Once accepted by Council, the annual report shall be submitted to the MEC as the Council's annual report before 31 March each year.

D.5 Partnership with Education Standing Committee

- D.5.1 The Public Relations Officer shall attempt to establish a permanent partnership with the Education Standing Committee of the Legislature so that Council may interact meaningfully with the Education Standing Committee of the Legislature.
- D.5.2 The Public Relations Officer shall obtain dates and agendas of Standing Committee meetings so that members of Council may attend.

D.6 Internal audit

- D.6.1 The Secretary and Treasurer shall conduct annual audits of the work of the Secretary to ensure that
- D.6.1.1 minutes of all Executive Committee and Council meetings are being kept; and
- D.6.1.2 the Council is operating within its budget.

D.7 Alternates

- D.7.1 Alternates may not represent MEC appointees at meetings.
- D.7.2 Alternates may not represent members of the Executive Committee at Executive Committee meetings.
- D.7.3 Alternates may represent other members of Council, provided that the organisation has named fixed alternates in writing to the Council or that the alternate submits a written mandate from his or her organisation to the Chair at the commencement of a meeting.

D.8 Attendance at meetings

- D.8.1 Acceptance of membership implies that the member acknowledges an obligation to attend all meetings.
- D.8.2 Should members not be able to attend meetings, Council expects that the courtesy of an apology be tendered.
- D.8.3 In terms of the Regulations for the Establishment of the Education and Training Council, the designation of an organisation may be withdrawn by the MEC, after consultation with the Council, if the organisation has failed to attend three consecutive meetings and Council has passed a resolution requesting the MEC to do so.
- D.8.4 Should organisations repeatedly fail to attend meetings without apologies and just cause, Council, on the advice of the Executive Committee, may pass a resolution that the MEC withdraws the designation of the organisations concerned provided that the Executive Committee has given the organisation adequate notice of its intention to propose such a resolution.
- D.8.5 Should the MEC accede to the request from Council, the membership of the organisations concerned shall be terminated with immediate effect.

D.9 Formation of Working Groups

- D.9.1 Council may establish working groups to address any matter.
- D.9.2 Members of such working groups may be drawn from the ranks of Council members.
- D.9.3 Council may co-opt members, with the necessary expertise, from outside the Council to serve on working groups.
- D.9.4 Working groups shall be ad hoc in nature and will be dissolved once the tasks they have been assigned have been completed.
- D.9.5 Members of Council shall chair working groups.
- D.9.6 Working groups shall submit written reports to Council for ratification.

D.10 Formation of Committees

- D.10.1 Council may establish committees, with the prior approval of the MEC, to address any matter.
- D.10.2 Council shall establish the following committees, and shall specify their terms of reference:
 - D.10.2.1 Constitution and Rules Committee;
 - D.10.2.2 Finance Committee;
 - D.10.2.3 Curriculum Committee;
 - D.10.2.4 Legislative Committee; and
 - D.10.2.5 any other committees which it deems to be necessary.
- D.10.3 Members of such committees may be drawn from the ranks of Council members.
- D.10.4 Council may co-opt members, with the necessary expertise, from outside the Council to serve on committees.
- D.10.5 Committees shall be permanent or semi-permanent in nature and will only be dissolved once Council feels that they no longer have a function.
- D.10.6 Members of Council shall chair committees.
- D.10.7 Committees shall submit written reports to Council for ratification.

D.11 Procedure for election of Executive Committee

- D.11.1 The Executive Committee shall be elected annually as soon as its term of office has expired.
- D.11.2 Nominations for the various portfolios shall be called for in advance.
- D.11.3 All nominations tendered in advance shall be made in writing by a member of Council and seconded in writing by a member of Council.
- D.11.4 The candidate shall accept the nomination in writing.
- D.11.5 Candidates may circulate CVs to all members.

- D.11.6 At the election meeting, candidates may present a verbal as well as a written CV, provided that if one candidate presents a verbal or written CV, all candidates shall be entitled to do so.
- D.11.7 The electoral officer for the election of Chairperson shall be the Head of the Gauteng Department of Education or his or her nominee.
- D.11.8 The Head of Department shall appoint an alternate contemplated in 11.7 in writing.
- D.11.9 Late nominations for the position of Chairperson may be called for in the election meeting, provided that late nominations are made and seconded by members of Council and accepted by the candidate.
- D.11.10 If there are two or more candidates for election an electoral committee shall be elected to count votes.
- D.11.11 The electoral committee shall consist of at least two people who may be members of Council or the Secretary.
- D.11.12 Election shall be by secret ballot.
- D.11.13 Each member of Council shall have one vote, where applicable, in respect of the position of Chairperson.
- D.11.14 Once ballots have been cast and counted, the Head of Department shall immediately announce the result and, whereupon the elected Chairperson, or alternate, shall be the electoral officer for the balance of positions on the Executive Committee. All ballot papers must be destroyed.
- D.11.15 An alternate contemplated in terms of 11.14 shall be acceptable to the Council.
- D.11.16 Late nominations for any position on the Executive Committee may be called for in the election meeting, provided that late nominations are made and seconded by members of Council and accepted by the candidate.
- D.11.17 If there are two or more candidates for election an electoral committee shall be elected to count votes.
- D.11.18 The electoral committee shall consist of at least two people who may be members of Council or the Secretary.
- D.11.19 Election shall be by secret ballot.
- D.11.20 Each member of Council shall have one vote, where applicable, in respect of all positions on the Executive Committee.
- D.11.21 Once ballots have been cast and counted, the electoral officer shall immediately announce the results and destroy the ballot papers.
- D.11.22 Documentation for meetings
- D.11.23 The Secretary shall endeavour to circulate all documentation for a Council meeting at least 14 days prior to such meeting.
- D.11.24 Meeting procedures
- D.11.25 Each member organisation may have more than one representative present at a Council meeting, provided that only the official representative or mandated alternate may participate in the business of the meeting.
- D.11.26 A quorum at any Council meeting shall be 50% + one of its members.
- D.11.27 All comments shall be directed through the Chair.

D.11.28 Decisions in Council meetings shall be taken on the basis of consensus.

D.11.29 Consensus shall mean the unanimous agreement of all members present at the time.

D.11.30 If a consensus cannot be reached, as contemplated in 13.3, all different positions shall be noted.

D.11.31 The procedures followed at all meetings shall be acceptable meeting procedures.

D.12 Rules for budget

The Council budget shall be drawn up as per national and provincial requirements.

APPENDIX E

GETC PROPOSED AMENDMENTS TO THE RULES

Amendments are shown in bold Comic Sans type. Suggested deletions are shown in bold underlined text.

E.1 Applications for membership

- 1.1 All applications for membership shall be addressed to the Administrative Officer.
- 1.2 The Administrative Officer, in consultation with the members of the Secretary, shall scrutinise each application received to ensure that the application complies with the requirements of the Regulations for the Establishment of the Education and Training Council (**Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001**) and that it contains
- 1.2.1 name of a contact person;
- 1.2.2 contact details, which shall include postal address, telephone number, facsimile numbers and E-mail address (where applicable);
- 1.2.3 a clear indication of the interest group the organisation represents, as listed in the Regulations for the Establishment of the Education and Training Council (**Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001**):
- (a) parents;
 - (b) education and training development practitioners;
 - (c) the provincial department;
 - (d) learners;
 - (e) heads of institutions;
 - (g) governing bodies of institutions;
 - (h) independent education institutions;
 - (i) non-governmental organisations whose core-activities are education related;
 - (j) community-based organisations whose core-activities are education related;
 - (k) an education or training board or Sector Education and Training Authority established in terms of any law;
 - (l) business;
 - (m) labour; and

- (n) any other interest group or organ of state that the relevant council considers appropriate to making a contribution on education-related matters specific to its functions.

1.2.4 In addition to the interest groups referred to in regulation 1.2.3 -

- (a) the Gauteng Education and Training Council must be composed of one person representing district managers and one representative from each of the District Education and Training Council established in terms of the Act).

- 1.2.5 a written constitution which does not exclude membership from any person on the basis of race, gender, language, disability or sexual preference, and a clear indication of the objectives of the organisation; and
- 1.2.6 the total numbers of affiliated members, with a membership list (where possible).
- 1.3 Once the Secretary is satisfied with the requirements, as contemplated in Rule 1.2, it shall give a preliminary evaluation of each application.
- 1.4 This preliminary evaluation, together with all supporting documentation, shall be tabled at the earliest possible meeting of the Executive Committee.
- 1.5 The Executive Committee shall consider the application and make a recommendation, which is to be presented at the next meeting of Council.
- 1.6 Council shall decide on the suitability or otherwise of the organisation and shall inform the Member of the Executive Council that
- 1.6.1 it has received the application and evaluated it; and
- 1.6.2 it has made a recommendation, and shall communicate the recommendation to the Member of the Executive Committee with a request to him or her to make a decision about the application.
- 1.7 The Member of the Executive Council shall inform the organisation of his or her decision.

E.2 Withdrawal of membership

- 2.1 At every Executive Committee meeting, the Liaison Officer shall scrutinise attendance lists supplied by the Secretary to ascertain which organisations are not attending meetings.
- 2.2 Once these organisations have been identified, the Liaison Officer shall communicate with the organisation concerned, either telephonically or by letter, in order to ascertain the reasons for non-attendance.
- 2.3 Should the reasons given be of such a nature that withdrawal of membership is desirable, the Liaison Officer will make such recommendation to the Executive Committee.
- 2.4 Should the Executive Committee decide that membership should be withdrawn, it shall ask Council to ratify the decision.
- 2.5 Should Council ratify the decision, the Member of the Executive Council shall be asked to withdraw the designation of the organisation.
- 2.6 The Member of the Executive Council shall inform the organisation if its designation is to be withdrawn.

E.3 Communication with stakeholders

- 3.1 The Public Relations Officer shall be responsible, in conjunction with the Secretary, for communicating with stakeholders.

- 3.2 The Public Relations Officer, in conjunction with the Executive Committee, shall make proposals, from time to time, as to what means should be used for communication. Possible means include
 - 3.2.1 public meetings (Plenary meetings);
 - 3.2.2 press conferences or releases; or
 - 3.2.3 newsletters.
- 3.3 Once the decision has been made, the Secretary shall assist the Public Relations Officer.

E.4 Reports of the Secretary

- 4.1 The Secretary shall report annually to the Executive Committee.
- 4.2 The Secretary report shall contain a description of the activities of the Secretary relevant to the work of the Council.
- 4.2 The Secretary shall report annually to Council.
- 4.4 The annual report shall contain a description of the activities of the Council.
- 4.5 The annual report must be accepted by Council. The council may amend any part of the annual report.
- 4.6 Once accepted by Council, the annual report shall be submitted to the Member of the Executive Council as the Council's annual report before 31 March each year.

E.5 Partnership with Education Standing Committee

- 5.1 The Public Relations Officer shall attempt to establish a permanent partnership with the Education Standing Committee of the Legislature so that Council may interact meaningfully with the Education Standing Committee of the Legislature.
- 5.2 The Public Relations Officer shall obtain dates and agendas of Standing Committee meetings so that members of Council may attend.

E.6 Internal audit

- 6.1 The Secretary and Treasurer shall conduct annual audits of the work of the Secretary to ensure that
 - 6.1.1 minutes of all Executive Committee and Council meetings are being kept; and
 - 6.1.2 the Council is operating within its budget.

E.7 Alternates

- 7.1 MEC appointees may not be represented at meetings by alternates.
- 7.2 Members of the Executive Committee may not be represented at Executive Committee meetings by alternates.
- 7.3 Other members of Council may be represented by alternates, provided that the organisation has named fixed alternates in writing to the Council or that the alternate submits a written mandate from his or her organisation to the Chair at the commencement of a meeting.

E.8 Attendance at meetings

- 8.1 Acceptance of membership implies that the member acknowledges an obligation to attend all meetings.
- 8.2 Should members not be able to attend meetings, Council expects that the courtesy of an apology is tendered.
- 8.3 In terms of the Regulations for the Establishment of the Education and Training Council (Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units of 2001), the designation of an organisation may be withdrawn by the Member of the Executive Council, after consultation with the Council, if the organisation has failed to attend three consecutive meetings and Council has passed a resolution requesting the Member of the Executive Council to do so.
- 8.4 Should organisations repeatedly fail to attend meetings without apologies and just cause, Council, on the advice of the Executive Committee, may pass a resolution that the Member of the Executive Council withdraws the designation of the organisations concerned provided that the Executive Committee has given the organisation adequate notice of its intention to propose such a resolution.
- 8.5 Should the Member of the Executive Council accede to the request from Council, the membership of the organisations concerned shall be terminated with immediate effect.

E.9 Formation of Working Groups

- 9.1 Council may establish working groups to address any matter.
- 9.2 Members of such working groups may be drawn from the ranks of Council members.
- 9.3 Council may co-opt members, with the necessary expertise, from outside the Council to serve on working groups.
- 9.4 Working groups shall be *ad hoc* in nature and will be dissolved once the tasks they have been assigned have been completed.
- 9.5 Working groups shall be chaired by members of Council.
- 9.6 Working groups shall submit written reports to Council for ratification.

