

**Managing the behavioural rights of teachers and learners: a case study in
the north metropolitan district of Cape Town**

by

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DEDICATION

I humbly dedicate this study to my precious mother, Phyllis Joyce Goldstone. Your warm-hearted attention, tender care and firm, yet loving discipline that you have shown me from my youth have always been a source of inspiration to me in all my disquieting thoughts, my dealings and travels.

Of all the precious truths that you have taught me, I often meditate on three of them, namely:

- “There is no handle on the outside of the door of the human heart – it must be opened from within.”
- “In life, one should expect nothing yet always be grateful for everything.”
- “In life, there is no sacrifice without a sacrifice – and that sacrifice is not real sacrifice unless it hurts.”

I really appreciate all your wise advice and the searching discussions we have had in connection with safely negotiating the treacherous corners along life’s pathway.

Dear Mom, please be assured of my warmest love always!

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DECLARATION

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Managing the behavioural rights of teachers and learners: a case study in the north metropolitan district of Cape Town

I declare that the above dissertation 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.

A handwritten signature in black ink, appearing to read 'C G Goldstone', written over a horizontal line.

SIGNATURE

23 October 2017

DATE

ABSTRACT

Around the world, managing the behavioural rights of teachers and learners in schools remains a complex problem for all involved in the teaching and learning situation. From a legal standpoint, the crux of this study relates to why school managers and teachers feel disempowered by learners' rights. Over and above the duty of all citizens not to infringe on other peoples' human rights (e.g. the horizontal application of the Bill of Rights contained in Section 2 of the Constitution, SA, 1996), teachers also have a legal obligation to promote and protect learners' rights (e.g. a vertical application of the Bill of Rights contained in Section 2 of the Constitution, SA, 1996). It is this extra mandate that results in teachers feeling disempowered by learners' rights. Learners' rights are protected because teachers are representative of the state and, as such, the vertical application of human rights arises where learners are protected against any possible abuse of power. Moreover, a further 'imbalance' is created by children's rights (Section 28, SASSA, 1996). In particular, their right to protection and to having their best interests is regarded as of paramount importance.

The study examined the role of the principal, SMT, SGB and RCL in managing the behavioural rights of teachers and learners. A qualitative investigation at three public high schools in the North Metropolitan District of Cape Town was done. Data were collected by means of document analysis as well as by in-depth interviews with five teachers and five RCL members at each of the three participating schools.

The findings of the study revealed that the behavioural rights of teachers and learners are managed by the school management leadership style, by the ineffective support from teacher unions, by the functionality of the SGB, by the muted voice of the RCL and in a conflicting manner by some parents.

The study recommends that principals, SMTs, SGBs and RCLs be empowered in order for them to manage the behavioural rights of teachers and learners effectively. The principals, SMTs, SGBs and RCLs that adopt a democratic leadership style which favours support, collaboration and conflict resolution can thus take firm hold of a golden opportunity – the opportunity to sustain and promote the managing of the behavioural rights of teachers and learners.

KEY CONCEPTS

Teacher

Learner

School

Model-C School

School Management

School Management Team (SMT)

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LIST OF ABBREVIATIONS

RSA	Republic of South Africa
SASA	South African Schools Act, No. 84 of 1996
SACE	South African Council of Educators
ACRWC	African Charter on the Rights and Welfare of the Child
CRC	Convention on the Rights of the Child
SGB	School Governing Body
SMT	School Management Team
P	Principal
DP	Deputy Principal
HOD	Head of Department
RCL	Representative Council of Learners

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CHAPTER 1

ORIENTATION OF THE STUDY

1.1 STATEMENT OF PURPOSE

Living as we are in an era of data-driven accountability for school success and high learner achievement, managing the behavioural rights of teachers and learners can be hailed as some of the most important tools in creating effective schools. It is my desire that the findings of this study will not only add to the existing information on the subject but also strengthen the case for teachers' rights in a system which arguably favours learners' rights.

1.2 INTRODUCTION AND BACKGROUND

In January 1988, I began my career as a high school teacher. Over the past 28 years, I had the privilege of teaching in different parts of South Africa as well as at international schools located in major centres in the United States of America, Canada, England, Italy, France and Malawi. Towards the end of September 2011, I returned to South Africa and settled in Cape Town, after teaching abroad for over 23 years.

To be sure, while it was gratifying to see certain changes that have been brought about in South Africa since apartheid had been dismantled in 1994, I was shocked and disappointed to see how some learners not only infringed upon other learners' constitutional right to learning in a secure school environment, but also instigating overt and covert teacher-targeted bullying. As a result, the normal teaching and learning process is severely hampered. This has seriously threatened all learners' access to favourable study circumstances.

Drawing on events from my international experience, where I have witnessed the beneficial application of balancing and managing the behavioural rights of teachers and learners in some of the most litigious environments first-hand, there is definite merit in undertaking a thorough investigation into how schools in South Africa manage the behavioural rights of teachers and learners.

Without a doubt, if significant strides are to be made for safer, effective schools, whether in South Africa or elsewhere in the world, I firmly believe that research must

continue to investigate this phenomenon of managing the behavioural rights of teachers and learners in the school workplace.

1.3 CONCEPTUAL BACKGROUND

“Teaching can be a daunting endeavour—for both expert and novice teachers. It is a profession that requires the ability to be responsive to new demands and changing needs” (Allen, 2010:1). Quality teaching, according to Tikly and Barrett (2011:9), provides all learners with the capabilities they require to become economically productive, develop sustainable livelihoods, contribute to peaceful and democratic societies and enhance individual well-being. Moreover, the preamble to The Universal Declaration of Human Rights (1948: Preamble) states that “every person is entitled to fundamental rights and it invites all nations to strive towards promoting respect for these through school instruction”.

In South Africa, all schools function under the supreme Constitution of South Africa, Act 108 of 1996, which offers all learners rights and equal opportunities to public quality instruction. According to the Constitution of the Republic of South Africa, Act 108 of 1996 (RSA, 1996, s43), learners have the right to access free basic learning as well as post-high school instruction and training. It is expected that basic quality teaching should be made progressively available and accessible to all the learners at all levels of governance. In terms of Section 28 the Constitution of the Republic of South Africa Act 108 of 1996, (RSA, 1996, s43), the Bill of Rights introduced a new culture of human rights in society, particularly in schools.

The Bill of Rights contains specific protections of individuals against certain behaviours that could threaten a person’s dignity and fundamental rights. The Republic of South Africa (hereinafter referred to as RSA) is one of the countries that promote and protect the fair treatment of learners. Section 33 of the Constitution of the Republic of South Africa, 1996 (RSA, 1996a) (hereafter referred to as the Constitution), Sections 8(5) and 9(3)(c) of the South African Schools Act 84 of 1996 (RSA, 1996b) (hereafter referred to as the Schools Act), Paragraph 13(1) of the Guidelines for the Consideration of Governing Bodies in Adopting a Code of Conduct for Learners (Department of Education, 1998) (hereafter referred to as the Guidelines) and Section

3 of the Promotion of Administrative Justice Act, 2000 (RSA, 2000) (hereafter referred to as PAJA) all promote and protect fair treatment when disciplining learners.

According to the South African Schools Act of 2007, all citizens of the country have the right to basic schooling. The Schools Act, Section 8(1), stresses that, for the constitutional right to proper schooling to be realised, learners need to be well disciplined and their attitude and behaviour should be shaped towards the improvement and maintenance of the quality of the learning process, which should take place without any disruption or disturbance.

As Joubert (2009a:75-76) underscores, teaching at public schools comprises a convoluted labyrinth of human relationships, consisting mainly of principals, teachers, the parent community and learners. Kocks-De Waal (2009:2) posits that the relationship that exists between a teacher and a learner is not merely a general one, but a specialised legal relationship. In particular, the South African teacher-learner relationship, owing to its complicated nature, is a cause for concern (Kocks-De Waal, 2009:2), given the fact that both teachers and learners are endowed with individual rights and freedoms, with the focus often falling empathetically on the latter group only, while neglecting to prioritise the duties everyone are obligated to fulfil (Kocks-De Waal, 2009:1). Moreover, the rights of a learner impose a duty on the teacher and *vice versa*, since specific rights and duties have their source in the teacher-learner relationship (Kocks-De Waal, 2009:2).

Since the inception of the new dispensation in the Republic of South Africa in 1994 (with the introduction and implementation of national and international legal frameworks), teachers have been struggling to find effective ways of administering discipline to the learners. This has been the case ever since corporal punishment was outlawed in South African schools (Section 17 of South African Schools Act, Act 84 of 1996). Consequently, classroom discipline (and by extension school discipline) remains a serious challenge and ultimately academic learner performance is affected to a great deal because some teachers feel that they are unable to enforce discipline (Bechuke & Debeila, 2012:240). Managing firm discipline is essential for quality teaching and learning in the school environment. More importantly, school discipline should be geared at ensuring the safety of both teachers and learners, and at creating an environment which is conducive to quality teaching and learning (Bechuke &

Debeila, 2012:240). In essence, this argues for the proper managing of the behavioural rights of teachers and learners.

Reyneke (2011:129) contends that unacceptable behaviour by learners at a school constitutes an infringement of the constitutional rights of the teachers and the learners. Shaikhmag, Assan and Loate (2015:25-31) maintain that effective school discipline spawns an atmosphere conducive to high academic and non-academic achievement. According to Jeloudar, Yunus and Roslan (2011:882-889), in Malaysia, for example, schools have disciplinary problems such as petty crimes, immoral conduct, dressing, truancy, disrespect for others and maladjustments to the school environment. As a result, bullying and school violence is noticeably increasing among learners in that country (Jeloudar *et al.*, 2011:882-889).

Sousa (2009:1) notes that teachers today are confronted with many challenges. Apart from the challenge they face to present curriculum content in an appealing manner, teachers are also expected to be drug, family, and guidance counsellors, healthcare workers, as well as technology users and monitors (Sousa, 2009:1). At the same time, they must check for weapons, maintain a safe and positive classroom climate, and deal with learners' misbehaviour. All of this places great demands on the teacher's time at the expense of instruction time as the number of learners with consistent behavioural problems appears to be increasing (Oliver, Webby & Daniel, 2011:4).

In South African schools, disruptive learner behaviour continues to be the most consistently discussed problem, as noted by Marais and Meier (2010:41-57). Misbehaving learners and disciplinary problems comprise a disproportionate and intractable part of every teacher's experience of teaching (Marais & Meier, 2010:41-57). As a result, in the last five years, South Africa has experienced high levels of resignation from the teaching profession and there has been an exodus of teachers from the system (Motshega, 2015:1).

Everyone has individual rights and freedoms, which lead to a complicated teacher-learner relationship (Kocks-De Waal, 2009:1). Given the history of the country, a situation arose where the focus often fell emphatically on the respect for rights, especially the rights of children, while prioritising the accompanying obligations were neglected more often than not (Kocks-De Waal, 2009:1).

This over-emphasis of human rights and especially children's rights, with an accompanying arrogance among the youth towards adults, has led to a situation where the teaching and learning process has been seriously hampered not only in South Africa, but across the world as well (Alam & Farid, 2012:208-302). In some instances, it even appears as if learners think that their fundamental rights protect them from disciplinary steps, whatever their conduct (Busienei, 2012:155-161). Consequently, as observed by Maphosa and Shumba (2010:387-399), many parents and caregivers have developed the same tendency as their children to disregard the rights of teachers.

Nkomo and Vandeyar (2009:9) underline that teaching is a common experience and schooling is available to all individuals living in a modern and democratic society such as South Africa, irrespective of social class, ethnicity, language, religion or gender. Miller (2009:30) mentions that teaching is a way in which governments exercise their power by means of manipulating the attitudes and thinking of individuals, with the purpose of providing the human capital required for economic and political purposes. Barkman and Speaker (2012:1) consider teaching to be an essential component when discussing diversity at a school or in a classroom. Teaching, therefore, has the capacity to promote the process of shared values and respect for difference and is therefore regarded as a powerful force in society (Nkomo & Vandeyar, 2009:9).

In post-1994 South Africa, although changes had taken place to address the inequalities and injustices of apartheid, the processes involved in adjusting to those changes remained complex. Various researchers have conducted studies in which complex issues relating to diversity in schooling were explored (Alexander, 2011:2; Alexander & Mpisi, 2014:2; Meier & Hartell, 2009:1; Mpisi 2010:1; Nkomo & Vandeyar, 2009:2). The sudden integration of learners into a system that was not adequately prepared for change resulted in doubt regarding the success of South African schools in providing equitable and quality instruction (Meier & Hartell, 2009:180-192).

As a country, South Africa has witnessed considerable change over the past 22 years. Synonymous with this change has been the diverse integration of previously separated cultural groups.

Schools, as institutions of teaching and learning are microcosms of society (Vandeyar, 2010:343-359). Many challenges and changes in society are reflected at schools and

other institutions of teaching and learning (Vandeyar, 2010:343-359). The rapid restructuring of the school system in South Africa brought about considerable change, challenges and uncertainty among both teachers and learners. Joubert and Serakwane (2009:125-137) point out that some teachers are struggling to find alternatives that will enable them to feel in control of the learners they teach, and as a result, they suffer from stress.

Some hard-working teachers even consider leaving the profession because of difficulties in dealing with learner misbehaviour (Joubert & Serakwane, 2009:125-137). In addition, most educators did not receive formal training with regard to disciplinary strategies and the application thereof as recommended by the Department of Basic Education. Joubert and Serakwane (2009:125-137) further state that some learners are not cooperative towards their teachers and turn to violent and aggressive behaviour, smoke dagga and carry dangerous weapons to school. The result is that most learners appear uncontrollable, thus negatively affecting the quality of teaching and learning (Bechuke & Debeila, 2012:241).

According to Meier and Hartell (2009:180-192), many variables influence the manner in which schools respond to the challenges associated with the ever-changing teaching and learning milieu. Overall, these challenges set the tone for an in-depth study as to how managing the behavioural rights of teachers and learners can be effectively achieved in the school system. More pointedly, the research findings of this study will argue for the championing of teachers' rights in an arena that seemingly tends to soft-pedal learners' rights.

The nature and purpose of this study dictates the formulation of a multifaceted conceptual framework capable of analysis at a variety of levels. The fact that school leaders, school management teams and provincial departments, which are relatively detached from the policy-making process are vital to policy implementation, is a testament to this assertion. As such, an examination of top-down and bottom-up approaches is pivotal to a thorough inspection of successes and failures regarding managing of the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

1.4 THEORETICAL FRAMEWORK

According to Hesse-Biber and Leavy (2011:21), several important functions are served by a literature review. First, it informs the reader that the researcher is knowledgeable about my research problem and that he has a good grasp of the major theoretical and empirical research related to the research problem. Secondly, it presents a synopsis of a body of work that is related to the research problem. Moreover, it is a critical evaluation of what is perceived as relevant issues and questions that need to be addressed in other research. It also shows the audience that the researcher can integrate and synthesise a range of different but interrelated studies that deal with the research issue.

McMillan and Schumacher (2010:73) stress that an understanding of the terms *literature review* and *theoretical framework* is essential. A literature review in qualitative studies is defined as the foreshadowing or central questions that guide an investigation. This is supported by previous research studies that are able to justify the purpose of the study pertaining to a selected field of research. It also establishes the grounds for the development of the theoretical framework. The theoretical framework consists of accounts of research conducted by accredited scholars within the field. This is important, as qualitative studies rely extensively on existing theories for their arguments (McMillan & Schumacher 2010:74).

Within South Africa (and around the world), there is a dire need to provide more research on managing the behavioural rights of teachers and learners because the available research is limited in terms of the amount of research done. There also seems to be an increasing demand for school managers and management to acknowledge the complexity of the situation and the problem formally. Moreover, this explorative study will help teachers to feel that their problems are taken seriously.

Ongoing school management strategies involving all parties, like teachers, parents and learners must be examined. Whether experienced in South Africa or elsewhere in the world, managing the behavioural rights of teachers and learners should no longer be ignored, trivialised or overlooked at the peril of teachers. In view of this rationale, the problem statement for study has been formulated.

1.5 RATIONALE

Reyneke (2011:129) raises a noteworthy point,

Misbehaviour in schools leads to a conflict of interests. Whose rights should be upheld – the instructional and personal security rights of the transgressor, or the schooling rights of the other learners, and the right to dignity of the other learners and teachers? The balancing of rights in these circumstances is inevitable, and dignity plays an important role in balancing the conflicting rights through the limitation clause.

Armario (2012:1) concurs and further states that, “less attention has been given to equally disturbing behaviour by learners who harass instructors, principals and other adults”.

Although several studies have been published and much has been addressed in the courts with reference to legalising learner’s rights, the research in connection with managing the behavioural rights of teachers and learners is very limited. The question that remains, according to Sekhar (2012:1), is, “What about legalising teacher’s rights, firmly establishing teachers’ rights, since teachers are the fulcrum of the teaching and learning process?” Sekhar (2012:1) pointedly argues, “Perhaps we are not giving adequate importance to the teachers. This is a big mistake that we seem to be making.”

Therefore, it comes as no surprise then that Reyneke (2011:129) maintains that the focus on the protection of the rights of the transgressor and of learners’ rights in general has contributed to the notion that teachers are not entitled to any protection. In practice, no – or hardly any – explicit attention is given to the rights of the victims of the misbehaviour, i.e. the learners (Reyneke, 2011:129).

1.6 PROBLEM STATEMENT

Around the world (and this certainly includes South Africa), there are problems with bad learner behaviour at schools. Oftentimes, teachers end up as the losers in classroom situations when dealing with disruptive and disobedient learners. Perhaps this is so because learner rights seem to have the upper hand in the courts today. What arrangements are in place to protect teachers and teachers’ rights in these crucial situations? How can the rights of teachers be managed and championed in

crisis situations involving bad learner behaviour? To answer these questions, consider the physical, professional and psychological impact on teachers spotlighted by the following two disturbing reports:

Makwabe (2009:7) cites the incident that took place in September 2001, in which teacher Tania Jacobs was bludgeoned by a Grade 8 learner when she was teaching at Rhodes High School in Mowbray, Cape Town, South Africa. A 13-year-old pupil hit Miss Jacobs on the head with a hammer in front of her learners. In court, the defence team painted a different picture, saying that the teacher had brought the attack upon herself because she was unable to control her class, which resented her firm discipline. The school further claimed that Miss Jacobs had failed to report threats and taunts by learners to the proper authorities after the attack.

In the state of California, USA, Dinh (2011:1), a journalist for the East Bakersfield Reporter, wrote an article entitled "Students allegedly swear at, threaten, and physically assault teachers". She highlighted the plight of teachers in Bakersfield, California (USA) who constantly fear for their safety and are afraid to go to school each day. "I am scared to death to go back to work tomorrow," said teacher Sunny Mueller. "We've had teachers assaulted, shoved around, had eggs thrown at them," said Bakersfield Elementary Teachers president, Brad Barnes. "Last week, there was a homemade bomb that went off in the boys' bathroom," said teacher Kate Irwin.

In the light of these two examples, what protection should be in place to ensure that teacher's rights are properly managed, especially in the face of bad learner behaviour? How crucial is it to manage the behavioural rights of teachers and learners at schools today? These problems and challenges facing teachers in school today cannot be side-stepped. This study takes up these issues and explores the findings.

1.7 RESEARCH QUESTION

Creswell (2009:140-141) observes that determining the research questions is an extremely important step in the qualitative research study, because critical questions narrow the research objective and research purpose to specific questions to address the problem statement. Thus, in this study, the research questions are significant tools that are employed to enquire and interpret the participants' experiences of managing the behavioural rights of teachers and learners.

This study will investigate and seek answers to the following primary research question: How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?

In order to help answer the main research question, the following sub-questions will be explored:

- How are the behavioural rights of teachers managed?
- How are the behavioural rights of learners managed?
- What challenges have been encountered when managing the behavioural rights of teachers and learners?
- Which strategies could be implemented by school managers in managing the behavioural rights of teachers and learners?

1.8 RESEARCH AIM AND OBJECTIVES

The aim of this study is to investigate the managing of the behavioural rights of teachers and learners as an issue of immediate and on-going concern. It is aimed at contributing towards a clearer understanding of the nature, meaning and extent of managing of the behavioural rights of teachers and learners. In addition, it may provide further insight into an enduring schooling practice.

In order to accomplish this aim, the researcher set out to realise the following objectives:

- To determine how the behavioural rights of teachers are managed;
- To establish how the behavioural rights of learners are managed;
- To identify the challenges encountered when managing the behavioural rights of teachers; and
- To discuss strategies that could be implemented by school managers in managing the behavioural rights of teachers and learners.

1.9 RESEARCH DESIGN AND METHODOLOGY

In this study, the research design is a case study. Gorard (2010:2) states that the research design refers to the way in which the study is organised in order to answer the research question, by stimulating awareness of possible challenges and opportunities early on in the study. Yin (2009:18) asserts that a case study is an empirical, in-depth inquiry about a contemporary phenomenon and within its real-life context, especially when the boundaries between phenomenon and context are not evident.

1.9.1 Research approach

The researcher utilised the interpretive paradigm by drawing on qualitative data to investigate this phenomenon. Creswell (2009:6) considers the concept paradigm to be synonymous with the term *worldview*, indicative of a broad view that the researcher has of the world and the nature of research. According to Babbie (2010:33), a paradigm refers to the primary context the researcher uses to systematise interpretation. Mertens (2010:7) asserts that the research paradigm reflects the philosophical conviction of the researcher and therefore impacts on all decisions made regarding the research process.

In this study, qualitative methods were employed to investigate the managing of the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town. According to McMillan and Schumacher (2010:320), “qualitative research is an accepted methodology for many important questions, with significant contributions to both theory and practice”. The distinguishing characteristic of qualitative research is that behaviour is studied as it occurs naturally (McMillan & Schumacher, 2010:321).

According to Maree (2011:4), qualitative researchers believe that the world is made up of people with their own assumptions, intentions, attitudes, beliefs and values, and the way of knowing reality (epistemology) is to explore the experiences of others regarding a specific phenomenon. In this study, the researcher focused on how others constructed their realities of managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town by asking directly about it.

As Maree (2011:75) highlights, case studies open the possibility of giving a voice to the powerless and voiceless. In this study, the 30 participants (i.e. five teachers and

five learners from each of the three selected schools) interviewed were given an opportunity to express themselves in connection with how the rights of teachers and learners in terms of behaviour are managed in the North Metropolitan District of Cape Town. Interestingly, those involved have not previously been afforded any opportunity to make such comments, since a study of this nature has not been conducted at the selected schools.

Since it is suitable and appropriate for this study, the qualitative approach will be exploratory in nature. Polit and Beck (2009:19) state that an exploratory approach is applicable to investigations of phenomena that are relatively unknown or not where research information on the subject is limited.

According to Burns and Groove (2009:696), the exploratory approach is an exploration of an unknown phenomenon with the intention to understand its nature, how it manifests itself and possible solutions to it. Matea (2013:150) underscores that the exploratory approach involves interviews with sampled participants, observations and literature reviews. The exploratory approach in this study was realised by the interviews and observations conducted with the sampled participants involved in connection with managing of the behavioural rights of teachers and learners. Interviews were conducted with principals, HODs, teachers and learners who form part of the Representative Council of Learners (RCL). The interviews and observations enabled the researcher to explore and understand the complexities involved in managing the behavioural rights of teachers and learners at three high schools in the North Metropolitan District of Cape Town.

1.9.2 Population, sampling and sample

McMillan and Schumacher (2014:64) define the population of a study as “a group of elements or cases, whether individuals, objects or events, that conform to specific criteria and on which the researcher intends to generalise the results of the research”. In this study, the population refers to all high schools in the North Metropolitan District of Cape Town.

The researcher decided to use purposive sampling in this study because he searched for information-rich informants or groups from which to select sub-units for a more in-depth study. According to Rule and John (2011:63), purposeful sampling is defined as

the strategy used to choose small groups or individuals likely to be knowledgeable and informative about phenomena of interest and who are most likely to yield data about the evolving research questions. Creswell *et al.* (2010:79) contend that participants are selected because of their characteristics that make them holders of the data needed for the study.

- Three high schools that were most accessible for the study were selected. All three schools (which can be viewed as information-rich sites for this study) are
- in the North Metropolitan District of Cape Town. These schools are renowned for managing the behavioural rights of teachers and learners.
- The sample for this study consists of 30 participants. From each of the selected schools, 10 participants have been interviewed – five teachers and five learners. As far as the teachers were concerned, the five individuals interviewed were: three School Management Team (SMT) members, including the principal, one deputy principal, one Head of Department (HOD) and two teachers ranked Post Level 1 who had teaching experience of more than 10 years. The remaining five interviewees were learners at the schools who were serving on or had already served on the Representative Council of Learners (RCL) at that particular school in the previous two years.

1.9.3 Instrumentation and data collection techniques

According to Mertens (2010:350), data collection is the medium researchers use to anchor their discussions in empirical data, as the data are used to answer research questions, to defend findings and to assist in making recommendations. The researcher continued to view himself as the research instrument because, according to Creswell *et al.* (2010:79), qualitative studies accept researcher subjectivity as something that cannot be eliminated and see him as the research instrument in the data gathering process.

For this study, data in the form of raw information were generated to reach certain conclusions (Chauke, 2009:15). The main sources of data generation in this study were in-depth interviews. Semi-structured interviews and documents review were the most suitable instruments used to obtain in-depth information in connection with managing the behavioural rights of teachers and learners at three high schools in the

North Metropolitan District of Cape Town that serve as research sites for the collection of data.

1.9.4 Data analysis

Qualitative data analysis involves organising, accounting for and explaining the data; in short, making sense of data in terms of the participants' definitions of the situation, noting patterns, themes, categories and regularities (Cohen, Manion & Morrison, 2011:83).

The researcher recorded, transcribed and analysed all data in this study order to identify relevant themes. According to Adams (2010:18), thematic analysis can be described as “a way of seeing as well as a process of coding qualitative information.” These themes, which are derived from the research questions that guide the study, were identified and coded by means of a line-by-line analysis of each interview transcription (Rule & John, 2011:77). This led to concept and thematic analysis, which implies working with codes to identify patterns, such as similarities and differences (Rule & John 2011:78).

Finally, the researcher developed concepts and arrived at conclusions based on the relationships, patterns and themes that were identified in the data. Coding provided him with a good opportunity to get close to the data, generate findings, develop explanations and conclude, theorise and suggest recommendations (Rule & John 2011:77). All the data will be stored safely for five years.

1.10 RELIABILITY AND VALIDITY OF RESEARCH

According to Muijs (2011:61), reliability refers to the repeatability with which a measuring instrument, such as a questionnaire, yields similar results after the researcher has accounted for random errors in the measurement instrument. Validity, as described by Neumann (2011:208), refers to truthfulness and addresses the extent to which the chosen constructs measures social reality. This implies that validity refers to the degree to which chosen indicators measure what they are supposed to measure.

Trustworthiness was also achieved by ensuring the reliability and validity of data through mechanical recorded data, triangulation strategies, verbatim accounts and participant views.

In order to minimise the chances of a biased approach for this study, the researcher chose to use the following strategies:

- Triangulation of methods: Interviews with school managers (i.e. the principal, deputy principal and SMT members as well as teaching staff). Relevant documents such as circulars and minutes of meetings as well as the School Improvement Programme (SIP) were analysed in detail.
- Mechanically recorded data: All interviews were digital tape recorded and transcribed verbatim.
- Verbatim accounts: Direct quotations from the transcribed data were used to illustrate the participants' views. All the data would be kept safe for five years.
- Participants' language: Interviews were conducted in English, the medium of instruction for all three selected schools in this study. Additionally, participants were also free to use the language of their choice.

1.11 CREDIBILITY AND TRUSTWORTHINESS OF RESEARCH

Mestry and Khumalo (2012:99) posit that the existing South African School Management Teams (SMTs) and School Governing Bodies (SGBs) lack effective monitoring, supervision and proper implementation programmes regarding the ways they are expected to handle learners behaving disruptively at school. Where these support structures do assist, some of the SMTs and SGBs apparently lack the necessary skills to carry out their own functions in a way that the law on acceptable school behaviour and discipline is not compromised, according to Xaba (2011:201). Some parents prefer the use of the court of law to prevent and care for juvenile delinquencies and SMTs including SGBs using the outlawed corporal punishment approach (Xaba, 2011:201).

Mestry and Khumalo (2012:99) opine that SMTs need a legal framework that curbs the excesses and harmonises their strategies for handling disruptive learner behaviour at South African Schools. For example, at some Western Cape schools, it was

reported that some social support structures authorised to handle disruptive learner behaviour to not work in concert with the SMTs, according to Mubray (2009:52). Therefore, this study is justified when it sets out to respond to the challenges of managing the behavioural rights of teachers and learners. The findings of this study may be transferable to similar schools in other parts of South Africa, and perhaps other centres around the world. It is on the basis of these expectations that this study is significant and justified.

1.12 ETHICAL CONSIDERATIONS

Since the learners who were interviewed were all be under the legal age of 18 years, their parents needed to sign and give permission. Additionally, the rights and privacy of these learners would always be protected. During that stage of the research study, many ethical issues arose (Creswell, 2009:89). It was of the utmost importance that the researcher not only respect the participants, but the research site as well (Creswell, 2009:89), while special consideration was given to the needs of vulnerable participants. In this connection, parents needed to sign and grant permission for the selected learners set aside for this study. During the time of data collection, analysis was safeguarded. This means that the data were securely locked away in the researcher's computer laptop by using a data protection password. The purpose of this was to ensure that nobody had access to the analysed data.

1.13 PLANNING OF THE STUDY

Chapter 1 is an introduction to the study. It encompasses a brief historical synopsis of the existing problem, the problem statement, and the aims of the study and the methodology to be used. It provides an outline regarding the motivation to conduct the study, contributions of the research and definition of concepts to be given.

Chapter 2 is centred on a literature review sought to highlight factors relative to managing the rights of teachers and learners in terms of behaviour.

In **Chapter 3**, the research design is described and the research methods are explained. This chapter also provides a description of the population, procedures and description of the tools and its application.

In **Chapter 4**, the collected information is conveyed, analysed and a discussion of the results is provided. The data collected are presented and interpreted.

The concluding chapter, **Chapter 5**, presents a summary of the research results, supported or not, and conclusions and recommendations are made. Finally, interpretations and further suggestions for this study are provided.

1.14 DEFINITION OF KEY CONCEPTS

The following glossary defines some of the terms that are used according to the scope and purpose of the study:

1.14.1 Teacher

This refers to “a person whose occupation is teaching others, especially children” (*Collins English Dictionary*, 2011:1676). For the purpose of this study, a teacher is described as any person who is formally employed by the School Governing Body or by the Department of Education to teach at a school.