E.10 Formation of Committees (sub-committees)

- 10.1 Council may establish committees (sub-committees), with the prior approval of the Member of the Executive Council, to address any matter.
- 10.2 Council shall establish the following committees, and shall specify their terms of reference:
- 10.2.1 Constitution and Rules Committee;**
- 10.2.2 Finance Committee;**
- 10.2.3 Curriculum Committee;**
- 10.2.4 Legislative Committee; and**
- 10.2.5 (any sub-committees which it deems to be necessary).**

- 10.3 Members of such committees (sub-committees) may be drawn from the ranks of Council members.
- 10.4 Council may co-opt members, with the necessary expertise, from outside the Council to serve on committees (sub-committees).
- 10.5 Committees (Sub-committees) shall be permanent or semi-permanent in nature and will only be dissolved once Council feels that they no longer have a function.
- 10.6 Committees (Sub-committees) shall be chaired by members of Council.
- 10.7 Committees (Sub-committees) shall submit written reports to Council for ratification.

E.11 Procedure for election of Executive Committee

- 11.1 The Executive Committee shall be elected annually as soon as its term of office has expired.
- 11.2 Nominations for the various portfolios shall be called for in advance.
- 11.3 All nominations tendered in advance shall be made in writing by a member of Council and seconded in writing by a member of Council.
- 11.4 The nomination shall be accepted in writing by the candidate.
- 11.5 Candidates may circulate CVs to all members.
- 11.6 At the election meeting, candidates may present a verbal as well as a written CV, provided that if one candidate presents a verbal or written CV, all candidates shall be entitled to do so.
- 11.7 The electoral officer for the election of Chairperson shall be the Head of the Gauteng Department of Education or his or her nominee.
- 11.8 An alternate contemplated in 11.7 shall be appointed in writing by the Head of Department.
- 11.9 Late nominations for the position of Chairperson may be called for in the election meeting, provided that late nominations are made and seconded by members of Council and accepted by the candidate.
- 11.10 If there are two or more candidates for election an electoral committee shall be elected to count votes.
- 11.11 The electoral committee shall consist of at least two people who may be members of Council or the Secretary.
- 11.12 Election shall be by secret ballot.
- 11.13 Each member of Council shall have one vote, where applicable, in respect of the position of Chairperson.
- 11.14 Once ballots have been cast and counted, the Head of Department shall immediately announce the result and, whereupon the elected Chairperson, or alternate, shall be the electoral officer for the balance of positions on the Executive Committee. All ballot papers must be destroyed.
- 11.15 An alternate contemplated in terms of 11.14 shall be acceptable to the Council.
- 11.16 Late nominations for any position on the Executive Committee may be called for in the election meeting, provided that late nominations are made and seconded by members of Council and accepted by the candidate.
- 11.17 If there are two or more candidates for election an electoral committee shall be elected to count votes.

- 11.18 The electoral committee shall consist of at least two people who may be members of Council or the Secretary.
- 11.19 Election shall be by secret ballot.
- 11.20 Each member of Council shall have one vote, where applicable, in respect of all positions on the Executive Committee.
- 11.21 Once ballots have been cast and counted, the electoral officer shall immediately announce the results and destroy the ballot papers.

E.12 Documentation for meetings

- 12.1 The Secretary shall endeavour to circulate all documentation for a Council meeting at least 14 days (10 days) prior to such meeting.

E.13 Meeting procedures

- 13.1 Each member organisation may have more than one representative present at a Council meeting, provided that only the official representative or mandated alternate may participate in the business of the meeting.
- 13.2 A quorum at any Council meeting shall be 50% + 1 (at least 30%) of its members.
- 13.3 All comments shall be directed through the Chair.
- 13.4 Decisions in Council meetings shall be taken on the basis of consensus.
- 13.5 Consensus shall mean the unanimous agreement of all members present at the time.
- 13.6 If a consensus cannot be reached, as contemplated in 13.3, all different positions shall be noted.
- 13.7 The procedures followed at all meetings shall be acceptable meeting procedures.

E.14 Rules for budget

The Council budget shall be drawn up as per national and provincial requirements.

APPENDIX F

GETC SUBMISSIONS JUNE 1997 – FEBRUARY 2002

JUNE 1997 – FEBRUARY 2002

Key: National Department of Education submissions are printed in blue

F.1 Submissions by the GETC for the period 28 February 1997 till March 1998

- Language in Education Documents (*dated 26 June 1997, and forwarded to the Minister of Education via the MEC for Education, Gauteng*)
- Gauteng Examinations and Assessment Bill, 1997 (dated 29 July 1997)
- Summary of responses to Discussion Paper 73: “Aspects of the Law Relating to HIV/AIDS and Discrimination in Schools” (*dated 19 September 1997, and forwarded to the Republic of South Africa (RSA) Law Commission via the MEC for Education in Gauteng*)
- *College Education and Training Bill, 1997* (dated 15 October 1997)
- Skills Development Bill, 1997 (*dated 17 October 1997, and forwarded to the Minister of Labour via the MEC for Education in Gauteng*)
- Education Policy Bill, 1997 (dated 27 November 1997)
- Draft Regulations for the Admission of Learners to Public Schools (dated 27 November 1997)
- Draft Regulations relating to Independent Schools (dated 27 November 1997).
- Draft Regulations for the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units (28 January 1998)
- Draft Regulations relating to Centres for Adult Learners (dated 28 January 1998)
- Draft Notice Relating to Misconduct (dated 28 January 1998)
- Draft National Norms and Standards for School Funding (*dated 17 February 1998 and forwarded to the Minister of Education via the MEC for Education in Gauteng*)
- Report of the National Committee on Further Education (*dated 17 February 1998 and forwarded to the Minister of Education via the MEC for Education in Gauteng*)

Special projects:

- Recommendations with regard to Appointments to the Examination and Assessment Board (dated 10 March 1998)
- Report on the Symbol Distributions of Certain Subjects written in the 1997 Grade 12 examinations (dated 11 March 1998 and submitted to the MEC for Education in Gauteng).

F.2 Submissions by the GETC for the period 1 April 1998 till March 1999

- Submission on the Green Paper on “Further Education and Training (*dated 25 May 1998 and forwarded to the Minister of Education via the MEC for Education in Gauteng*)
- Submission on the “Draft Regulations Relating to Misconduct of Learners (dated 25 May 1998)
- Recommendations on members of the Examinations and Assessment Board (dated 26 May 1998)
- Submission on the Education Policy Bill (Revised Draft 2) (dated 28 July 1998)
- Submission on the Examinations and Assessment Amendment Bill (dated 19 August 1998)
- Comments on the Further Education and Training Bill *dated 20 August 1998 and forwarded to the Minister of Education via the MEC for Education in Gauteng*
- Submission on the Draft Regulations to Promote the Objectives of the Examinations and Assessment Act (dated 24 August 1998)
- Submission on the Amendment of Regulations relating to the Admission of Learners to Public Schools (dated 24 August 1998)
- Submission on “Regulations made in terms of the Education Policy Act” (dated 20 November 1999)
- Comments on the Recommendations contained in the Report “Knowledge and Skills for the Smart Province: An Agenda for the New Millennium” (dated 27 January 1999)

The GETC presented the following submissions on Special Projects to the MEC for Education in Gauteng during 1998:

Special Project

- Phase One Research Report on the Implementation and Development of Curriculum 2005 during 1998 (dated 3 February 1999).

F.3 Submissions for April 1999 to March 2000

- Comments and recommendations on the Regulations made in terms of the Education Policy Act, 1998 (Act No. 12 of 1998): Regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units (dated 14 March 2000)
- Report on the 1999 results at Adult Learning Centres (dated 28 March 2000)
- Comment on Draft 6; Gauteng Department of Education Assessment Policy (dated 4 May 1999)
- *Response to the Report of the Ministerial Committee on Religious Education (4 May 1999)*
- Comment on the Phase 1 report on the 1997 Grade 12 Examination (28 May 1999)
- Report on the consultative Paper No 1 on Special Education: Building an Inclusive Education and Training System. First Steps August 30, 1999. (26 October 1999)
- Comments on the Draft Regulations for the Education Policy Register (dated 24 November 1999)
- Report on the Draft Regulations/Notices Relating to College Councils (dated 23 November 1999)

Special projects:

- Guidelines for the Evaluation of HIV/AIDS and Sexuality Education Programmes (dated 24 November 1999)
- Report on the 1999 School Examination Results (dated 28 February 2000)
- Preliminary report of results at Adult learning Centers (24 June 1999)
- Second report on the results at Adult Learning Centers (28 September 1999)

F.4 Submissions by the GETC for the period April 2000 till March 2001

- Comments and Recommendations on *the Provincial Assessment Policy, Draft 8* (dated 30 May 2000)
- Comments and Recommendations on the *Adult General Education and Training Bill, 2000* (dated 10 July 2000)
- Comments and Recommendations on the *General and Further Education and Training Quality Assurance Bill, 2000* (dated 7 August 2000)
- Comments and recommendations on the *Draft Regulations Relating to the Admission of Learners to Public Schools* (dated 31 August 2000)
- *Comments and recommendations made on the National Policy on Whole School Evaluation (dated 31 October 2000)*
- Comments and recommendations on the *Gauteng School Education Amendment Bill, Draft 1* (dated 1 December 2000)
- Comments and recommendations on the *Notice of Determination of Guidelines for the Establishment of Representative Council of Learners* (dated 11 December 2000)

Special project:

- Report on the 2000 Senior Certificate Examination Results at Schools, as at 29 December 2000, (dated 20 February 2001).
- Comments and recommendations on the Draft Early Childhood Development Policy (dated 26 March 2001).

F.5 Submissions submitted by the GETC between April 2001 and March 2002:

- Report on *Deracialisation of Schools* (dated 3 August 2001)
- Comment on the *Amendments of the Gauteng Education Policy Act* (dated 28 August 2001)
- Comment on *EquityPlan of GDE* (dated 30 August 2001)
- Report on *Financial sustainability and the promotion of self-managing schools and general management* (dated 18 September 2001)
- *Comment on New National Curriculum statements (dated 30 September 2001) – submitted via Member of the Executive Council to the National Department of Education*
- Comment on Regulations for the Registration and Withdrawal of Independent Schools (dated February 2002)
- Comment on Interim policy on the Admission to Public Further Education and Training Institutions (dated February 2002).

- Comment on Interim Policy on the Determination of Learning Programmes at Public Further Education and Training Institutions (dated February 2002)
- Comment on Interim Policy on Financial Records and Statements of Public further Education and Training Institutions (dated February 2002)
- Comment on Interim policy on Disciplinary measures (dated February 2002)

APPENDIX G

GETC ORIENTATION MANUAL

G.1 VISION OF THE GAUTENG EDUCATION AND TRAINING COUNCIL

The vision of the Gauteng Education and Training Council, as a broad based representation of stakeholders in education, is to advise the MEC on quality education and training for all learners in Gauteng Province.

G.2 MISSION OF THE GAUTENG EDUCATION AND TRAINING COUNCIL

The Council, as a consultative structure, shall strive to build constructive relationships with stakeholders through whom the MEC is able to access public opinion on policy and the state of education in the Province.

G.3 ADMINISTRATION OF THE COUNCIL

The Council is administered by the Representative Structures sub-directorate of the Gauteng Department of Education.

This includes

General Administration

- ◆ preparation of budget; and
- ◆ establishment of effective communication between the Council and the

Department.

Administration of the Council's activities

- ◆ preparation and distribution of all documentation for all meetings of the Executive Committee, the Council, its sub-committees and working groups;
- ◆ preparation of agendas;
- ◆ writing of minutes;
- ◆ writing of reports;
- ◆ attendance at all meetings;
- ◆ orientation of new members; and
- ◆ guidance on document analysis.

G.4 LEGISLATIVE FRAMEWORK

The Council was originally established in terms of the School Education Act (Gauteng) of 1995.

The Gauteng Education Policy Act (1998) repealed certain sections of the School Education Act and is now the Act under which the Council functions.

The Gauteng Education Policy Act is currently under review and amendment, but this Manual is based on the Act of 1998. The Manual will be revised should this become necessary in terms of any amendments made.

The Regulations for the Establishment of the Education and Training Council formalised the operations of the Council and these regulations are still in force. These regulations, too, are being revised and amended.

G.5 LEGAL OBLIGATIONS OF THE COUNCIL

In terms of the Gauteng Education Policy Act (1998), the Council must

- ◆ Assist the MEC in developing education policy for the Province.
- ◆ Consider and make recommendations to the MEC on all education legislation before it is introduced in the Legislature.
- ◆ On its own initiative or at the request of the MEC, investigate and consider matters relating to education and report its findings to the MEC.
- ◆ Consider and respond to quarterly reports from the Chief Executive Officer.
- ◆ On or before 31 March each year, present an annual report to the MEC for tabling in the legislature.

G.6 LEGAL OBLIGATIONS OF THE MEC

- ◆ The MEC must consult the Council prior to determining education policy, introducing education-related legislation and issuing education-related regulations.
- ◆ The MEC must allow the Council a minimum of thirty days to make recommendations on any proposed policy, legislation or regulations.
- ◆ Should the MEC decide not to implement a recommendation made by the Council, written reasons for the decision must be given.
- ◆ Must table the Council's annual report in the legislature within 14 days of receiving it.

G.7 LEGAL OBLIGATIONS OF THE CHIEF EXECUTIVE OFFICER

- ◆ Must co-ordinate the implementation of education policy in the province.
- ◆ Must submit an annual report to the Council on the state of education in the Province.
- ◆ Must submit quarterly or other reports as may be reasonably requested by the Council.

G.8 INTERNAL STRUCTURES OF COUNCIL

The Council establishes sub-committees or working groups to discuss drafts.

- ◆ Sub-committees, established with the concurrence of the MEC, are standing sub-committees. Their function is to address areas in education and training with which the Council is engaged on a continuous basis, such as examinations and assessment or curriculum.
- ◆ Working groups are ad hoc interest groups established to discuss a particular matter and, once their work is concluded, they are disbanded.

Both may and do make use of the expertise of persons who do not attend Council meetings. This enables the Council to draw on a broad base of expertise.

G.9 INITIATING THE PROCESS OF CONSULTATION

The following procedure is recommended in order to initiate the process of consultation with the Council.

- ◆ The MEC ascertains the dates of Council meetings.
- ◆ The MEC releases the draft legislation, regulations or policy to accommodate the dates of Council meetings.
- ◆ The MEC allows the Council a minimum of thirty days for consultation.
- ◆ The MEC writes a formal letter to Council clearly specifying when written comment is required.

G.10 COUNCIL'S PROCESS OF CONSULTATION

- ◆ Council receives a formal request for comment from MEC.
- ◆ Council activates an existing sub-committee or establishes a working group to discuss a document.
- ◆ The sub-committee or working group meets as often as is required during the designated period for consultation.
- ◆ The sub-committee or working group prepares preliminary comments for presentation to Council.
- ◆ Council considers the preliminary report and, after any necessary amendments, adopts the report. All dissenting views are recorded if consensus cannot be reached.
- ◆ The Council's official comments are forwarded to the MEC and senior managers in the Department. All dissenting views are also forwarded.

G.11 DEEPENING THE PROCESS OF CONSULTATION IN POLICY FORMULATION

One of the pivotal issues in South Africa's democracy is the principle of consultation in policy-formulation. This is true of education and training as well.

School governing bodies have been established in national and provincial legislation to formulate policy for individual schools.

Provincial legislation has established the Gauteng Education and Training Council to advise the MEC on education legislation, policy and regulations for Gauteng.

The Gauteng Education Policy Act also provides the establishment of District Education and Training Councils to advise District Managers on district issues.

Regulations for the Gauteng Education and Training Council are in place, as are regulations for School Governing Bodies.

APPENDIX H

GUIDELINES FOR INTERVIEWS

H.1 PREAMBLE

This schedule was used to ensure that certain aspects were dealt with during the interviews. However the schedule did at no time dictate what was to be discussed and the participants were allowed to raise issues or discuss aspects of the GETC at will.

H.2 DETAILS OF INTERVIEWEE AND INTERVIEWER:

NAME OF INTERVIEWER:

NAME OF INTERVIEWEE:

AGE OF INTERVIEWEE:

H.3 PERIOD OF MEMBERSHIP ON THE GETC:

POSITION ON THE GETC:

INTEREST GROUP:

ORGANISATION:

H.4 PARTICIPATION IN STANDING SUB-COMMITTEES:

DATE OF INTERVIEW:

TIME OF INTERVIEW:

PLACE OF INTERVIEW:

H.5 OPENING REMARKS

1. A brief re-explanation of the objective
2. Confirmation of the confidentiality of the interview
3. Consent to tape interview on audio cassette
4. Prerogative to refuse the answering of certain questions

H.6 COMMENTARY ON EXPERIENCE OF GETC

H.6.1 MEMBERSHIP OF THE GETC

1. How did you become a member of the GETC?
2. What did you expect of the GETC when you applied for membership/when the MEC requested you to serve on the GETC?
3. In what way do you keep your organisation informed of what is being discussed in the GETC?
4. If you could change the composition of the GETC, who would you include/exclude?
5. What do you think about the representation of parents and school principals?
6. Can you name some interest groups which are not as yet represented on the GETC?

H.6.2 OBJECTIVE OF THE GETC

1. What are the objectives of the GETC?
2. How does the GETC function to meet this objective?

3. To what extent do you think the GETC is fulfilling these objectives?
4. What prevents the GETC from fulfilling its objectives?

H.6.3 ATTENDANCE, CONTRIBUTION, PARTICIPATION AND MANDATES

1. What is your contribution to the GETC?
2. Are there any factors which influence the role you are playing in the GETC?
3. How do you perceive the contribution of other members to the GETC?
4. What influences their contributions?
5. How often do you participate in meetings?
6. How do you perceive the participation of members?
7. When you contribute whose opinions are you expressing, your view or your organisation's?
8. How often on average do you attend meetings of the GETC?
9. What factors influences you to attend meetings?
10. In what way do you report back to or involve the organization you represent?

H.6.4 FUNCTIONING OF THE GETC

1. What would you like to change as far as the functioning of the GETC is concerned?
2. Do you think the GETC has changed over the years?
3. How does the GETC decide on its work programme?
4. What have been some stumbling blocks in the functioning of the GETC?
5. What is your perception of the GETC's role and involvement in the policy-making process?
6. To what extent is the GETC able to resolve conflicting interests in education and training to the satisfaction of all parties?
7. The GETC has a number of sub-committees:
 - ◆ Are you a member of any of the sub-committees?
 - ◆ What is your opinion of the functioning of these sub committees?
8. You are looking back at almost five years of functioning of the GETC, briefly and in very broad brushstrokes, what points would you make in a speech to the GETC plenary?
9. Have you got any message for the chair of the GETC?
10. Members of the GETC often need to comment on policy documents:
 - ◆ Do you always receive this information?
 - ◆ Do you receive the information in time?
 - ◆ Do you feel that you are given enough time to study the documents?
 - ◆ Do the members of your organization contribute in any way?
 - ◆ What is your opinion of the way official documents are worded?
 - ◆ How would you define/describe policy?
11. To what extent do you feel that the MEC and GDE take note of the comments of the GETC?
12. If you were asked by your organization or the MEC to serve on the GETC for another year what would your answer be and why?
13. Would it serve a purpose to establish a similar structure in other educational districts?

APPENDIX I

EXAMPLE OF AN INTERVIEW

Annétia Mr X, I would like you to relate to me your experiences being an EXCO member for the bigger part of your term in the GETC, the five years experience that you gained and how you have really experienced the GETC?

Mr X Annétia that, experience varied from the beginning towards the end. The beginning participation in the GETC was, I found a lot more, for me, a lot more enthusiastic as far as I was concerned. A lot more enriching than it was at the end. Now there could be a number of reasons for that. My experience was that there was a lot more excitement to begin with and participation by some, but not by all and that as the terms of office came, the two terms of office of the GETC came to an end, I found less and less people becoming involved and less and less people giving input, which was very saddening. Now, there might be a lot of reasons for that. One of them is that you become tired with what you're doing and you seek new adventures, new challenges, and that might be true for a number of people. But I think it's probably more than that. I think a lot of it has to do with the sense of worth and a sense of whether what you're doing is worthwhile to somebody and at the very beginning the GETC I think felt that it had a purpose and I think at the moment it probably feels that it doesn't know what that purpose is, or does not feel that what it's doing is worthwhile. Now, somewhere in there was some high points I think in that time of where you had tremendous input from people, both in the working groups and in the GETC. I think of the Curriculum work that was Mr. X, which was particularly time intensive and knowledge intensive from a number of people. But the same can be said of the other workshops as well where there was interrogation of documents where they were genuinely looked at. Then, towards the end I think, at the moment, that is the end of the second term, I think there's a believe or a feeling of what the GETC is doing, is not adding value to the department because the department doesn't value its input. Either the MEC or the Department itself. For me, I have the feeling that the MEC now, wishes to change the direction of the GETC more to suit certain political ends.

There's the other issue, that I think certain members of the GETC, even on the executive, used the GETC for personal/ political views. Now, they're perfectly entitled to those political views, some of them are even supported, where they were, if not political views, at least the fears about the direction the department was going. But nevertheless the GETC was occasionally used to further the aims of another body, a interest group body of the GETC. when in fact it should have been looking at the overall views.

The other failure of the GETC is that it was not able to broaden it's participation and not to get a greater number of people involved and that wasn't the fault of the Secretary or the department, that was the fault of the GETC itself, for not being more introspective and saying, we know there's a problem, we must address the problem, but never got to the implementation stage of doing it. That was pure members of the GETC who should have made that change to ensure that it was more broadly representative in its, not in its composition because it always was, but in its participation and involvement. I think the style of the GETC was very, very first world. Both its documentation, its

implementation, its meeting procedures, its output and it did not take into account the different cultures and different approaches of others, with a result that it was very often seen as being too white, too right-winged, for example, for me that was one of the reasons why I left the EXCO or didn't make myself available for it, because I believed that there had to be a greater participation and a different image, even though I Mr. X consider myself right-winged, I certainly couldn't consider myself not being White. So, those are some of the general impressions over the time.

And now it's difficult to build up enthusiasm for the GETC for a number of reasons. One is a problem I've had all the way through in that we do too much talking, or perhaps a non-directed talking. We need to be a little more focussed and so the meetings are too long. I believe that meetings should never be longer than 1½ hours if you could stretch to two hours, it must be unusual. That's been a problem all the way through, but for me now, when I go I'm not certain that anything we're talking about is going to make a difference to the lives of anyone and if it were making a difference to the lives of anyone and if I was pretty certain the department would say, hang on a minute, you got a good point, we need to look at it. But I get the impression they say, this is criticism, that's all you do in the GETC just criticises us and maybe that's valid sometimes. Maybe we should be a little more supportive. So, it's difficult to say that what we're doing now is worth the time that you give up to do it.

It's a sad state, but I actually I did not make myself available for example for workgroups anymore and I haven't for over a year, largely because I say to myself, I've got to evaluate to what my time constraints are, can I afford that time away from my normal job and will it bring benefit, not just to my members, but broadly in taking that time away? And I can't answer yes in those cases, so I withdraw from it, because I must give my time to where it's best used and I think that's true of a lot of people.

However, on the other side, I think the GETC made some fundamental errors, or individuals made them. First of all I think Mr. Y may have influenced the GETC far too much and where he didn't, he may have influenced documentation. The danger there was that I believe that the department saw that influence to a greater extent perhaps than what was there, but nevertheless it was there, and that was a danger. On the other hand, Mr. Y of course was highly efficient, got a lot of documentation Mr. Y, was highly regarded by most members of the GETC and that was a plus factor that there was a negative.

Mr X, how did you become a member of the GETC?

Mr X

We were always heavily involved in the old forum, particularly through Mr K [colleagues name withheld] and when the GETC was formed and the, what was then the APT (Association of Professional Teachers) was invited as were a lot of other bodies to make an application to join. Our management committee said this will become more functional and at that stage I had just become employed by the union and that became a function and it was one that I said look, I would want to become involved in something such as that. I was withdrawing from those structures, the old forum structures, and so that's effectively it was a nomination from my union with my support.

Annétia In what way do you keep your organisation informed of what's being discussed in the GETC?

Mr X We meet, as a management structure of the union once a month and that management structure is a fairly large one, it's 55 members, from right around Gauteng and we had a standing agenda item, the GETC. It's included with such things as in the part about agenda, ELRC, GETC and our relationships with other unions. So it's in other words a Gauteng part of the agenda and that's a standard report back. That is reported back to the 55 people there who represent every single one of our branches in Gauteng, the 13 of them. They also meet once a month and they will go back to their branches and say these are the reports that we have and if there's anything relevant from the GETC, it's mentioned. The information that's reported back is almost always taken from the minutes of the previous GETC meeting. But again, only where they're relevant to what we think the members would need. This is also a tragedy, for over the past two years we found less and less to report back and to say this is what is happening, other than to say the GETC is in crisis, there's problems, we've had a meeting with the MEC and then obviously my particular position was such that I couldn't report on that meeting, a little bit more fully than perhaps than what would be reported at the GETC meeting and indicate there are problems about interpretation of policy, interpretation of the function of the GETC and issues such as that.

Annétia What do you think are the objectives of the GETC?

Mr X I would say what I thought the objectives used to be. I thought the objectives of the GETC were to add, support, advise and [add] value to the education process in the province. To be able to act as a sounding board for policy and legislation. I never ever saw the GETC as a vetoing or a gateway policy or legislation. There are other areas for that. Ours was, I believe to be a one which said, use us as a sounding board, if we think there's a problem we'll tell you, but it's not our job to decide whether the problem this is for somewhere else. It's also not our job to act as a political body, which would say we don't like your policies. Policies are the ruling party and the ruling party decides the direction, it wasn't for the GETC to decide that. So the objective was a support function. I'm not certain of what the objectives are now, I would hope they would still be the same thing, but I think too much water has gone under the bridge and I'm not certain that the current GETC will ever attain those objectives easily.

Annétia Mr X, to what extent do you think the GETC is fulfilling these objectives?

Mr X I think it has in a few notable areas done good work. I think it has, even though the department might not always realise it, the officials always realised it, that in fact certain legislation was altered and refined and made better, not the direction change in any of them, because that wasn't our focus or job, but I think it has happened. I'm not certain it's happening as much now as it did, lets say two years ago, where the workload of the GETC and if you look at the output was substantially more than my perception of what it is now. The overalls issue that, the one objective that I think is probably totally failed in is to be perceived as a support and sounding board. Although its had successes, it's overall

objective has not been achieved simply because there is an inter-institution breakdown in conversation and understanding and probably on a personal level as well.

Annétia What prevents the GETC from fulfilling these objectives?