1.14.2 Learner

A learner can be described as “someone who is learning something, gains knowledge of something or acquires skill in some art or practice” (*Collins English Dictionary*, 2011:940). For the purpose of this study, the term *learner* means a person at a high school who is learning or taught by a teacher or teachers.

1.14.3 School

A school can be described as “an institution or building at which children and young people, usually under 19, receive instruction” (*Collins English Dictionary*, 2011:1466). For the purpose of this study, a school is a formal institution where learners are exposed to a value system and interpret messages they receive from the school environment as they begin to interact socially.

1.14.4 Model-C school

For the purpose of this study, former Model-C schools are those schools that were reserved for white learners under the apartheid schooling system. As of 2013, although the former ‘Model C’ was set aside by the post-apartheid government, the

term is still used to describe previous whites-only government schools in South Africa (Power, 2015:1).

1.14.5 School management

For the purpose of this study, school management can be described as the joint management efforts/techniques used by the School Management Team (SMT), the School Governing Body (SGB) and other stakeholders, such as circuit managers and the Government as a major partner, to establish a culture of teaching and learning.

1.14.6 School Management Team (SMT)

For the purpose of this study, the school management team (SMT) can be described as a joint venture driven by a professional management team comprising the principal, the deputy principal, heads of departments, grade heads and subject heads.

1.15 CONTRIBUTION OF THE STUDY

This study will benefit all stakeholders when it comes to managing the behavioural rights of teachers and learners. Additionally, it will also assist departmental functionaries charged with ensuring with properly managing the behavioural; rights of teachers and learners by offering a much needed guide for training of liaison officers stationed in schools. It was envisaged that the management model would be an additional aid in efforts to make school institutions more effective by ensuring a safe and conducive environment for teaching and learning. On the theoretical level, the management model will identify themes that constitute a culture of sensitivity to teachers and learners' rights and assist further research on how these themes influence each other to produce a desirable culture that underpins the values of a democratic society.

1.16 SUMMARY

This study presented the challenges that are faced in managing the behavioural rights of teachers and learners at three high schools in the North Metropolitan District of Cape Town. The main concepts and the outline of the literature study undertaken are discussed. In line with the theme of the study, detailed suggestions from interviews with principals, deputy principals, HODs and teachers, together with the comments of

selected learners have been presented. The planning of the study has been demarcated in this chapter. Although the study is limited to the North Metropolitan District, Circuit 09 in the Western Cape, the challenges of managing the rights of teachers and learners in terms of behaviour may well be representative of other areas.

CHAPTER 2

LITERATURE REVIEW OF RELATED LITERATURE

2.1 INTRODUCTION

Chapter 1 highlighted the background to the study, the research problem, aims and objectives of the study, the research methodology and design, and a layout of the various chapters was provided. In Chapter 2, after this introduction, a literature review is set forth in order to present information from theories concerning factors that impact on managing the behavioural rights of teachers and learners in high schools.

McMillan and Schumacher (2010:74) indicate that a literature study is an extensive, exhaustive, systematic and critical examination of publications relevant to the research project. The objective of a literature review is to create a conceptual or theoretical framework, to illustrate how the study will make a contribution to meaningful practice, to identify the methodological limitations of prior research, and to identify the findings which may be contradictory or ambiguous (McMillan & Schumacher, 2010:74).

The focus of Chapter 2 is the literature review, which discusses the legal and theoretical framework. The legal framework is a synopsis of the various laws that impact on managing the behavioural rights of teachers and learners. Next, the definition of management and leadership is presented; five models of school management are explored; four leadership styles are enumerated – all of these make up the theoretical framework. As a logical segue, five models for managing the behavioural rights of teachers and learners as well as approaches to manage the behavioural rights of teachers and learners is then discussed.

According to Sergiovanni (2009:124), the creation of collaborative school cultures not only champions successful schools, but also yokes together the vital actions of leadership and learning. Hence, let us now examine the importance of understanding the school context.

2.1.1 Understanding the school context

Tikly and Barrett (2011:3-14) contend that the school context can be identified as the most fertile soil in which managing the behavioural rights of teachers and learners can take place. The school context enables teachers to learn and grow in terms of

teachers' rights since they are inextricably linked to the work that involves their very objective, i.e. to foster a culture of learning and study conducive to learner achievement. Boaduo (2010:76) adds that this growth in terms of teachers' rights is often accelerated by situations that play off at the school among the teachers themselves and, even more crucially, it may involve obstacles and confrontations involving learners' rights that are unique to that particular school.

In terms of managing the behavioural rights of teachers and learners, a collaborative school culture is a relatively new concept within the South African schooling system and as such it may prove difficult to implement. According to the Wallace Foundation Report (2013:5), it may also be viewed as a time-consuming process that may take several years to achieve. Admittedly, there are no easy solutions as to how collaborative school contexts develop. Yet, the principal can play a major role in promoting teacher's rights which contributes (as noted in the Wallace Foundation Report (2013:5-7) to teacher effectiveness. Portin, Knapp, Dareff, Russell, Samuelson and Yeh (2009:55) underscore that school principals play a pivotal role in the creation of collaborative school cultures between school managers and teachers as well as between teachers and learners. The result is a climate that facilitates and strengthens the case for managing the behavioural rights of teachers and learners in schools.

While the nurturing a collaborative school context abets in managing the behavioural rights of teachers and learners, it will be astute to examine factors that impact both positively and negatively on this objective. Let us then consider an overview of the status of learner behaviour in South African schools with particular reference to independent schools, public schools and rural schools.

2.2 THE SCHOOL ARENA IMPACTING ON THE BEHAVIOURAL RIGHTS OF TEACHERS IN SOUTH AFRICA

Maphosa, Mutekwe, Matshingambi, Wadesango and Ndofirepi (2012:545-553) remonstrate that proficient teachers are viewed by stakeholders in the schooling arena as the most important determinant of learner academic performance. To achieve quality school instruction, Malambo (2012:10) contends that teachers need to prepare their lesson plans in advance to present them to the learners in more interesting and effective ways. As a result, society (and by extension the school community) has high

expectations of teachers. Teachers are expected not only to acquire knowledge and have high academic skills but they should also be exemplary in maintaining high ethical and behavioural standards. Although promoting the learners' academic progress should remain their primary responsibility, teachers are expected to be skilful in developing the learners' emotional, moral and social development while working to safeguard the learners' overall well-being.

Malambo (2012:10) maintains that even in the most liberal of classroom setups, teachers have a profound impact second to none, since they (the teachers) are responsible for setting the pace, evaluating the process and deciding whether learners should pass or fail. Malambo (2012:11) asserts that competent and committed teachers are needed for societal and national development. Well-trained teachers are cardinal to every society because they help mould the nation. Service provided by teachers to the learners is very important because they open the minds of the learners to a life-long search for competencies needed for professional life. Malambo (2012:11) and Khalid *et al.* (2011:1) remonstrate that teachers are the most influential school-related "factors" in the school environment affecting learners' academic achievements.

Bascia and Osmond (2013:12) opine that teachers are at the centre of most current school system reform efforts, either because the reforms themselves focus on teachers, or because the reform proposals directly affect the teachers' work. During their formative cognitive development years, learners are inclined to imitate the speech and conduct that teachers display in the classroom. Hence, the behavioural rights of teachers have (according to Gibson, Wang & Slate, 2013:1) a noteworthy role to play in shaping the learners for the future. The teacher's behaviour and professional conduct can have a profound impact on the learners – both positively and negatively, inside and outside the classroom as well as in life in general.

The behavioural rights of teachers – how they teach and treat the learners – leaves a footprint on the hearts and lives of the learners as they journey through life. Teachers' behavioural rights or professional conduct affects the learners academically, emotionally and socially. The learners' academic development and emotions direct teachers to behave in a professional manner at all times, as stipulated in the Employment of Educators Act (EEA) No. 76 of 1998 (Republic of South Africa, 1998).

The EEA No. 76 of 1998 (Republic of South Africa, 1998) propagates and promotes learners' academic performance and puts in place instruments to measure quality through results analysis. The professional conduct of teachers' behavioural rights is regulated within the Code of Conduct of Educators (Republic of South Africa, 2000). This code of conduct that regulates the behavioural rights of teachers. The teacher who is registered with the South African Council for Educators (SACE) acknowledges the noble calling of the profession to teach and train the learners of our country. In line with the SACE code, the teacher acknowledges that the attitude, dedication, self-discipline, ideals, training and conduct of the teaching profession determine the quality of education in this country. The teacher should acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa and commit himself/herself to do all within their power, in the exercising of their professional duties, to act in accordance with the ideals of their profession, as expressed in the SACE code. The teacher should act in a proper and becoming way such that the teacher's behaviour does not bring the teaching profession into disrepute.

According to the SACE code, a teacher respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality.

The teacher should acknowledge the uniqueness, individuality, and specific needs of each learner, guiding and encouraging each to realise his or her potentialities. The teacher strives to enable learners to develop a set of values consistent with those upheld in the Bill of Rights as contained in the Constitution of South Africa. The teacher exercises authority with compassion by avoiding any form of humiliation and refraining from any form of child abuse, physical or psychological. In line with the SACE code, the teacher promotes gender equality and refrains from any form of sexual relationship with learners or sexual harassment (physical or otherwise) of learners. The teacher uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from the learners. According to the SACE code, the teacher takes reasonable steps to ensure the safety of the learner and does not abuse the position he or she holds for financial, political or personal gain. The teachers are not negligent or indolent in the discharge his or her professional duties. The teacher recognises, where appropriate, learners as partners in education.

Teachers who contravene the provisions of the SACEA (South African Council of Educators Act 31 of 2000) are often charged, suspended, dismissed, transferred, fined, perhaps having their contracts terminated and even demoted when proven guilty. In this connection, the Department of Education printed the Policy Handbook for Educators (Education Labour Relations Council, 2003) that contains a discursive outlay of the entire legislative framework regulating the operations of the school system, teacher and learners in South Africa.

In the South African schooling system, according to The Employment of Educators Act 76 of 1998 and The South African Schools Act, Act 84 of 1996 (SASA, 1996: section 20(4)), teachers may be employed either by the government or by the SGB. It is mandatory for all teachers to register with the South African Council for Educators (SACE) according to the South African Council for Educators Act 31 of 2000: section 21, which makes all teachers subject to the South African Council for Educators' Code of Professional Ethics, which is often abbreviated as the SACE Code of Ethics.

The objective behind the SACE Act 31 of 2000 is to provide registration for teachers, promote the professional development of teachers and maintain and protect ethical and professional standards for teachers by means of the functioning of the council. In their dealing with learners, the SACE Code of Ethics requires of teachers to respect the constitutional rights of learners while enabling them to develop a set of values mirroring the fundamental rights enshrined in The Constitution of the Republic of South Africa, Act 108 of 1996. Teachers should recognize that learners are different and allow and encourage all of them to develop to the best of their abilities. Teachers are required to care for learners by maintaining authority, avoiding humiliation, abuse and exploitation. This includes refraining from unprofessional conduct such as harassment, improper physical contact and improper language usage. Teachers should also endorse learners as partners in schooling system while ensuring their safety and well-being to earn the respect of learners.

At the same time, teachers are not only required to respect the authority and status of their fellow teachers of the staff, but also the responsibilities that are devolved upon them in order to ensure that the school runs efficiently. The conduct of all the teachers should be professional and free from any guise of harassment, infringement of rights and the use of obscene speech, including profanity. The SACE Code of Ethics requires

of teachers to consider parents of learners as partners in the school setup while respecting differences in values, customs and norms.

Therefore, SACE acts as regulatory body of the profession and has the statutory right in terms of the SACE Act 31 of 2000 to regulate the conduct, discipline and work ethics of teachers as well as the right to discipline teachers who make themselves guilty of unprofessional conduct. According to section 5(c)(ii) of the SACE Act 31 of 2000, consequence of offences may include being cautioned (31 of 2000:sec.5(c)(ii)(aa)), fined by a maximum of one month's salary (31 of 2000:sec.5(c)(ii)(bb) or removal from the register, either indefinitely or for a specified period, or subject to specific conditions (31 of 2000:sec.7(1)(3)).

Consequently, it is clear that the SACE Code of Ethics contains clear direction regarding acceptable and unacceptable teacher behavior in South African schools. Guidance in connection with the conduct required for teachers is also found in the Norms and Standards where the seven roles of teachers are discussed. The Norms and Standards contains the seven roles which all qualified teachers should exhibit through three applied competences: foundational competence, practical competence and reflexive competence (SA, 2000c: Article 3). The seven roles may be summarized as:

- learning mediator
- designer and interpreter of learning materials and programs
- administrator, leader and manager
- lifelong learner, researcher and scholar
- citizenship, community and pastoral role
- assessor
- learning area/discipline/phase/subject specialist

Above all, the SACE Code of Ethics underlines that teachers have to acknowledge their profession as a noble calling, while practicing self-discipline and dedication as they uphold the Constitutional rights of everyone else. In terms of the SACE Act (31 of 2000), the conduct of teachers in South African schools is regulated by the SACE,

which is given the authority to discipline any violators, should they become culpable of unprofessional conduct. In essence, the behavioral rights of teachers are primarily managed by SACE since teachers are required to model their conduct based on the stipulations found in the SACE Code of Ethics.

Having discussed the school arena impacting on the behavioural rights of teachers in South Africa, it will be interesting to gain an overview of the status of learner behaviour in South African schools.

2.3 AN OVERVIEW OF THE STATUS OF LEARNER BEHAVIOUR AT SOUTH AFRICAN SCHOOLS

2.3.1 Independent schools

While the concept originated in the United States of America, independent schools (or private schools as they are oftentimes called) in all parts of the world are viewed as high-performing learning institutions that show positive growth and progress and are distinguished by a vaunted legacy of academic and sporting excellence. In Britain, owing to the current situation prevailing in public schools, Green, Machin, Murphy and Zhu (2010:1-9) contend that private schools are increasingly favoured as a potential guarantee that learners will be properly equipped for the demands and challenges of modern society.

After two decades since the dismantling of apartheid in South Africa, Cohen and Seria (2010:1) indicate that some 90% of schools here can be labelled as dysfunctional. Paddy (2013:36) underlines that the schooling system in South Africa is in real crisis. This crisis (according to Paddy, 2013:36) is caused by two pillars of dysfunctionality – firstly, a weak capacity in the teaching civil service which leads to poor schooling outcomes and general lack of respect for learning, and secondly, a culture of patronage which pervades almost all areas of the teaching situation. Based on Paddy's findings, teachers as part of the civil service should also perceive school instruction as a pre-condition for social and economic development (Paddy, 2013:36). It must be concluded then that the achievement of high academic performance cannot be seen as optional but a must for all schools.

Van Wyk and Bisschoff (2012:431) mention that, since the enactment of the South African School's Act (SASA) in 1996, parents in South Africa now have a wider spectrum from which to choose in connection with where they would like to have their children receive high-quality schooling. This is because the South African School's Act (SASA) 1996 recognises both independent and public schools. Immelman and Robert-Lombard (2015:1) indicate that, after the enactment of the South African School's Act (SASA) in 1996, all government and government-aided schools came under the "umbrella" known as public schools. At the same time, all private schools were assimilated into what is known as independent schools. According to the International Finance Corporation (2010:1, as stated in Immelman & Robert-Lombard, 2015:1), "the increase in the number of learners attending independent schools could be an indication that parents are losing faith in the public school system."

According to Grant (2013:1), independent schools may be owned by a private entity, perhaps a religious organisation, a company, a trust or a private individual (KMS, 2010:10). The motive may be religion, scholastic excellence, financial profit or a combination of these factors (KMS, 2010:10-13). The teachers and the principal are employed by the school and receive their salaries from it. The relationship between the independent school and its learners is contractual and the school is not obliged to accept anyone, subject to its constitutional obligation not to discriminate against anyone (KMS, 2010:10-13).

Bullen (2015:1) indicates that, in 1990, there were 550 registered independent schools in South Africa, during which time they were perceived as White, affluent and exclusive. In 2014, there were over 1 584 independent schools with a learner population of over 500 000 and 73% of whom were Black (Bullen, 2015:1). Although each independent school has its own unique character and approach, they all share the following six core characteristics: self-governance; self-support; self-defined curriculum; self-selection of students; self-selection of faculty and small size (Bullen, 2015:1).

Gernetzky (2012:1) and Magome (2012:1) concur that the academic standard in private schools is exceptionally higher than at government schools. This advanced standard of schooling, according to Green *et al.* (2010:1), has a positive influence on preparing students for future studies at tertiary institutions as well as employment

opportunities. Lumby (2015:403) indicates that independent schools in South Africa are well-financed and well-resourced. As a great aid in managing the behavioural rights of teachers and learners, independent school managers and leaders arguably have attended and completed more management and leadership programmes (Branson & Zuze, 2012:72) during which they would have been exposed to fine examples of strong leaders in the realm of effective school management (Pienaar & McKay, 2014:107).

The non-profit organisation known as the Independent Schools Association of Southern Africa (ISASA) is the largest, oldest and most inclusive independent schools' association that boasts over 750 independent member schools in the countries of South Africa, Swaziland, Namibia, Botswana and Angola. ISASA serves its members by assisting them to protect their interests, by supporting quality teaching and learning and by managing the behavioural rights of teachers and learners.

Added to this is the Association of Christian Schools International (ACSI) as well a number of institutions that have religious affiliations such as the Catholic, Anglican, Methodist, Muslim and Jewish schools. These institutions foster their distinct religious ethos and strongly encourage obedience and submission to the behavioural principles that are based on the tenets of their religion. Most independent schools have a zero tolerance to violence, weapons, abuse, bullying, drugs, racism or any form of intimidation (Academy Prospectus, 2012:8). However, according to Taylor (2011:15), the affluent culture engulfing learners at independent schools can frequently be toxic, including a broad range of behavioural problems including negative peer pressure, cyber-bullying and teacher-targeted bullying. Immelman and Robert-Lombard (2015:8) stress that "independent schools should implement a school discipline procedure and anti-bullying policy to establish positive discipline at the school". Hence, it is clear that there is great reason for concern in connection with bad learner behaviour at independent schools. This points in direction of managing the behavioural rights of teachers and learners.

2.3.2 Public schools

There are three types of public schools in South Africa (Government of South Africa, 2006) and they have one of the following designations:

- Section 20 schools: The school governing body (SGB) has the authority to perform their management duties, but the allocation of resources, orders and payments are centrally controlled by the provincial head of education at the district office. School funds are mainly provided by the parents of learners who attend the school, but the Department of Education is responsible for paying most teachers' salaries.
- Section 21 schools: The SGB is responsible and accountable for the successful management of all school funds. The SGB of a Section 21 school is responsible for the revenue and disbursement of all funds and resources. Section 21 of the SASSA (SA, 1996) makes provision for parents and the school authorities to take joint responsibility for the provision of instruction by schools in South Africa. Hence, the school's SGB has the responsibility to manage resources at school level in order to deliver effective services to the community and to use resources wisely. School funds are also mainly provided by the parents of learners attending the school, but the Department of Education is responsible for most teachers' remuneration.
- "No-fee" schools: These schools are not allowed to charge school fees. This is an attempt to provide access to schooling for all learners who generally come from lower-income bracket families. The Department of Education provides all the necessary resources to these schools. All teachers' salaries are paid by the Department of Education.

Around the globe, disruptive learner behaviour in public schools is a serious problem. In the United States of America, for example, a recent school safety report from the National Center for Education Statistics, the data branch of the U.S. Department of Education, found that, according to Armario (2012:1), 5% of public schools reported that learners verbally abused teachers on a daily, or weekly, basis and also that 8% of secondary school teachers were threatened with injury by a student, as were 7% of elementary teachers. More importantly, disturbing statistics in the USA further illustrate that each year, 253 000 teachers are threatened with injury and 127 500 teachers are physically attacked by learners (Armario, 2012:1).

Peytel (2010:1) reports that violence against teachers costs the USA government over two billion dollars a year due to lost wages, lost days of work, retraining and

replacement of teachers, medical and psychological care, learner disciplinary proceedings, increased workers' compensation claims and action against perpetrators. Threats against teachers are costly and contribute to teachers leaving their teaching careers because of burn-out, poor work environment and lack of support from school managers and learners (Peytel, 2010:1).

In South Africa, public schools have to contend with worsening levels of unacceptable and degenerate learner behaviour. This involves psychological to physical forms of violence, including hazing or initiation, physical and sexual assault, rape, robberies, murder, sexual harassment, intimidation, bullying, shootings, stabbings, gangsterism, drug trafficking, theft of property and vandalism, racially-motivated fights and learner protests that become violent. Mncube and Harber (2013:1) observe that a few learners reportedly carry knives, guns and other weapons to school. Of course, this trend has a negative impact on teaching and learning at the school.

The Mail & Guardian (2013:1) newspaper carried an article stating that the Western Cape Education Department had to temporarily close 14 schools in Manenberg (on the Cape Flats) because of an increase in gang violence. As is the case in other areas, schools are built in local communities where the effects of gang activity, access to guns, and neighbourhood violence has infected schools. As a result, the safety of teachers and learners is constantly under threat and, as Mayer and Furlong (2010:22) admit, managing gun access by learners is not only a daily reality, but a nation, state and community level challenge that lies far beyond the authority of schools.

According to a report issued by the Western Cape Education Department (2014), many of the current behavioural problems experienced at public schools also result from the urban migration of learners away from poorly performing rural schools to the-perceived-better-quality schooling in the townships and cities. In connection with renegade learner behaviour in public schools, Netshitangani (2011:1) discusses the debilitating effects that crime and violence are having on teaching and learning. A key observation made by Netshitangani (2011:2) is that government policies seem to stress learners' rights, yet they water down learner responsibilities. The outcry from school managers and teachers to correct this disturbing imbalance suggests that if government initiatives are to meet the goal of assisting schools in curbing school-yard

violence, proper managing of learners' behavioural rights and learners' responsibilities needs to take place (Netshitangani, 2011:2).

2.3.3 Rural schools

Seroto (2012:77) suggests that designation "rural schools" bears connotations of that which is in opposition to urban, and may include ideas such as being isolated, undeveloped, or sparsely populated. However, in reality, many rural communities in South Africa are very densely populated. It is also incorrect to reason that rural schools are underprivileged, under-resourced or dysfunctional, since many schools located in urban townships share these characteristics, although perhaps not to the same degree.

Westaway (2012:1) asserts that rural schools are geographically distal from government, academic and business centres. Rural communities are lacking in the forms of capital – economic, social and cultural – which are highly prized in the greater South African forum. Without this capital, rural schools and teachers face a finite set of choices about such matters such as deciding who teaches where, the availability of funding, and how to spend school funds wisely.

In recent years, rural schools in South Africa have been the centre of attention for considerable media coverage. Textbooks crises (Nkosi, 2013:1) as well as toilet and mud schools' controversies (John, 2013:1) are but a few of the scandalous headlines to have surfaced in the news media. Also, Guardian Africa Network (2013:1) reports that some rural schools in the Eastern Cape have more 130 learners squeezed into one classroom. Teachers there have to present lessons with their backs pressed up against the chalkboard while the disruptive, counterproductive effect of an overcrowded classroom severely hampers and confines teaching initiatives that could make for interesting learning (Opoku-Asare, Agbenatogbe & DeGraft-Johnson, 2014:128).

Cortes, Moussa & Weinstein (2012:25) indicate that the general conditions in rural school classrooms exacerbates learner misbehaviour and other disciplinary problems. Imtiaz (2014:251) concurs that, in overcrowded classrooms, teachers are unable to give each learner the individual attention that they need and deserve. Kiggundu and Nayimuli (2009:350) mention that teachers cannot persuade or involve all learners to

participate during the lesson. The result is that teachers tend to ignore the learners who are passive (Sosibo & Nomlomo, (2014:89).

Kiggundu and Nayimuli (2009:350) argue that overcrowded classrooms in rural schools in South Africa are noisy and learners are not actively involved in classroom learning. Mustafa *et al.* (2014:178) contend that consequential disciplinary problems result since many learners in one classroom flout classroom discipline in general, and classroom management in particular. Larger classes are noisier and more prone to pushing, crowding and hitting, to the extent that this can impact negatively on classroom discipline. It is very difficult for one teacher to cope with such situations in a classroom. In such circumstances, teachers lose valuable lesson time, since they spend most of the teaching time trying to control and manage learner behaviour. As noted by Imtiaz (2014:251), little time is left for real teaching.

In rural schools, overcrowded classrooms are also unhygienic (Imtiaz, 2014:251) in the sense that if one learner contracts a contagious medical condition, others in the class can be easily infected. Additionally, forms of dishonesty such as copying take place when learners write tests and examinations, since there is not have enough space between the candidates. As a result, learners are progressed to the next grade without the necessary foundation being laid in the previous grade. This may also explain why poor matriculation results are achieved in so many rural schools that have overcrowded classrooms.

Another matter of serious concern for rural schools (and this may also include independent and public schools as well) is the behavioural patterns of boys who return to school after attending cultural initiation schools. Ntombana (2011:636) contends that the behavioural actions of many initiates “does not conform to the expectations that are carried by the ritual; even though they have undergone the ritual, their lives are the same as when they were boys”.

Mohlaloka (2014:1) mentions that while there appears to be meagre research that has been done in connection with the possible influence of initiation schools on learner behaviour, even more worrying is the dearth of research literature in connection with how to address and manage the behavioural problems that apparently stem from initiation schools (Mohlaloka, 2014:1). Many formal school teachers struggle to deal with the deviant behaviour of boys returning from initiation schools (Mohlaloka,

2016:1). In certain cases, male initiates arrogantly refuse to take part in classroom discussions or to answer questions, flagrantly disregarding the clear instructions of female teachers and uninitiated male teachers as well as showing brazen defiance when called upon to do certain tasks.

In summary, the status of learner behaviour in South African schools is a great cause for concern. Whether one is considering independent schools, public schools or rural schools, serious learner behaviour problems exist. This emphasises the ongoing need for all schools to manage the behavioural rights of teachers and learners. Therefore, it is imperative to examine thoroughly the legal framework regarding managing the behavioural rights of teachers and learners.

2.4 LEGAL FRAMEWORK REGARDING MANAGING THE BEHAVIOURAL RIGHTS OF TEACHERS AND LEARNERS

2.4.1 Introduction

From a legal standpoint, the crux of this study regarding managing the behavioural rights of teachers and learners relates to why school managers and teachers feel disempowered by learners' rights. Teachers have over and above the duty of all citizens not to infringe on other peoples' human rights (e.g. the horizontal application of the Bill of Rights contained in Section 2 of the Constitution (SA, 1996)) and also a legal obligation to promote and protect learners' rights (e.g. a vertical application of the Bill of Rights contained in Section 2 of the Constitution (SA, 1996)). It is this extra mandate that results in teachers feeling disempowered by learners' rights.

Learners' rights are protected because teachers are representative of the state and, as such, there arises the vertical application of human rights where learners are protected against possible abuse of power. Moreover, a further 'imbalance' is created by children's rights (Section 28, SASA, 1996) and, in particular, their rights to protection and to have their best interests being regarded as of paramount importance.

Therefore, it is now appropriate to discuss the most relevant legal determinants applicable to managing the behavioural rights of teachers and learners.

2.4.2 The Constitution of the Republic of South Africa, Act 108 of 1996

In Section 2 of the Constitution (SA, 1996), it is clearly stated that the Constitution “is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled”. Smit (2009:21) notes that the preamble of the Constitution commits South Africa to the creation of a community based on democratic values, social justice and fundamental human rights.

The government and its subsidiary institutions are committed to upholding, promoting and executing the Bill of Rights (Roos, 2009a:506). The Bill of Rights recognises that schools are public and governmental institutions. According to Roos (2009a:506), the Bill of Rights mandates that proactive ventures of government institutions should fulfil all fundamental rights – those of learners as well as those of teachers. Rossouw (2009b:246-249) and Oosthuizen, Roos, Smit and Rossouw (2009:31-56) highlight and discuss the following sections of the Constitution that are important in managing the behavioural rights of teachers and learners:

2.4.2.1 Section 9: Equality

This section aims to ensure that no individual (whether an adult or a child) is unfairly discriminated against, that people in the same position are treated the same; and that the equivalence of people is protected. This provision does not prohibit all discrimination, but only unfair discrimination. The equality principle underpins other rights in that it ensures the full and equal enjoyment of all other rights. The equality principle is closely linked to and supportive of other rights and impacts on teaching and learning in different ways. Important here is that schooling should not be confused with differentiation. The equality principle does not imply that all people should at all times be treated identically, but rather that unfair discrimination should not take place (Oosthuizen *et al.*, 2009:30).

2.4.2.2 Section 10: Human dignity

This sections seeks to ensure that nobody’s dignity is violated and that employers will prioritise the dignity of their employees. Human dignity is a crucial, critical and fragile component among the multitude of relationships in the school milieu, especially because so many vulnerable minors (the learners) are involved.

2.4.2.3 Section 12: Freedom and security of the person

This principle regulates the right not to experience any violence and not to be punished in a degrading manner. Fundamental to this right is the total ban of corporal punishment and the responsibility of learning institutions to eliminate any initiation practices and ceremonies which may lead to any form of abuse.

Oosthuizen *et al.* (2009:25) note that before corporal punishment was banned in terms of Section 10 of the Schools Act (SASA, 1996), reasonable, moderate corporal punishment was administered in South African schools as a lawful means of disciplining children. However, case law has shown that the outlawing of corporal punishment needs to be viewed as part of a national programme to transform the school system thereby aligning it with the ideals of the Constitution and to reduce private and public acts of violence (Smit, 2011:239).

Section 12 of the Constitution also involves the individual's right to psychological integrity. Rutherford (2009:148-162) enumerates learner and teacher ill-discipline, work overload, different roles, overcrowded classrooms, cultural differences, parents, incessant changes, violence and bullying as reasons for teacher insecurity. Rossouw (2010:53) argues that psychological abuse violates teachers' right to a safe working environment. Section 12 of the Constitution (which enshrines the individual's right to freedom and security) bears signal interest in connection the theme of this study, i.e. managing the behavioural rights of teachers and learners. Smit (2011:162) states that one aspect of article 12 is that teachers have the right to teach in an environment free from all forms of violence. Article 12 guarantees every persons' physical freedom and security, as well as other aspects for which specific provision is made (Keating, 2011:35). This includes protection from all forms of violence including protection against being treated in a degrading or inhuman manner.

Rutherford (2009:22) stresses that the need for teacher security cannot be undermined and shows that a direct proportionality exists between teacher security and teacher productivity. For teachers, the right to security is seminal to the right to psychological integrity (Rutherford, 2009:22). That psychological integrity is specifically mentioned is obviously a constitutional acknowledgement of the importance of psychological security which is an imperative for job fulfilment and productivity. Teachers are entitled to both physical and psychological security within

their work environment (Rutherford, 2009:21) and they should receive substantial support in this regard. Rutherford (2009:24) reasons that the implications for teaching and learning are crucial, because schools have to actively promote the principles of the Bill of Rights, and not just comply with this legislation.

2.4.2.4 Section 14: Privacy

Section 14 makes provision for every person's right to privacy and that their person or possessions may not merely be searched or seized. The invasion of someone's personal privacy, or a disclosure of confidential facts about a person violates the right to privacy. In the school environment, however, it can be expected that much more leeway will be tolerated as long as reasonable pedagogical considerations can be cited, such as the protection of the learning process or the rights or safety of other learners.

2.4.2.5 Section 15: Freedom of religion, belief and opinion

This principle provides for the right that every person has the right to pursue the religion of his choice. In schools, all religious exercises will receive equal amounts of time and attendance shall be voluntary. Unlike the USA where all forms of religious observances have been banned from public institutions like schools, the approach in South Africa is that the state is actively involved in creating of favourable conditions for the exercise of religious freedoms without favouring any specific religion. The religious observance conditions in schools are significant because these prevent discrimination and protects those who belong to minority religions. While the National Guidelines on School Uniforms (DoE, 2006:par 1) underlines the importance of learners wearing school uniforms since this serves an important social and instructional purpose, school managers and leaders need to remain sensitive to and uphold the constitutional rights of any learners whose religious beliefs are compromised by the wearing of school uniforms. Throughout South Africa, schools may not forbid the wearing of religious attire such as yarmulkes (for Jewish learners), kofia, fez and headscarves (for Islamic learners) and culturo-religious bracelets (e.g. *isiphandla* bracelets worn by the Zulu).

2.4.2.6 Section 16: Freedom of expression

Freedom of expression entails that every person has the right to express themselves freely. These rights include style of dress and grooming as well as reading and listening material. The right to freedom of expression is closely woven into the school learning environment which is all about expression and the conveying and receiving of information and ideas. However, this right has well-defined limits: vulgarisms, expletives, insubordination and insults are not protected speech. When expression leads to the subversion of schools, this right may be proscribed since the subversion of schools is outlawed.

2.4.2.7 Section 17: Assembly, Picket and Demonstration; Section 18: Freedom of association; Section 23: Labour relations

These sections highlight that everyone has the freedom to join associations, assemble, demonstrate, picket and present petitions peacefully and unarmed. Also, every worker has the right to join a trade union, participate in its activities and join others in forming and expressing their views and pursuing common goals. Applied to schooling, it means that teachers are free to join any association (which includes membership of political parties), unless it is biased against the learning process; and that teachers have the right to join trade unions, participate in its activities and to strike. Deacon (2012:1) indicates that, even though the right to strike is a constitutional right, this peaceful demonstration action is governed by the provisions in Section 69 of the Labour Relations Act 66 of 1995 (SA, 1995) which seeks to give effect to the constitutional right enshrined in Section 17 of the Constitution (SA, 1996). Where gatherings are not peaceful or become violent such that the members go on a rampage, the trade unions that organised the gathering cannot rely on Section 17 for legal protection.

In Section 28: Children's rights, children's rights based on the International Convention on the Rights of the Child (1989) are guaranteed. According to the Constitution (SA, 1996), every child is someone under the age of 18. Each child has the right to a name, nationality from birth, appropriate care, basic nutrition, shelter, basic health care and social services. Each child needs to be protected from mistreatment, neglect, abuse or degradation and exploitive labour practices. Children should be protected against

any form of abuse, including any type of sexual abuse. The best interests of the child are of primary importance and has been included in this section as a basic constitutional right. In managing the behavioural rights of teachers and learners, this impacts on school system when it comes to the age limit of learner admission, appointment of teachers and teaching medium.

2.4.2.8 Section 29: Education

Smit and Oosthuizen (2011:303-306) remonstrate that since schooling is a crucial means of realising other human rights and is a pre-eminent human right in itself, its value and necessity is beyond dispute – to such an extent that everybody has the right to claim basic education from the state, in the official language of choice where practicable and equitable. Basic schooling is defined as the process of adequately equipping learners with the fundamental skills of functional literacy and numeracy, as well as an awareness and knowledge of the economy, culture and politics (Smit & Oosthuizen, 2011:309).

The International Committee for Economic, Social and Cultural rights has accepted the so-called four A's (as the standard to measure the government's obligation to provide a basic education): Available, Accessible, Adaptable and Acceptable (Smit & Oosthuizen, 2011:309). Each of these A's is explained in Table 2.1 below.



Figure 2.1 The standard to measure the government’s obligation to provide a basic education (Smit & Oosthuizen, 2011:309).

Table 2.1: The standard to measure the government’s obligation to provide a basic education (Smit & Oosthuizen, 2011; Arendse, 2011)

The standard to measure the government’s obligation to provide a basic education	
<i>Available instruction</i>	Government should make functioning school institutions and learning programmes available in adequate quantities (Smit & Oosthuizen, 2011:309-312).
<i>Accessible instruction</i>	Possible barriers that could prevent access to schooling (such as language and fees levied) should be removed. The school system be non-discriminatory to the extent that positive steps be taken to include even the most marginalised learners (Arendse, 2011:97).
<i>Adaptable instruction</i>	The curriculum and school environment need to adapt to accommodate learners with different capabilities. Since the aim of all schooling should be to empower learners to become responsible citizens, this necessitates that the curriculum should embody the lofty principles of cooperation, critical thinking and social responsibility (Smit & Oosthuizen, 2011:309-312).
<i>Acceptable education</i>	This involves school instruction that is closely linked to the aim and theory of teaching and learning within a particular society, i.e. an outgrowth of the needs of the society in which it exists, regardless of the type of society (Smit & Oosthuizen, 2011:313).

Therefore, the right to basic schooling includes a substantive right to basic instruction of adequate quality (Smit & Oosthuizen, 2011:314).

2.4.2.9 Section 30: Language and culture

This section deals with the provision that everyone has the right to use a language of his own choice, as well as to take part in the cultural life of his choice. This right must be considered in harmony with the prohibition of discrimination of language in Section 9 and with the right to instruction in the language of one’s choice in Section 29. Nonetheless, the language and culture right in Section 30 refers to the right of learners and teachers in the formal school environment to communicate for other purposes (e.g. during recreational activities and school intervals) in another language than the language of instruction.

2.4.2.10 Section 32: Access to information

This section provides for the right to access any information that the government has produced. It is a fundamental right which will play a key role in the further unfolding of

the democratic state. It ensures that people are able to make informed choices, and that government power is exercised legitimately. Since school institutions compile and control records and personal information, they are bound by Section 32 of the Constitution to follow the conditions and procedures of the applicable education legislation to make information available when requested to. In the legal arena, the Promotion of Access to Information Act of 2000 was adopted to give effect to Section 32.

2.4.2.11 Section 33: Just administrative action

Everyone has the right to reasonable, just and fair administrative action. If they feel that their human or labour rights have been breached, they can seek legal redress through the courts. Administrative action can be described as any action in which rules of law are applied to an individual instance and include all official actions performed by school departments, SGBs, principals and staff members.

Section 33 mandates that executive and administrative bodies may only perform actions that have been authorised by law. These actions must be reasonable and procedurally fair (i.e. the rules of natural justice must be followed in the performance of an administrative action) in terms of the provisions of the Constitution. The rules of natural justice signify that the person affected by this action must be afforded the opportunity to state his case by presenting all the pertinent details. The legal body performing the action must be free from bias or prejudiced and should provide concrete reasons for the action. Since schools act in terms of the law, they are required to comply with these regulations. The Promotion of Administrative Justice Act 3 of 2000 was adopted to give further effect to Section 33.

2.4.2.12 Section 36: Limitation of rights

No constitutional right is absolute. All of them may be limited in the public interest, public purpose or to protect another person's rights. Section 36 is applied where individuals or groups have a clash of interests and a decision has to be taken about whose interests weigh the most. This section of the Constitution has special relevance in line with the title of this study – managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town.

2.4.3 The National Education Policy Act, Act 27 of 1996 (NEPA)

This Act directs the school to uphold the principles of the Constitution of the Republic of South Africa, Act 108 of 1996, and to foster democratic values. The final segment of the NEPA preamble concludes with a responsibility that enjoins "uphold their fundamental rights". The preamble has reference to the needs and interests of all citizens in South Africa. The learners (school children) are the primary beneficiaries, since the school system is designed for them.

NEPA Section 4(a) obligates every teacher not to violate the fundamental rights of every person guaranteed in terms of Section 2 of the Constitution. NEPA Section 4(a) also calls for non-violation with regard to international conventions ratified by parliament.

The nature of such rights is indicated in the following sections of the Act:

Section 4(a)(i): Protection against unfair discrimination within or by a schooling institution on any grounds whatsoever. This has reference to all forms of unfair discrimination outlined in Section 9 of the Constitution. NEPA (in Section 9.2.6 on HIV/AIDS for learners and teachers in public schools) calls for a culture of non-discrimination towards persons with HIV/AIDS.

Sections 4(a)(ii): The right of every person to basic school instruction and equal access to learning institutions. This implies that all barriers that make it difficult for learners to benefit and gain access to a school must be eradicated.

Section 4(b): This part addresses the role that teachers play in preparing learners to become dynamic assets in society. The section calls for an effective schooling system that will contribute to the full personal development of each learner. It is also an appeal to the moral, social, cultural, political and economic development of all citizens, including the advancement of democracy, human rights and the peaceful resolution of disputes.

2.4.4 The South African Schools Act, Act 84 of 1996 (SASA, 1996)

Rutherford (2009:30) contends that the South African Schools Act, Act 84 of 1996 provides the united platform for the governance, organisation and funding of schools after the history of racial inequality and segregation that formed part of the previous

apartheid schooling system. Smit (2009:23) posited that the South African Schools Act, Act 84 of 1996 creates the legal framework for a uniform system of state aided schools that aim to provide schooling of a progressively high quality.

The Preamble of the SASA (1996) compels teachers to work towards the provision and protection of a homogeneous national schooling system focused on redressing the inequalities and injustices of the past, working towards the advancement of a stable, democratic transformed society and the firm eradication of racism, sexism and any other form of discrimination.

Furthermore, the SASA (1996) provides a useful framework to explain what should be considered good behaviour versus bad behaviour of learners in South African schools. The Department of Basic Education (DBE) provides guidelines on learner behaviour in school and prescribes the disciplinary procedures to be followed by schools in the wake of transgressions by learners (DBE, 2008). This is discussed in Table 2.2.

Table 2.2: Guidelines and disciplinary procedures (DBE, 2008)

Guidelines and disciplinary procedures			
Type	Seriousness	Managed by whom?	Type of misconduct
Grade 1 offence	Less serious	Teachers	Leaving academic books or work material at home; not doing homework or not completing it on time; arriving late for class; displaying uncooperative behaviour, discourteous behaviour, insolence, tantrums, foul language, eating and chewing in class, defacing classroom property with graffiti, using personal electronic gadgets in the classroom, and disregarding the school dress code (SASA, 1996).
Grade 2 offences	More serious than Grade 1 offences	Teacher refers the matter to the Grade Head	Grade 2 offences include dishonesty during tests and examinations, stealing, defiance, being uncooperative in the classroom, frustrating the teaching and learning process in the classroom, fighting, gambling, smoking, lying, forging a parent or guardian's signature, truancy which would include bunking lessons while on the school premises, verbal abuse and vandalism. Additionally, when a learner flagrantly disregards Grade 1 offences, the repeated defiant behaviour would be considered a Grade 2 offence (SASA, 1996).
Grade 3 offences	Very serious offences	The matter is immediately referred to the grade head	Grade 3 offences may include on-going disruptive behaviour in the classroom; teacher-targeted bullying; intimidation of other learners;

		<p>who would refer the matter to the school's Deputy Head in charge of discipline. Grade 3 offences are deemed to be of a serious nature based on SASA, 1996. Normally, a disciplinary committee will be convened for a disciplinary or tribunal hearing. The parents or guardians of the offender are advised in writing that a disciplinary hearing has been convoked.</p>	<p>drug usage; being in the presence of those using narcotic substances; being in possession or under the influence of alcohol; public indecency; sexual harassment of the teacher or fellow learners; assaults on teachers or fellow learners; and racism (SASA, 1996).</p>
Grade 4 offences	Most serious offences	<p>These offences are immediately referred to the school principal who could instantly file the report with South African Police Services (SAPS) and convene a disciplinary hearing. Learners' parents are always notified before disciplinary hearings can take place.</p>	<p>Grade 4 offences include drug-trafficking and the drug abuse. This includes illegal substances in school; hostage-taking; any form of social media bullying; sexual assault or rape; fraud (financial) and malicious damage to property (SASA, 1996).</p>

2.4.4.1 School rules and Code of Conduct

Joubert (2009c:111) views a *code of conduct* as a benchmark of behaviour and conduct set out in a code, with which all the role players of a school community must be able to identify; whereas *school rules* have specific reference to a code of discipline, thus requiring conformity in actions to provide for governance and control. Roos, Oosthuizen & Smit (2009b:85) consider the terms *code of conduct* and *school rules* to be used interchangeably and believe that school rules are a code of conduct for learners since school rules are a way of balancing the rights and obligations of the two main extremities in the school system, namely the teachers and learners.

The purpose of a code of conduct at school is to maintain an ordered and purposeful school environment, committed to improving the quality of the learning process (SA, 1998, Article 8.2), while all learners are responsible for adhering to its contents (SA, 1998, Article 8.4). Moreover, the Code of Conduct must include due process to protect the interests of everyone involved in disciplinary proceedings (SA, 1998, Article 8.5).

Teachers are given the right to maintain authority over learners as they hold an *in loco parentis* position in terms of South African common law. This is supported in the Regulations to Prohibit Initiation Practices in Schools. Moreover, one of the responsibilities of a teacher that of maintaining discipline at school (Prinsloo, 2009c:174). The *in loco parentis* position is buttressed in Article 3.7 of the Code of Conduct Guidelines (SA, 1998) which indicates that teachers have the same rights as a parent to control and discipline the learner during the any school-related activities, provided that the Educators' Act is not being breached.

When formulating school and classroom rules, it is important to take the stipulations found in Article 5 of the Code of Conduct Guidelines (SA, 1998) into consideration. According to Article 5:

- School rules regulate the organisation of the school, and the relationship between principal, teachers and learners whereas classroom rules specifically regulate the relationship between the teacher and learners in the classroom. Therefore, classroom rules may regulate classroom interaction and management (SA, 1998: Article 5.1(a)),
- Teachers should conference with learners as well when setting down class rules (SA, 1998: Article 5.1(b)),
- Teachers must ensure that classroom rules include the opportunity for giving fair warning (SA, 1998: Article 5.1(c)),
- Teachers must make sure that classroom rules and the corresponding fitting punishment for the offence are posted in the classroom (SA, 1998: Article 5.1(e)),
- Teachers must ensure that learners are cognisant of all the school and class rules in order to obey them. Ignorance of these rules will be treated as a lame excuse and rendered as null (SA, 1998: Article 5.1(f)).

In situations when teachers decide to punish learners who have violated the school rules, it is necessary for the teacher to act according to the rights of natural justice, thereby ensuring that the learner is aware of which rule has been broken, the consequences of the wrongdoing and what the punishment will be (SA, 1998: Article 5(1); Joubert, 2009c:123). The teacher must also ensure the complete and proper recording of the punishment, especially in more serious cases (Joubert, 2009c:123). In deciding on the punishment, it must be kept in mind that, in terms of common law as well as the code of conduct stipulations (SA, 1998: Article 5.1; Article 7.5), the punishment must be fair, consistently applied, reasonable, lawful and commensurate with the offence (SA, 1998: Article 7.2). Faithfulness to these guidelines will greatly assist in managing the behavioural rights of teachers and learners.

2.4.5 The Education Laws Amendment Acts of 2002, 2005 and 2007

The Education Laws Amendment Acts, Acts 2002, 2005 and 2007 have amended Section 8 and Section 9 of the South African Schools Act, Act 84 of 1996. The objective here was to strengthen and support the managing of the behavioural rights of teachers and learners. The Education Laws Amendment Acts, Acts 2002, 2005 and 2007 (RSA, 2002:4) requires SGBs to ensure that the alleged wrongdoer (the learner) is accompanied by a parent or a guardian to disciplinary proceedings. This means that the accused learner will not appear in front of the disciplinary committee without a parent or guardian, as was the practice before these laws were amended.

The Education Laws Amendment Act of 2005 (RSA 2005), directs the SGB to suspend a learner (who is alleged to have committed a serious misdemeanour) only after a fair hearing, as a correctional measure. This amendment law mandates the SBG to emphasise corrective disciplinary measures rather than punitive outcomes. The Education Laws Amendment Act of 2007 (RSA, 2007:6), stresses the need for the learners' code of conduct to provide support structures or arrangements for counselling a learner that was involved in disciplinary proceedings. Prohibition against the carrying any dangerous weapons and the possession of illegal drugs on the school's premises is regulated by this law.

The Education Laws Amendment Acts of 2002, 2005, 2007 (RSA, 2002, 2005, 2007) provide principals and teachers with the authority to allow certain instruments, equipment and any other material into the classroom and the school only if those

objects are intended for teaching and learning purposes. If a learner is found in possession of any unauthorised objects either on his/her way to school or on school premises, he/she is guilty of serious misconduct. This prohibition serves to ensure the safety of all learners and serves a bulwark against premeditated acts of violence and vandalism.

The Education Laws Amendment Acts, Acts 2002, 2005 and 2007 (RSA, 2002, 2005, 2007) reaffirm and reinforce the provisions of the SASA (1996) with regard to managing the behavioural rights of teachers and learners. Furthermore, these amendment acts ensure that managing the behavioural rights of teachers and learners takes place in a safe, positive and instruction-conducive school environment.

2.4.6 The international law and treaties in South Africa

When interpreting the Bill of Rights, South African courts are mandated (in line with Section 39 of the Constitution of the Republic of South Africa, Act 108 of 1996, (RSA, 1996, s43), to consider international laws, including those that are not binding to the Republic of South Africa.

International treaties and laws put South Africa in a mandatory position in terms of the United Nations and African Union declarations on children's rights. The United Nations Convention on the Rights of the Child (Articles 28 & 29), which South Africa adopted in 1989, and the African Charter on the Rights and Welfare of the Child (ACRWC) (1990) to which South Africa became party in 1996 generally mandate the government at all levels to take steps to ensure that children are safe and are able to obtain a meaningful education at school. The Organization of African Unity's Charter of the Child commits its member countries to the same measures and they should take steps to ensure that a child who is subjected to school or parental discipline shall be treated with humanity, and with respect for the inherent dignity of the child.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights: civil, cultural, economic, political and social rights. In 1989, world leaders decided that children needed a special convention just for them because people under 18 years of age often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognised that children have human rights too. Governments of

countries that have rectified the Convention are required to report to, and appear before the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regard to the advancement of the implementation of the Convention and the status of child rights in their country.

The Convention on the Rights of the Child (CRC) is an internationally recognised agreement between nations, the establishment of which is a comprehensive set of goals for individual nations to achieve on behalf of their children. In essence, the CRC calls for:

- freedom from violence, abuse, hazardous employment, exploitation, abduction or sale;
- adequate nutrition;
- free compulsory primary schooling;
- adequate health care;
- equal treatment regardless of gender, race or cultural background;
- the right to express opinions and freedom of thought in matters affecting them; and
- safe exposure/access to leisure, play, culture and art.

Recognising the special vulnerability of children, all these goals are expressed in relation to a child's age, developing capacities and capabilities. The child's best interests are always of paramount concern. The Convention repeatedly emphasises the importance of the role, authority and responsibility of child's parents and the family. While the Convention is takes a neutral stand on abortion, it is consistent with the principles contained in the Bill of Rights.

The Convention on the Rights of the Child (Articles 28 & 29) gives children an opportunity to enjoy the right to quality schooling. It advocates the development of the learner's personality, talents, mental and physical abilities to their fullest potential. In addition, it promotes respect for human rights and fundamental freedoms and the development of respect for the learner's parent or guardian. The learner's cultural identity, language and values, together with the national values of the country in which the child is vigorously supported by the Convention on the Rights of the Child (Articles

28 & 29). A predominant objective of this legal arrangement is the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, and friendships among all citizens.

The South African schooling system is obligated to respect and uphold contents of Convention on the Rights of the Child (Articles 28 & 29). This obligation is devolved to SGBs and school principals in terms of the SASA (1996). Therefore, South Africa has an obligation to ensure a safe learning environment for managing the behavioural rights of teachers and learners.

2.4.7 Labour legislation in the schooling system

Rossouw (2010:1) avers that labour law is a complex field of study which deals with the regulation of the relationships between employers and employees and is mainly concerned with fairness (Prinsloo, 2009b:184). Rossouw (2010:1) postulates that labour law in South Africa was found in a number of different legal acts, but since the enactment of the SA Constitution in 1996, South African labour laws have mostly been amended to conform to the culture of human rights (Rossouw, 2009b:245).

Prior to the enactment of the Labour Relations Act 66 of 1995, teachers were in a service relationship with the school authorities mainly regulated by administrative law which primarily focuses on the legal nature of actions and correct procedures (Prinsloo, 2009b:184) as opposed to administrative labour law which centres on the fairness of actions taken (Prinsloo, 2009b:184).

2.4.8 The Children's Act, Act 38 of 2005 (CA)

The Children's Act 38 of 2005 (CA), puts the articles of the Children's Rights Charter of 01 June 1992 into law. The Charter was adopted during the South African Children's Summit on the rights of children held in Cape Town. About 200 children were in attendance in drafting the charter. It is encouraging to note that South Africans have been aware of the necessity of recognising children's rights even before signing and ratifying the UNCRC.

The preamble of the CA is an expression and extension of the democratic values and fundamental human rights contained in the Constitution, Act 108 of 1996, to improve the quality of life of all citizens. The preamble states its intentions of ensuring that the

rights of children are respected, protected, promoted and fulfilled in terms of Section 28 of the Constitution.

The objectives of the CA in terms of Section 2 are meant to defend the constitutional rights of children. It relates to the following:

- Protection from maltreatment, neglect, abuse or degradation;
- The best interest of the learner in every matter concerning the child;
- Giving effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic;
- Making provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children
- Protecting children from discrimination, exploitation and any other physical, emotional or moral harm or hazard; and
- Providing care and protection to children who are in need of care and protection.

Sections 7 and 9 of the CA in emphasise the principle of the best interest of the child by stressing that in all matters (concerning the care, protection and well-being of a child) the best interest of the child is of the utmost importance. Section 15 of the CA also deals with the enforcement of rights. The section stresses that a court can be approached for legal redress when it is alleged that a right in the Bill of Rights or in this particular act has been compromised. The court may grant the desired relief, including a declaration of rights. The persons who could approach the court include the child who is affected, anyone acting in the best interests of the child, a group or anyone acting in the public interest of the child. Therefore, teachers and principals are definitely included, since they work with the best interest of learners at school. These provisions greatly assist in managing the behavioural rights of teachers and learners.

Rand (2009:1) states that 'rights' refer to "legal, social or ethical principles of freedom or entitlement", and it is these that provide the structure and shape of morality in society. Akwara, Soyibo and Agba (2010:27-29) posit that rights are protected choices. Hence, as human beings, learners are entitled to rights and they are the bearers of

rights just like adults. Therefore, learners' rights are rights that ensure their survival, development, protection and meaningful participation in the society. The researcher believes that, from an international perspective, the behavioural rights of learners in schools is managed by The United Nations Declaration of the Rights of Children (UNDRC), The United Nations Convention on the Rights of the Child (UNCRC) (section 21), The African Charter on Human and People's Rights (ACHPR) and the African Charter on the Rights and Welfare of the Child (ACRWC).

The UNCRC has a set of universal entitlements for every learner (i.e. young persons below the age of 18 years) from all backgrounds. They encompass what learners need to do and have to do in order to survive by leading stable and rewarding lives. The entitlements stated in the UNCRC bestow a comprehensive set of economic, social, cultural, civil and political rights upon learners. Yet, it does not give learners unrestrained rights. The UNCRC recognises the principle that rights are balanced by responsibilities. Since the UNCRC is a legally binding document, governments (including the South African government) are obligated to respect, protect and fulfil learners' rights through their constitutions and other policies.

The researcher holds that, from the South African perspective, the behavioural rights of learners are managed by The Constitution of the Republic of South Africa, Act 108 of 1996, The National Education Policy Act, Act 27 of 1996 (NEPA); The South African Schools Act, Act 84 of 1996 (SASA, 1996); The Education Laws Amendment Acts of 2002, 2005, and 2007; The International Law and Treaties in South Africa; The Children's Act, Act 38 of 2005 (CA) and The Children's Act 41 of 2007.

The researcher agrees with Kocks-De Waal (2009:1) who remonstrates that, owing to its complicated nature, the South African teacher-learner relationship is a cause for real concern, given that both teachers and learners are endowed with individual rights and freedoms, with the accent often falling empathetically on the learner only, neglecting to prioritize the duties everyone should be obligated to fulfil. Such rights are codified in the United Nations UNCRC in 1989 and the ACRW of 1990. Since learners are to be treated with dignity and respect while at school, Meintjes (2009:14-15) avers that The Constitution of the Republic of South Africa, Act 108 of 1996, is one such instrument that is designed to shield children from intentional and unintentional calamity in the school system.

The researcher understands that, in terms of Section 28 of The Constitution of the Republic of South Africa, Act 108 of 1996, every learner has the right to be protected from abuse, and maltreatment, and they should not to be detained, except as a last resort. In this instance, the learner may be detained for the shortest period of time. This arrangement supports the founding values of The Constitution of the Republic of South Africa, Act 108 of 1996 such as dignity and equality. In terms of Section 28 of The Constitution of the Republic of South Africa, Act 108 of 1996, the Bill of Rights introduced a new culture of human rights in society, particularly at schools. The Bill of Rights contains the specific protection of individuals against certain behaviours that could threaten a person's dignity and fundamental rights.

The researchers notes that Section 12 of The Constitution of the Republic of South Africa, Act 108 of 1996 states that all learners have the right to be free from all forms of violence from either the public or private sector, torture and punishment in a cruel or inhuman manner. Section 24 of The Constitution of the Republic of South Africa, Act 108 of 1996 provides learners with the right to an environment that is not harmful to their health or wellbeing, as well as to have the environment protected for the benefit of present and future generations. The Constitution of the Republic of South Africa, Act 108 of 1996 further imposes constitutional obligations and responsibility on the school system of the country to afford learners the right and access to quality public education. It further imposes on schools the duty to offer all learners protection against disruptive and treacherous behavior and to ensure that the learning and teaching environment for all learners is protected and safe at all times. In effect, all these legal arrangements serve as the proponent for managing the behavioral rights of learners at schools.

To summarise, the foregoing discussion of the various laws form the legal framework in connection with managing the behavioural rights of teacher and learners. Next, the theoretical framework in managing the behavioural rights of teacher and learners will be considered.

2.5 CONCEPTUAL FRAMEWORK: SCHOOL MANAGEMENT AND LEADERSHIP STYLE MODELS RELATING TO MANAGING THE BEHAVIOURAL RIGHTS OF TEACHERS AND LEARNERS

According to Atkins (2012:81), a theoretical framework is a “theory or a set of understandings of how the world works”. In the field of research, empirical work and data analyses need to be linked to the framework of understandings and ideas reflected in the available literature. Atkins (2012:18) contends that the theoretical framework places the study in its setting and, in essence, should outline the scope of the study.

Firstly, in order to fully grasp the meaning implicit in managing the behavioural rights of teachers and learners, it is essential to explore the scope of the concepts of management and leadership in the context of the teaching and learning situation.

2.5.1 Defining the concepts of management and leadership

The term “managing” or “management” as used in the school arena can be defined as the broad range of techniques and skills used by teacher to keep the learners organised, disciplined, purposeful, polite, on task, and academically achieving during a class (Abbott, 2014:1). With the effective execution of classroom management strategies, teachers can reduce the behaviours that hamper learning for individual learners as well as groups of learners while enforcing the behaviours that promote or facilitate learning.

Abbott (2014:1) avers that this definition of classroom management has an extended application to behavioural management which would include ensuring that the learners abstain from outbursts of physical violence when they disagree with other learners; maintaining a controlled, polite demeanour as well as effectively resolving their differences in a peaceful, nonviolent manner. This points to the need for managing the behavioural rights of teachers and learners. Significantly, according to Stuhlman (2015:1), management is the organisational process that includes strategic planning, setting objectives, controlling resources, deploying the human and financial assets needed to achieve objectives, and measuring results. It also includes recording and storing facts and information for later use or for others within the organisation. Managing functions are therefore not limited to managers and supervisors. Every

member of the organisation has some managing and reporting functions as part of their job.

From these definitions, the pattern that emerges is that management consists of four specific components, namely, planning, organising, leading and controlling. In this study, management is regarded as an active process involving the behavioural rights of teachers and learners in a proactive and constructive manner. As discussed in detail later in this chapter, managing the behavioural rights of teachers and learners in a proactive and constructive manner would include preventative discipline, corrective discipline (punishment) and supportive discipline.

Proactive managing of the school classroom situation refers to an approach that promotes academic achievement and prevents disruptive learner behaviour. In this study, proactive managing means dealing with disruptive learner behaviour in a positive manner, looking at remediation rather than punitive measures. As a result, school leaders and managers should have in clear focus the behavioural rights of teachers and learners as they defuse challenging situations in a positive and constructive manner. At this stage, it becomes necessary to distinguish between the terms “management” and “leadership”.

While the terms leadership and management are clearly different, more often than not they are used synonymously. Van Deventer and Kruger (2011:68) propound that whereas management involves developing and implementing plans in order to accomplish teaching and learning at a school, leadership centres on mapping out the direction, mission and vision of the school and the inspiration of teachers, learners and all stakeholders (Van Deventer & Kruger, 2011:71).

In the school arena, the school manager is the principal whose role is characterised by instructional, transformational and managerial leadership responsibilities (Valentine & Prater, 2011:5). The principal’s primary focus should be on the daily managerial tasks arising from teaching and learning policies, regulations and rules (Zepeda 2013:1). As the instructional leader of the school, the principal has the duty of informing the teachers about new school strategies, technologies, and other tools that promote effective instruction (Valentine & Prater, 2011:5-30). Therefore, effective school *managers* are those who serve as instructional *leaders* because they are concerned,

not just with the quality of teaching and learning and the resultant level of learner achievement, but with managing the behavioural rights of teachers and learners.