Mr X Complex problem. I think personalities do. I think the GETC never had a strong advocacy program of informing senior officials. They were always seen as some sort of rival or some criticising body, for whatever reason, and maybe, I'm speculating, maybe the GETC were seen as some throw back to the past and possibly an invention of the previous MEC. Possibly as an MEC's private sideline under the previous MEC certainly isn't under the new one, and I think it's been sidelined by departmental officials, but the GETC has to except some of the blame for that, because it didn't work hard enough to get management on its side. A few Bosberaads, a few invitations and one or two socials do a thing. You actually need a communication line with them, and that had been proposed many times and the GETC as a council, never pursued it. They didn't make it a thrust of theirs, so no matter, you for example, Annetia, often said we need to do this and in fact the council said yes, but did nothing. Unless there is someone who drives it within the council and has substantive support for it, it just won't happen.

Then I'm afraid another problem of the GETC is the lack of participation. The lack of participation is that I think I could identify a half a dozen people who put input into meetings on a regular basis and maybe even less who put input in a substantive basis in terms of advise, written comment and things of that nature. When you got such a small group you have a very narrow or thin set of opinions coming through and that means that you have the rich experience of everyone. I'm not certain where the participation problem where the full issue, the solution should have been, I just think the GETC ever addressed it properly. I'm afraid too many organisations changed who comes and others didn't turn up regularly. We're one of those defaulters over the last recent while, for the reasons I've already given. I think it becomes a problem that feeds on itself.

Annétia Mr X, as a representative from your organisation on the GETC, what do you think was the value of you being there?

Mr X The value, and there still is some value, is two fold. One is information conduit, to be able to take back to our own organisation issues that are current, information that often arrived a little sooner there than it might have arrived somewhere else. There's no information that comes to the GETC that we wouldn't get somewhere else, but often, it comes a little bit sooner and the important part is that it comes with commentary of other individuals or of the Secretary and you can put it into a perspective with a background etc. There's also the advantage of being, in an organisation which does have a connection with the department through employees of the department and that informs a good deal of understanding in how the GDE operates. That's the one leg.

The other leg is the input, because clearly a lot of policy and legislation, if not all, will affect the members of my organisation, all of whom are educators either employed by the Gauteng department or employed in schools in Gauteng. So, what happens there is a direct influence and applicability to

the members. So we want to be able to say this is what our members feel and want and this is how they would view something and of course it has that value. It has that value in two fold. One is being able to enter the debate in the council about issues. The other is to be able to attempt to influence documentation that the council prepares on behalf of the GDE or documentation that's going to the legislature.

Annétia Mr X, you've spoken about the participation of members and how you experience that. That's the one side of the coin. What about the contribution of other GETC members to the GETC, how did you experience that?

Mr X Again very patchy. I thought that there were some people who gave a very good input, very selfless input, and very reasoned input. I've already mentioned that I think some people used it for a very selfish reason for their own organisation. Now, I think everyone is there on behalf of their organisation and that must be accepted and therefore they've got a particular mandate that they must pursue, but your mandate has to be a reasoned one, has to be a reasonable one and that wasn't always true. However, every input that was there was value to everybody else, because you evaluated what they said and how they said it.

On the other hand, sometimes I had the distinct impression that we'll be hearing personal views and not mandated views of an organisation. Then you had to ask yourself a number of questions. The first was is, does this person have a interest group. The second one, if they do have a interest group, why are they not voicing the views of the interest group but their own views? I think it's difficult to take your own personal views out of everything, but you've got to be able to test it against where you come from and to say is this, what I'm saying, would my organisation have difficulty with what I'm saying, or would they support what I am saying. That should be the deciding point, but I have the impression that people were giving personal viewpoints on occasions. I think it was true of all of us that we did that, but we had to be very careful about doing it and be a bit hesitant.

Again the input in participation though in being patchy meant that a lot of people didn't have input. Now, either that was because of who they are or they're not comfortable to speak in that environment or they have nothing to say. Or alternatively the debate is at the level that just they just cannot participate in. The debate was almost always heavily education of children centred and not training centred. So, whereas we often felt the training sector was not participating, in fact there was no way in which they could participated, or very few places, because the debate just was not relevant. Now that isn't entirely the GETC's fault, because in fact it was dealing with the department that is education centred and not training centred. So, it effectively denied others' input anyway.

Annétia Mr X, are there any factors which influenced your role in the GETC?

Mr X Yes. It was, having said a lot of criticism of the GETC, it was nevertheless a body that was good to belong to because of the efficiency of the organisation and it was efficient and probably still is efficient in the sense that the meetings are held, they almost always start reasonably on time. One

criticism they often go too late, but they give you a finish time, which is usually quite a long time.

Documentation is good. I think when Mr. X was there it was probably very good, but too copious, too much and that is a barrier for participation to people, because people read and they were technical documents and they were insider documents. You had to know what you're reading to read and understand it. So that was both a good point and a bad point. For me it was a good point, because there was a lot of information that was gleaned out of that, which was useful. So, that was a reason why I was involved at particular levels.

Then there's the interaction and hearing how other organisations view things. Our particular organisation would know how labour views everything so I would know how the other teacher unions approach it. I wouldn't know how business or industry approach things. There were areas that that was involved, where there were people such as Mr K [name withheld], I would disagree with much of what he said, but if it was interesting to hear it and hear his views and also know how a sector of population is thinking and what their views were and how, particularly within a view of education as well, take the Afrikaans schools, how they perceived what was happening. So, those I think would be the major reasons.

Annétia What do you think influences the role of the other members of the GETC?

Mr X That's difficult, because it's pretty much my perceptions. I again think some people come for personal reasons. I think a lot of people like the name of the GETC on their CV's to say they're part of the GETC and perhaps it is not as prestigious a body as it was formerly, but would want to be able to say that they were part of this policy advisory body. I think some come for the reasons I have mentioned either one or both. That I think is the general sort of reasons.

Then of course there's the others who come because they have been told to come by their organisation and whether they do come is problematic according to just how much may they feel they have to do what they've been told to.

Annétia Mr X, just to again reflect again on documentation from the GETC. You have given me some information about that. I would just like to know a bit more detail. Do you always receive documentation in good time for you to study the documentation? I'm talking about minutes and relevant documentation for the meetings.

Mr X There have been occasions when I didn't receive it, but if I would put a percentage on it, I would say well over 90% closer to a 100% in fact have I received that documentation well in advance and it's been there and available. Again sometimes there was too much of it and you do not always read it. Having said that, that was because we've been using first world methods for transmission. If you're on e-mail, access to a fax machine, you got it quickly. Mine always comes on e-mail, it's always on time, it's e-mailed both to my office and to my home, so if I'm at home and I want read it, access it, read it in the office I could do the same and it always were ahead of time. For me ahead of time is a

week. If I get it a week ahead of time, I can go through it. If there's action that needs to be taken then it would be useful to get it a lot earlier and I know at one time the GETC had asked Mr. K [Administrative Secretary] to get it out within two weeks after a meeting. Now, sometimes that's useful and sometimes it happened. But for me to get it in time means having it a week before a meeting and then I felt prepared for that meeting.

Annétia When the GDE restructured the unit responsible for the Secretary of the GETC and another Secretary replaced Mr. X, obviously the style of minute writing differed. How did that affect you?

Mr X I found the minutes difficult to follow and therefore they could be disputed. They weren't as full as before. However, in a sense they became a little more objective. The minutes previously under Mr. Y, he would put some of his own ideas into it and influence those minutes just a little bit, you know, an extra word here, an adjective which minutes shouldn't have and things like that and it influenced it, but they were readable and they were there.

The minutes became a little, although they've improved since then, the minutes became a little more skeleton after, with the change of the administration or the mid-Secretary. But I haven't felt that I'm hearing somebody else in the minutes. Now that's the one input. I think it is the capacity and a learning experience, and you can see that that capacity is building up and you can see that the expertise is starting to reappear in terms of how the minutes are taken.

Administration, I actually did not perceive a drop in the efficiency of the administration. Now, minutes excepted, in other words – were meetings organised, were venues there, were people informed, were functions well planned and organised. Yes, that is still all there.

Annétia In your opinion, Mr X are the official documents that you read, like policy and legislation, worded in an understandable manner for lay citizens?

Mr X It varies. Some of it is in the way legislation in South Africa is increasingly moving, taking out some of the legalese and putting it into accessible terminology and language and that has made legislation generally in South Africa more readable. It's not all in that way, we must remember that a lot of the formulators of legislation and policy are legal people and they just cannot write any other way. It is just not in their nature to do so. Most of legislation I have found readable, but then again I've got to evaluate in terms of what my own background is and the fact that I've often read that sort of legislation. So, perhaps I've been trained to look at it a lot more easily. I think perhaps people who haven't had access to legislation before and some council members might find it inaccessible. I think documents which are long and complex, the almost immediate thing is not to read them or alternatively to read them with a particular view, in other words, where's the mistake, what am I looking for that's wrong instead of getting a holistic view first. If you're looking for the mistake then you're reading at a certain level rather than a holistic level first. So, I have not had a great deal of difficulty in accessing the documents, accessing the language, but then I'm a first language speaker and that's always, almost always formulated in the English language first.

Annétia Mr X, how would you describe policy? What is policy to you?

Mr X Right, this is a great debate. First of all I think the words is used very loosely. Not everything that's called policy is actually policy. I think there are different levels of policy. Policy is such for me, would be an approach, which change direction or set direction. Other issues that are policy or only really enunciating or explaining some other view, in other word in how it will be implemented and I call that policy. So we may have for example a policy on HIV AIDS, which says that we will not supply drugs -, that's a policy, but the implementation of that policy is not itself a policy. Within the education department we have for example something similar than HIV AIDS is how it will be implemented in the schools, I consider that policy, even though it says the policy on HIV AIDS in schools. The policy would have been we will have HIV AIDS education in schools. How it happens and what it does is not strictly policy, that's implementation. So, for me there's a difference and there was a great debate within the GETC and the MEC as to what is policy and what isn't. I tended actually to side with the MEC's view on policy that in fact a good deal of what some in the GETC was saying is policy and therefore had to come to the GETC - I didn't see it that way. I saw it as in fact an implementation of policy, which was a management and a line function issue, which didn't mean that the GETC couldn't say something about it, but it wasn't a issue that was illegally implemented by the department, because it hadn't first gone to the GETC. I would say yes the GETC could have an opinion and could say something on it, but the department in that instance was not overstepping it's line function by not going by the GETC first. So, I think there's a loose use of the word policy and for me policy is a broad issue, a great deal of legislation could be policy. Fortunately the Act says legislation should come to the GETC first. That's fine it is not necessarily a policy issue. I think there is a fine line between what is policy and what is actually the implementation of a policy.

Annétia Mr X, how often do you contribute in meetings?

Mr X When I'm at meetings I do participate, sometimes more than others and sometimes more than I should. I find that my participation is at two levels. One is alerting members to issues that I already know have happened, often at a national level and saying by the way are you aware this is there and that you need to get that information, simply because I've got access to it via other sources. And the second level is to participate in certain areas where I feel my own organisation has a view, and we're be able to say look, this we could support this, or we couldn't, this is our view on this issue. I would put my participation as better than some, not as high as others, but I'm satisfied that when I've got a viewpoint to put I feel free to be able to do it.

Annétia Mr X, to what extent do you feel that the MEC takes note of the comments of the GETC?

Mr X I think the MEC, both the previous one and this one, took note when it served their purpose to do so. I think that it is difficult to completely evaluate, because there is not a good communication channel between the MEC and the GETC. I found that when we meet, the meetings that were held and the ones that I was part of, that there were always underlying agendas on both sides and that that

prevented good communication. For me it meant that perhaps we weren't hearing one another and therefore perhaps the MEC wasn't taking sufficient note of what the GETC was saying. When a document was forwarded to the MEC, commenting on some legislation and policy, I think that in most cases the department and the MEC took note, because they've had to do so, they were forced to do so by legislation. Other than that, I'm not at all certain that the MEC gives real attention to the comments. I think they might be superficial in many cases.

Annétia

Mr X you have mentioned that you have participated in some standing committees or working committees. How did you view the functioning of those committees?

Mr X

In many cases this was the strength of the GETC, but they had weaknesses within them too, because the real work was always there. But I'm going to be very honest that without a strong Secretary support they would have been waffle meetings. In other words, there would be no document that came out. Because those of us who attended were, in most cases, in no way able, time wise or perhaps even ability wise, to prepare that documentation that would then go to the Council. So the strength in those working groups was having someone there from the Secretary that (a) understood issues, (b) have the writing skills and thirdly had the ability to ensure that a comprehensive document was produced. So that was the strength of it and people came to the working groups, some of them prepared, some not. But the working groups then had the following advantage. Those who came to learned from the others. If you hadn't read the document you would by the end of the meeting knew what it was about. So, if you just wanted to go to learn, you've got it, and very often if you had read the document you then saw views from others that you had not taken into account and gave you a perspective and you heard other points of detail, which also you have missed. So, that was the strengths of it. Again, I major weakness was when Mr. X was handling it, the report at the end sometimes said things you hadn't said, because he thought that. He may have voiced them in the meeting and it was a good thing for example, to have a Secretary who participate in a meeting, not just be there to a minute taker. One wanted to hear their views too, because if they were knowledgeable people then they should also give their views. So it was a strength in having a knowledgeable person, but it was a weakness in having a person who had strong views themselves, because then those views came through. Now, the weakness of the GETC and of the Chairman of the working group is that they didn't get that stuff out of the document. They should have ensured that either by the time it got to the council or alternatively when the council dealt with it, that certain things that were controversial and were not the views of the members, should have been out. It wasn't always there, but it was occasionally there and I think that was important, I can remember editing out a few things, but I never ever edited out as much as I should have and I think other people found the same.