Jones (2012:3) distinguishes between the two terms, leadership and management, with reference to the school setup, by stating that the instructional *manager* predominantly supervises the more predictable aspects of an organisation, e.g. the school's equipment and the budget. Instructional *leaders* oversee the less definite and more fluid aspects of curriculum and classroom instruction (Jones, 2012:3). In order to realise the benefits proper instructional leadership, there has to be effective managing of the behavioural rights of teachers and learners.

Jones (2012:43) points out that school *managers* are concerned with directing and monitoring what is already in place, by knowing the rules, attending to detail, reducing tasks to procedures, persevering, and negotiating. In this sense, a school *manager* (and by extension the SMT) is focused on getting things right, while school *leaders* assume the responsibility for guiding a school to success. Therefore, the principal and the SMT must be good *leaders* and *managers* in order to manage the behavioural rights of teachers and learners effectively.

Jones (2012:43) contends that the *leader* must have knowledge, properly acquired by formal training and experience, communicate his or her insight to others, and carry out purposes. Crawford and Early (2011:105) declare that school leaders make an impression on the schools under their oversight. Brauckmann and Pashiardis (2011:12) note that leaders exercise a marked albeit indirect effect of school effectiveness and learner achievement. The key qualities of leadership consist of passion, curiosity, discipline, entrepreneurship and humility (Jones, 2012:44). If these attributes are brought to fruition at the school to inspire a vision, enthusiasm and direction, effective managing of the behavioural rights of teachers and learners will be achieved.

While the terms management and leadership are often used interchangeably, Christie (2010:695-696) remonstrates that these are separate and distinct concepts. Van Deventer and Kruger (2011:71) concur that, while management is linked to the organisation's function (i.e. developing and implementing plans and the maintenance of procedures to accomplish the goals of the organisation), leadership deals with the pursuit of a vision and mission (Van Deventer & Kruger (2011:68). In managing the

behavioural rights of teachers and learners in a successful manner, Glatter (2009:229) underlines that the architects of school learning programmes must view management as seriously as leadership in order to achieve fructifying results.

Zepeda (2013:21) opines that the effective utilisation and development of human resources in a school depends on the management and leadership skills of the school manager and the SMT. The principal and the SMT should moderate teachers and learners' behavioural actions and inspire them to realise the school's espoused aims and objectives in order to develop an effective school, be able to provide for the most efficient use of human and other resources and be able to establish priorities by handling priorities in logical order (Zepeda, 2013:28). They should be able to delegate authority and responsibility clearly and appropriately especially when managing the behavioural rights of teachers and learners (Zepeda, 2013:35).

According to Niyazi (2009:436), leadership is the ability to gather individuals around specific goals by inspiring them to reach these objectives through collaboration. To do this, the leaders require qualities such as vision, confidence and firmness. Supovitz, Sirinides and May (2009:36) underline that leadership is not exclusively related to a position but rather is grounded in the act of establishing influence over others; it involves a process whereby one person intentionally exerts influence over other people to guide, structure and facilitate the activities and relationships in a group or organisation. When correctly applied, managing the behavioural rights of teachers and learners is effectively achieved.

According to Gumus and Akcaoglu (2013:290), the principal is the school's leader who has the responsibility to influence the teachers, the support staff, the learners and their parents or guardians towards the realisation of the objectives of the school as organisation. The effectiveness of schools in teaching learners not only to achieve better, but also to have good behaviour, is highly dependent upon the nature and style of the leadership provided by the individual principal within the particular school (Gumus & Akcaoglu, 2013:291). All these factors certainly impact on managing the behavioural rights of teachers and learners.

Having defined the concepts of management and leadership, let us now discuss five models of school management that are essential to managing the behavioural rights of teachers and learners.

2.5.2 Models of school management

De Vos, Strydom and Fouché (2011:36) explain that a model is a representation of the reality of those who have developed it and who use it to facilitate understanding of a real object or situation. A model attempts to represent the dynamics of a phenomenon in that it provides a simplified indication of relations between the main elements in a process (De Vos *et al.*, 2011:37). Rossouw (2009b:8-9) believes that models are helpful for understanding the central point or processes of a complex phenomenon in a particular field. According to Nojaja (2009:183), models identify challenges and questions regarding the appearance of what must be researched and its limits, isolates and simplifies reality.

Nojaja (2009:184-185) provides a general synopsis of different *types* of models, including:

- Physical models: While these are concrete and highly specific models, they are three dimensional in their outlay. The researcher opines that this model relates to this study in the sense that the school in macrocosm can be viewed as the fundamental physical model connection with managing the behavioural rights of teachers and learners. This is not only because teaching and learning take place at the school, but it is here (at the school) that most of the teacher-learner clashes, classroom disruptions and parent-teacher conflicts occur. In other words, in macrocosm, the three dimensional layout of the physical model can be viewed as consisting of the school, the teacher and the learner. Then too, the researcher views the classroom as the microcosm where the intensely-hot challenges relating to managing the behavioural rights of teachers and learners play off. Once again, the three dimensional layout of the physical model can be viewed microcosmically as consisting of the classroom, the teacher and the learner.
- Verbal models: Leaving no room for incorrect interpretations or ambiguity, these models present written, verbal or abstract information regarding reality. With direct application to this study, the researcher feels that verbal models include the clearly-stated guidelines by school managers and leaders, teachers and SGBs. The School's Code of Conduct may be seen as a written expression of the verbal model that serves in managing the behavioural rights of teachers

and learners. Included under the umbrella of verbal models will be the school's website as well as printed diaries that are issued to learners – both of these sources often contain information regarding how the behavioural rights of teachers and learners are being managed at the school.

- Conceptual models: While these models have scant details because they are generalised, they seek to illustrate reality and show how a general concept should look and how it should work. In terms of this study, the researcher believes that vision statement and the mission statement of the school can be seen as the cardinal conceptual model in connection with managing the behavioural rights of teachers and learners. Thus, all deflections in terms of the behavioural rights of teachers and learners at the school will be spotlighted by the school's value system as well as its value-driven approach. The researcher feels that this arrangement speaks directly to the conceptual model.

Instead of dealing with models in general terms (Nojaja, 2009:1) and particularly since the focus in this study is on managing the behavioural rights of teachers and learners, the researcher examined the following five specific models of school management, namely, formal, collegial, subjective, ambiguity and cultural model.

2.5.2.1 Formal models

Bush (2011:40) states that formal models assume that organisations are hierarchical structures in which managers' use rational means to pursue agreed goals. The leaders possess authority legitimised by their formal positions within the organisation and are accountable to sponsoring bodies for the activities of their institutions.

Bush (2011:40-41) notes the following common characteristics (which are also found in the structural, systems, bureaucratic, rational and hierarchical models):

- The official structure of the organisation tends to be hierarchical
- They tend to treat organisations as systems
- Prominence is given to the official structure of the organisation
- Formal models typify schools as goal-seeking organisations

- Formal models assume that managerial decisions are made through a rational process, where decision-making is thought to be an objective, detached and intellectual process
- Formal models of management present the authority of leaders as a product of their official positions within the organisation
- In formal models, there is emphasis is on accountability to higher authority

The practice of formal models of school management is essential in the schooling context (Bush, 2011:67), and as such, this study probes the management practices in order to ascertain how these formal models are used in managing the behavioural rights of teachers and learners. In this study, the researcher believes that the principal, deputy principal, HODs and teachers represent the top-tier structure in the formal model. While the SGB should be concerned with governing the school and the RCL should also have a voice in that connection, this study highlights the inefficacy of the SGB and the muted voice of the RCL learners in connection with managing the behavioural rights of teachers and learners.

2.5.2.2 Collegial models

Bush (2011:72) indicates that collegial models include all theories which emphasise that power and decision-making should be shared among some, or all members of the organisation. The major features of this model, when applied, promote a feeling of well-being, inclusion and belonging – the hallmarks of a true democracy. In this climate, conflict is minimised and the efficacy in managing the behavioural rights of teachers and learners is championed.

Bush (2011:72) highlights that the characteristic features of collegial models are:

- a focus on participation, where power and decision-making are shared,
- a mutual understanding of objectives and authority of expertise,
- a common set of values which are normative,
- the principal as leader acts as facilitator.

In this model, teachers feel a sense of security and they tend not to feel threatened by the seniority of high-profile staff members or their positions of responsibility. Similarly,

learners who serve on the RCL are not intimidated by high-profile members of staff. Collegial models assume that organisations determine policy and make decisions through a process of discussion leading to consensus. Power is shared among some or all members of the organisation who are thought to have a shared understanding about the aims of the institution (Bush, 2011:64).

Whilst collegial models of school management have been popularly proclaimed as a common practice in school development, Bush (2011:60-72) argues that there are several flaws to collegial models that limit their validity in schools. Bush (2011:60-72) opines that collegial approaches to decision-making are slow and cumbersome. Also, the effectiveness of a collegial system, according to Bush (2011:60-72), depends in part on the attitude of teachers because active support may lead to success, whilst a display of apathy or hostility may lead to certain failure.

This study explores how collegial models (via transformational and distributed leadership) can be effectively employed in managing the behavioural rights of teachers and learners. The researcher maintains that if the behavioural rights of teachers and learners is to be effectively managed, school managers must subscribe to the collegial model approach. The researcher firmly believes that positive results in connection with managing the behavioural rights of teachers and learners flow to the school when transformational and distributed leadership (as emblems of the collegial model) are practiced.

2.5.2.3 Subjective models

The focal point of the subjective model is on the belief and perceptions of individual members wherein structure is viewed as an end-product of human interaction. In general terms, the fundamental nature of the subjective model is the view that the individual participant is central to the institution and should not be acknowledged merely as a component within the school. Bush (2011:145) argues that school managers and leaders must be aware of and tuned in to the individual needs of the teachers and learners at the school. Obviously, this would be an essential element in managing the behavioural rights of teachers and learners.

In this study, the researcher advances that, if each teacher and each learner is viewed as important at the school, the friction and strife often experienced in connection with

managing the behavioural rights of teachers and learners will be mitigated. The researcher argues that the subjective model obtains even in the classroom since each teacher must view each learner (and the learner's rights) as an important participant in the learning process. In turn, each learner must view each teacher (and the teacher's rights) as an essential ingredient of successful schooling.

2.5.2.4 Ambiguity models

Bush (2011:147) asserts that ambiguity models on management have turbulence and unpredictability as characteristic features of the organisation. As a result, there appears to be little or no clarity over the organisation's objectives. Also, its aims, objectives and processes are not clearly outlined. Members of the organisation opt in and out of decision opportunities since participation in policy-making is fluid (Bush, 2011:147). Therefore, in line with the theme of this study, the ambiguity model is not consonant with managing the behavioural rights of teachers and learners in high schools.

In the ambiguity model, the emphasis, according to Bush (2011:147), is on the instability and complexity of institutional life. This uncertain and unpredictable situation results in many unplanned, costly decisions (Bush, 2011:147-149). In the context of the school situation, managing the behavioural rights of teachers and learners becomes ever more severe and cumbersome where there are no clearly thought-out procedures for handling matters effectively. Moreover, where ambiguity exists in the interpretation of the school's objectives, heated conflicts arise when managing the behavioural rights of teachers and learners.

South African schools are constantly exposed to amendments to curriculum and assessment policies as well as the emendations relating to the behavioural rights of teachers and learners. Therefore, this study sought to explore the management and leadership practices when such changes are so unpredictable. Furthermore, since school managers and leaders are at the vanguard of accountability in connection with the implementation of such changes, the focus of this study sought to explore their practices in managing the behavioural rights of teachers and learners.

In this study, the researcher noted that in schools where ambiguity in terms of the school's values, objectives and behavioural outcomes prevails, confusion, frustration and mayhem result when managing the behavioural rights of teachers and learners.

Ambiguity spawns dissension since each group or individual begins to take the law into one's own hands. Without a doubt, the ambiguity model is counterproductive to managing the behavioural rights of teachers and learners at any school.

2.5.2.5 Cultural models

Bush (2011:170) contends that cultural models are built on the foundation that beliefs, values and ideology form the linchpin of the organisation. In this model, individuals believe in certain ideas and value-preferences which influence how they comport themselves and how they view the behaviour of other members of the group. These behaviour patterns grow into entrenched traditions which are spread within the group and are reinforced by means of symbols and rituals (Bush, 2011:170-173).

While the cultural model emphasises informal aspects of the school as an organisation, it highlights the beliefs, norms and values of school managers and leaders and how their value-driven approach to teaching and learning results in success particularly when managing the behavioural rights of teachers and learners Bush (2011:174-179).

In this study, the researcher stresses that cultural differences (and by extension, religious differences) should be handled in a dignified manner. Since many school nowadays boast a rich cross-section of cultures, the cultural model should be clearly defined in the school's Code of Conduct. This alleviates problems in connection with cultural differences and it further serves to unite the school community so that each teacher and each learner feels accommodated in terms of their individual cultural dictates. In this manner, effective managing of the behavioural rights of teachers and learners can be championed.

Since there is no one exclusive model of school management that is the panacea for the challenges encountered when managing the behavioural rights of teachers and learners, school managers and leaders must adopt an over-arching approach from a strategic point of application. This means that, in each of the five afore-mentioned models of school management, there are merits and demerits. It is therefore crucial for school managers and leaders to focus on ways in which elements in each of these models can assist them in managing the behavioural rights of teachers and learners.

To summarise, having discussed a few specific theories or models of school management, now it becomes necessary to address the concept of school leadership styles with reference to managing the behavioural rights of teachers and learners.

2.5.3 Leadership styles

Yukl (2010:21-23) postulates that leadership is a concrete phenomenon that is essential for the smooth operation of an organisation even though the term leadership may have different meanings to different individuals. Bush (2011:6) underlines that leadership is the process in which the person seeking to exercise influence adopts a style to achieve certain intended purposes. Van Deventer and Kruger (2011:139) view leadership as a type of dominance in which the subordinates have submitted their will to the commands and control of the other person.

Marishane and Botha (2011:106) mention that school leadership is directly proportional to learner performance. This implies that school managers and leaders are responsible for, not just an atmosphere of quality instruction leading to worthwhile learning, but the engineering of a platform for effectively managing the behavioural rights of teachers and learners. In order to manage the behavioural rights of teachers and learners, school managers and leaders must adopt an appropriate leadership style.

In the classroom setting, each situation may necessitate a unique course of action by the teacher (Tiwani, 2010:38). Every situation needs to be adapted and analysed according to the teacher's personality and the forces in the environment (Tiwani, 2010:38). Teachers have the responsibility of ensuring that any barriers that underlie the learners' behaviour are addressed through appropriate strategies in order to foster a safe learning environment. Also essential here, according to Tiwani (2010:38), is the promotion of personal safety and good order, with effective class control focused on instructional issues resulting in positive learning outcomes. All these factors taken together form the figurative fingerprint in connection with managing the behavioural rights of teachers and learners.

A toxic leadership style (characterised by bullying, threats and yelling) destroys a basic human sense of trust that is essential for good working relationships and effective leadership in schools (Mahlangu, 2014:313). According to Nanjundeswaraswany and

Swamy (2014:57), leadership is a social inspiration in which the leader pursues the voluntary participation of subordinates in an effort to achieve organisational goals. Therefore, it is important that we now consider the four leadership styles that could assist in managing the behavioural rights of teachers and learners effectively.

2.5.3.1 Autocratic leadership style

The autocratic leadership style is centred on the leader and is consistently task-orientated. In reality, autocratic leaders make all the decisions and communicate only from top down. Zengele (2011:90) indicates that when autocratic leadership occurs in the school arena, teachers have no say in what takes place in their work environment and the school principal oftentimes uses fear, threats and force to coerce the staff.

The Department of Education (2000:5) states that Christian National Education was designed to support the apartheid system by schooling children to become passive citizens who would accept authority unquestioningly. Teachers were encouraged to use the cane as a disciplinary method of keeping firm control and dealing with those who disobeyed instructions. However, in 1994, the Department of Education (2000:7) reached the conclusion that this approach did not bear the desired results since it was noted in many instances that violence begets violence. As a result, the Department of Education abolished corporal punishment in 1994. This measure was enforced by the Constitution of the Republic of South Africa (RSA, 1996, s43), which states that “everyone has the right not to be treated or punished in cruel, inhuman or degrading way”. Several reasons for banning corporal punishment in all schools in South Africa were clearly promulgated (Department of Education 2000:7). It was noted that, amongst other reasons, corporal punishment:

- does not build a culture of human rights, tolerance and respect;
- does not stop the bad behaviour of difficult learners, instead these children are punished over and over again for the same offence;
- undermines a caring relationship between the teacher and learner which is necessary for the development of all learners, particularly those with behavioural difficulties;

- undermines the self-esteem and confidence of children who have learning or behavioural problems and difficult home circumstances; and contributes to negative feelings about the school.

Springing from the challenge to manage the behavioural rights of teachers and learners, the two largest teacher unions, namely, the South African Teachers Union and the National Teachers Organisation of South Africa, gave their full support to the banning of corporal punishment and the development of alternative strategies for discipline (Department of Education 2000:6). Section 10 of the South African Schools Act (SASA, 1996) mandates that corporal punishment in any form may not be used in public schools and independent schools.

An authoritative leadership style poses a serious threat to managing the behavioural rights of teachers and learners since both teachers and learners may be inclined to resist taking instructions, become rebellious and stubborn. For school managers and leaders, it may be more productive to employ a more participatory decision-making approach as compared to an authoritative leadership style because both the teachers and learners can have a say in the final product when they are initially consulted regarding issues which affect them.

2.5.3.2 Democratic leadership style

The democratic leadership style moderates the balance between task-orientated and people-orientated styles. Principals guide teachers through persuasion and example. Zengele (2011:91) notes that in this leadership style the staff is included in decision-making processes and two-way communication exist. School managers and leaders also value the opinion of teachers and this fosters a healthy school climate. In managing the behavioural rights of teachers and learners, the democratic leadership style has definite merit.

In this study, the researcher remonstrates that the democratic leadership style is important since teachers need to provide input in connection with their behavioural rights. As a paradox, teacher unions often seem powerless when called upon to support teachers in conflict-charged situations that originated in a classroom between the teacher and learner. The democratic leadership style allows individual teachers (and by extension, the entire staff complement) to voice their concerns,

disappointments, frustrations, struggles as well as their successes in connection with managing the behavioural rights of teachers and learners.

2.5.3.3 Laissez-faire leadership style

The laissez-faire leadership style is the antithesis of the autocratic leadership style. In this leadership style, there is no communication from the top. Communication occurs only between teachers mainly because this type of leader has no interest in the essential management principles of planning, leading, organising or making decisions. Zengele (2011:91) describes that, as a result of this leadership style, teachers have to motivate themselves and they receive hardly any feedback on their work performance from the principal. In fact, most leadership responsibilities are transferred from the principal to the teachers. Kurland, Peretz and Hertz-Lazatowitz (2010:12) contend that a laissez-faire leadership style is actually non-leadership and, as the most passive type of leadership, it correlates negatively with school effectiveness.

Without a doubt, this leadership style is counterproductive to managing the behavioural rights of teachers and learners. As far as this study is concerned, given the excessively free nature of the laissez-faire leadership style, the successful application of effective managing of the behavioural rights of teachers and learners would be severely impeded. For this reason, the laissez-faire leadership style would not be a suitable approach for managing the behavioural rights of teachers and learners.

2.5.3.4 Collaborative leadership style

Gimbel *et al.* (2011:20) assert that collaborative leadership style is one in which the principal leads by example, showing transparency in his/her relationship with other teachers and supports the learning of teachers in order to make schools better places for teaching and learning. Guskey (2009:229) identifies the core elements of effective leadership by pointing to school principals as collaborative leaders in successfully ensuring the managing of the behavioural right of teachers and learners. Marishane (2011:6) mentions that principals should be managers and leaders. As managers, principals are responsible for planning, directing and controlling the acquisition, allocation and distribution of resources at their schools. As leaders of change, principals should be proving direction to the teachers by working with them and by

being with them all the time (Marishane, 2011:5). The collaborative principal creates a collaborative atmosphere in the school; provides teachers with opportunities for feedback; encourages open and trusting relationships in schools; provides opportunities to reflect on ideas; encourages teamwork by means of regular meetings. Coleman (2011:300) states that there is not much literature on the subject since it is a relatively new concept. Creating collaborative, reflective and professional learning communities is not a simple undertaking as schools are not, particularly, learning communities by nature. Some schools are still isolated and battle with the dynamics involved with the creating of a collaborative environment. Also, there is also little time for reflection, collaboration and insufficient support from national, provincial and district offices. While it has to be acknowledged that many school managers and leaders (SMTs) make some effort to create collaborative school cultures, collaborative leadership remains a work-in-progress ideal in many schools nowadays.

In this study, a keynote point is that much good can be obtained if school managers employ a collaborative approach. An immediate benefit of the collaborative leadership style is the sensing of a culture of mutual trust and respect. As far as this study is concerned, the researcher underlines that when teachers and learners are consulted in connection with their behavioural rights, a mutual feeling of dignity and appreciation is sensed by all parties. On the other hand, in schools where no collaborative leadership model is evident, knotty problems surface since inequalities are highlighted in connection with managing the behavioural rights of teachers and learners.

2.6 THEORETICAL FRAMEWORK: MODELS FOR MANAGING THE BEHAVIORAL RIGHTS OF TEACHERS AND LEARNERS

Managing the behavioural rights of teachers and learners can present many challenges for school managers and leaders. These challenges and clashes oftentimes lead to serious conflict. When managing the behavioural rights of teachers and learners, the handling of conflict by the school managers is crucial in determining the present and future experiences of teachers involved in conflict, as well as the influence of the conflict in their present and future relationships with the learners. Vandello, Michniewicz and Goldschmied (2011:1173) opine that, in any conflict situation, all the parties involved need to appeal to the perceptions, sensitivities and sympathies of onlookers.

Conflicting parties, according to Vandello *et al.* (2011:1173), whilst pursuing their course and fighting for their rights, also have to convince observers that their course will work for the best interests of other members of the same organisation. Indubitably, conflict resolution is a complex process which needs to be effectively handled particularly when managing the behavioural rights of teachers and learners. The choice of a conflict resolution model plays a great role in resolving conflict when managing the behavioural rights of teachers and learners. Therefore, appropriate conflict resolution models together with their variations and corollaries are crucial to any conflict situation since they mitigate teacher-learner friction and strife thus preventing the escalation of conflict (Conflicts Dynamics Profile, 2012:1).

2.6.1 Models for managing the behavioural rights of teachers and learners

The conflict resolution models discussed in this section were found to be effective in managing conflict since each model provided consistent steps or processes which could be adapted for various situations. I will now discuss six models that explore the proper handling of conflict in a way that benefits all participants in managing the behavioural rights of teachers and learners.

2.6.1.1 Pruitt's model of assertiveness and cooperativeness

Pruitt (1983:177) worked on conflict resolution models involving groups and not individuals. His model is built upon the earlier postulations of Blake and Mouton (1964), and later on by Thomas (1976). Blake and Mouton (1964) illustrated that one can describe a person's behaviour along two basic dimensions: assertiveness, and cooperativeness. The model focused on the combination of the parties' concern for their own interests (i.e. assertiveness) and their concern for the interests of others (i.e. cooperativeness). The model concluded that any emphasis on one of the two could lead to one or more of the following conflict management styles.

Pruitt enumerated called these conflict management styles as follows:

- yielding (low assertiveness/high cooperativeness),
- problem solving (high assertiveness/high cooperativeness),
- inaction (low assertiveness/low cooperativeness), and
- contending (high assertiveness/low cooperativeness).

Pruitt (1983:177) argued that problem-solving was the preferred method when seeking mutually beneficial options. When effectively applied, the principles that underpin the Pruitt model of assertiveness and cooperativeness can be utilised in managing the behavioural rights of teachers and learners.

In this study, the Pruitt model is important since conflict often arises when teachers' rights are discussed or reviewed. The researcher discovered that many teachers feel short-changed in connection with their behavioural rights because the learners' rights seem to be gaining the upper hand. The study stresses the beneficial application of the Pruitt model in managing the behavioural rights of teachers and learners since it contains the recipe for yielding, problem-solving, inaction and contending.

2.6.1.2 Kuhn and Poole's distributive and integrative model

Kuhn and Poole (2000:1) have developed the distributive and integrative conflict management models. The two aspects of this model can be analysed as follows:

- Distributive – The conflict is reckoned as a distribution of a fixed amount of positive outcomes or resources, where one side wins and the other side loses.
- Integrative - Groups making use of the integrative model view conflict as a chance to integrate the concerns and needs of both groups and make the best possible outcome.

Kuhn and Poole (2000:1) came to the conclusion that the integrative model resulted in consistently better task-related outcomes than those using the distributive model. While both aspects of Kuhn and Poole's distributive and integrative model can be employed in managing the behavioural rights of teachers and learners, the integrative facet will yield fructifying results.

In this study, the researcher contends that the application of the principles that characterise Kuhn and Poole's distributive and integrative model will result in the successful managing of the behavioural rights of teachers and learners. Of course, in the process, challenges are almost inevitable. However, the researcher believes that in the final countdown, both teachers and learners will be dignified as their respective viewpoints are considered with a view to integration. Even parents of learners who initially are hostile may be won over by this approach for it treats the whole person (i.e.

the individual teacher and the learner as an individual), and by extension, it treats and dignifies the whole group.

2.6.1.3 DeChurch and Marks' Meta-Taxonomy of activeness and agreeableness

DeChurch and Marks (2001:1) postulate that conflict resolution approaches have two inherent dimensions namely, activeness and agreeableness. Activeness is defined as the extent to which conflict behaviours make a responsive and direct impression as opposed to that which is inert and indirect. Agreeableness refers to the extent to which conflict behaviours make a pleasant and relaxed impression as compared to that which is unpleasant and strenuous.

High activeness is signified by openly discussing differences of opinion while fully going after their own interest, while high agreeableness is the attempt to satisfy all parties involved. This model encourages agreeableness since it has a positive impact on how groups felt about the way the conflict was managed, regardless of the outcome.

In managing the behavioural rights of teachers and learners, the researcher points out that in this study, there is merit in the application of DeChurch and Marks' meta-taxonomy of activeness and agreeableness. In tense situations in the classroom between the teacher and learner as well as in conflicting situations between parents and teachers, the activeness and agreeableness of DeChurch and Marks' meta-taxonomy will serve well in managing the behavioural rights of teachers and learners.

2.6.1.4 Wisinski's A-E-I-O-U model

Wisinski (1993:1) developed a conflict resolution model which was believed to work with any level of conflict within the organisation: employee-to-boss, peer-to-peer or boss-to-employee. The main characteristics of the model are illustrated and in Figure 2.2 below.

Wisinski's "A-E-I-O-U" Model

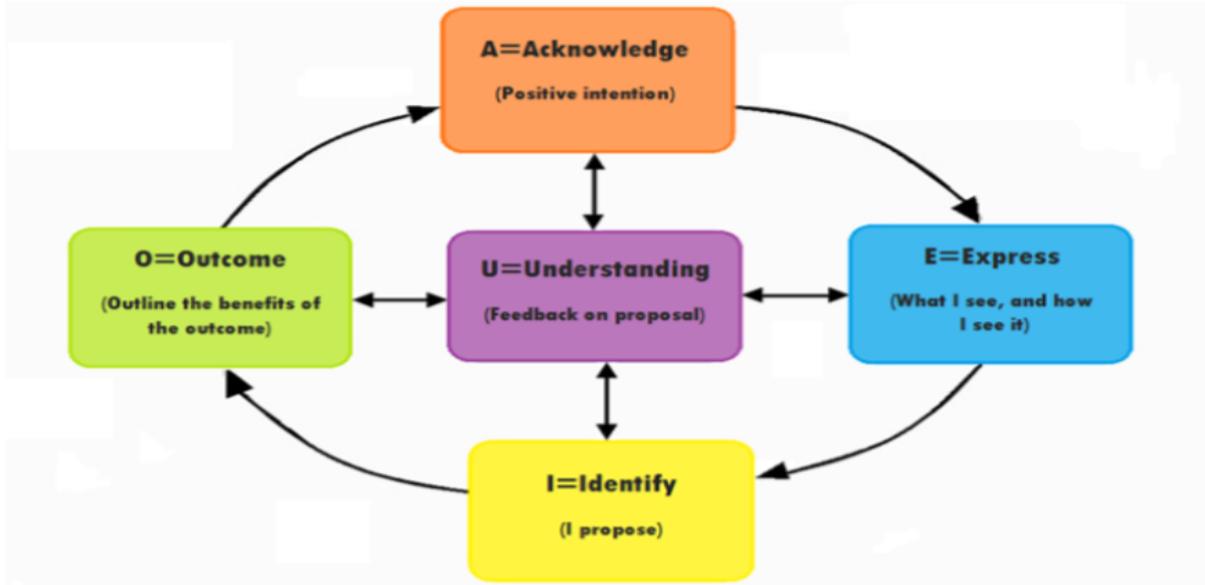


Figure 2.2: Conflict resolution model (Wisinski, 1993)

Figure 2.2 is explained in more detail in Table 2.3 (shown below)

Table 2.3: Wisinski Conflict resolution model (Wisinski, 1993)

Acronym	Meaning of acronym	Application of acronym in practice
A	Acknowledge (Positive intention)	The assumption here is that the other person or party means well or has best intentions. Every attempt should be made to recognise the noble intentions, and enunciate them so that the other party realises and acknowledges them.
E	Express (What I see, and how I see it)	The positive intentions seen need to be ratified by each person, and each individual is also free to air their views and concerns about the positive initiatives. In this way, all misunderstandings or misconceptions relating to the positive intentions are handled and each party proceeds from a common vantage point.
I	Identify (I propose)	Each side pronounces its objectives (what they want to achieve), as well as their recommendations (their preferences). Very importantly, each party must be non-defensive and avoid insisting on a particular stance. Each party should be yielding and work

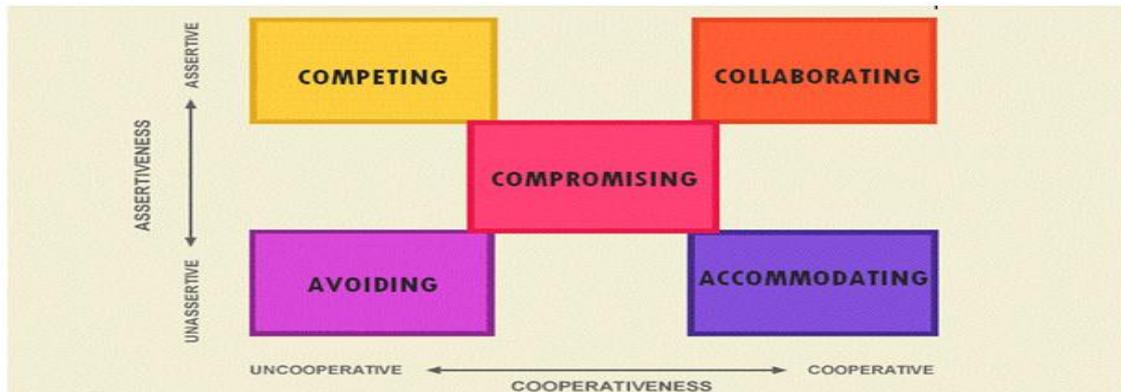
		towards a situation of natural compromise and flexibility. Expressions such as "We would like" as opposed to, "We want this to happen" could prevent a defensive responsive from the other party.
O	Outcome (Outline the benefits of the outcome)	Individuals want to be know how they stand to benefit from the outcome. People respond much more positively if they can justify the reasons for changing their behaviour. They are interested in knowing the advantages of the outcome. Appreciation and recognition of their positive intentions assist in outlining the benefits of the outcome.
U	Understanding (feedback on proposal)	Once positive intentions and objectives have been accepted by the parties, it is essential to agree on specific action implementation. An outline of the action steps and how they relate to objectives is vital. Any misunderstanding here could result in poor execution of action steps. The agreement on action steps should create margin for alternative solutions should the first approach be ineffective. The other party should be allowed to review the steps and their alternatives. What really helps here is a collaborative approach such as "Could we agree to try this out for a while to see if it works for both of us?". This dignifies the other party with the assurance that their future suggestions are valued and could be accepted.

Especially in tense situations, Wisinski's A-E-O-I-U model when properly applied can really assist in managing the behavioural rights of teachers and learners. In reality, conflict between teachers and learners as well as between parents and teachers remains a thorny problem. This conflict may linger for a long time. This study will highlight how the various aspects of Wisinski's A-E-O-I-U model could be used to negate conflict on all fronts and between all stakeholders in connection with managing the behavioural rights of teachers and learners.

2.6.1.5 The Thomas-Kilmann Conflict Mode Instrument

According to Thomas-Kilmann (1977:325), this model organises five conflict management styles built on two dimensions originally posited by Blake and Mouton

(1964) and later expanded on by Pruitt (1983), namely, assertiveness and cooperativeness. The five Conflict Management Styles are illustrated and explained below:



Thomas-Kilman Conflict Mode

Figure 2.3: The Thomas-Kilman Conflict Mode Instrument (Thomas-Kilmann, 1977:325)

Figure 2.3 is explained in greater detail as follows:

Accommodating

This occurs when one party cooperates to a high degree with another party and, at the one party's own expense or against the one party's own goals, attains objectives and desired outcomes. This approach is effective when the other party has a sound working knowledge of the matter causing the conflict, or when the other party has a more practical solution for the problem. This style is effective for safeguarding future relationships between the opposing sides.

Avoiding

This occurs when one party avoids the issue causing conflict. The avoiding party is not helping the other party reach its goals and neither is it assertively pursuing its own goals. This may function when it is a trivial matter or when the one party has no chance of succeeding. When the atmosphere is emotionally charged and there is a need to create some space to allow the uneasiness to settle, this conflict style can be effective. The avoiding party reasons that perhaps issues may resolve themselves. However, even though they may hope against hope, avoiding is not a trusty solution.

Collaborating

When one party teams up with the other party in order to achieve both of their goals, collaborating takes place. Breaking free from the “win-lose” paradigm and accepting the “win-win” paradigm is the characteristic feature. This style is effective for complex scenarios where a new solution is needed. This can also mean reframing the challenge to create a bigger space and room for everybody’s ideas. The approach requires a high-degree of trust and to reach a general consensus is time-consuming

Competing

This is the so-called “win-lose” approach in which one party acts very assertively to achieve its goals without seeking the collaboration of the other party. In emergency situations (i.e. when time is of the essence or when quick, decisive action is needed), this approach can be taken. If those involved are aware of the urgency of the matter and support the approach, this style may be the way to go.

Compromising

Here is the “lose-lose” context where neither party really achieves what they want. What help here is a general level of assertiveness and cooperation. It may work best in situations where a temporary solution is needed, or where either side has equally important goals. Compromising may be seen as the easy solution but in reality collaborating would be the ideal output.

As far as this study is concerned, the Thomas-Kilmann Conflict Mode Instrument has beneficial application in connection with managing the behavioural rights of teachers and learners. In schools, conflict often arises between school managers and teachers, between teachers and learners and also between parents and teachers. Each role player (whether it is a teacher, parent or learner) is thus be called upon to remember and apply the five pillars of the Thomas-Kilmann Conflict Mode Instrument, namely, the accommodating of others’ opinions and behavioural rights, avoiding conflict flare-ups, compromising when reasonably called upon to do so, competing for the championing of the success of the issue at stake and collaborating for the betterment of the situation. Indeed, the Thomas-Kilmann Conflict Mode Instrument has definite merit in managing the behavioural rights of teachers and learners.

2.6.1.6 *Henri Fayol's Administrative Theory*

A successful approach for managing the behavioural rights of teachers and learners draws on Henri Fayol's Administrative Theory (1900-1925) that contains four pivotal roles of management, namely planning, organising, leading and controlling.

It is important to note and remain aware of the interconnectedness of leadership and management through the links between what the literature describes as the school leaders' leadership roles and management functions. An example of this is the setting of a vision and mission for the school, something that has been shown from the literature to be one of the primary responsibilities of a leader (Hallinger, Leithwood & Heck, 2010:22), but also a definite management task as part of the function of planning (Van Deventer & Kruger (2011:75).

Van Deventer & Kruger (2011:73) identify six major management areas within a school, namely, learner affairs, staff affairs, school community relations, physical facilities and administrative matters. These management areas are addressed by means of four management functions that link with and are intertwined with the leadership functions and management areas mentioned above. These are planning, organising, leading by directing, and controlling through evaluating (Van Deventer & Kruger, 2011:75). Each of these management functions includes a number of specific tasks that together constitute the overall school management function. If schools are to be successful in managing the behavioural rights of teachers and learners, the four fundamental roles of management as postulated by Fayol (namely planning, organising, leading by directing and controlling through evaluating) should be given prime attention not only by the principal, deputy principal(s), heads of department and all members of the teaching staff; but also by learners who have the privilege and responsibility of serving on the RCL.

Planning

Planning entails setting a vision, mission, aims and outcomes for the school as well as problem-solving, decision-making and policy making – a function that is very closely linked to and overlaps with what Brauckmann & Pashiardis (2011:13) describe as one of the key leadership roles, namely deciding on the aims of the organisation. In managing the behavioural rights of teachers and learners, planning is an essential element of an effective school.

Organising

This function encompasses the tasks of establishing an organisational structure, delegating tasks and responsibilities to other role players and coordinating the myriad of activities and tasks that make up everyday school life. Within the management function of organising, the role of distributing roles and tasks (Hoadley, Christie & Ward, 2009:337; Gurr & Drysdale, 2013:62) emerges as not only a management function but also a leadership role. Organising therefore is crucial to managing the behavioural rights of teachers and learners.

Leading by directing

The backbone of the leading by directing function is communicating, motivating, negotiating and managing conflict. School managers and leaders should not only set the proper example, but also they should lead by directing the learners by exhibiting the proper example. In successfully managing the behavioural rights of teachers and learners, leading by directing should be given primary importance by school managers, leaders, teachers and even RCL members.

Controlling through evaluating

As a management function and leadership role (Brauckmann & Pashiardis, 2011:15), controlling through evaluating entails supervision and evaluation of all relevant aspects of the school beginning from the school's code of conduct, taking corrective action when required and also encouraging and maintaining staff discipline (Van Deventer & Kruger, 2011:75-76). Controlling through evaluating existing school policies, decisions and new situations as they arise are important in managing the behavioural rights of teachers and learners. If schools are to be successful in managing the behavioural rights of teachers and learners, controlling through evaluating should be high on the priority list of school managers and teachers as well as by the learners who are serve on the RCL.

This study is steered by the principles or management duties that underpin Henri Fayol's Administrative Theory. The researcher firmly holds that, at any schooling institution, where there is planning, organizing, leading and control, the climate is well-suited for effectively managing the behavioural rights of teachers and learners. For the success of this arrangement, these principles should not be compromised. Moreover,

these management principles were abundantly clear in the analysis of the interviews and a fuller exposition in relation to the emergent themes is provided during the data analysis process.

2.7 CONCLUSION

From the foregoing discussion, it is apparent that managing the behavioural rights of teachers and learners may present definite challenges. In this chapter, there has been an exhaustive discussion of the legal framework consisting of the Constitution of the Republic of South Africa; The National Education Policy Act (Act 27 of 1996); the South African Schools Act (Act 84 of 1996); The Education Laws Amendment Acts of 2002, 2005 and 2007; The International Law and Treaties in South Africa as well as The Children's Act, Act 38, 2005.

The theoretical framework explored the concepts of management and leadership together with models of school management, namely, formal, collegial, subjective, ambiguity and cultural models. Then autocratic, democratic, laissez-faire and collaborative leadership styles were discussed. Following that, a resume was provided regarding models for managing the behavioural rights of teachers and learners. This discussion included Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1), Kuhn and Poole's model distributive and integrative model (Chapter 2.6.1.2), DeChurch and Mark's Meta-Taxonomy (Chapter 2.6.1.3) as well as the Thomas Kilmann Conflict Mode Instrument (Chapter 2.6.1.5). In conclusion, Fayol's Administrative Theory (Chapter 2.6.1.6) containing the four significant roles of management, namely planning, organising, leading and controlling, was explored as a successful strategy as part of theoretical framework in managing the behavioural rights of teachers and learners in schools.

From the foregoing, the theoretical framework argues for a positive, safe atmosphere for teaching and learning in schools if there is to be effective managing of the behavioural rights of teachers and learners. The democratic leadership style is definitely the recommended approach for school managers and leaders. While there is definite merit in subscribing to the aforementioned conflict-resolution models, the application of the principles that form the bedrock of Henri Fayol's Administrative Theory (Chapter 2.6.1.6) allows for positivity in managing the behavioural rights of

teachers and learners. This synopsis sets the platform for the data collection process which will be discussed in Chapter 3.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

The centrepiece of this chapter revolves around the empirical research related to managing the behavioural rights of teachers and learners in schools. The initial part of this chapter deals with the qualitative research methodology, including features such as the research paradigm and the methods of data collection and analysis. The identification and selection of the participants as well as a discussion of the collected and analysed data are explored in the latter section of the chapter. The chapter also contains an exposition of the strategies employed to ensure the trustworthiness and credibility of the results as well as the ethical issues impinging on the study and the approach taken to ensure the safety of the participants.

3.2 RESEARCH PARADIGM

To grasp the concept of a research paradigm fully, Cohen *et al.* (2011:5) and other scholars (Bryman, 2012:30) spotlight two competing perspectives of research in the social sciences (which definitely includes research as it pertains to the teaching and learning environment), namely the positivist view and the interpretivist view. The researcher stresses that the appropriate research perspective for this study is the interpretivist view. The interpretivist view “emphasizes how people differ from inanimate natural phenomena, and indeed, from each other” (Cohen *et al.*, 2011:5). Moreover, the researcher agrees with the view of Bryman (2012:32) that the paradigm in which a research study falls hinges on the epistemological and ontological assumptions of the researcher (Cohen *et al.*, 2011:6).

3.2.1 Epistemological assumption of the study

Cohen *et al.* (2011:17) underline that the epistemological assumption of a study encapsulates the researcher’s beliefs about the nature and form of knowledge in a particular field. Cohen *et al.* (2011:17) posit that the main ingredient of the interpretivist paradigm is the understanding of the subjective world of human experience. In this study, while investigating the experiences and perceptions of teachers and learners in

schools, the researcher will be concerned with understanding their experiences and perceptions of this phenomenon with reference to managing the behavioural rights of teachers and learners.

3.2.2 Ontological assumption of the study

Cohen *et al.* (2011:17) assert that the ontological assumption of a study is a description of the researcher's position on what forms reality. The ontological assumption of a study has an interpretivist nature, since the researcher views reality as interpreted rather than objective. Interpretivism is thus "an ontological position that asserts that social phenomena and their meanings are continually being accomplished by social actors" (Bryman, 2012:32).

Nieuwenhuis (2010:47) defines a research paradigm as a set of beliefs about reality that gives rise to a particular world-view and serves as the lens or the organising principles by which reality is interpreted. Since this study concentrates on *describing, interpreting and understanding* the challenges involved with managing the behavioural rights of teachers and learners rather than on *explaining* the topic, the study falls within the interpretivist paradigm (McMillan & Schumacher, 2014:14). Additionally, in the process of managing the behavioural rights of teachers and learners in schools, reality is actually interpreted rather than being objective – yet another cogent argument in favour of the interpretivist paradigm (Bryman, 2012:33).

3.3 RESEARCH APPROACH

Owing to the contour, form and rich texture of the epistemological and ontological assumptions of this study, the researcher decided to use a qualitative approach (McMillan & Schumacher, 2014:8). This approach lends itself to understanding and describing a vast array of human activities within a broad range of contexts. Creswell (2014:11; 263) notes that the qualitative approach accomplishes this objective by gleaning descriptions, experiences, perceptions and views of the participants, which later on allows for the identification of themes that emerge.

Nieuwenhuis (2010:47) contends that qualitative research is an umbrella term for a range of qualitative strands that have developed over the years. The distinction between qualitative and quantitative research is often framed as using words

(qualitative) rather than numbers (quantitative), or using closed-ended questions (quantitative hypotheses) instead of open-ended questions (qualitative interview questions) (Nieuwenhuis, 2010:47).

McMillan and Schumacher (2014:5) describe qualitative research as “research that refers to an in-depth study using face-to-face or observation techniques to collect data from people in their natural settings. According to Cresswell (2014:11), qualitative research is a useful interpretivist approach that utilises words or images to comprehend and describe various human activities within a variety of contexts by collecting detailed views, descriptions and perceptions of participants “in the form of words or images” for analysis and the identification and description of the particular themes that emerge or the particular characteristics of a phenomena within a specific context (Cresswell, 2014:263).

Nieuwenhuis (2010:60) states that the final aim of all interpretivist research is to offer a perspective of a situation by analysing it to provide insight into the way in which a particular group of people make sense of their situation or the phenomena which they encounter. The phenomenological research approach caters for in-depth scrutiny of a particular phenomenon, which in line with the theme and purpose of this study is managing the behavioural rights of teachers and learners.

In this study, the phenomenological research approach allowed for the participants’ perspectives to be the empirical point of departure. Thus, managing the behavioural rights of teachers and learners necessitated analysing the real-life experiences of both teachers and learners in the final report. Participants for this research were selected based on their experience in connection with managing the behavioural rights of teachers and learners. All the selected participants in this study were purposely chosen to provide rich qualitative data in view of their first-hand experience in connection with managing the behavioural rights of teachers and learners. This now points forward to the research methodology employed in this study.

3.4 RESEARCH METHODOLOGY

The selection of the qualitative research approach, coupled with the epistemological and ontological assumptions of this study clearly dictates the research design and the methods of data collection.

3.4.1 Research design

According to McMillan and Schumacher (2014:6), the research design is the researcher's plan of enquiry on how to proceed to gain an understanding of a certain phenomenon and has to provide. This involves the procedure for conducting the study, within an appropriate mode of enquiry, the most valid and accurate answers possible to the main research question. Creswell (2009:3) indicates that the research design is the plan or proposal to conduct research. Mouton (2009:49) avers that a research design states what type of study will be undertaken in order to provide acceptable answers to the research problem or question.

3.4.1.1 *The case study design*

Cohen *et al.* (2011:289) mention that a case study is a specific instance that is frequently designed to illustrate a more general principle and it is the close scrutiny of an instance in action. Bryman (2012:66) argues that a case study centres on "the detailed and intensive analysis of a single case". McMillan and Schumacher (2014:32) state that a case study is a qualitative research design that creates margin for the detailed examination of a theme using data sources from the topic under discussion itself. The case study design was reckoned as fitting for this study for it allows for investigation, comprehensive descriptions and understanding the milieu or school context for managing the behavioural rights of teachers and learners.

Cohen *et al.* (2011:183) assert that case studies often follow the interpretivist research pattern in the sense that they see the situation through the eyes of the interview participants in the study. The efficacy of managing the behavioural rights of teachers and learners in schools could best be understood, not just the case study *per se*, but by the specific type of case study employed.

3.4.1.2 *The type of case study*

When discussing the identifying features of a case study as it relates to a particular study, Cohen *et al.* (2011:290; 291) highlight that oftentimes a number of case study types may be observed. However, the type of case study that is most apropos for this study is the *instrumental case study*. McMillan and Schumacher (2014:371) indicate that this type of case study is used primarily to study and describe a specific theme or

phenomenon within its natural context. Cohen *et al.* (2011:291) mention that the specific context is used to investigate and highlight a theme or phenomenon that presents itself in context. In terms of this study, the specific context is the managing the behavioural rights of teachers and learners in schools.

3.4.2 Research methods

This is the sum total of actions taken in organising for the data collection and analysis process. Included here is selecting a suitable sampling strategy and applying it to the overall population in order to single out the participants for the study, planning for and collecting the data, and preparing the data for analysis and the actual process of data analysis itself.

3.4.2.1 Sampling

Gay, Mills & Aiasian (2014:134) define a sample as a small group from a target population that is selected for inclusion in a research study. As noted by Cohen *et al.* (2011:143), it stands to reason that it is impractical to conduct surveys that would involve an entire target population. Hence, a sample that is representative of the target population is gathered – in effect, what applies to the selected sample really applies to the entire population (Cohen *et al.*, 2011:143). The two main sampling types (according to McMillan & Schumacher, 2014:153) used by researchers are probability sampling and non-probability sampling. Gay *et al.* (2014:135) contend that probability sampling (which is sometimes called random sampling) is often used for research studies that involve quantitative sampling. However, qualitative researchers often choose non-probability sampling because this method makes provision for purposive inclusion of some in the population with the exclusion of others. Since this study which revolves around managing the behavioural rights of teachers and learners involves the qualitative research methodology, the process for the selection of the participants is based on purposive sampling.

3.4.2.2 Purposive sampling

The selection of the sample strategy of all participants in this study was done both purposively and for convenience (Gay *et al.*, 2014:145). The reasons for this choice are twofold: firstly, purposively – in the sense that since the title of the study deals with

managing the behavioural rights of teachers and learners, school leaders (the principal, deputy principal, HOD, etc.) and learner (RCL members) were handpicked on purpose; and secondly, for convenience – the schools chosen are geographically proximal to where I teach and interact on a daily basis. Of course, when we combine the purposive and convenient factors, it must be noted that the selected teachers and learners are the ones who, at all three schools, could be viewed as the richest potential information sources in managing the behavioural rights of teachers and learners (McMillan & Schumacher, 2014:145).

3.4.2.3 Sample size

The sample comprised 30 participants, namely 15 teachers and 15 learners. As a further analysis, from each of the three selected schools, five teachers and five learners were selected. The five teachers include the principal, one deputy principal, one HOD, and two others teachers with 10 years' teaching experience. Each of these teachers signed a written assent form indicating their willingness to participate in the study. The learners (who are all legal minors, i.e. under the age of 18 years) have at one time or are currently serving on the RCL at their respective schools. Permission to interview these underage learners was granted by the parents and legal guardians. The parents of each of the learners signed a written consent form granting permission for their child to be part of the study while in turn each child signed a written assent form indicating their willingness to take part in the study.

Cohen *et al.* (2011:144) underscore that the nature and purpose of the research study as well as the size of the overall population are vital factors that influence the qualitative researcher's choice of sample size.

Table 3.1: Sample size and forms of interviews

School	Groups	Number of Participants	Methods of Collection
A	Teachers	5	Semi-structured interviews
A	Learners	5	Semi-structured interviews
B	Teachers	5	Semi-structured interviews
B	Learners	5	Semi-structured interviews
C	Teachers	5	Semi-structured interviews
C	Learners	5	Semi-structured interviews

The researcher agrees with the view advanced by Monareng (2009:124) that sampling is a process of selecting, amongst other things, a group of people in order to conduct a study where the research population cannot be managed due to its size. As can be seen from Table 3.1, a total of 30 participants were interviewed in this study. There are good reasons for this numerical selection of 30 participants for this study. Analytically, from each of the participating schools, five teachers were selected. In reality, this represents only 10 percent of the teaching staff at each of the participating schools. Additionally, the five RCL learners that were selected represent a miniscule 0,005 percent of the learner population at each of the schools. This researcher feels that these numbers forming the sample size is consonant with the view mentioned by De Vos (2011:191) that a sample is oftentimes tiny compared to a population and that this sample represents only a modicum of the total population or assortment of objects that constitute the subject.

3.4.2.4 *The biographical profile of various participants in this study*

As discussed later in this chapter under the sub-heading 3.5.1.5, in order to ensure confidentiality and anonymity, the various participants in this study were assigned different codes. Cohen *et al.* (2011:144) underline that it is very important to secure the anonymity and to protect the privacy of the various participants in the study. This stretches as far as maintaining the confidentiality of the data that the participants provided during the study.

In this study, alpha-numeric pseudonyms (Gay *et al.*, 2014:23) were assigned to each school and each participant from the three selected schools. Participants were numbered according to the sequence in which they were interviewed. Table 3.2 presents a synopsis of the biographical profiling of the various participants in this study.

Table 3.2: Assigned codes of various participants

School	Participant Portfolio	Assigned Code of the Participant
A	Principal	AP1
A	Deputy Principal	ADP1
A	HOD	AHOD1

A	Teacher 1	AT1
A	Teacher 2	AT2
A	RCL representative 1	ARCL1
A	RCL representative 2	ARCL2
A	RCL representative 3	ARCL3
A	RCL representative 4	ARCL4
A	RCL representative 5	ARCL5
B	Principal	BP1
B	Deputy Principal	BDP1
B	HOD	BHOD1
B	Teacher 1	BT1
B	Teacher 2	BT2
B	RCL representative 1	BRCL1
B	RCL representative 2	BRCL2
B	RCL representative 3	BRCL3
B	RCL representative 4	BRCL4
B	RCL representative 5	BRCL5
C	Principal	CP1
C	Deputy Principal	CDP1
C	HOD	CHOD1
C	Teacher 1	CT1
C	Teacher 2	CT2
C	RCL representative 1	CRCL1
C	RCL representative 2	CRCL2
C	RCL representative 3	CRCL3
C	RCL representative 4	CRCL4
C	RCL representative 5	CRCL5

3.4.3 Data collection

Qualitative data were gathered by means of face-to-face individual and semi-structured interviews with the participants. Phenomenological research was undertaken during which the selected participants were asked to relate their experiences and describe their perceptions in connection with managing of the behavioural rights of teachers and learners. The participants were asked how the

behavioural rights of teachers and learners is being managed is handled at school level in order to ascertain whether the appropriate legal procedures are known and followed. The interview question schedule was made available to each of the participants before the actual interview. This prevented them from acquiring knowledge at the last minute served to give an inaccurate reflection of the real situation. The questions were used as a guide and participants were encouraged to speak freely and provide additional information concerning their stance on matters. Probing strategies were used to get as much data from participants as possible and to verify previous information. All the semi-structured interviews were audio recorded once the participants had given their permission. This data will be kept safe for five years.

3.4.3.1 The design of the interview schedule

With the objective of obtaining in-depth information, the researcher used the interview medium since this is the foremost manner of data collection in qualitative research. The semi-structured one-to-one interviews were conducted with the aim of getting participants to express their ideas about managing the behavioural rights of teachers and learners. The researcher also preferred the semi-structured interview approach for it can be used to ascertain an individuals' opinions, perceptions, facts and forecasts, and their responses to the initial findings and potential solutions.

As far as the design of the interview schedule is concerned, the researcher gave much attention to the ordering of the questions. The researcher arranged the questions from the more general to the more specific. The specific goal that the researcher set out to reach was to ensure that all questions were in relation to and answered the main research question of the study. To achieve this objective, the researcher ensured that simple, specific, clear questions were asked. The research instruments (interview questions) were skillfully phrased in order to highlight aspects of the main research question of the study, namely, "How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?" (Chapter 1.7). Each interview question is directly linked to the main research question. Both the conceptual framework as well as the theoretical framework were also used to moderate the questions used during these interviews. This means that many of the 96

behaviour management models (Chapter 2.5 and Chapter 2.6) influenced the development of these questions.

3.4.3.2 Individual interviews

Creswell (2014:238) observes that an interview takes place when a researcher propounds questions to participants and the answers are recorded. Since the aim of the researcher is to discover and uncover valuable research material in connection with the topic being studied, individual interviews (as noted by McMillan & Schumacher, 2014:381) are a suitable means for effectively gleaning information. However, interviews take on several forms. Hence, the researcher decided that for this study semi-structured interviews would be the best medium to inform the topic which relates to managing the behavioural rights of teachers and learners.

3.4.3.3 Semi-structured interviews

Gay *et al.* (2014:338) contend that semi-structured interviews are well-suited for gathering data based on the experiences of carefully-selected participants. Since semi-structured interviews allow the researcher greater freedom in terms of posing viewpoint questions, Bryman (2012:470) avers that this unearths greater detail in terms of the responses from the participants. As a result, greater depth and richness of data is brought to the fore. In reality, a semi-structured interview may be seen as verbal communication method between the interviewer and the interviewee with the goal of reaching, achieving and completing a comprehensive survey of the pertinent issues under discussion. As the conversation proceeds – and with the objective of highlighting the dimensions of the research topic – the interviewer may prompt the interviewee using auxiliary and supplementary questions.

For this study, the semi-structured interviews with each participant had a duration of approximately 20 to 30 minutes. The basis for the questions in the interview process were derived from patterns that emerged during my research and write-up of the literature review in Chapter 2 of this study. These were issues, which have a direct bearing on managing the behavioural rights of teachers and learners, cannot be side-stepped. The interviews were conducted after school hours in a private conference room at the selected school venues. The researcher asked each interviewee twelve questions relating to managing the behavioural rights of teachers and learners in

schools. The interviews were digitally recorded and the information obtained from the interviews was used exclusively for this study. During the different interviews, the researcher also took notes which were later integrated with the transcribed digital recordings.

3.4.4 Literature review

A literature review, according to Creswell (2009:25), shares with the reader the results of other similar studies and it relates a study to the larger, on-going dialogue in the literature by filling in gaps and extending prior studies. A literature study also provides a framework for establishing the importance of the study as well as a benchmark for comparing the results with other findings (Creswell, 2009:25).

The literature study for this study is aimed at understanding the challenges involved in effectively managing the behavioural rights of teachers and learners. Additionally, the sources of law and the various emendations will be analysed as part of the literature study. This will be done in order to establish the legal framework for managing the behavioural rights of teachers and learners in schools.

The latest journal articles, conference and research papers, books and dissertations will be referenced to compare the nature, extent and measures dealing with managing the behavioural rights of teachers and learners in schools both locally and internationally. In order to find the relevant literature, online searches in databases such as *Sabinet*, *EBSCO Host*, *Juta Law Reports*, *De Jure Law Journal*, *Academic Search Premier* and *Lexis-Nexis Law Reports* will be done by using key expressions such as “teachers’ rights”, “learners’ rights”, “behavioural rights”, “vertical application”, “horizontal application” and “Bill of Rights”.

3.5 Trustworthiness and credibility of the research

Creswell (2014:283) remonstrates that the straightedge used to safeguard the accuracy or trustworthiness of a qualitative research study should include credibility, transferability, and dependability. Van Rooyen (2011:159) avers that trustworthiness in connection with researched data implies that it should be accurate, unbiased, well-documented and consistently reliable.

Cohen *et al.* (2011:181) state that the term “credibility” is more apropos than the word “validity” when discussing the accuracy of research studies. In this study, the trustworthiness and credibility was given prime attention in order to describe accurately the phenomenon involved, namely, managing the behavioural rights of teachers and learners. This was done by establishing confidence in the truth of the findings. The personal experiences and perception of the participants were crucial during the process of information giving.

Creswell (2014:283) holds that the three primary methods of ensuring the trustworthiness and credibility of a study are triangulation, member checking and auditing. Let us now discuss each of these three methods as used in this study which deals with managing the behavioural rights of teachers and learners.

3.5.1 Triangulation

In a research study, Hesse-Biber and Leavy (2011) underscore that triangulation can happen in different ways. In this study, the researcher made use of semi-structured interviews as well as document analysis. The triangulation of data sources helps to understand the phenomenon from different perspectives.

The researcher posits that interpretivists believe that people have different realities there are many truths which means people can believe in a different version of the story. Therefore, the participants were likely to express different opinions and experiences about the phenomenon. In this study, the researcher enhanced trustworthiness and dependability through triangulation of data sources and theoretical perspectives. Triangulation of data sources ensured that the weakness of one data source was replaced by the use of the other data source.

Qualitative research mainly employs trustworthiness of data and triangulation. In this study, it was the various participants – five teachers and five learners from each of the three selected schools – who shared similar contexts as well as first-hand experience in connection with the challenges involved with managing the behavioural rights of teachers and learners. Of course, irrespective of the type of research, trustworthiness and credibility are fundamental concerns that should be approached through meticulous attention to a study’s conceptualisation, coupled with the manner in which

the data is collected, analysed and interpreted, as well as the way in which the findings are presented.

Each research study is concerned with producing valid and reliable knowledge in an ethical manner. For this study, the researcher felt that it is important for professionals to trust the research results especially in applied fields because practitioners intervene in people's lives. This study views reliability and validity within the philosophical assumptions underlying the interpretive paradigm. This may even result in naming the concepts themselves differently for credibility, transferability, dependability and conformability as substitutes for internal validity, external validity, reliability and objectivity. This study explored triangulation as the path to verifying the credibility and trustworthiness of the findings. Triangulation included collecting material in as many different ways and from as many diverse sources as possible. In this connection, the aim in this study was to help the researcher to focus on a correct understanding of managing the behavioural rights of teachers and learners by approaching this subject under investigation from several different vantage points.

In order to understand the challenges involved in managing the behavioural rights of teachers and learners, this research study has identified interviews, observations and document analysis as methods for gathering data. The three methods ensure the trustworthiness and credibility of the results, and thereby triangulate. In addressing accuracy and consistency of the findings, the researcher cross-referenced evidence with the literature in the field together with the theoretical framework. This served to authenticate the results. Chapter 4 presents the data that were collected for investigation.

3.5.2 Member checking

McMillan and Schumacher (2014:354) also refer to member checking as participant review. While formal and informal procedures can be employed, Bryman (2012:273) indicates that member checking involves ratifying the accuracy of the data with the selected participants. This technique entails validating a participant's expressions in connection with a question as well as sending the participant a copy of the written transcript of the interview for authentication. In this study, after the interviews had been completed and the data processed, a copy of the individual transcripts was hand-delivered to each participant in order for them to verify the details. Each participant

was thus given the golden opportunity to vindicate the trustworthiness and credibility of this study which deals with managing the behavioural rights of teachers and learners.