However, nevertheless that was a small weakness, but it was there. So the workgroups were useful. What was the problem with the workgroups? I think that people began to think this is a lot of time. Am I giving up value time for a good purpose. I know that the document's important, I know that we'll come up with a good output, but where will it go from there, who's listening to it? Now, in fact people were listening, but the perception was they were not. The perception was that somebody else

wasn't going to take seriously what your input was. Then there's the point that I feel that a lot of GETC members are employed elsewhere and just cannot get to these meetings, but cannot get the time off for or whatever else. If it's a teacher, if it's a person such as myself who's in a organisation where I have total time control, then it's easy enough to do it, but a lot of other people couldn't do it. That limits the input. So very often the workgroups would have an almost homogeneous view. They wouldn't have the divergent views always that were necessary. There were divergences amongst the views, but generally there was a uniform approach to how you, or what your comment is and maybe that was the only thing that was there no matter who you had, they all would have thought the same way, but you got the feeling that perhaps we weren't always getting the widest view that we could've got.

Annétia Mr X, if you look at the composition of the GETC, there is list in front of you, that is now according to the new regulations. Community based organisations and other organs of the State or any interest groups are included. So the composition is quite wide. In your view and in your experience that you've had, do you think that there are major interest groups or organisations not there, which you felt we need on the GETC?

Mr X You know I always had the feeling that there could've been more people there, but if I was to say which interest groups weren't there, that's a difficulty because it was always, even under the old regulations, it would've been broad enough for anyone interested in education and who had a legitimate interest group to be there. I thought there were one or two organisations there that Mr. X't even have a legitimate interest group. I know we had the great debate about whether you could be there represented twice at a provincial and a national structure within the same organisation. But I'm not at all certain that access to the GETC is difficult. I think it's relatively easy to get access, provided you comply with some very basic requirements. There must be a constitution and it must be education related. Now, education related is just about everybody, I mean everybody has an interest, whether it be business, whether it be cultural organisations, whether it be labour, whether it be organs of state – all of them are particularly there.

I like to ... sorry I am jumping. A weakness of the GETC was the lack of active participation by the department in the GETC in its membership. When people were there they participated, but they were irregularly there and persons changed. So there wasn't continuity and I think that was very important, the person that was there should have been one who went back to the BMT and said look this is what is happening.

Annétia Through that do you think the senior managers would at least get to know the GETC, what the GETC is doing and do you think that would've assisted in their perception, which you really highlighted as not so good, of the GETC?

Mr X Yes, I think it would've helped. I don't know if it would've been the solution, because you must remember that they may have gone back and said look everything you think about the GETC is a 100% correct from what I've just heard there. Maybe, and if you attend any/or one or two meetings,

that might have been your perception, but there's a lot of GDE knocking in various forms. There's also a lot of support for the GDE if you listen carefully, it comes through a lot. There's a person like Mr K [name withheld] is very fair in his views, so he will give a balanced view and he will say I understand the problems that they're having. He might criticise, but he will support as well and a lot of other people did yet. So, yes, but the only way the GDE would've got a consistent view that was valid is if they had a person there that was sufficiently senior to be able to report back that was and who would participate, who did not feel that they had to defend the GDE, because nobody should be defending anything in the GETC, because it is that then we've got a confrontational approach, which is the wrong approach. So, I think that was a weakness on the department's part in not putting someone there. I understand, however, just knowing how difficult it is for me to get to meetings, or even once a month on a particular day, happens to be a bad day for me.

Annétia

Mr X, what do you think about a interest group of organised parents and organised principals of schools being represented on the GETC and what do you think about the participation of certain interest groups who are no more attending meetings.

Mr X

The Training Boards, which have disappeared, can now again be represented by the SETA's, which have replaced them. But I fear they will find nothing there that will add value to them, with the exception of the EDTP (Education and Training SETA).

The principals are in an organisation now. Part of the problem with them and there is a tension between them and the unions, because the South African Principals Association, which is the body, and the Gauteng Principals Association (GAUPA) they are registered as a union and of course, most of them belong to other recognised teacher unions anyway. So there's just a tension around the union issue. However, I think they've got something to say so if GAUPA becomes involved, and I think they are yet are they and so by the way Ms X [name withheld] is I think the chairman of GAUPA in Gauteng. If they were to become involved I think you would find a high level of participation from them. Their interest group however, is not broad. In other words it's by no means 2 000 principals who belong to it of Gauteng schools, it's a much, much smaller number and perhaps too many of the previous Model C-schools by ratio and therefore we might be still enforcing a particular perception of who's involved in the GETC. But they have a valid interest group.

The parents issue. I think there's an association of parents anywhere, it's only governing bodies. And here have the interesting situation, at the moment there are two associations and a third that's appearing on the horizon called the National Association of School Governing Bodies (NASGB). The one is FEDSAS which has a particular image, whether right or wrong, it's not for me to comment on it, but there is an image of them and I know the department views them with great suspicion, anyhow I suspect they do.

Then there's the new National School Governing Body Association to be formed and which its interest group is as yet untested, but enjoys a lot of departmental support. Both I think have a role to play in terms of governing bodies having a specific interest in policy and legislation as far as schools are concerned. In that sense they represent parents insofar as governing bodies represent parents. But it's one step removed. So, I would say that none of these could truthfully say they represent the views

of parents generally. But they represent a valid interest group, which is governing bodies. There is a new one coming, it is probably about 80 schools at the moment which was formed out of this issue of the use of school fees and there are 80 schools who looks as though they're going to form into a body. They probably would see themselves as not belonging or being associated with either of the two bodies mentioned at this stage. So we might have a third grouping. Coming through. But I think they got a role to play.

Parents' groups?. I'm not aware of any direct parents' groups and maybe their participation is always indirect, either through the governing bodies, their representation would hopefully come through the LETUs and the DETCs as well, but always one or two or three steps removed I am afraid.

Annétia How would you want to change the GETC?

Mr X I have to say that there is need to change the GETC, because it is not meeting the, either the legislative expectations or the expectations of the individuals. I'd be willing to debate that with anyone and say that it never, it has lived up to the promise of why it should be there. At one time it was the model for the country to look at. It's of interest to note that very few provinces followed that route, even though it's set down as a particular structure that ought to exist and there might be various reasons for that and I know what all of them are. So, I think it's necessary to change it.

So yes, why would we change it? We want to change it so that it really had an effective use. To do that we'd have to look at what the legislation says and what the expectations of the department are. No matter what the legislation says, if the department and the MEC see no function for the GETC then there's any reason in even changing it, there's no reason for its existence. Its existence cannot be based only on legislation. You can put anything into legislation and that just forces something to exist, but not to have value. So, it would only have value if the MEC and the department believe it has value. That doesn't mean that what, that the current GETC has value, but we'd have to open a debate with the department and the MEC to say – do you need a body? Forget what's there – do you need a body? If you do lets look at what it needs to do, lets look at what you want it to do. Then we can evaluate their needs against whether we think that's valuable. For example if the MEC simply wants a body to propagate his own views, or to support him, then there will be no value in that for most interest groups, they would say forget it, I'm not being sucked into that. But if it has a function to function to review legislation and that's the one area it's been successful in, there are only one or two pieces of policy or legislation that didn't come to the body first. I think it's had that. That's only a limited value. There's also the advise to the MEC. Now, I'm not one of those who believe that there should be an open agenda and you can decide on what advise you want to give the MEC on anything. I think it has to be a referred issue in other words the MEC asks for advise or the department asks for that advise. It also, for it to be affective, must be a good debating forum, not a criticising forum, it has to be a debating forum and must inform people and not be a small elite club. So those are what I would like to see it there. But there's the gateway first and that is do the officials see a reason for the GETC. If they Mr. X and if we can't convince them of a reason for it, there's no reason for its existence. So, I would like to see a change within the GETC if it was due to continue, a

clear role of its functions, a greater participation, a revised meeting structure and a careful use of documentation so that it ensures access to individuals, because we have people who are coming from previously disadvantaged backgrounds and come with a particular view on documentation to other, and see a meeting as something you come to a meeting with minimal documentation and you just talk, to others you say I must go in there with a lot of documentation and flip through documents as they're referred to, which is the first world approach and it is not the third world approach but of course which is not called the third world approach. I call it that for the lack of a better word. It means that we have to find something that satisfies the needs of all of the participation groups so that needs to be altered. I am not certain to what the answers to all of those are and maybe there aren't easy answers to any of that. None of those are new points, they have all been mentioned before, the point is that we never grappled with them successfully and maybe there aren't easy answers to any of them.

Annétia Mr X, if your organisation again asks you to serve on the GETC for the new term of office, which will be from next year (2003, February), would you consider it or would you really advise them to get somebody else from your organisation to serve on the GETC?

Mr X As it is at the moment, if the current structures and problems persist, then my advise would be that someone else serves, because of the time constraint for me personally and for the fact that I question value of that use of time. At this stage I would still argue that we were to remain a part of the GETC, because I think there's still greater value in being there than not being there at all, but I would ask for a person, someone else, to actually attend. If however, there were a greater value to the council, then and I would actually suggest that I continue simply because of what it would mean for my own organisation to have participation at that level.

Annétia Mr X, how does the GETC decides on its work programme?

Mr X I think it's decided in one of three ways. One is, by whatever legislation or regulation is sent to it, to work on. So that's defined it has time scales and time periods that it has to complete its work. The second method is areas the GETC identifies for itself as important – Curriculum is one. Examinations are another one. The department specifically requests neither of these, but the GETC then continues with that. It also, under that heading, often decides that it will look at certain issues that are brought to it by a member, and said listen I think we should get an opinion on this, whether it be national legislation or a departmental circular that the GETC or somebody in the GETC says look this was never brought to us, but we must discuss this and advise on it, so it decides on that. Sometimes it will become a formal issue and have workgroups and reports. Other times it comes to debating issues. So it's work is defined by that, which is ad hoc. Then the third one is an issue where the MEC asks for advise on issues. Now he set certain targets at the Bosberaad a year/two years ago. I haven't seen anything constructive really out of that. We've gone around the whole issue of the research on the racism issue and probably we shouldn't have devoted this sort of time into it, because this was all happening somewhere else. I Mr. X't know if the MEC is really serious that he wanted us to do all that work. I think he was just sounding of a whole lot of things. When you come up with structured plans and the MEC says it's not quite what I wanted, etc. But that is the MEC asking for advise. So,

I think there are effectively those three of what defines the work programme of the council.

Annétia Mr X, do you think it will serve a purpose to establish similar structures like the GETC on district level? I am referring to the DETCs and LETUs, as you know them to advise the respective district managers?

Mr X I've always been very hesitant about the value of the district education and training councils, because I wasn't at all certain that they were really meant to do anything. People's lives are so complicated and time pressured that they Mr. X have time for advisory bodies, which have no real advisory powers. Now, I've never expected and I would be very surprised and I am not even sure whether I would support a view that says district education and training councils should have decision-making powers. Education management is the job of the managers. So then I've got a question the district director has no policy making functions, therefore, what would the DETC advise the district manager on. Not to advise on policy, because that goes by the GETC. There is still a role for the DETCs there in that they can send their items to the GETC who'll then goes up as far as the MEC regarding policy. So that gives a more ground based policy thing. However, I've also got a believe that the more steps you put into a democratic structure, the less likely it is to succeed. So, you have the ground level with LETUs and the individual parents and teachers feeding in and governing body structures feeding in to the DETC, who then feeds into the GETC and then feeds into the Department. And you've got this via one person very often as a link. I Mr. X believe it works. I Mr. X believe that democracy works when the structure is so elongated. I could see no way of making that work or not making it easily to work. So having said that, I'm not certain the real value DETCs. They may, however, have a value in terms of alerting a district director to problems and to the situation on the ground sort or needs, I can see a value there, but not a value in other than that.

Annétia To what extent is the GETC able to resolve conflicting interests in education to the satisfaction of all parties?

Mr X There have been a few of those over the years and we've attempted the sufficient consensus approach. Unfortunately the sufficient consensus approach often was dictated by who came regularly to the meetings. So you would have dissenting voices perhaps not coming to the next meeting and hence the dissent is gone. So, then the consent approach goes through. Now, that's all very satisfying if it happens to be your viewpoint and that's very nice, but it really doesn't solve the real problem. I think generally the GETC has not attempted to vote or pushed up a viewpoint. So if a person objects strongly enough and consistently enough, they'll be heard. I just think that they have not always objected strongly enough and consistently enough. And that's the organisation's fault. They should have made certain of those people are there all the time. There was the issue right at the beginning of the issues of how we vote in a democracy and participation and those sorts of things.

Annétia Mr X, as a member of the GETC, who do you think are you accountable to?

Mr X I remain always accountable to my organisation. My organisation is, even though in the very first

instance, individuals were appointed, after the organisation have been admitted it is the individual who's appointed to council. I have never seen that appointment, which are different to the exams board where you are there, your expertise and you're accountable to the MEC and to the department in terms of you're not putting a particular sectarian viewpoint or an organisational viewpoint. That is not true of the GETC, because you're reflecting your organisation. So, I remain accountable to my organisation. But I must also remain accountable to the structure that I've accepted participation in.

In other words it's essential that I participate there according to its rules, to its constitution otherwise I must leave it. But my first accountability must be to members of my organisation, to be able to say I'm there to reflect what you believe and I'm there to bring back to you what others believe and what decisions are taken.