3.5.3 Auditability

McMillan and Schumacher (2014:359) state that auditability is the accurate tracking of reliable data management procedures so that the evidence is incontrovertible. This process begins long before the interviews take place. It involves maintaining a well-documented account of the various procedures such as the selection of participants, how and where the interviews will be held as well as a diary of events related to the data collection procedures (McMillan & Schumacher, 2014:356-360). In this study, which centres on managing the behavioural rights of teachers and learners, an electronic chronological record of all the codes assigned to the data and the themes and categories that emerged during the data analysis process were kept. The drafts of the preliminary findings and all other records relating to the data collection process were preserved electronically for possible review and audit.

3.4 QUALITATIVE DATA ANALYSIS

Cohen *et al.* (2009:183) contend that data analysis can be defined as the systematic process of categorising, comparing, interpreting and synthesising to provide explanations of the topic under discussion or the phenomenon being studied. McMillan and Schumacher (2014:395) state that, while there is no one definitive or perfect way of analysing the data (Cohen *et al.*, 2011:537), the integrity of the data analysis process must not be compromised. Creswell (2014:221) remonstrates that this serves to champion the credibility and trustworthiness of the research study. Figure 3.1 itemises each of these steps in the data analysis process.

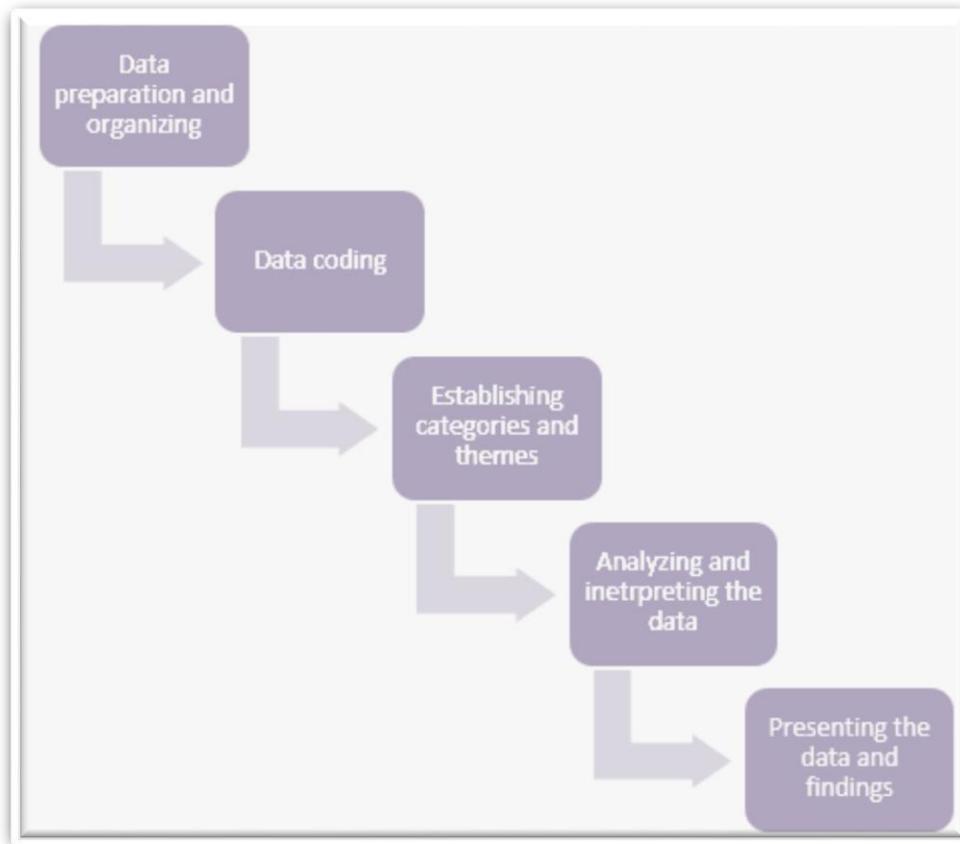


Figure 3.1 Steps in the data analysis process

During this operation, the qualitative data were summarised and analysed according to its content and thematic format. Data processing began with whole events that were fragmented analytically and later on reintegrated. Data had to be coded and prepared for processing, to which end field notes were organised and synthesised. The data were then summarised, manipulated and finally reduced in order to enable the researcher to describe the data. Each of these important steps in the data analysis process was undertaken for this study, which deals with managing the behavioural rights of teachers and learners.

3.4.1 Preparing and organising the data

Creswell (2014:195) highlights that the initial step in the data preparation phase is the preparing and organising of the data. In this aspect of data analysis, a full description of the sampling process and the participants was given. Afterwards, the data needed to be placed in such a way that it was easy to manage, transcribe and store. When the data had been prepared for easy analysis and processing, as suggested by

McMillan and Schumacher (2014:397), The data were grouped into pre-planned sets. However, even though this was done at this stage, further grouping of the data into different categories would take place after the completion of the data-coding process.

3.4.2 Data coding and establishing categories and themes

Creswell (2014:268) suggests that, after the data have been prepared and organised, a careful line-by-line reading and re-reading of the transcription should be undertaken. Cohen *et al.* (2011:561) assert that the objective in doing this is to assign unique codes to the data in a process called open coding (Creswell, 2014:268). Open coding assists in the creation of sub-categories within the pre-planned data set as well as in the formation of new categories. As a result, a master list of codes is formed which would help in negating obsolete codes and combining into new categories codes that are similar (Creswell, 2014:269), thus paving the way for data analysis and interpretation. In terms of this study, the discarded codes were replaced by new ones that had direct reference to managing the behavioural rights of teachers and learners.

3.4.3 Data analysis and interpretation

McMillan and Schumacher (2014:347) contend that a qualitative research approach encourages inductive reasoning when it comes to data content analysis procedure. In this study, when the data content had been analysed, inductive reasoning was used to isolate themes that have a direct bearing on managing the behavioural rights of teachers and learners. Cohen *et al.* (2011:5) point out that inductive reasoning creates opportunities for many individuals to be interviewed and studied so that generalisations can be formed. In this study, from the three selected schools 30 participants were interviewed, who freely expressed themselves in connection with managing the behavioural rights of teachers and learners. As a result, the characteristic feature of content analysis is that it allows findings to surface from the data – in terms of this qualitative study, these findings are important in connection with understanding the challenges involved with managing the behavioural rights of teachers and learners.

Creswell (2014:281) indicates that data interpretation affords the researcher the valuable opportunity to step back (as it were) to reflect on a possibly greater

significance regarding the subject or topic being inspected. This lays the perfect foundation for presenting the data and its findings.

3.4.4 Presenting the data and findings

The objective in handling and presenting the data for this qualitative research study was to achieve a logical, coherent exposition of the findings. As highlighted by Cohen *et al.* (2011:552), the focus of the study is once brought into the spotlight in the sense that the emerging themes from the data serve to provide rich detail in connection with managing the behavioural rights of teachers and learners. In Chapter 5, a full discussion of the data presentation and the findings will be presented.

3.5 ETHICAL CONSIDERATIONS

When investigating an issue or a topic as a research study, Cohen *et al.* (2011:75) indicate that the researcher should remain cognisant of the positive and negative effects that the inspection is having on those involved. Since the research context dictates the manner in which ethics are interpreted and applied, Cohen *et al.* (2011:75) contend that research ethics may be viewed to be situational. Therefore, in this study that relates to managing the behavioural rights of teachers and learners, the need arises for detailing and describing the ethical considerations. Overall, the ethical considerations pervaded the whole cycle of this research. Creswell (2014:166) states that ethical considerations are based on the dyad which involves informed consent as well as access and acceptance (Creswell, 2014:252).

3.5.1 Informed consent and assent

Cohen *et al.* (2011:77) maintain that informed consent in its embryonic form is enshrined in the principles of human right to freedom and self-determination as promulgated in Section 12 of the Constitution of the Republic of South Africa (1996). Gay *et al.* (2014:21) mention that informed consent denotes that the participants should be given all the necessary details in connection with the study so that they can make an informed choice relating to their voluntary participation in the study. As Creswell (2014:167) highlights, these details should include the purpose of the study, what the participants would be required to do if they decide to participate in the study, the advantages and possible disadvantages of participating in the study as well as

their right to withdraw at any stage (Cohen *et al.*, 2011:81). In this study, the participants were apprised on the informed consent arrangement since the purpose of the study revolved around managing the behavioural rights of teachers and learners.

Important here too are matters relating to anonymity, confidentiality and privacy together with how the data will be used when the research process has been concluded (Gay *et al.*, 2014:22). Since this study explores the managing the behavioural rights of teachers and learners, the researcher made sure that the informed consent and assent of all the participants was received. This was accomplished by telephoning all the participants once the letter had been given to them. Once they had returned the acceptance form to the researcher, he telephoned each of them to confirm the receipt of their individual replies. The signed consent forms were treated with the utmost discretion.

3.5.1.1 Voluntary participation

Each of the teachers in this study was sent a letter of consent outlining that their decision to engage in the study was purely voluntary (Creswell, 2014:16); that they were free to refuse to answer any question at any time and that they could withdraw from the study at any time without any kind of prejudice to them (Creswell, 2014:167). (See Appendix 7.)

Since this study also involves interviews with learners who are legal minors, a letter of consent was sent to their parents and guardians. This letter stressed that the learner's participation in this study would be purely voluntary; that the learner was free to refuse to answer any question at any time; that the learner could withdraw from the research at any time; the responses of the learner to any questions would be kept strictly confidential; that the name of the learner or any identifying characteristics would not be divulged in the report; that the learner was free to consult with the school counsellor or a peer counsellor, if needed. Furthermore, it was affirmed that the learner's identity would be protected, to the extent that, in any publication emerging from this research, the learner would be referred to by the use of an alpha-numeric pseudonym. (See Table 3.4.1.)

3.5.1.2 The purpose of the study

In the letter of consent that was sent to each participant, the title of the study which involves managing the behavioural rights of teachers and learners was clearly highlighted. This provided the possible participants with a good idea as to the purpose of the study which helped them make an informed decision and therefore give informed consent. Also, it impressed upon the participants that their open and honest comments were needed and wanted in connection with managing the behavioural rights of teachers and learners in schools.

3.5.1.3 What the participants would be required to do

Each participant was given a letter that explained that they would be participating in an individual interview. The letter informed the participants that the interview will take place on a day, time and place that would be convenient for them. In order to contribute to the trustworthiness of the results (Creswell 2014:283), the letter also mentioned that, after the all the data have been collected and processed, each participant would be given a written transcript of their personal interview to confirm that it (the transcript) was a true reflection of their expressions during the interview.

3.5.1.4 Benefits and possible risks of participating in the study

The letter of consent noted assured the participants that the study would not expose them to any undue harm or risk (Gay *et al.*, 2014:132). Their active participation in the study through their meaningful and insightful comments supplied an increased understanding in connection with the successes, challenges and frustrations involved with managing the behavioural rights of teachers and learners in schools.

3.5.1.5 Anonymity, confidentiality and privacy

The letter of consent pointed out that each participant's privacy would be protected by anonymity (McMillan & Schumacher, 2014:133) and that at no time would any person be mentioned by name or be made identifiable by any means whatsoever in either the data-processing phase or in the research report (Gay *et al.*, 2014:21).

The letter of consent asserted that the participants' information and comments would be kept strictly confidential. To this end, password-protection was used on all

documentation and data related to the study to ensure that no one else had access to the recorded interviews or any other information including the administrative and contact details used during the process of selecting participants.

3.5.1.6 How the collected data would be used

The letter of consent stated to the participants that the finding of this study would be contribute towards the publication of an academic thesis. The participants were told in that letter that they would receive a copy of the research report and that the findings and recommendations that flowed from the research would be highlighted. On completion of this study, a copy of the report was submitted to the research office of the Western Cape Education department. The researcher mentioned in his letter that he was available (upon invitation from the Western Cape Education Department) to make a presentation of the study's relevance, scope and findings to an audience.

3.5.2 Access and acceptance

After a consideration of the various aspects that relate to informed consent, the other aspect of ethical consideration is the access factor. According to Gay *et al.* (2014:25), access denotes applying for and being given permission to take on a research study in specific locations by using specific participants. When permission is granted both in terms of access to specific schools and access to specific participants, the success of the study is virtually guaranteed. In terms of this study, access to the three selected schools as well as access to the five teachers and five learners interviewed at each of these schools was indispensable to gaining insight into the challenges and successes relative to managing the behavioural rights of teachers and learners.

3.5.2.1 Permission from the Western Cape Education Department

The researcher sought permission to conduct this research from the Western Cape Education Department (WCED). In the application to the WCED dated 18 July 2016, after introducing himself as a Master of Education Degree student at the University of South Africa (UNISA), the researcher stated that he was conducting research on Educational Management and Leadership under the supervision of Dr P.K. Triegaardt. The WCED was assured that this study would meet the requirements of the UNISA Research Ethics Committee. It was further noted that the dissertation topic centred on

managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town.

The aims of this research project was next outlined as follows:

- To determine how the *behavioural rights of teachers* is managed in the North Metropolitan District of Cape Town.
- To establish how the *behavioural rights of learners* is managed in the North Metropolitan District of Cape Town.
- To identify the *challenges* encountered when managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.
- To discuss *strategies* that could be implemented by school managers in managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

For this study, the researcher explained that a multi-faceted research approach that would be exploratory in nature would be used. At each of the three selected high schools, the principal, one deputy principal, one head of department and two other teachers were interviewed. Also, five learners that were part of the school's Representative Council of Learners (RCL) were interviewed. These interviews and observations enabled the researcher to explore and understand the complexities involved in managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

The following steps were taken to ensure a high level of professionalism:

- The interviews would be approximately 20 to 30 minutes and would be digitally recorded
- Interviews would be conducted after school hours so that the normal teaching and learning programmes were not interrupted
- Teachers, learners and schools would not be identifiable in any way from the results of the research
- Participation was strictly voluntary and participants could withdraw without any consequence

After the data had been collected, all were analysed in order to identify relevant themes. These themes, which were derived from the research aims (listed above) that guided this study, were identified and coded by means of a line-by-line analysis of each interview transcription. Finally, concepts were developed and conclusions were reached based on the relationships, patterns and themes that were identified in the data. All the data would be stored safely for five years.

On completion of the research, the researcher submitted a full copy of the report to the research office of the Western Cape Education department. The researcher mentioned in his letter that he was available (upon invitation from the Western Cape Education Department) to make a presentation of the study's relevance, scope and findings to an audience. As proof that this research may take place, a copy of the approved research proposal as well as proof of the approval from the UNISA Higher Degrees Committee were attached.

The researcher received a favourable reply from the Head of Education: Western Cape Education Department (in a letter dated 20 July 2016). This letter granted permission to do research at the three selected schools. The researcher also applied for and was granted ethics approval by the Ethics Committee of the University of South Africa – the ethical clearance certificate is included in this dissertation as Annexure E.

3.5.2.2 Venues for data collection

In the application for permission from the WCED to do research, the researcher stated that the three schools selected for this study would be designated as School A, School B and School C.

School A opened its doors in 1959, starting with 28 learners, a headmaster and one teacher. From these humble beginnings in a prefabricated wooden building, this school has grown to a present-day enrolment of over 1 300 learners and 60 teachers. Apart from the advantage of a very broad curriculum, the learners are immersed in a superbly rich and diverse cultural and religious mix and an extensive extra-mural programme. School A boasts over 40 home languages including French, Portuguese, Italian, Chinese, Taiwanese and Korean. Added to this melting pot of cultures are the Jewish, Muslim and Indian learners, together with a rich cross-section of South Africa's demographic makeup. Over the years, the learner behaviour in School A has been

challenging. Yet despite the problems and challenges, School A now prides itself on the very special balance it has achieved in connection with managing the behavioural rights of teachers and learners.

School B was originally founded as a dual-medium school in the high noon of the apartheid era in 1986. At that stage, the school had 357 Standard 6 and Standard 7 learners, a headmaster, 18 teachers and the secretary. Three years later, the first Standard 10 class completed their schooling and for more than the next decade the school boasted a final matric pass rate of 100%. Today, as an ex-Model C school, School B has a principal, 2 deputy principals, 54 teachers and a learner population of over 1 300. In this school, learner behaviour has been challenging over the years and teachers' rights have been spotlighted on several occasions and by numerous incidences. In essence, School B has walked a long and difficult road in connection with managing the behavioural rights of teachers and learners.

When School C was opened in 2006, it described as "a school for the new South Africa", since it was fully integrated in terms of learner demographics. This was the first time in this locality that the 55 learners, drawn primarily from the four racial groups in South Africa, would begin high school from Grade 8 and progress to Grade 12 as members of the "born-free" generation. Despite several challenges over the years, School C is widely recognised as being successful in managing the behavioural rights of teachers and learners. The challenges – from home language differences to cultural and religious traditions – were enormous and especially in terms of managing the behavioural rights of teachers and learners. Yet, the rewards have been fruitful in the decade that followed. Like School A and School B, School C has a diverse ethnographic setup, consisting of over 670 learners – there are South African learners (Whites, Coloureds, Indians and Blacks), together with a steadily increasing Korean learner enrolment. Additionally, many learners hail from Anglophonic countries (Ghana, Nigeria, Zambia and Zimbabwe), Francophone countries (Cameroon, Democratic Republic of Congo, Gabon and Togo) and Lusophone countries (Angola and Mozambique).

In my letter to the principal at each of these schools, I stated that the aims of this research study are:

- To determine how the *behavioural rights of teachers* is managed in schools in the North Metropolitan District of Cape Town.
- To establish how the *behavioural rights of learners* is managed in schools in the North Metropolitan District of Cape Town.
- To identify the *challenges* encountered when managing the behavioural rights of teachers and learners in schools in the North Metropolitan District of Cape Town.
- To discuss *strategies* that could be implemented by school managers in managing the behavioural rights of teachers and learners in schools the North Metropolitan District of Cape Town.

For this study, the principal, one deputy principal, one head of department and two other teachers were interviewed at each school. Additionally, the researcher wished to interview five learners that were part of the school's Representative Council of Learners (RCL). These interviews and observations enabled the researcher to explore and understand the complexities involved in managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

The following steps were taken to ensure a high level of professionalism:

- The interviews would be approximately 20 to 30 minutes and would be digitally recorded.
- Interviews will be conducted after school hours so that the normal teaching and learning programmes were not interrupted.
- Teachers, learners and schools would not be identifiable from the results of the research in any way.
- Participation was strictly voluntary and participants could withdraw without any consequences.

The researcher strived towards developing concepts and arriving at conclusions based on the relationships, patterns and themes that had been identified in the collected data from these interviews. At the conclusion of this data-collection process, interviews with 30 individuals – 15 teachers and 15 learners – were conducted.

3.5.3 Summary

This chapter contained a discursive rendition of the interpretivist research paradigm, the qualitative research approach, the case study design methodology and the semi-structured interviews which were used for the data-collection process. A synopsis was provided relating to the purposive sampling approach for selecting participants, research venues (i.e. the three selected schools) as well as aspects of the study that served to promote trustworthiness and credibility. Finally, this chapter described the ethical considerations of the research under two major headings namely, informed consent and access and acceptance. The next chapter will deal with a detailed discussion of the themes identified by the analysed data with cross-references to the literature in this study. New literature was also identified to provide more depth to the discussion in Chapter 4.

CHAPTER 4

DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

This chapter presents the findings in connection with managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town based on the analysis of relevant school documents and in-depth interviews with teachers and learners. The main aim of the study as described in Chapter 1.7, can be divided into the following sub-aims:

- To determine how the behavioural rights of teachers is managed;
- To establish how the behavioural rights of learners is managed;
- To identify the challenges encountered when managing the behavioural rights of teachers; and
- To discuss strategies that could be implemented by school managers in managing the behavioural rights of teachers and learners.

Chapter 4 presents an exposition of the data that were collected. As mentioned in Chapter 3, semi-structured interviews and document analysis processes were undertaken in order to investigate the primary research question: “How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?” (Chapter 1.8)

The researcher used the data that were obtained during the semi-structured interviews at the three high schools in the study to clear the path for validating the theory that emerged from the document analysis. Moreover, by establishing a connection between the research findings, he was able to draw upon a literature review. As highlighted in Chapter 3.2.2, this study falls within an interpretivist paradigm. This means that the exposition of the data analysis in this chapter draws from an in-depth examination of the research participants' responses and how they relate to the central theme of managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

The researcher would like to outline the method used for data analysis in this study. For this study, the researcher was primarily concerned about achieving a sound framework for valid and credible data analysis. Hence, the researcher subscribed to and employed the data analysis methodology recommended by Creswell (2014:261). This procedure includes data preparation and organizing, data coding, the establishment of themes and categories by re-structuring and re-organizing of the data, interpretative analysing of the data and finally, presenting the data and the findings.

Creswell (2014:263) indicates that, while many computer software programs are available for analysing the data, the choice facing the researcher is whether hand analysis or computer analysis of the data will be undertaken. In this study, the researcher decided to do hand analysis of the data. Significantly, Creswell (2014:265) suggests that hand analysis of the data may be the preferred method when the data set is less than 500 pages of transcribed data. The researcher noted that this matched the study. Also, Creswell (2014:265) suggests that the hand analysis method is advantageous when the researcher has been involved in the data collection process and wants to remain close to the data so as to have a hands-on interest in the data. Here again, the researcher for this study viewed this as another cogent reason for employing the hand analysis of data. In fact, having being closely associated with all the participants and having done all the data collection, it must be cited that, after transcription and preparation, the resultant data set amounted to only 225 pages.

The researcher stresses that, while the data for this study was hand analysed, all the transcriptions, coding, re-organizing and re-structuring of the data into themes and categories was done using computer-assisted technology.

According to Ryan-Nicholls and Will (2009:72), after analysis, all the data derived from qualitative inquiry are used to clarify an experience, improve understanding of a complex phenomenon or perhaps to cast light on a participant's thoughts or relationships. Consequently, at this stage, an understanding of the data from the viewpoint of the participants is presented. In essence, the overarching research question (Chapter 1.7) that the study sought to answer was the following, "How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?"

4.2 THE RESEARCH PROCESS

For this study, data was collected using face-to-face semi-structured interviews. As can be seen from Appendices K, L, M and N, five teachers at each of the three participating schools was interviewed. Twelve questions were asked in the individual interviews. The researcher strictly adhered to the interview schedule so as to obtain a consistent set of data.

For this study, the researcher employed a multi-faceted research approach that would be exploratory in nature. At each of the three selected high schools, the principal, one deputy principal, one head of department and two other teachers were interviewed. Also, five learners that were part of the school's Representative Council of Learners (RCL) were interviewed. These interviews and observations enabled the researcher to explore and understand the complexities involved in managing the behavioural rights of teachers and learners in the north metropolitan district of Cape Town.

In the research process, the researcher's main concern was to ensure a high level of professionalism. The interviews (with each participant) would be approximately 20 to 30 minutes and would be digitally recorded. The interviews would be conducted after school hours so that the normal teaching and learning programmes were not interrupted. The teachers, learners and participating schools would not be identifiable in any way from the results of the research owing to the use of alpha-numeric pseudonyms. The researcher also pointed out to all participants that their participation in the study was strictly voluntary and they (individual participants) could withdraw without any consequence.

Since this study employs a qualitative research design, it falls within the interpretive paradigm. In this design, knowledge arises through the acting and interacting of self-reflective beings. In trying to understand the challenges involved with managing the behavioural rights of teachers and learners, the research process involved the researcher undertaking a face-to-face interaction with the research participants. The researcher agrees with Bryman (2012:32) that the overriding focus of the interpretive paradigm is to come to an understanding of the phenomenon (under investigation) from the participants' perspective and not that of the researcher. The interpretive paradigm underlines that the social world, and consequently social phenomena, has different meanings. In other words, there are multiple realities that people attach to it,

depending on their context. Flowing from this understanding, the researcher attacked the topic of managing the behavioural rights of teachers and learners from the lived experiences of the subjects of research.

Throughout the research process that involved interviews with the 30 participants, the researcher remained keenly aware that the experiences and expressions of various teachers and learners would differ due to a uniqueness of their individual experiences. Hence, the researcher sought to have an open mind, knowing that there may be a multiplicity of perspectives. The researcher agrees with the assertion made by Bryman (2012:33) that, according to the interpretive paradigm, reality is socially constructed as people's experiences occur within social, cultural, historical or personal contexts. This greatly aided the researcher in approaching every step of the research process with curiosity, empathy, flexibility and, perhaps most importantly, an open mind in order to listen to the participants relating their personal accounts.

In the research process of this study, the use of interviews as a primary method of data collection provided the researcher with some insight into the real situations in their uniqueness as part of a particular context, as well as the interaction that takes place in that context. This enabled the researcher to access interior experiences, uncovering and exploring the meanings that underpin the behavioural rights of teachers and learners.

In this study, research was undertaken during which the selected participants were asked to relate their experiences and describe their perceptions in connection with managing of the behavioural rights of teachers and learners. The participants were asked how the behavioural rights of teachers and learners is being managed is handled at school level in order to ascertain whether the appropriate legal procedures are known and followed. The interview question schedule was made available to each of the participants before the actual interview. This prevented them from acquiring knowledge at the last minute served to give an inaccurate reflection of the real situation. The questions were used as a guide and participants were encouraged to speak freely and provide additional information concerning their stance on matters. Probing strategies were used to get as much data from participants as possible and to verify previous information.

All the semi-structured interviews were audio recorded once the participants had given their permission. This data will be kept safe for five years. Each of the teachers in this study was sent a letter of consent outlining that their decision to engage in the study was purely voluntary (Creswell, 2014:16); that they were free to refuse to answer any question at any time and that they could withdraw from the study at any time without any kind of prejudice to them (Creswell, 2014:167). (See Appendix 7.)

Since this study also involved interviews with learners who are legal minors, a letter of consent was sent to their parents and guardians. This letter stressed that the learner's participation in this study would be purely voluntary; that the learner was free to refuse to answer any question at any time; that the learner could withdraw from the research at any time; the responses of the learner to any questions would be kept strictly confidential; that the name of the learner or any identifying characteristics would not be divulged in the report; that the learner was free to consult with the school counsellor or a peer counsellor, if needed. Furthermore, it was affirmed that the learner's identity would be protected, to the extent that, in any publication emerging from this research, the learner would be referred to by the use of an alpha-numeric pseudonym as highlighted in Table 3.4.1.

Each participant was given a letter that explained that they would be participating in an individual interview. The letter informed the participants that the interview will take place on a day, time and place that would be convenient for them. In order to contribute to the trustworthiness of the results (Creswell 2014:283), the letter also mentioned that, after the all the data have been collected and processed, each participant would be given a written transcript of their personal interview to confirm that it (the transcript) was a true reflection of their expressions during the interview.

The letter of consent noted assured the participants that the study would not expose them to any undue harm or risk. Their active participation in the study through their meaningful and insightful comments supplied an increased understanding in connection with the successes, challenges and frustrations involved with managing the behavioural rights of teachers and learners in schools. The letter of consent also pointed out that each participant's privacy would be protected by anonymity (McMillan & Schumacher, 2014:133) and that at no time would any person be mentioned by

name or be made identifiable by any means whatsoever in either the data-processing phase or in the research report (Gay *et al.*, 2014:21).

The letter of consent asserted that the participants' information and comments would be kept strictly confidential. To this end, password-protection was used on all documentation and data related to the study to ensure that no one else had access to the recorded interviews or any other information including the administrative and contact details used during the process of selecting participants. The letter of consent stated to the participants that the finding of this study would be contribute towards the publication of an academic thesis. The participants were told in that letter that they would receive a copy of the research report and that the findings and recommendations that flowed from the research would be highlighted.

In giving impetus to the research process of this study, access to the three selected schools as well as access to the five teachers and five learners interviewed at each of these schools was granted by a letter from the Western Cape Education Department. This access was indispensable to gaining insight into the challenges and successes relative to managing the behavioural rights of teachers and learners.

After the data had been collected, all were analysed in order to identify relevant themes. These themes, which were derived from the research aims that guided this study, were identified and coded by means of a line-by-line analysis of each interview transcription. Finally, concepts were developed and conclusions were reached based on the relationships, patterns and themes that were identified in the data. All the data would be stored safely for five years.

4.3 DATA ANALYSIS

4.3.1 Introduction

In-depth, face-to-face interviews were conducted with 30 participants selected from three schools, School A, School B and School C, in the North Metropolitan District of Cape Town (Chapter 3.4.2.3). From each of the three participating schools, one principal, one deputy principal, one HOD, two teachers and five learners who served on the RCL were interviewed. This section presents the findings from the data obtained.

4.3.2 Biographical data of the participants

In Chapter 3.4.3.2, the biographical profile of the participants was set forth. However, only the alpha-numeric codes were discussed in that section. In this section, statistical details of the participants' gender, ages, the highest professional qualifications of the teacher participants, the management experience of the teachers in their current post and the years spent by learners serving on the RCL are presented.

4.2.2.1 Gender of the participated teachers and learners

This section establishes the gender of the participating teachers and learners. Figure 4.1 presents information regarding how many male teacher and learner participants took part in the study.

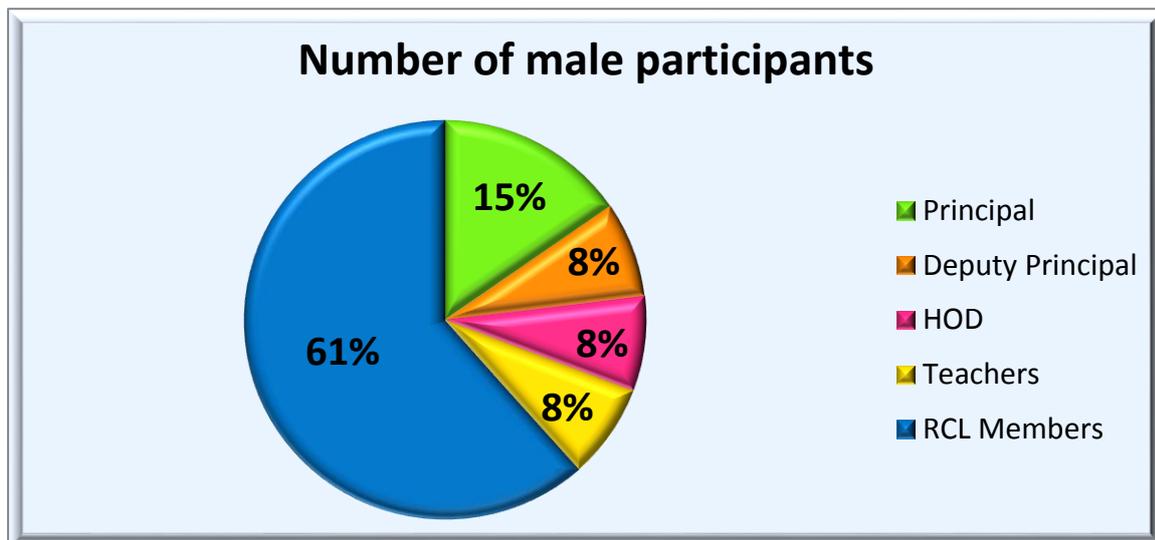


Figure 4.1: Number of male participants

From the three schools selected for this study, two out of three principals (15%) were male; one male (8%) out of three deputy principals was interviewed; one male (8%) out of six HoDs was interviewed; one male (8%) out of six teachers was interviewed and nine (61%) out of 15 RCL members were male learners.

Figure 4.2 (shown below) highlights the number of female participants in this study. From Schools A, B and C selected for this study, one out of the three principals (6%) was female; two (12%) out of the three deputy principals were females; five females

(12%) out of six HoDs were interviewed; five females (29%) out of six teachers were interviewed and six (41%) out of 15 RCL members were female learners.

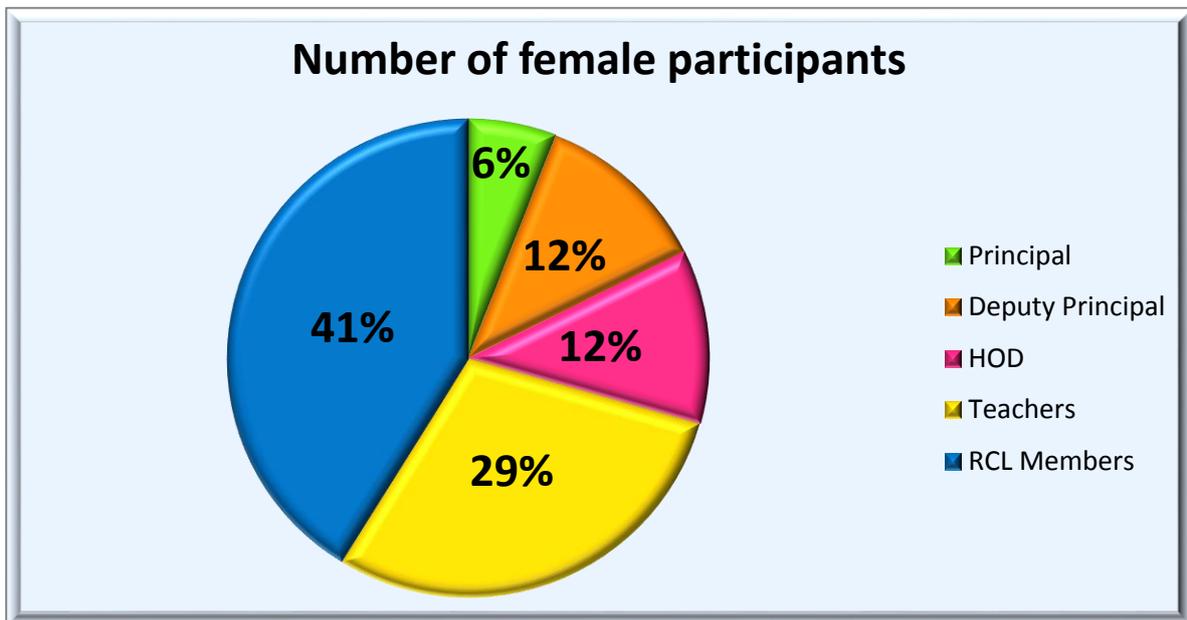


Figure 4.2: Number of female participants

4.2.2.2 Ages of the participated teachers and learners

The study also established the ages of the participating teachers and learners. Figure 4.3 below presents the findings acquired from the participants.

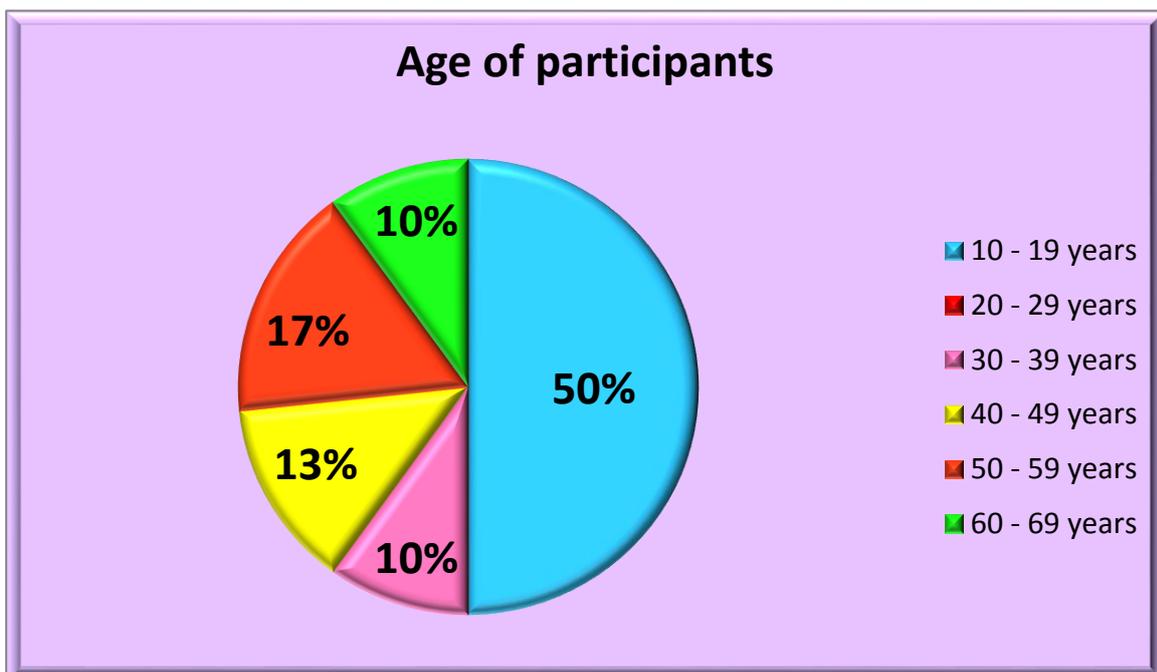


Figure 4:3: Age of participants

Teachers and learners who participated in the study were of different ages. 50% of participants (i.e. all the learners) were younger than 19 years; no participants were between 20 and 29 years, 10% were between 30 and 39 years, 13% were between 40 and 49 years; 17% were between 50 and 59; and 10% were above 60 years of age.

4.2.2.3 Highest professional qualifications of the teacher participants

The study elicited the highest professional qualifications of the participating teachers. Figure 4.4 below presents the findings acquired from the participants.

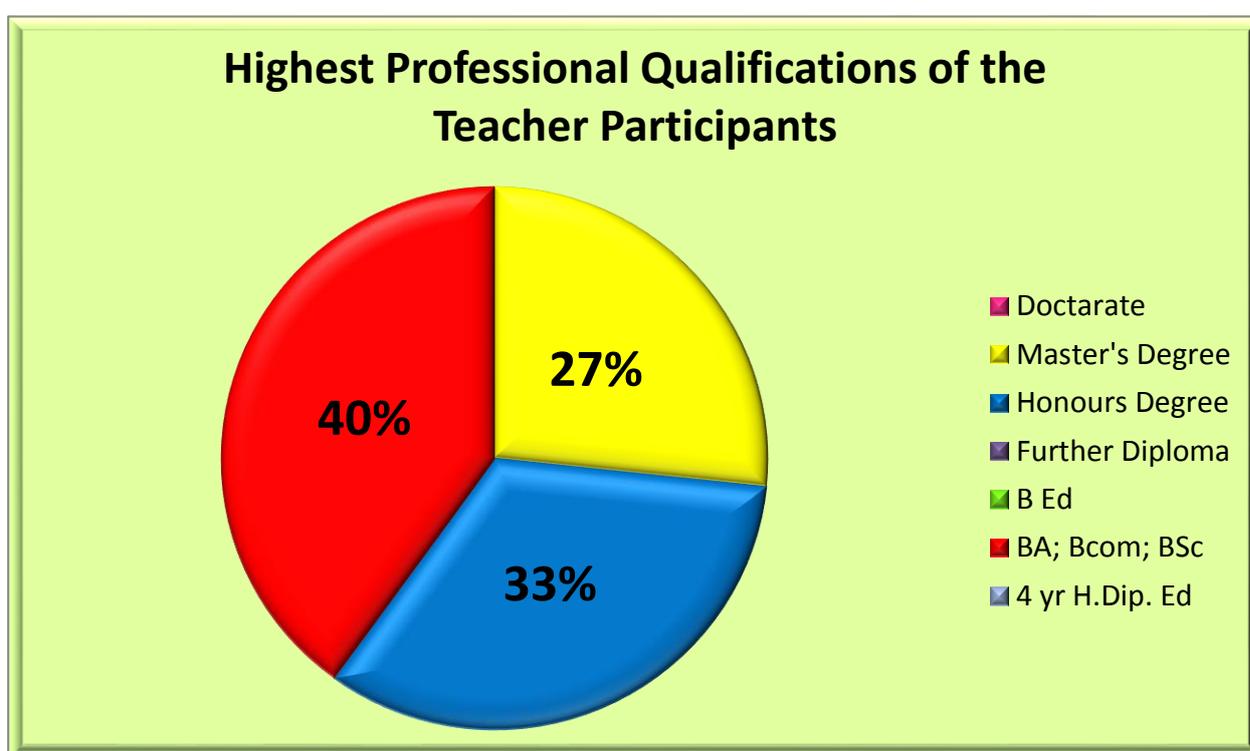


Figure 4.4: Highest professional qualifications of teacher participants

Teachers who participated in the study have a wide range of professional qualifications. None of the participant holds a four-year Higher Diploma in Education, BEd degree or further diploma and none have a doctorate. However, 40% of them hold a BA, BCom or BSc degree; 33% hold an Honours Degree and 27% have a Master's Degree.

4.2.2.4 Management experience of the teachers in the current post

The study also established the management experience of the teachers in the current post. Figure 4.5 below presents the findings acquired from the participants.

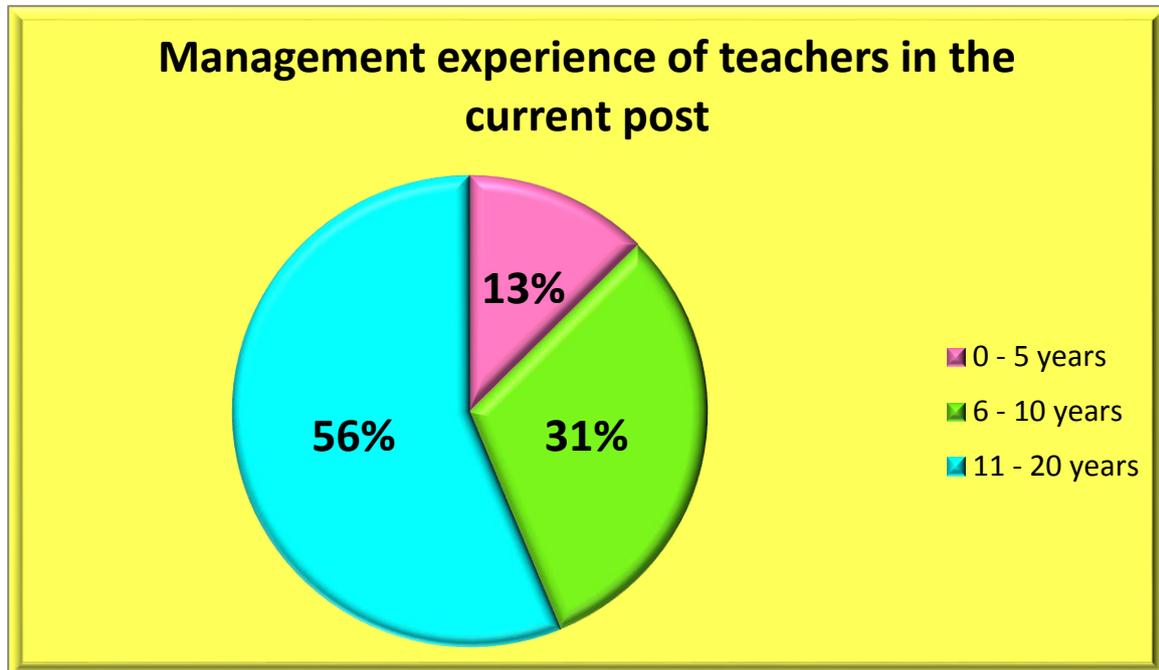


Figure 4.5: Management experience of teachers in the current post

Teachers who participated in the study also have been teachers, HoDs, deputy principals and principals at their current schools for different numbers of years. 13% of teachers had been at their current schools for 5 years or less; 31% for 6 to 10 years; and 56% for more than 11 years.

4.2.2.5 Years spent by learners serving on the RCL

The study also established the number of years spent by learners serving on the RCL. Figure 4.6 below presents the findings acquired from the participants.

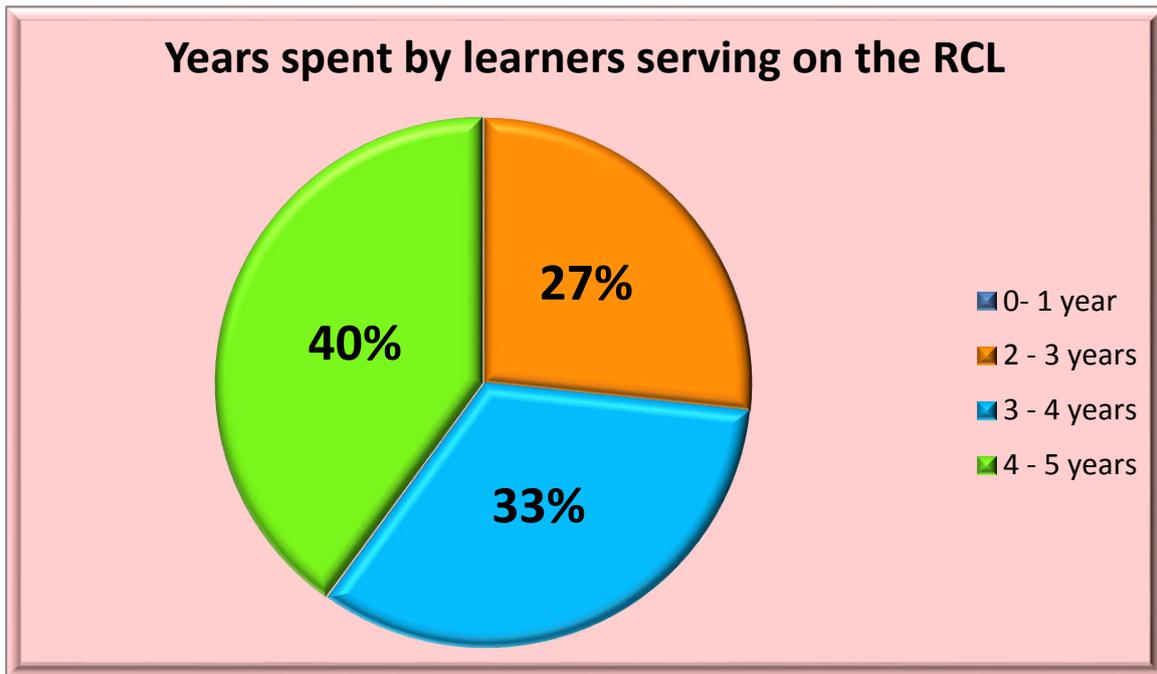


Figure 4.6: Years spent by learners serving on the RCL

Learners who participated in the study have been serving on the RCL for a different number of years. 27% of the learners have been serving on the RCL for two to three years; 33% for three to four years; and 40% for four to five years.

4.3.3 Analysis of data obtained from the interviews

In this research study, the analysis of the data obtained from the interviews was utilised to evaluate and organise the data in a systematic manner. This means that an analysis of the data that flowed from the content of the individual interviews with participants from Schools A, B and C was done. While this may initially sound as if it is a complex and unwieldy endeavour, the researcher used the simplified data analysis approach recommended by Leedy and Ormrod (2010:153-154) which involves three basic steps of the organisation, perusal and classification of the data.

The researcher used a digital voice recorder during each of the individual interviews. For each interview, an electronic file was opened. This means that for this study, 30 electronic files were created. Each interview was then audio-typed by a professional stenography company (Appendix R). This resulted in verbatim transcriptions of each individual interview. The data would be kept safe in password-protected electronic files

on a laptop. Nobody apart from the researcher would know the password for these data files. All the data will be stored safely for five years.

After the verbatim transcriptions had been returned from the stenography company (Appendix R), the researcher thoroughly read and re-read all the data to get a general sense of the information. Additionally, the researcher was also concerned about how he was going to deal effectively with the general meaning of the data. While reading through the data, the general ideas of participants were interrogated. Also, the tone of their responses was interrogated in order to determine whether these were significantly meaningful and apposite to the main research question of the study, namely, “How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?” (Chapter 1.7). The researcher then arranged all these observations in sequential precursory interpretational format.

The data was analysed to find answers to the main research question of the study, namely, “How are the behavioural rights of teachers and learners managed in the North Metropolitan District of Cape Town?” (Chapter 1.7). In connection with the data analysis process, Kodish and Gittelsohn (2011:54) suggest the use of a guiding strategy in the form of a code book. The researcher noted that this approach would assist in expanding and linking the codes and the categories in such a way that these accord with the main research question and the sub-questions (Chapter 1.7), as well as the research aims and objectives of the study (Chapter 1.8). In essence, for this study, all the themes and their related sub-themes are directly linked to the main research question and the sub-questions (Chapter 1.7), as well as the aims and objectives of this research study (Chapter 1.4). The researcher now presents a consideration of the data emerging from the study findings.

4.4 THE DISCUSSION OF DATA EMERGING FROM THE STUDY FINDINGS

4.4.1 Data regarding the management of the behavioural rights of the teachers

The principal (Participant AP1) of School A pointed to his democratic leadership style (Chapter 2.5.3.2) as the backbone for the success he has achieved over the past 21 years in connection with managing the behavioural rights of teachers and learners. He stated:

The SMT at our school consists of two deputies and myself and one rotating senior HOD to give them exposure to the SMT. So we do it that way, that's the top of the pyramid and then we have a very strong middle management core which consists of HOD's and grade heads. Then we have a group even below that which is a little wider on the pyramid, that consists of senior teachers and grade heads, so, and those are new, fairly new young teachers that get to work on the cold face to build up experience and policy directives and build up their skills with mentoring from above.

At School B, the principal (Participant BP1) summed up her democratic leadership style (Chapter 2.5.3.2) this way:

I meet with the SMT and the grade supervisors on a bi-weekly basis per grade. So I meet with each grade every second week and then on a monthly basis all the grades plus the SMTs get together. We've have got a very good discipline structure in place. We discuss the challenges that are happening, we discuss problem classes that are happening, we discuss teachers that might be struggling with that because discipline is my strongpoint, and I've been head of discipline in this school for many years, even when I was the deputy principal. It was my portfolio.

The principal at School C (Participant CP1) highlighted the following regarding his collaborative leadership style (Chapter 2.5.3.4):

I can declare that we have an SMT meeting every Monday morning or every Friday morning to reflect on matters pertaining to the school as specifically to behavioural issues. Having said that, the SMT represents the vision of my office and I would like to believe that as an SMT, they are managing their grades or phases as I would prefer them to do. I can report that the SMT has bought into my vision so that already – and that already is a huge achievement. Do note that I am a champion for participatory [collaborative] leadership; hence I am always open to other viewpoints about matters as well.

A learner at School B (Participant BRCL2) conveyed the following in connection with the leadership style and firm discipline practised at that school:

It keeps a lot of learners in check. There are still obviously a few learners that do try their luck sometimes but they are dealt with immediately and appropriately.

Regarding the democratic leadership style at School A, all the learners interviewed concurred with the views expressed by Participant ARCL3 who made the following comment:

At our school, the teachers are really, really good, and they're all really good at discipline, they're really just good teachers.

Pointing out that the democratic leadership style is essential to successfully managing the behavioural rights of teachers and learners, the deputy principal (Participant ADP1) at School A contended:

I'm not an authoritarian, and there must be a balance. You must have a rapport between you and your learners. They must trust that you're doing the right thing. I tell you – its hard work.

In line with this statement, as discussed in Chapter 2.5.3.1, the authoritative leadership style seriously handicaps the effective managing of the behavioural rights of teachers and learners because both teachers and learners may be inclined to resist taking instructions, become rebellious and stubborn.

However, even though a school manager may have a democratic leadership style (Chapter 2.5.3.2), this does not in itself mean that the behavioural rights of teachers and learners is being or going to be managed in an equitable manner. A case in point is the following observation made by a teacher at School A (Participant AT2):

I don't think the behavioural rights of the teachers at our school are always managed correctly. I think that we do have a lot of work there to be done, so I don't think it's addressed as much as it could be addressed.

Along similar lines, a teacher (Participant CT1) admitted the following regarding what is taking place at School C:

Teachers don't have a say; learners don't really have a say in anything. And then also, the staff that we are sitting with now, is very young. They do not challenge the principal or the SMT. They just do. And I don't really think many of them know their rights. And that is a challenge, to those that would like to make a change, because things don't get implemented properly, people are threatened by certain people. And yes, certain negotiation powers, I think. And SGB, definitely, needs training, RCL needs training, SMT needs training, principal needs training.

A learner (Participant CRCL3) voiced discontent with the leadership style at School C:

So basically the learners don't have much of a say when it comes to all of this [collaborative leadership style], and it affects the school environment in a way that learners end up becoming very kind of aggressive towards teachers, and things like

that, because they feel as though maybe they are kind of oppressed or everything is just ruling out to them and nothing is said about the teacher.

The overwhelming majority of participants in this study noted that since the behavioural rights of teachers and learners are managed by the school's management style, the impact on the teaching and learning environment is undeniable. Principals from Schools A and C, HODs from Schools A, B and C, teachers from schools A and C as well as RCL learners from Schools A, B and C, established this in their responses.

The principal (Participant AP1) of School A made this comment regarding how crucial it is to achieve the right teaching and learning environment in the classroom:

If you get it [the teaching and learning environment] wrong, teaching and learning suffers really badly ...

The HOD (Participant BHOD1) agreed with this assertion by outlining the approach taken at School B in order to create a functional teaching and learning environment:

If there is no discipline in a class, no teaching time can take place actually, so we try to manage the rights of the teachers but we also sit with the rights of the learners.

Participant CRCL2 (School C) echoed the benefits of the firm discipline approach to classroom management by saying:

It creates a good effect on the teaching and learning environment, because where there is good management and discipline, there is control, order, focus and mutual respect, which means that everyone will, will feel in the better, I mean, will be in a better teaching and learning environment, where everyone behaves, where everyone's behaviour is in control, and is performing in their right manner.

Participant AT1 (School A) stated that since the behavioural rights of teachers and learners are managed by the school's management style, the impact on the teaching and learning environment can have both positive and negative effects:

I think it affects it [the teaching and learning environment] both positively and negatively. So from a positive perspective, I think if there is clear communication from the word go and learners know what is expected of them, that you're able to create a culture of learning, that learners know there is a relationship between discipline and learning, and between the relationship, discipline and learning ... From a negative point of view, a lot of them come from very broken backgrounds, so a learner would have

struggled to relate to, for example, a female teacher maybe because they came from a home where there was tremendous abuse by their mothers.

Deputy Principals from Schools B and C as well as HODs from Schools B and C, supported this viewpoint.

Participant AT2 (School A) indicated that there may be other factors that may weigh in on creating the optimal teaching and learning environment:

Obviously if there are certain conflicts happening between staff members, then it could impede onto our teaching. I also think that we tend to not always focus on the learning environment in the classroom at the time because there's so many outside influences that needs to be addressed with either individual learners or individual teachers.

Participant CT1 (School C) concurred with the views expressed by Participant AT2 (School A) and added:

We have discipline problems in amongst the younger staff, definitely, and that is because they do not know – they do not know the school's rules or the code of conduct. They do not participate in it. They don't know the Constitution of South Africa, how to apply it, let alone SASA. Then, they come to school just to work. So, in class they battle with discipline, because they don't know how to apply it.

Mentoring, training and support of teachers should be an important initiative of school managers. At School A, for example, ample professional support is given by the school managers to teachers so that they can create an ideal teaching and learning environment in the classroom. In this regard, the principal (Participant AP1) of School A related:

So for me, it's probably quite a harsh call but we work very hard at eliminating the weak links. I don't mean eliminating the person, I mean corrective measures, interventions, mentoring processes so that teaching and learning is of a standard that we can be proud of.

At School C, the HOD (Participant CHOD1) agreed with these sentiments and added:

If there is no proper support for teachers, this can lead to low performance of the school's academic results and also to low self-esteem. Especially also the new teachers who now become despondent and suffer from low staff morale.

Participant ARCL5 (School A) elaborated on how disruptive learner behaviour could seriously imperil the teaching and learning environment:

When the learners are causing a disruption during the lesson, some teachers will get worked up. When you are upset, you lose your train of thought. So they [the teacher] would not necessarily be engaged with the class really making it not as good for the learners that are trying to learn. Because the teacher is now worked up, she just tells us to do the work and stops teaching, in most cases.

Parallel views were noted by Participant BRCL1 at (School B), who lamented:

It has been a mission to manage the behaviour. It is a bit tough managing behaviour in this school. Learners don't always follow the rules – they talk, disrupt the class, and makes it harder for the teachers to teach, because they have to keep shouting and telling them that they need to behave and keep quiet, which makes it not a nice learning environment for the other pupils in the class, because we have to listen to a teacher trying to teach discipline to a child, where they should have been taught that like before even coming to school. And it takes learning time out for us, which makes it harder, because then you have to work at a fast pace, closer to the time of tests or exams, because we haven't done that work, because the teacher was busy shouting at the child.

The above findings concur with assertions made by Oosthuizen (2010:4) wherein he states that in order for learning to be effective, the teaching environment should be organised and structured (Chapter 1.2). Well-planned strategies for the teaching and learning environment (Chapter 1.2) should include clearly-defined classroom rules, positive recognition of good learner behaviour and painful consequences when learners deliberately fail to follow and obey classroom rules (Chapter 1.2). Kupchick (2010:203) recommends that teachers should endeavour to improve their classroom management skills by attending workshops, seminars, benchmarking and networking. This means that better management of the teaching and learning environment would hamstring any incidences of teaching disruptions and learner misbehaviour before they escalate to the point where a teacher refers a child to the disciplinary committee (Kupchick, 2010:203) (Chapter 2.2.4).

4.4.2 Data regarding the management of the behavioural rights of the learners

The principal of School A (Participant AP1) underscored the benefits of a Code of Conduct in managing the behavioural rights of teachers and learners by saying:

The Code of Conduct is actually designed to protect the rights of both learners and teachers. And if it is applied correctly or if people buy into it correctly, then actually there should be no problem in the school. For me it's really about common sense. It's about learners respecting teachers enough so that they can do their job; it's about teachers respecting learners enough so that they can do their job.

This view was supported by the principal at School C (Participant CP1) who said:

We take a very humane approach at our particular school, recognising the basic human rights of everybody – the teachers as well as the learners. But this right is also reciprocal. Having said this, we are strict on order and discipline but our focus is on pointing out and understanding why certain behaviour is unacceptable and some are acceptable.

Some participants felt that the Code of Conduct serves as a protection for both teachers and learners.

A teacher from School A (Participant AT1) put it this way:

I see the Code of Conduct as a guideline that comes from management. It's there to protect the learner, but it's also there to protect the teacher.

Similar sentiments were expressed by a teacher (Participant BT1) at School B, who said:

I think the fact that the code of conduct states behaviour and basically the dos and the don'ts, it's easy to regulate with regard to what should be done and what not. If the code of conduct is set up in such a way and is set up very clearly, then it is easy to regulate the behavioural rights of the teachers and the learners.

Other participants lamented that the Code of Conduct is a one-sided document that caters only for learner's rights.

In this connection, the deputy principal (Participant ADP1) at School A made the following comment:

I don't think our school code of conduct has much to do with the behavioural rights of teachers, but they certainly do a lot in terms of the learners. They follow a very strict code of conduct.

The principal (Participant BP1) School B agreed with this assertion by saying:

The code of conduct of this school is more geared at regulating and guiding the behaviour of the learners and not so much geared at regulating the behaviour of the teachers.

At School B, the deputy principal (Participant BDP1) agreed with the views expressed said:

I would say the code of conduct was used as a basis to draw up the school's rules, and the rules applying to the teachers. But I think all codes of conduct neglect the rights of teachers. We're totally child-orientated.

School A has a well-scripted Code of Conduct that contains a comprehensive survey of all the school rules, learner infringements and offenses as well as the possible sanctions or outcomes for each transgression. At the beginning of each academic year, the Code of Conduct needs to be signed by the parents and the learner. After that, it has to be returned to the school.

The introductory paragraphs of the written Code of Conduct for School B contains the following sentence:

The final interpretation of any rules, which have been drawn up by the School's Governing Body, rests with the principal.

The final paragraph of School B's Code of Conduct reads:

A learner convicted of any criminal offence while attending [School B] can expect disciplinary measures from school including expulsion. The decision of the Principal will be final in any dispute that may arise.

These statements give credence to the fact that guises of an autocratic leadership style (Chapter 2.5.3.1) are surfacing at School B.

At School B, the principal (Participant BP1) said:

I just want to say that we do have different codes of conduct. We have a code of conduct for how we expect our staff to behave at all times – in other words, how they

should be treating the learners, the respect that they need to show to learners and things like that. So we do have that Code of Conduct and then we obviously have the Code of Conduct that is pertaining specifically to the learners ... As I said, I think we have got a very strict code of conduct in place, so the managing of it is not that difficult because we have got so many processes and steps in place.

The deputy principal (Participant CDP1) expressed his dismay that the Code of Conduct at School C was taken from another school and just forced to fit:

Personally I feel that in my situation, I've been here at the current school for ten years, you know to a certain extent I feel that that like many other policy documents, it is something that is sometimes you feel that it's just implemented... especially when the whole school evaluation came, we started getting our stuff in place, our structures, with regard to the school conduct of conduct, the hair policies, the cell phone policies, and we found that a lot of those policies were taken from other schools because our Governing Body wasn't really active at the time. Sometimes you feel the code of conduct doesn't really protect the teachers also, in our school specifically. It is supposed to be a working document, but I don't think we revise it on a regular basis, I don't think we sit as a staff and as a SGB specifically, just to see, just to amend it every year.