Annétia Mr X, in broad-brush strokes, about five sentences. If we were asked to address a plenary of education stakeholders, like we normally have. What would you say to them about the GETC?

Mr X I would say to them that the GETC is an idea that has never come to complete fruition. It has a distinct place in the education structures, because it provides an avenue for debate on issues, which are not strictly labour, orientated. I would say to them that there are other avenues if you want to, perhaps have confrontational debate on labour and organisational issues. It is an area where a broad range of participants can come and say I have a view that I want to express on this matter that is before us. I would also say it ought to have been a venue where I can say, this is a problem in education, do others feel that it's so? Should we bring it to the attention of the MEC and the Department?

Annétia Is there any message you would like to carry across, anything that we have not discussed here that you would like to carry across to the chairperson of the GETC?

Mike Yes. I would say that it's time the GETC did something about itself because it will probably be a defunct body, in fact if not in name, within a short period of time, but that it has a purpose. But first find that purpose, refine the purpose and find out whether the department sees that it has any value or purpose and whether you have common understanding of that purpose.

Annétia Thank you very much Mike.

APPENDIX J

REGULATIONS FOR COUNCILS

NOTICE 4430 OF 2001

DEPARTMENT OF EDUCATION

EDUCATION POLICY ACT, 1998 (Act 12 of 1998)

REGULATIONS ON THE GAUTENG EDUCATION AND TRAINING COUNCIL, DISTRICT EDUCATION AND TRAINING COUNCILS, SPECIALIST ADVISORY COUNCILS AND LOCAL EDUCATION AND TRAINING UNITS

In terms of sections 18 (1) and 18 (2) of the Education Policy Act, 1998 (Act 12 of 1998), I, Ignatius Jacobs, MEC for Education, hereby give effect to the following regulations on the Gauteng Education and Training Council, District Education and Training Councils, Specialist Advisory Councils and Local Education and Training Units.

IGNATIUS JACOBS
MEC for Education Gauteng

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CHAPTER A

DEFINITIONS, INTERPRETATION AND APPLICATION

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and-

"chairperson", means the person designated as chairperson in terms of regulation 36;

"deputy-chairperson", means the person designated as deputy-chairperson in terms of regulation 36;

"designated organisation" means an organisation designated in terms of regulation 16;

"education and training development practitioner", includes an educator as defined in the Educators Employment Act, 1994 (Proclamation No 138 of 1994), and any other person who provides education and training or other education related services, irrespective of formal qualification;

"grouping of education Institutions" means a collection of education institutions grouped together in terms of regulation 50 by the MEC for purposes of establishing a Local Education and Training Unit;

"independent education institution", means an education institution which is not administered under the auspices of the Provincial Department;

"learner", means any person being educated or trained at an education institution;

"Local Education and Training Unit", means a Local Education and Training Unit established in terms of regulation 5;

"MEC", means the MEC responsible for education in Gauteng Province;

"national department", means the department responsible for education nationally;

"parent" includes:

- (a) the parent or guardian of a learner,
- (b) the person legally entitled to custody of a learner, or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner's education at school.

"provincial department", means the department responsible for education in the Province;

"public education institution", means an education institution which is administered under the auspices of the provincial department;

"relevant council", means the Gauteng Education and Training Council, a District Education and Training Council or a Specialist Advisory Council established in terms of Sections 6, 8 and 10 of the Act;

"Secretary", means a person designated as Secretary in terms of regulation 36;

"the Act", means the Education Policy Act, 1998 (Act No 12 of 1998).

2. Any person interpreting these regulations must give a purposeful construction to its provisions in a manner that is consistent with the object of the Act and these regulations.

CHAPTER B**PURPOSE**

3. The purpose of these regulations is to-
- (a) regulate the establishment of relevant councils and units;
 - (b) specify the interest groups that must constitute a relevant council or unit;
 - (c) prescribe the criteria and procedures for appointing and approving the membership of persons to a relevant council or unit;
 - (d) determine the circumstances when vacancies may arise in a relevant council or unit and how these vacancies may be filled;
 - (e) provide for the election of an executive committee with office-bearers for a relevant council or unit;
 - (f) regulate the procedure for convening and conducting meetings of a relevant council or unit;
 - (g) specify a procedure for demarcating and grouping of education institutions; and
 - (h) ensure that membership of councils or units, as a whole, is broadly representative of the education and training system and related interests.

CHAPTER C**ESTABLISHMENT AND FUNCTIONS OF LOCAL EDUCATION AND TRAINING UNITS**

4. (1) A district manager must establish a Local Education and Training Unit in respect of a grouping of education institutions as referred to regulation 49(2) In relation to that grouping, the Unit must:
- (a) develop and implement programmes to determine the vision for education and training;
 - (b) identify needs and determine priorities for education and training;
 - (c) compile plans for meeting its education and training needs for submission to and approval by the District Education and Training Council under whose jurisdiction it falls;
 - (d) make recommendations on any education related matter to the District Education and Training Council under whose jurisdiction it falls;
 - (e) perform any other function assigned or delegated to it in terms of these regulations; and
 - (f) submit such reports as may be requested by the relevant District Education and Training Council.

CHAPTER D**ESTABLISHMENT OF COUNCILS**

5. When the MEC intends to establish any Education and Training Council, at both a provincial and district level, he or she may-
- (a) place an advertisement requesting applications for membership of the relevant council in at least one daily newspaper with a wide circulation in the Province;
 - (b) appoint a membership committee to scrutinise all applications received;
 - (c) consult with the membership committee before making any appointments; and
 - (d) appoint members from the Local Education and Training Units onto the relevant council.
6. A Specialist Advisory Council will be established, after consultation with the GETC, as and when it is required by the MEC and will cease to function once the brief, as determined by the MEC, has been completed.
7. The advertisements referred to in regulation, 5 (a) must specify-
- (a) which council is to be established;
 - (b) the functions and duties of the envisaged council;
 - (c) the closing date for applications;
 - (d) to whom applications should be addressed; and
 - (e) the documentation which must accompany applications.
8. The membership committee referred to in regulation 5 (b) must consist of-
- (a) the Chairperson of the Gauteng Education and Training Council;
 - (b) the Gauteng Department of Education representative on the Gauteng Education and Training Council;

- (c) one senior official representing the Gauteng Department of Education Head Office;
- (d) one senior official of the Gauteng Department of Education from the relevant district; and
- (e) two civil society leaders, highly knowledgeable of the education sector and who are not likely to be appointed to the relevant council, appointed by the Head of Department.

9. The membership committee referred to in regulation 5 (b) must prepare recommendations for consideration by the MEC.

CHAPTER E

COMPOSITION OF COUNCILS

10. Subject to regulations 11 and 14, a relevant council must be composed of one person appointed by each designated organisation representing the following interest groups operational within its area of jurisdiction:
- (a) parents;
 - (b) education and training development practitioners;
 - (c) the provincial department;
 - (d) learners;
 - (e) heads of institutions;
 - (f) governing bodies of institutions;
 - (g) independent education institutions;
 - (h) non-governmental organisations whose core-activities are education related;
 - (i) community-based organisations whose core-activities are education related;
 - (j) an education or training board or Sector Education and Training Authority established in terms of any law;
 - (k) business;
 - (l) labour; and
 - (m) any other interest group or organ of state that the relevant council considers appropriate to making a contribution on education-related matters specific to its functions.
11. In addition to the interest groups referred to in regulation 10
- (a) the Gauteng Education and Training Council must be composed of one person representing district managers and one representative from each of the District Education and Training Councils established in terms of the Act;
 - (b) The District Education and Training Council must be composed of one representative of the relevant district office and one representative from-
 - (i) each Local Education and Training Unit established in terms of these regulations within the education district in respect of which this council was formed;
 - (ii) district-based specialised fora, if established; and
 - (iii) district-based education and training fora, if established.
 - (c) Specialist Advisory Councils may be composed of any number of persons appointed by the MEC for the fulfilment of any brief handed to the respective Specialist Advisory Council by the MEC.
12. The provisions of regulations 10 and 11 do not preclude the Member of the Executive Council from appointing other persons who by virtue of their expertise or experience may make a valuable contribution to the activities of the relevant council at any time after the relevant council has been established, but-
- (a) the total number of persons appointed in terms of this regulation must be less than 20 percent of the total number of members of the relevant council at the time of the appointment; and
 - (b) the appointment could be made on the terms and conditions considered appropriate by the MEC.
13. Whenever the MEC seeks to appoint a person to a relevant council in terms of regulation 12, he or she may only do so after consultation with the relevant council, if established.
14. A relevant council may commence its operations as soon as the Member of Executive Council has determined which organisations must be declared designated organisations in terms of regulation 16, has

informed the relevant organisations of his or her decision, and a meeting has been convened in terms of regulation 42.

CHAPTER F

DESIGNATION OF ORGANISATIONS FOR PURPOSES OF REPRESENTATION ON COUNCILS AND WITHDRAWAL OF DESIGNATION

15. The MEC may, on written application by an organisation representing a interest group referred to in regulation 10, declare it to be a designated organisation for purposes of representation on a relevant council if-
- (a) the constitution or set of rules relating to admission as members to that organisation does not violate the provisions of section 9 of the Constitution of the Republic of South Africa, 1996 Act 106 of 1996);
 - (b) the MEC is satisfied that the organisation-
 - (i) represents a significant proportion of the relevant interest group within the area of jurisdiction of the council concerned; and
 - (ii) has a demonstrable interest or history of involvement in the matters falling within the terms of reference of the council concerned.
16. If the MEC rejects the application made in terms of regulation 16, he or she must provide the applicant with written reasons for this decision.
17. The designation of an organisation in terms of regulation 15 is valid for a period of three years.
18. On the expiry of the period of three years referred to in regulation 17, an organisation may reapply for designation in terms of regulation 15 and any decision by the MEC to declare an organisation to be a designated organisation must be taken after consultation with the relevant council.
19. The MEC may, after consultation with the relevant council, withdraw the designation of an organisation if-
- (a) the organisation so requests;
 - (b) the organisation does not meet the requirements for designation as specified in regulation 15; or
 - (c) a representative of the organisation has without good cause failed to attend three consecutive meetings of the relevant council and the council has passed a resolution requesting the MEC to withdraw the designation of the organisation.
20. The MEC may not withdraw the designation of an organisation unless he or she has given the organisation an opportunity to make representations on the withdrawal.

CHAPTER G

COMPOSITION OF LOCAL EDUCATION AND TRAINING UNITS

21. A Local Education and Training Unit, in respect of a grouping of education institutions referred to in regulation 49, must be composed of one representative from-
- (a) each governing body in the group; and
 - (b) any interest group or organ of state that the Unit, which may include the organisations referred to in regulation 10, considers appropriate to making a contribution on education-related matters specific to its functions, if-
 - (i) the District Manager is satisfied that the organisation represents a significant proportion of the relevant interest group within the area of jurisdiction of the Unit;
 - (ii) the District Manager is satisfied that the organisation has a demonstrable interest or history of involvement on the matters falling within the terms of reference of the Unit, which may be established by a written constitution; and there is no unfair discrimination in its provisions on membership to the organisation.
22. The provisions of regulation 21 do not preclude the District Manager from appointing other persons who by virtue of their expertise or experience may make a valuable contribution to the activities of the relevant unit at any time after the relevant unit has been established, but-
- (a) the total number of persons appointed in terms of this regulation must be less than 20 percent of the total number of members of the relevant unit at the time of the appointment; and

- (b) the appointment could be made on the terms and conditions considered appropriate by the District Manager.
23. The membership of an organisation in terms of regulation 21 (b) is valid for a period of three years.
24. On expiry of the period of three years referred to in regulation 23 an organisation may be reappointed by the District Manager in terms of regulation 21 (b).
25. The District Manager may, after consultation with the relevant unit, withdraw the membership of an organisation if-
- (a) the organisation so requests;
 - (b) the organisation does not meet the requirements for membership as specified in regulation 23; or
 - (c) a representative of the organisation has without good cause failed to attend three consecutive meetings of the relevant unit and the unit has passed a resolution requesting the relevant District Director to withdraw the membership of the organisation.
26. The District Manager may not withdraw the membership of an organisation unless he or she has given the organisation an opportunity to make representations on the withdrawal.

CHAPTER H

ADOPTION AND AMENDMENT OF CONSTITUTION

27. A relevant council must, by a majority of two-thirds of its members, adopt a constitution not inconsistent with the Act.
28. A relevant council may, by a majority of two-thirds of its members, amend its constitution.
29. A constitution referred to in regulations 27 and 28 must at least deal with the matters referred to in Chapters J to K of these regulations.
30. A Local Education and Training Unit may, by a majority of two-thirds of its members, adopt or amend a constitution not inconsistent with the Act.
31. A constitution referred to in regulation 30 must at least deal with the matters contemplated in Chapters J to K.

CHAPTER I

TERM OF OFFICE & VACANCIES

32. The person, body, organisation or department of the province appointing a representative to a relevant council or unit must determine the term of office of its representatives.
33. A vacancy in a relevant council or unit arises when-
- (a) the relevant council or unit is informed in writing by the person, body, organisation or department of the Province who appointed the representative, that the appointment is being withdrawn;
 - (b) the relevant council or unit is informed in writing of the representative's resignation;
 - (c) the representative of the organisation dies;
 - (d) the term of office of the representative expires; or
 - (e) the MEC or a district manager, as the case may be, after consultation with the relevant council or unit, removes the representative from office where -
 - (i) the representative fails to perform his or her functions as a member of the relevant council or unit;
 - (ii) the conduct of the representative is prejudicial to the interests of the relevant council or unit; or
 - (iii) the representative fails to attend three consecutive meetings of the relevant council or unit without leave or good cause.
34. Whenever a vacancy arises, the provisions regulating the appointment of the representative concerned apply for purposes of filling the vacancy.

CHAPTER J

OFFICE BEARERS AND EXECUTIVE COMMITTEE

35. As soon as is possible after the commencement of its operations and on that day every succeeding year or on a day as near as possible to that date, a relevant council or unit must elect from amongst its representatives an executive committee which must be made up of-
- (a) a chairperson;
 - (b) a deputy-chairperson;
 - (c) a secretary; and
 - (d) any other person it considers appropriate, except that the number of executive committee members may not exceed six persons.
36. The chairperson must preside over all meetings of a relevant council or unit and must
- (a) sign the minutes of meetings after they have been confirmed; and
 - (b) perform any other functions and duties entrusted to the chairperson in terms of the Act.
37. The deputy-chairperson must preside over meetings of a relevant council or unit and perform the duties and functions of the chairperson whenever the chairperson is absent or for any reason unable to act or to perform those functions and duties.
38. If both the chairperson and the deputy-chairperson are absent or unable to act or to perform the functions and duties of the chairperson, the relevant council or unit must, by show of hands, elect from the representatives a person to act as chairperson.
39. The Secretary must ensure that the administrative and secretarial work arising from the functioning of the relevant council or unit in terms of the Act, are performed and must also ensure that the administrative and secretarial work of the office of Secretary are carried out, which include-
- (a) keeping and maintaining a record of representatives on the relevant council or unit;
 - (b) attending all meetings of the relevant council or unit, and its executive committee and recording the minutes of the proceedings at those meetings;
 - (c) conducting the correspondence of the relevant council or unit and keeping originals of letters received and copies of letters sent;
 - (d) reading significant correspondence that has taken place since the previous meeting at each meeting of the relevant council or unit;
 - (e) retaining a copy of the confirmed and signed minutes of every meeting of the relevant council or unit its executive committee, or any other sub-committee of the relevant council or unit in safe custody in the office of the relevant council or unit, for a period of at least three years from the date those minutes were confirmed; and
 - (f) submitting to the MEC or District Manager, as the case may be, the document referred to in regulation 46.
40. Any member of the executive committee may be removed from office for serious neglect of duty, serious misconduct or due to incapacity, by a decision of the executive committee acting with the concurrence of the relevant council or unit concerned, and in consultation with the MEC.
41. If a vacancy arises in the executive committee before the one-year period referred to in regulation 35, the relevant council or unit may fill in the vacancy for the remaining period of office.

CHAPTER K**MEETINGS AND MEETING PROCEDURES**

42. A relevant council or unit and its executive committee must meet at least four times a year.
43. The Secretary or the person or persons designated by the Head of Department in terms of regulation 47 to assist the relevant council must prepare-
- (i) a written notice of every relevant council or unit meeting stating the date, time and venue of the meeting and the business to be discussed, and must send the notice to each representative at least 10 days before the date of the meeting; and
 - (ii) submit an annual report on the activities of the Unit or relevant council to the relevant unit or council, as the case may be.
44. A quorate meeting of a relevant council or unit will be formed if at least 30% members eligible to attend are present at the meeting.
45. A motion proposed at a meeting of a relevant council or unit may not be considered unless it has been seconded. The chairperson may require a motion to be submitted in writing, in which case the chairperson must read the motion to the meeting.
46. Any matter for decision before a relevant council or unit, must be decided by consensus, but if consensus is not attainable, the whole range of divergent views together with a clear indication of which representatives hold the respective divergent views must be recorded in writing and submitted to the MEC or the District Manager, as the case may be.

CHAPTER L**ADMINISTRATION AND FINANCE**

47. The Head of Department may at the request of a relevant council, designate any person in the employ of the provincial department to assist the relevant councils to perform their functions and duties.
48. The Head of Department must -
- (a) control all monies received by a relevant council; and
 - (b) keep all the books, records and statements relating to the receipt and spending of these monies

CHAPTER M**DEMARCATION OF GROUPING OF EDUCATION INSTITUTIONS**

49. When intending to demarcate a grouping of education institutions for purposes of giving effect to regulation 4, the MEC must-
- (a) announce the intention to demarcate the grouping by notice to all heads and governing bodies of education institutions located in a relevant education district;
 - (b) specify in the notice -
 - (i) that comment is being sought on a proposed grouping;
 - (ii) the terms of the demarcation and the reasons for such terms;
 - (iii) the person to whom or place where enquires relating to the demarcation may be directed;
 - (iv) the period for comment which must be no less than one month from the date of the notice; and
 - (v) the person to whom or place where comments on the proposed demarcation may be lodged;
 - (c) at any time before making the demarcation, hold consultations with any relevant interest group (s); and
 - (d) consider the comments received and the content of the consultations before making the demarcation.
50. For purposes of amending a demarcation made in terms of regulation 49, the provision of that regulation applies with the changes that the context requires.

CHAPTER N**REPEALS, TRANSITIONAL ARRANGEMENTS AND FIRST STEPS**

51. The regulations listed in column one of Schedule A are hereby repealed to the extent set out in column two of Schedule A.
52. Despite regulation 51 any steps taken in terms of the repealed regulation will be regarded as having been done in terms of this regulation.
53. The department responsible for education in the Province must take the necessary steps for purposes of convening the first meeting of a relevant council or unit.

SCHEDULE A**SCHEDULE OF REGULATIONS TO BE REPEALED**

TITLE, NUMBER AND YEAR OF PUBLICATION	EXTENT OF REPEAL
Regulations for the Establishment of the Education and Training Council: Regulation No. 1893 of 1996	The whole.

APPENDIX K

GAUTENG EDUCATION POLICY ACT

[Act 12 of 1998] EDUCATION POLICY ACT 12 OF 1998

[ASSENTED TO 2 JANUARY 1999]

[DATE OF COMMENCEMENT: 19 MARCH 1999]

(English text signed by the Premier)

ACT

To provide for the determination of provincial education policy; to provide for the establishment of councils to assist in the process of making education policy; to provide for the co-ordination, monitoring and evaluation of education policy; and to provide for matters connected therewith.

ARRANGEMENT OF SECTIONS

Section

1. Definitions
2. Objectives of this Act
3. Responsibility for making and implementing education policy
4. Scope of education policy making
5. Scope of education policy making
6. Establishment of the Gauteng Education and Training Council
7. Functions of the Gauteng Education and Training Council
8. Establishment of District Education and Training Council
9. Functions of a District Education and Training Council
10. Establishment of Specialist Advisory Councils
11. Functions of Specialist Advisory Councils
12. Composition, sub-committees, procedures and administration of the Gauteng Education Training Council, a District Education and Training Council and Specialist Advisory Councils
13. Allowances for members of the Gauteng Education and Training Council, a District Education and Training Council and Specialist Advisory Council
14. Providing reasons for decision not to implement recommendations of the Gauteng Education and Training Council, a District Education and Training Council and Specialist Advisory Council
15. Consultation on education policy, legislation and regulations
16. Register of education policies and access by the public to education policies
17. Monitoring the implementation of education policy
18. Regulations
19. Delegation
20. Repeal of laws and transitional arrangements
21. Short title and commencement

1 Definitions

In this Act, unless the context otherwise indicates -

"**district director**" means the official contemplated in section 40 of the School Education Act, 1995 (Act 6 of 1995);

"**education district**" means the area designated as an education district by the MEC in terms of section 8 of the School Education Act, 1995 (Act 6 of 1995);

"**education institution**" means any institution providing education excluding tertiary education;

"**education and training practitioner**" means any person who provides education and training at an education institution, and includes an educator as defined in the Employment of Educators Act, 1998 (Act 76 of 1998);

"**governing body**" means any body or person responsible for the governance of an education institution;

"**head of department**" means the head of the department responsible for education in the province;

"**MEC**" means the MEC responsible for education in the province;

"**prescribed**" means prescribed by regulation and "**prescribed**" [*sic*] has a corresponding meaning;

"**principal**" means the person responsible for administering an education institution and serving as its head;

"**provincial department**" means the department responsible for education in the province;

"**province**" means the province of Gauteng; and

"**this Act**" includes the regulations made under this Act.

2 Objectives of this Act

The objectives of this Act are to facilitate the development of education policy by -

- (a) designating responsibility for making and implementing education policy;
- (b) determining the areas in respect of which education policy may be made;
- (c) specifying the guidelines in respect of which education policy may be made;
- (d) providing for the establishment of appropriate bodies that will be responsible for or advising the MEC on the development of education policy;
- (e) specifying the procedures in respect of which education policy may be made;
- (f) creating an environment within which the public may have access to education policy; and
- (g) ensuring that education policy is effectively monitored and evaluated.

3 Responsibility for making and implementing education policy

- (1) Subject to this Act or any other law, the MEC is responsible for making policy on any education-related matter for the province.
- (2) Any policy made by the MEC in terms of this Act becomes effective only upon entry of the policy document in the register contemplated in section 16(1).
- (3) Subject to this Act, any other law or applicable national or provincial education policy, the governing body of any education institution may make education policy for its institution.
- (4) The head of department must -
 - (a) co-ordinate the implementation of education policy in the province; and
 - (b) submit -
 - (i) an annual written report to the Gauteng Education and Training Council on the state of education in the province;
 - (ii) quarterly or such other reports as may be reasonably requested by the Gauteng Education and Training Council; and
 - (iii) such reports as may be reasonably requested by a Specialist Advisory Council.

- (5) The district director must -
- (a) co-ordinate the implementation of education policy in the education district; and
 - (b) submit -
 - (i) an annual report to the District Education and Training Council on the state of education in the education district; and
 - (ii) quarterly or such other reports as may be reasonably requested by this Council.
- (6) The principal of an education institution administered under the auspices of the provincial department must -
- (a) co-ordinate the implementation of education policy in the education institution; and
 - (b) submit -
 - (i) an annual report to the governing body of that education institution; and
 - (ii) quarterly or such other reports as may be reasonably requested by the governing body.

4 Scope of education policy making

Without derogating from the generality of what is provided for in section 3, education policy may be made in respect of the following areas -

- (a) learners, including -
 - (i) admission criteria;
 - (ii) the ratio of learners to education and training practitioners;
 - (iii) compulsory attendance at an education institution between specified education levels and ages; and
 - (iv) a code of conduct for learners;
- (b) employment of educators, including -
 - (i) language requirements for gaining employ in the provincial department;
 - (ii) registration of education and training practitioners;
 - (iii) recruitment, transfer and secondment of education and training practitioners;
 - (iv) assessment and promotion of educators; and
 - (v) the provision of in-service education, and development programmes for education and training practitioners;
- (c) curriculum issues, including -
 - (i) the learning areas to be taught at each education level by education institutions;
 - (ii) the notional time to be allocated to each learning area;
 - (iii) extramural activities; and
 - (iv) the languages of learning and teaching;
- (d) governance of education institutions, including -
 - (i) the opening, registration procedure and closing of education institutions;
 - (ii) the adoption of management systems by education institutions;
 - (iii) the duties and responsibilities of education and training practitioners and principals;
 - (iv) the establishment of democratically elected student representative councils;
 - (v) the establishment of governing bodies;
 - (vi) the participation and representation of all stakeholders in the governance of all aspects of education;
 - (vii) the monitoring and evaluation of education service provision and performance; and
 - (viii) the facilitation of research aimed at enhancing the quality of education services;

- (e) the financial support for education institutions, including -
 - (i) allocation of financial resources to different education institutions;
 - (ii) subsidies and loans to education institutions and the conditions applicable to these subsidies and loans;
 - (iii) fees to be paid to education institutions;
 - (iv) the right-sizing of the number of education and training practitioners necessary for rendering education services;
 - (v) the allocation of funds for the development of education and training practitioners; and
 - (vi) the determination of tender specifications;
- (f) the development of relationships and partnerships between the provincial department and -
 - (i) an organ of state;
 - (ii) international organisations;
 - (iii) the private sector; and
 - (iv) the non-governmental sector.

5 Guidelines for making education policy

- (1) All education policy made in terms of this Act must contribute to the development of an education system which -
 - (a) promotes democracy and human rights by -
 - (i) respecting the right to basic education;
 - (ii) ensuring equitable access to education opportunities and the redress of past inequalities in the provision of education;
 - (iii) fostering the advancement of persons previously disadvantaged by unfair discrimination;
 - (iv) ensuring that the admission requirements at education institutions administered under the auspices of the provincial department do not include language competence testing;
 - (v) protecting persons against unfair discrimination within or by the provincial department or by an education institution;
 - (vi) fostering the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions;
 - (vii) in relation to the rights referred to in subparagraph (vi), protecting the rights and duties of parents to provide direction to their children in the exercise of these rights in a manner consistent with the evolving capacity of their children;
 - (viii) encouraging freedom of association and the peaceful exercise, without the threat of violence, of the right to assemble, demonstrate and present petitions;
 - (ix) allowing all persons, including education institutions, access to information held by the provincial department in so far as such information is required for the exercise or protection of their rights; and
 - (x) facilitating the peaceful resolution of disputes amongst all stakeholders in the education sphere;
 - (b) respects religious, cultural and language rights by -
 - (i) promoting respect for the country's diverse communities and traditions;
 - (ii) encouraging participation of persons in the cultural life of their choice within an education institution;
 - (iii) promoting the status and use of official languages that have previously been neglected or discriminated against;
 - (iv) teaching learners in the language of their choice where reasonably practicable;
 - (v) recognising sign language as an official language of communication;
 - (vi) enabling learners to become competent in the languages of learning in their education institution;
 - (vii) allowing learners, where reasonably practicable, to use their language of choice where it differs from the language of learning in their education institution;
 - (viii) ensuring that, on completion of the ninth level of learning, learners have

(ix) acquired satisfactory levels of competence in at least two official languages; and encouraging education and training practitioners to acquire the skills necessary for rendering education services in a multilingual environment;

(c) advances personal development by -

- (i) promoting respect for teaching and learning in education institutions;
- (ii) cultivating skills, disciplines and capacities necessary for the reconstruction and development of the country;
- (iii) recognising the aptitudes, abilities, interests, prior knowledge and experience of learners;
- (iv) providing opportunities for lifelong learning;
- (v) encouraging independent and critical thought; ensuring that persons with barriers to learning are not denied the opportunity to receive education to the maximum of their potential; facilitating the maximum participation of learners in the learning process;
- (viii) promoting gender equality and the advancement of the status of women;
- (ix) combating sexual harassment at education institutions; and
- (x) protecting persons from all forms of physical and mental violence at education institutions;

(d) enhances the quality of education provision by -

- (i) ensuring that education and training is provided within a national qualifications framework;
- (ii) promoting enquiry, research and the advancement of knowledge;
- (iii) creating systems to improve standards of education and monitoring and evaluating their implementation; and
- (iv) encouraging the cost-effective use of education resources and the sustainable implementation of education services;

(e) encourages public participation in the processes of formulating education policy, facilitate stakeholder representation in appropriate decision-making bodies and ensures democratic governance of education institutions administered under the auspices of the provincial department;

(f) eliminates wastage of resources, inefficiency, maladministration and corruption.

(2) A condition or limitation contained in any education policy made in terms of this Act, must be reasonable and proportionate to the object pursued by that policy.

6 Establishment of the Gauteng Education and Training Council

The Gauteng Education and Training Council is hereby established.

7 Functions of the Gauteng Education and Training Council

The Gauteng Education and Training Council must -

- (a) assist the MEC in developing education policy for the province;
- (b) consider and make recommendations to the MEC on all legislation related to education before it is introduced in the Provincial Legislature;
- (c) on its own initiative or at the request of the MEC, investigate and consider matters relating to education and report on its findings to the member;
- (d) on its own initiative or upon the request of the MEC, make recommendations to the member on matters regarding education in the province;
- (e) consider and respond to the reports referred to in section 3(4) from the head of department;
- (f) perform any function assigned or delegated to it in terms of this Act or any other law; and

- (g) on or before the last day of March of each year, present a written report on its activities for the previous year to the MEC, which must be tabled in the Provincial Legislature by the MEC within 14 days after its receipt.

8 Establishment of District Education and Training Council

The MEC may establish a District Education and Training Council in respect of each education district in the province.

9 Functions of a District Education and Training Council

A District Education and Training Council must -

- (a) on its own initiative or at the request of the MEC, or the district director, investigate and consider matters relating to education in general, and in the education district in particular, and report on its findings to the relevant person or body;
- (b) on its own initiative or upon the request of the district director make recommendations to the district director on matters regarding education in the education district; and
- (b) perform any other function as may be assigned or delegated to it in terms of this Act or any other law.

10 Establishment of Specialist Advisory Councils

The MEC may, after consultation with the Gauteng Education and Training Council, establish Specialist Advisory Councils.

11 Functions of Specialist Advisory Councils

A Specialist Advisory Council must -

- (a) on its own initiative or at the request of the MEC, investigate and consider matters relating to education that fall within its terms of reference and report on its findings to the member;
- (b) consider and make recommendations concerning all legislation that falls within its terms of reference; and
- (c) perform any other function assigned or delegated to it in terms of this Act or any other law.

12 Composition, sub-committees, procedures and administration of the Gauteng Education and Training Council, a District Education and Training Council and Specialist Advisory Councils

(1) The MEC may issue regulations concerning -

- (a) the composition and management of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council and the term of office of their members;
- (b) the criteria for appointing members to these councils; and
- (c) the procedures for the appointment and removal of these members, including the determination and filling of vacancies.

(2) The Gauteng Education and Training Council, a District Education and Training Council or a Specialist Advisory Council may, with the concurrence of the MEC, establish one or more sub-committees to -

- (a) enquire into and report to the relevant council regarding any matter falling within the scope of that council's functions; and

- (b) perform any other function delegated to it by that council, except that the council may not be completely divested of the function contemplated in section 7(a).
- (3) The councils referred to in subsection (2) may at any time dissolve or reconstitute a sub-committee established in terms of that subsection.
- (4) Subject to this Act, the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council must determine its own procedures for conducting its business, including procedures for -
 - (a) the appointment of its office-bearers;
 - (b) the appointment of an executive or other appropriate committee to oversee its day to day functioning; and
 - (c) consulting with and hearing representations from any other persons or bodies.
- (5) The provincial department must provide the Gauteng Education and Training Council, the District Education and Training Councils and Specialist Advisory Councils with the administrative support necessary to enable them to perform their functions.

13 Allowances for members of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

- (1) A member of the Gauteng Education and Training Council, a District Education and Training Council, or a Specialist Advisory Council, or a member of any sub-committee of these councils, may be paid travelling, subsistence and other allowances in connection with the affairs of these councils.
- (2) The MEC, with the concurrence of the MEC responsible for state expenditure in the province, must determine the terms and conditions applicable to the persons contemplated in subsection (1) and the allowances payable to them.
- (3) The allowances must be paid from monies appropriated for that purpose by the Provincial Legislature.

14 Providing reasons for decision not to implement recommendations of the Gauteng Education and Training Council, a District Education and Training Council and a Specialist Advisory Council

- (1) If the MEC decides not to implement a recommendation made by the Gauteng Education and Training Council in terms of section 7(d), or by a Specialist Advisory Council in terms of section 11(b), he or she must simultaneously provide the relevant council with written reasons for his or her decision.
- (2) If a district director chooses not to implement a recommendation made by a District Education and Training Council in terms of section 9(b), he or she must simultaneously provide that Council with written reasons for his or her decision.
- (3) The district director must submit a copy of the written reasons contemplated in subsection (2) to the MEC.

15 Consultation on education policy, legislation and regulations

- (1) In addition to the procedures contemplated in sections 11(b) and 18 and the provisions of any other applicable law, the MEC must consult with the Gauteng Education and Training Council and, if appropriate, the relevant Specialist Advisory Council prior to -
 - (a) determining education policy;
 - (b) introducing education-related legislation in the Provincial Legislature; and

- (c) issuing education-related regulations.
- (2) The consultations on the policy document, legislation or regulation contemplated in subsection (1) -
- (a) must commence at least thirty days prior to finalising the policy document to be entered in the register referred to in section 16(1), the introduction of the legislation in the Provincial Legislature or the issuing of the regulations; and
 - (b) do not preclude prior consultations with other relevant persons or bodies.
- (3) If the public interest requires that policy be made or that a regulation be issued without delay, the consultative process contemplated in subsections (1) and (2) may be shortened or dispensed with if the MEC informs the relevant council accordingly prior to making the policy or issuing the regulation.
- (4) The language and religion-related education policies of an education institution which is administered under the auspices of the provincial department may only be made by its governing body and may only be implemented if the governing body has -
- (a) consulted with stakeholders in the education institution; and
 - (b) obtained the concurrence of the head of department.
- (5) If in the course of considering whether to concur with a policy referred to in subsection (4), the head of department is of the opinion that the draft policy does not comply with the provision of this Act or any other law -
- (a) the head of department must send a written notice to the relevant governing body containing a request that it submit written representations on the non-compliance to the head of department; and
 - (b) the governing body must act in accordance with this request within thirty days of the date of the request.
- (6) If upon considering the representations referred to in subsection (5), the head of department finds that the reasons for the non-compliance are not satisfactory, the head of department must in writing advise the governing body of the basis of the findings and direct the governing body regarding -
- (a) the procedure it must follow to comply with the provisions of this Act;
 - (b) the amendments it must make to the policy.
- (7) If the governing body is dissatisfied with the findings or the directions of the head of department, it may refer this decision to the MEC for consideration.
- (8) The referral referred to in subsection (7) must -
- (a) be in writing;
 - (b) be made within thirty days after the date of the written notice referred to in subsection (6);
 - (c) set out the grounds for the referral; and
 - (d) enclose copies of the documents contemplated in subsections (5) and (6).
- (9) Within sixty days after receipt of the referral, the MEC must consider the referral in a manner it considers appropriate and send a written notice of his or her decision to the governing body and the head of department, stating the reasons for its decision.

- (10) The governing body must act in accordance with the decision of the MEC made in terms of subsection (9).

16 Register of education policies and access by the public to education policies

- (1) The head of department must open and maintain a register in the prescribed form of all education policies made by the MEC in terms of this Act.
- (2) All members of the public have the right of access to and to inspect any document containing education policy made in terms of this Act.
- (3) The MEC and the governing body of any education institution must determine the circumstances and manner in which the public may have access to or inspect these education policy documents.
- (4) A fee may not be charged for merely having sight of or inspecting an education policy document.

17 Monitoring the implementation of education policy

- (1) If the head of department becomes aware that an education institution which is administered under the auspices of the provincial department is not complying with a policy made in terms of this Act or in attempting to comply with the policy, it is failing to give adequate effect to the provisions of this Act-
- (a) the head of department must send a written notice to the governing body of the education institution containing a request that it submit written representations to the head of department on the non-compliance or failure; and
- (b) the governing body must act in accordance with this request within thirty days after the date of the request.
- (2) If upon considering the representations, the head of department is not satisfied with the reasons for the non-compliance or failure, the head of department must send a compliance notice to the governing body.
- (3) The compliance notice referred to in subsection (2) must -
- (a) be in writing;
- (b) specify the nature of the non-compliance or failure and the steps it is required to take; and
- (c) inform the governing body that it has one month from the date of the compliance notice to take the required steps.
- (4) The period within which the required steps as contemplated in subsection (3)(b) must be taken may be extended by the head of department on good cause by the governing body.
- (5) If the governing body is dissatisfied by the head of department's decision to issue the compliance notice in terms of subsection (2) or specification of the steps to be taken as contemplated in subsection (3)(b), it may refer this decision to the MEC for consideration.
- (6) The referral referred to in subsection (5) must -
- (a) be in writing;
- (b) be made within thirty days after the date of the compliance notice;
- (c) set out the grounds for the referral; and
- (d) enclose copies of the documents contemplated in subsections (1), (2), (3) and (4).
- (7) Within sixty days after receipt of the referral, the MEC must consider the referral in a manner he or she considers appropriate and send a written notice of his or her decision to the governing body and the head of department, stating the reasons for the decision.

- (8) If the MEC does not find in favour of the governing body, the decision made in terms of the subsection (7) must be taken within thirty days after the date of the MEC's decision.

18 Regulations

- (1) The MEC may make any regulation that is necessary or expedient in order to achieve the objects of this Act, including regulations regarding mechanisms and procedures for evaluating the implementation of education policy.
- (2) When intending to make or amend regulations, the MEC must comply with the following procedure:
- (a) The intention to make the regulations must be announced by notice in the *Provincial Gazette* and at least one other widely circulated means of communication.
- (b) The notice must specify -
- (i) that draft regulations have been developed for comment; and
- (ii) where a copy of the draft regulations may be obtained.
- (c) A period of at least one month from the date of the notice must be allowed for interested parties to comment on the regulations.
- (d) The comments received and the content of all discussions and consultations must be considered before making the regulations.
- (3) Subsection (2) does not apply to -
- (a) regulations which the public interest or an emergency requires that it be made without delay; or
- (b) a technical amendment, provided that no substantive change to the original text is effected.

19 Delegation

- (1) Subject to the provisions of this Act or any other law, the MEC may assign or delegate any powers or functions conferred on him or her in terms of this Act, except those contemplated in sections 3(1), 8, 10, 12(1), 15(9), 17(8) and 18(1) to -
- (a) any person in the employ of the provincial administration; or
- (b) any council, committee, sub-committee, board or body established in terms of this Act or any other law.
- (2) The head of department must keep a register in the prescribed manner of all assignments or delegations made in terms of this Act.
- (3) Within six months of coming into office, the MEC must review all assignments and delegations made in terms of this Act.

20 Repeal of laws and transitional arrangements

- (1) Sections 5, 18, 21, 32 to 46, and 88 of the School Education Act, 1995 (Act 6 of 1995), are hereby repealed.
- (2) Despite subsection (1) -
- (a) a policy made or action taken in terms of the repealed provisions of the School Education Act, 1995 (Act 6 of 1995) will be regarded as having been done under the corresponding provision of this Act; and

- (b) any regulation issued in terms of the repealed provisions of the School Education Act, 1995 (Act 6 of 1995) will be regarded as having been made under the corresponding provision of this Act and continues to have force and affect unless amended or repealed in terms of this Act.
- (3) The policies contemplated in subsection (2) must be included, as soon as it is practicable, in the register referred to in section 16 in the manner referred to in that section.

21 Short title and commencement

This Act is called the Education Policy Act, 1998, and must come into operation on a date to be fixed by the Premier by proclamation in the *Provincial Gazette*.