At School C, a teacher (Participant CT1) lamented:

Our policies are taken from other schools, and they weren't adjusted. The policies that were adjusted were the ones that could keep the learners happy ... it was just a matter of we need to do something, so at least we could say there was something happening in our policy. But the policies that we have, are basically there for the principal and certain persons to manipulate.

A learner (Participant CRCL2) who has served on the RCL for a number of years commented:

The school's code of conduct is very flawed in my opinion. It has a lot of inconsistencies which, if you could understand fully the atmosphere of our school, as a very holistic entity, you'd then realise there are a lot of problems that arise, purely based on the inconsistencies that come from our code of conduct. Therefore, it does not regulate the behavioural rights of the learners as it should, and it states absolutely nothing about regulating the behavioural rights of the teacher as well.

As discussed in Chapter 2, the primary goal of the Code of Conduct for learners is to build order, ensure discipline and help the learners develop wholesome character traits and self-control (Chapter 2.4.4.1). In terms of Section 8 of the South African Schools Act 84 of 1996 (Chapter 2.4.4), the law has specified that a Code of Conduct for learners should be adopted by the school governing body (SGB). The objective must be to establish a functioning learning and teaching environment. The Code of Conduct for learners must guarantee that there be discipline and orderliness in schools. The Code of Conduct must focus on the Constitution of the Republic of South Africa, 1996(a) (Chapter 2.4.2), the South African Schools Act, 1996(c) (Chapter 2.4.4) and provincial legislation. It must foster constitutional democracy, human rights and clear communication which should regulate the ideals of South African society (Chapter 2.4.4).

Subbiah (2009:83) explains that schools are social structures which are shaped and moulded by the communities that they serve as well as by the context of their environment which largely includes the context of the local community. Lekganyane (2011:1) maintains that learner discipline problems in high schools present a major challenge for many principals. Of course, as noted by Ibukun, Oyewole & Abe (2011:248), leadership has a definite impact on the discipline in public high schools. The Code of Conduct should contain definite guidelines for the learners regarding how they should conduct themselves at school (Chapter 2.4.4.1 & 2.4.8). This would be viewed as behavioural training for their future role and safety in civil society (Chapter 2.4.4.1).

The Code of Conduct must set a high standard of moral behaviour for learners (Chapter 2.4.4.1 & 2.4.8) and provide them with the knowledge and skills they will be expected to demonstrate as worthy and responsible citizens (Chapter 2.4.4.1 & 2.4.8). The Code of Conduct should serve to promote positive discipline, self-discipline and exemplary conduct (Chapter 2.4.4.1 & 2.4.8).

The researcher believes that the School's Code of Conduct is a verbal model (Chapter 2.5.2) under the canopy of school management models as discussed in the conceptual framework (Chapter 2.5) of this study. The researcher understands that verbal models include the clearly-stated guidelines by school managers and leaders, teachers and SGBs. The School's Code of Conduct is a written expression of the verbal model that

serves in managing the behavioural rights of teachers and learners. At two of the participating schools in this study, the School's Code of Conduct can be clearly observed on the school's website. At all three participating schools, the School's Code of Conduct is printed in the learners' diaries. Hence, the school's electronic and printed information sources have information regarding how the behavioural rights of teachers and learners are being managed at the school.

Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1) is a beneficial strategy to use for managing the behavioural rights of teachers and learners. This model focuses on the combination of the teachers' concern for their own behavioural rights (i.e. assertiveness) and their concern for the interests of the learners behavioural rights (i.e. cooperativeness). The model concluded that any emphasis on one of the two aspects could lead to one or more of the following conflict management styles, yielding, problem solving, inaction and contending. Pruitt (1983:177) argued that problem-solving was the preferred method when seeking mutually beneficial options. When effectively applied, the principles that underpin the Pruitt model of assertiveness and cooperativeness can be utilised in managing the behavioural rights of teachers and learners.

In this study, the researcher is convinced that the beneficial application of Kuhn and Poole's distributive and integrative model (Chapter 2.6.1.2) will go a long way in correctly managing the behavioural rights of teachers and learners. Kuhn and Poole (2000:1) developed the distributive and integrative conflict management models. Of the two aspects, the integrative stresses that the opposing groups view conflict as a chance to integrate the concerns and needs of both groups and make the best possible outcome. In terms of this study, this

Kuhn and Poole (2000:1) came to the conclusion that the integrative model resulted in consistently better task-related outcomes than those using the distributive model. While both aspects of Kuhn and Poole's distributive and integrative model can be employed in managing the behavioural rights of teachers and learners, the integrative facet will yield fructifying results.

4.4.3 Data regarding the challenges encountered when managing the behavioural rights of teachers and learners.

Participant CT2 (School C) crystallized the volatile situation this way:

When a learner is misbehaving in class, I often video the incident using my cell phone because nobody in the office believes how wild these kids are in class. In fact, they're downright rude. They back chat, some have even sworn me outright, and others have egged me on to slap them. The whole class becomes then chaotic. They work me up so badly that I'm often am at the point where I feel I'm losing it altogether. And when I report it to the office, they think it's not so bad. Then the learners know they can get away with doing whatever they like.

Participant CT1 (School C) added the following confession:

Sometimes I wish the courts never banned corporal punishment at schools. If I had a cane in my classroom, the kids would know all about it.

Chapter 2 discussed some of the laws and policies that have a direct bearing on managing the behavioural rights of teachers and learners in schools. These legal regulations are: The Constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2); The National Education Policy Act, Act 27 of 1996 (Chapter 2 2.4.3); The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4); The Education Laws Amendment Acts of 2002; 2005; 2007 (Chapter 2.4.5); The International Law and Treaties in South Africa (Chapter 2.4.6) and The Children's Act, Act 38 of 2005 (Chapter 2.4.8).

All the principals from Schools A, B and C stressed the importance of steering the school according to the stipulated legal framework. In this connection, principal (Participant AP1) from School A highlighted the efficacy of laws and policies by saying:

I think the same applies here. If you don't have guidelines, at least authoritative things from within the school if you don't have over, superseding, imagine if we didn't have a constitution or a PAM document or a Schools Act and you left it up to parents, imagine how varied it would be from each group, each school, from school to school. It would be chaotic to try and have any sort of control or even an external exam.

These legal regulations referred to in the above-mentioned comment by Participant AP1 (School A) are: The Constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2); The National Education Policy Act, Act 27 of 1996 (Chapter 2.4.3); The South African Schools Act, Act 84 of 1996 [SASA, (1996)] (Chapter 2.4.4); The Education Laws Amendment Acts of 2002, 2005, and 2007 (Chapter 2.4.5); The International Law and Treaties in South Africa (Chapter 2.4.6) and The Children's Act, Act 38 of 2005 (Chapter 2.4.8).

When asked which laws and policies have an impact on managing the behavioural rights of teachers and learners in schools, principal (Participant BP1) from School B commented:

I would say three, I would say the School's Act, the Constitution and our code of conduct. Those are the three that we use that they govern all our, our decisions.

The three legal mandates mentioned by Participant BP1 (School B) are: The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4); The Constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2) and the School's Code of Conduct (Chapter 2.4.4.1).

An HoD (Participant AHOD1) at School A agreed with the views advanced by Participants AP1 and BP1 and added:

I think with any law and any policy; if they are subject to review, if they are relevant, then they are that much more powerful. I think anybody within state of education will know that sometimes you don't like the law or you don't like the policy and sometimes it appears as if it's been aimed at the lowest common denominator. But you know, I think it gives us a structure and a guideline from which to work. That being said; if you take the initiative to have input into policy to be involved at a – whether it be at subject group or a cluster group level or whether it be at a union level – that type of thing, you can not only make meaning of the policy but you can also have input into relevant change in terms of that. So my encouragement to everybody is to do that. Don't sit there and accept but to reflect and to evaluate and to have input into it.

The situation may be more challenging than what it first appears to be. In line with this, a teacher (Participant AT1) at School A made this frank admission:

So again for me you're dealing with human beings that are different. You can't take a robot formula which sometimes law can be, because it doesn't allow room for

difference. You know, for difference from background, for different economic areas, for different cultural groups -- it doesn't allow for that. The law can sometimes be so constricting that instead of actually bringing freedom, it brings bondage.

Participant BT1, a teacher at School B, further stressed the need to note the efficacy of laws and policies by adding:

So, with regard to having laws and policies, governing behaviour, I think it's a good thing because if there is no foundation as to which you can measure behaviour, then it tends to be chaos. And if there's a generally accepted standard of behaviour, then it is easier to govern, to make sure that they don't do what they want when they want because that can be a problem, a big problem. So does it help? Yes, it does.

Bemoaning the setup at School C, a teacher (Participant CT2) at School C said:

Well the code of conduct, that's not up to date, that's not always working. That is supposed to give guidelines to the teachers as well as the children how to behave and how to do things. If you are writing exams, you got different rules and regulations again that we call exam rules that needs to be followed and then I think also every teacher has their own rules and regulations in their classroom. As a problem every teacher has got different rules and regulations so the child needs to sometimes be like a little bit of a chameleon changing from the one teachers' rules to the other teachers' rules to try and conform to that teachers' rules and then you have got the Child Act that protects the children and also mainly and confidentiality as well as the child's rights. We usually don't use that. If we find that there's a problem, we just refer it to the school counsellor or one of the teachers that's working with that type of problem.

Participant CT2 (School B) made that comment with specific reference to the following legal arrangements: The Children's Act, Act 38 of 2005 (Chapter 2.4.8); The National Education Policy Act, Act 27 of 1996 (Chapter 2.4.3) and The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4).

Regarding whether these laws and policies have definite merit in managing the behavioural rights of teachers and learners, a teacher (Participant CT2) at School C continued:

The answer is yes and no. Yes, meaning we do need to have policies and we do need to have things on paper. No, some of the policies are very outdated so you find it's not applicable on the child or on the circumstances that we've got. I think one of the things that you need to do in a school is you need to have at least once a year a committee

that's actually updating the policies, the rules, the regulations and actually seeing if all of the things is still up to date and valid.

In Section 20 of The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4), the directive is promulgated for the SBG to meet at least once every school term to discuss the managing the behavioural rights of teachers and learners by determining school policies, developing goals and objectives, managing assets and school funds, ensuring financial records are audited and administering and controlling school facilities.

While all the learners felt that laws and policies were essential to managing the behavioural rights of teachers and learners, a learner (Participant CRCL2) at School C concluded:

I think we still have a very long way, to go, before we say that this is what governs me as a learner. This is what governs us as a school, and this is what hold us accountable to our behavioural rights and our behavioural actions as teachers and learners.

According to Serfontein (2010:1), the School Governing Body (SGB) serves as a powerful instrument in regulating the improvement of quality teaching and learning in South Africa. Every SGB needs to embrace the ideals of accountability, liability, representation and partnership (Serfontein, 2010:1). The SGB should monitor the school's democratic approach (Chapter 2.5.3.2) towards decision-making, setting school fees and fundraising activities, and above all, administering school discipline by managing the behavioural rights of teachers and learners (Serfontein, 2010:1).

Section 8 (1) and (2) of The South African Schools Act, Act 84 of 1996 [SASA, (1996)] (Chapter 2.4.4) state:

- 1) Subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school.
- 2) A code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process. In South Africa, prior to 1994, statutory school level structures existed as school.

At any given school, the levels of the disciplinary problems can be seen a mirror reflection of the functionality and work performances of its SGB. While the SGB is mandated to maintain discipline at the school, it remains crucial for the SGB to observe and remain sensitive to the constitutional rights of both teachers and learners. This implies that all SGB decisions must be procedurally sound and legislatively abiding.

SGBs are mandated to follow set procedures that are outlined by the law in a fair and appropriate manner. SGBs are expected to discharge their duties professionally and not violate the rights of teachers and learners. Fundamentally, any incorrect implementation would make the policy legally invalid. It is therefore legally mandated that every SGB adopt a code of conduct or else they could be liable for damages in terms of a breach of the law. SGBs therefore need to familiarise themselves with the Departmental notices and current Government legislation in order to deal effectively with unacceptable learner behaviours.

When asked about the role played by SGB in managing the behavioural rights of teachers and learners, the principal (Participant AP1) at School A answered:

The governing body plays a very important role when it is a serious issue and only then.

At School B, the principal (Participant BP1) stated the following in connection with the SBG managing the behavioural rights of teachers and learners:

They [the SGB] took part in the establishment of the code of conduct, so they know what it is ... In our case, our SGB is very supportive when it comes to things like that.

In line with this comment, a teacher (Participant BT1) at School B added:

I would say [the role played is] very big and integral because they are the ones that determine what those rights should be or could be.

All the learner participants from Schools A and B agreed that the SGB plays an active role in managing the behavioural rights of teachers and learners at their respective schools. Typical of their positive responses is the expression made by a learner (Participant ARCL2) from School A, who said:

I would say it's [the SGB's role] quite effective. We have a well-structured disciplinary system where you get issued three warnings and as I have stated earlier we have a

time out room as well in which the head of discipline keeps track of the learners who have misbehaved in class. So, I would say that the SGB's role in managing the behavioural rights of teachers and learners is quite effective.

At school C, Participant CRCL3 echoed similar sentiments when she said:

I think that the governing body, in terms of this, is actually very effective because, as a part of the school governing body, I have seen how they deal with things like this, and how they actually call in the learners or the teachers, and how they hear both sides of the story, of whatever the incident is. And they never just look at one side of the story, and I think that the governing body has been effective, and things like that.

In terms of Section 8(1) and (2) of The South African Schools Act, Act 84 of 1996 [SASA, (1996)] (Chapter 2.4.4), discipline must be maintained so that a culture of teaching and learning that is free from disruptive learner behaviour is fostered. The nurturing of such a positive teaching and learning environment requires active leadership on the part of the SGB, SMT, teachers, RCL, prefects, class monitors and the learners in general. According to the Western Cape Department of Education (2007:3), the facilitation of a positive culture of learning and teaching should be an integrated and coordinated approach with goal of achieving positive learner behaviour. Hence, the active involvement of the SGB is indispensable to managing the behavioural rights of teachers and learners.

Paddy (2013:36) maintains that schooling in South Africa is in crisis. Deacon (2011:2) concurs with this viewpoint and indicates the reason: the unacceptably high percentage of dysfunctional schools. Cohen and Seria (2010) note that as many as 90% of South African schools can be labelled as dysfunctional. Smit and Oosthuizen (2011:64) contend that effective teaching and active learning does not take place in dysfunctional schools. Moreover, managing the behavioural rights of teachers and learners in these schools becomes a real challenge.

While the core business of a school is learning and teaching, an effective school is an organisation that functions with the active participation of various stakeholders, particularly the SGB (Shepherd, 2013:2). When a school has an inactive SGB, the result is an ineffective impress regarding managing the behavioural rights of teachers and learners.

While many participants applauded an actively functioning SGB at their respective schools relative to managing the behavioural rights of teachers and learners, the findings of this study also spotlighted another sub-theme, namely the ineffective impress of an inactive SGB.

In this connection, the deputy principal (Participant CDP1) stated:

Currently, our school governing body does not play a huge role, unfortunately.

Participant CHOD1 (School C) lamented:

At our school, the governing body is non-existent.

Teacher Participant CT2 (School C) expressed similar sentiments by adding:

At this school, the SGB is not doing what they it is supposed to do. In many of the other schools, the school governing body is very active – supporting the teachers and working well together.

Even some learners were disappointed with the ineffective impress of an inactive SGB.

In line with this, learner Participant CRCL3 (School C) mentioned:

At the current moment, they [the SGB] are very inconsistent with how they manage behavioural rights of teachers and learners.

A teacher at School C (Participant CT1) made the following comment:

The SGB does not manage anything. Everything is managed by the principal and certain members on the SMT. The SGB has little, little power at our school. And it is kept like that – so that certain people can manipulate the situation to their advantage. The SGB should go for training, definitely. SGB's should be based at schools, working with teachers, understanding the problems and the challenges that are met here. And not just once in a while when they come in here, and it's a fund-raising. They don't even know the staff members, on staff. Then, so, if you don't teach their child, or if your child is not friends with an SGB member, they wouldn't know you.

These findings support Section 33 of the Constitution of the Republic of South Africa, 1996(a) (Chapter 2.4.2) in connection with just administrative action (Chapter 2.4.2.12). In that part of the legal mandate, SGBs are encouraged to deal fairly and justly with all parties especially when managing the behavioural rights of teachers and learners.

Just as a team of oxen pull together as a unit in the same direction in order to effect the positive movement of a wagon, the same illustration can apply to a school. In order for a school to be functional, all the role players (particularly the SGB) have to work together as an active team towards a common goal. Therefore, school managers must employ a collaborative leadership style (Chapter 2.5.3.4) by working to negate the ineffective impress of an inactive SGB. Instead, they should favour the active involvement of the SGB in all aspects of school life especially when it comes to managing the behavioural rights of teachers and learners.

Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.2.1) identifies inaction (low assertiveness/low cooperativeness) as a conflict management style. However, in principle, the same could be true regarding the ineffective impress of an inactive SGB. Moreover, Kuhn and Poole's distributive and integrative model (Chapter 2.6.2.2) describes the integrative approach that could be style for any SGB. This means that groups (i.e. SGB's) making use of the integrative model (Chapter 2.6.2.2) view conflict (i.e. their assignment and challenges) as a chance to integrate the concerns and needs of both groups and make the best possible outcome. SGBs can employ aspects of both models when managing the behavioural rights of teachers and learners.

According to Section 23 (2)(d) of The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4), all public high schools (Chapter 2.3.2) are mandated to have a Representative Council of Learners (RCL) which is elected by the learner population themselves to represent their voice in school governance particularly on the SGB. However, the legal decree found in Section 23 (2)(d) of The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4) limits the scope and participation of the RCL members on the SGB by stating that learners under the age of eighteen are prohibited from making contracts on behalf of the school. This means that, while they are allowed to attend meetings of the SGB, RCL members are not allowed to vote on SGB resolutions that impose liabilities on third parties of the school which would include managing the behavioural rights of teachers and learners.

Section 23 (2)(d) of The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4) directs that minors can incur no personal liability as a result of their being SGB members. The intentions for the muted voice of RCL members on the SGB

are seen as acting in the best interests of the minors. From the data collected for this study, the fourth theme emerges, namely that the behavioural rights of teachers and learners are managed by the muted voice of the RCL. From this theme, two sub-themes have their genesis – firstly, the hidden detail of the challenges faced by RCL members in managing the behavioural rights of teachers and learners, and secondly, that the RCL is used only as a means of communication with learners.

The interview questions probed the hidden details of the challenges faced by RCL members in connection with managing the behavioural rights of teachers and learners. Many participants clearly expressed that they were not involved in managing the behavioural rights of teachers at the school. In this connection, Participant ARCL4 articulated how managing the behavioural rights of teachers and learners took place at School A, by stating:

There are obviously a lot of issues at the school and there are a lot of problems that are brought up because of what the learners are doing. But definitely there are teachers and there is the Governing Body or the Disciplinary Body that will look into it and they solve the problem personally or one-on-one with the learners and the teachers.

Participant ARCL1 (School A), who felt that it was not necessary for the RCL to get involved managing the behavioural rights of teachers, said:

The RCL doesn't really deal with teachers' behavioural rights. Well, it's not really a duty of the RCL. We have not been addressed about it. It usually is the heads of discipline and the principal that will take it up because I don't see that they will see it as a needed duty for the RCL to take it up. When needed, they will ask us our thoughts and how we would deal with the situation. So they do include us in most if not all but other than that we feel like it's not a need for the RCL to take up.

Participant ARCL2 concurred with the opinion of Participant ARCL1 by adding:

Well, currently that's [managing the behavioural rights of teachers and learners] not on the RCL agenda as its kind of fair. So the relationship between the teachers and the learners, it's not as bad as people assume.

Most of the RCL participants were quick to shed light on the hidden detail in connection with the challenges faced by RCL members in managing the behavioural rights of

teachers and learners. Participant BRCL1 (School B) mentioned the some of these challenges by highlighting:

It's difficult to try and manage the behaviour of learners. They don't listen. They say just because you're an RCL, doesn't mean you're a teacher, and doesn't mean you can tell us what to do, like for instance, to keep quiet. I mean, I often tell them to keep quiet, and tell them to do their work, when they're not doing their work, because the teacher has just had enough of the behaviour, and they never listen. So it is tough managing the behaviour, but I would say it's a work in progress. So since I became RCL, the first few months was difficult, but now the learners are like, have more respect for me, which is a good thing.

Participants CRCL3 (School C) agreed with the assertion of Participant CRCL2 by elaborating:

I would say that, as an RCL, I would manage the challenges in connection with managing the behavioural rights of learners, but not of teachers because, I know nothing about the behavioural rights of teachers. I was never informed about it, even as an RCL. So I would say, I manage the behavioural rights of learners in a way that I follow the rules and regulations that are supposed to be followed, and maybe take the learners to the office or just speak to the learners generally, and things like that. But I have completely no clue about how to manage the behavioural rights of teachers.

Interestingly, the challenges faced by RCL members in managing the behavioural rights of teachers and learners may oftentimes come from the strangest quarter, i.e. from school managers and leaders. In this regard, Participant CRCL2 ruefully admitted:

As an RCL, I think our influence in a school, or rather this particular school, is very, very limited ... Because the RCL members themselves do not realise the power that they have, the management of the school, somewhat restricts the power that the RCL has, because you always need to walk around on eggshells so to speak, because you are afraid of stepping on certain individual's toes, you don't want to come across as disrespectful, trespassing.

Sometimes it appears that a huge gulf exists between the SMT and the RCL. Participant CRCL2 (School C) described this challenge, by adding:

It almost feels as though the RCL is operating in isolation to school management, right from the top, with regard to the headmaster or headmistress, and falling down to the

SMT. So, I can't say, I work with support to the SMT, because I do not know what it is that the SMT require of the RCL. I do not know what the SMT's expectations are of the RCL members and the RCL body as a whole. So, I cannot actually in full confidence say that I support the SMT overcome any challenges because, I don't even know what challenges the SMT face.

While many independent, public and rural schools (Chapter 2.3.1; 2.3.2 & 2.3.3) have elected Representative Councils of Learners (RCLs), more often than not, these learners are not equipped with the knowledge, skills and values with which to discharge their duties and responsibilities effectively. As a result, the muted voice of the RCL plays against the effective managing of the behavioural rights of teachers and learners (Mncube, 2013:1-24).

Mncube (2012:136) notes that Article 12 of the United Nations Convention on the Rights of the Child of 1989 (Chapter 2.4.6) mandates:

State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all actions affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child cited.

In sharp contrast to the decree promulgated in Article 12 of the United Nations Convention on the Rights of the Child of 1989 (Chapter 2.4.6), many participants opined that the voiceless RCL is seen merely as a communication channel with learners. Typical of their views was this expression made by Participant BRCL5 from School B:

We don't deal directly with anything, any challenges. We are more of a way of means of communication with the learners.

Many participants indicated that their sphere of influence was restricted to merely communicating with the learners. In this regard, Participant CRCL4 (School C) made the following comment:

To be honest, as an RCL member, I have never been in a position to create a correct balance between teachers' rights and learners' rights. Or, I could say, I have not been given a platform to do that.

Participant CRCL3 (School C) concurred with this view by stating:

I would say that, as an RCL member, I know nothing about the behavioural rights of teachers. I was never informed about it, even as an RCL member. So I would say, I manage the behavioural rights of learners in that I follow the rules and regulations that are supposed to be followed, and maybe take the learners to the office or just speak to the learners generally, and things like that.

Participant CRCL2 (School C) expressed similar sentiments by including:

But you [as an RCL member] act as a common thread, between the voice of the people who aren't really paid attention to, sometimes, opposed to the voice of the person that gets overshadowed. So you almost try and act as the common thread or the balancing beam, in getting the teacher's point of view, and articulating that to the learner or the rest of the learners, within the class or the school.

These comments from the RCL members clearly indicate that at Schools A, B and C, the RCL is seen merely as a communication channel with the learners rather than being actively involved in managing the behavioural rights of teachers and learners. Mabovula (2009:220-225) reports that (from a historical perspective) in South African schools prior to 1994, the rights of learners to contribute to decision-making as stakeholders in their own schooling sparked a major debate between learners and teaching authorities. Under the Nationalist government (1948-1994), some schools appointed prefect bodies, while others had a Student Representative Council (SRC) (Mabovula, 2009:220-225). While these were forms of learner representations, these bodies did not have a mandate to bring about significant changes in their respective school environments (Mabovula, 2009:220-229). One major reason for this was that any talk of change amongst these learners was often viewed as dissident and anti-governmental. In certain instances, as chronicled by Mabovula (2009:220-229), this was met with force from school authorities and, in certain cases, even by the police. This left these learner representation structures almost voiceless (Mabovula, 2009:219).

Mncube (2013:1-24) explains that in the sphere of a new political dispensation (from 1994 onwards), the establishment of a forum for learners to participate meaningfully in matters concerning their own schooling needed to be rooted in legislation (Chapter 2.4.3 & 2.4.4) and policy initiatives to ensure citizen participation and representation in governance at school level. Learner participation was far removed from school governance and there was limited or no avenues for learners to express their

perspectives on school issues (Mncube, 2013:1-24). In order to assist provinces with the establishment of RCLs, a set of guidelines was published by the National Department of Education (DoE) in 1999 (Mncube, 2013:1-24). The DoE guidelines included a module on the roles and responsibilities of RCLs and noted that RCLs as representative bodies had a definite function because they had an unmuted voice in fundamental policy matters.

Mncube (2013:1-24) remonstrates that if RCL members are afforded a space to participate in decision making, this could develop their social and leadership skills and will cherish the democratic principles. Mncube (2013:4) underlines that RCL members should and are elected because they exhibit loyalty, respect, punctuality, academic excellence and promote peaceful relations among all stakeholders of the school community. The high standard set for RCL members in terms of displaying these exemplary qualities will promote social responsibility, sharpen their individual and collective leadership skills and champion good citizenry (Mncube, 2013:4).

All the teacher participants interviewed in this study acknowledged that there were two very different reactions from parents when they received a report about their child's misbehaviour at school. Some parents will support the school authorities. However, an increasing majority of parents will stand by their child, even in the face of incontrovertible proof that the learner is wrong. As a consequence, teachers are targeted by many parents in disputatious conflicts that become antagonistic, belligerent and combative.

In this connection, Participant CT2 (School C) described the situation this way:

Sometimes we've got difficult parents and they're protecting their child. So even though that their child is wrong, they are helping the child to be more wrong and show even more disrespect towards teachers or to an institution with rules. In a classroom situation, we very seldom have parents that are supporting us.

Participant BT1 at School B highlighted the confrontational manner in which some parents waged conflict against teachers by adding:

You get parents that come in guns blazing and they fight the battle on behalf of the child for the wrong reasons.

The principal at School B (Participant BP1) articulated the main reason why conflict between parents and teachers occurs by saying:

In this school, we often get the parent that believes the child. You know – the child is right; the teacher is always wrong. We often do find that that is a child that is a behavioural problem and it comes through the history. In those cases, I, and it is not nice to say and it's unfortunate to say, with a lot of those cases where the children are in the wrong and it's proven to the parents and the parents don't want to listen, I have also found that it's often a guilt thing with those parents. If you really go and look and scrutinise where those parents actually come from, they actually haven't got control over their kids at home. They don't support their kids. A lot of those kids are latchkey kids and there is no support, so by coming into the school and backing their child and blaming the school, is almost, you often find it is like trying to score points at home to try and get into the favour of the children and as I said those parents undermine the school very badly and then those kids come back with a huge attitude. You know some parents also come here and say we'll we pay your salary. That's enough to make my blood boil. So, we don't get the support and unfortunately a large number of our parents are like that, but I put it down to a lack of parenting skills and as I said trying to gain this favour from their children.

Lack of parental support and inactive parent involvement in the school programme seem to exacerbate the conflict problem. The principal of School A (Participant AP1) affirmed this view by expressing the following sentiments:

Parents are crucial, parents' attitudes are more crucial, they don't even have to be involved in the school – they are involved if their child is at the school whether they like it or not. And their attitude out in the community, towards the school, is the P.R.O. of the school and crucial for the well-being of the school, you only need one poisonous parent to spread the word that it's a useless place or that 'so and so' is useless or that they don't care, the school doesn't care. And that word spreads very, very quickly ... If I hear about it, I call them in and put them on the spot. I take it quite personally when parents criticise the school without any cause.

Learner Participant CRCL3 (School C) concurred with the view of Participant AP1 by making the following observation in connection with the absence of parent involvement in the school:

I would say that, firstly at my school, the role of parents is very little. Very few parents are actually involved in things to do with the school, and very few parents pitch when

it comes to behavioural rights of even their children and things like that. So, whether it is disciplinary hearings, whether it is meetings with teachers and things like that, I would say that, the parents' role in the school is actually very little, like very little.

Participant BP1 (School B) further outlined the conflict waged by parents against teachers by saying:

When it's either the teacher's right or the child's right, they [the parents] will stick to their child. 'My child has got a right to be educated', 'my child has got a right to be in a class', 'my child has got the right to all of that' but when you step back and say, 'well, your child is being disruptive, let's forget about the teacher's right to be able to teach, what about the other 30 learners that cannot and are losing out on an education'. It's the only time they stop to listen and so, yes, they are enshrined in those things, but as I said the child's right outweighs ours by far. By far.

In managing the behavioural rights of teachers and learners in schools, it must be acknowledged that some degree of conflict is almost inevitable (Chapter 2.6.1). The vital issue is that the handling of conflict should be in a manner that removes its deleterious effects (Chapter 2.6.2.3). The fruitful relationship between parents and teachers should not be impacted negatively (Chapter 2.6.2.4). The operational ability of the school should not be compromised (Chapter 2.6.2.5). Ramani and Zhimin (2010:242-256) aver that conflict threatens to compromise the unity and collegiality among groups (Chapter 2.6.2.1 & 2.6.2.2), which in this instance are the parents and teachers.

During the interviews, many teacher participants stressed that the Department was allegedly partial to parents and learners in conflict situations. When hostile parents clashed with teachers over the learner's behaviour, the parents were quick to report the teacher and the school to the WCED.

In connection with the Department's involvement in the managing the behavioural rights of teachers and learners, the principal of School B (Participant BP1) expressed the following forthright views:

I want to emphasise that I think it weighs strongly in the favour of the learner. In anything, if it gets to the Department via a parent about a learner, the department will react with the snap of a finger – they will be here the next day. When teacher's rights are violated, like going on social media and telling them about a teacher and things like that, it takes the Department six weeks to come here and find out about what is

actually going, you know a thing like that. I just find that they are very quick to back the child before the back the teacher. They are very quick to make assumptions based on what the child has said before they have spoken to the teacher or a principal or whoever. The child's rights far outweigh the teacher's rights and I actually think it shouldn't be that way.

The Deputy Principal (Participant BDP1) of School B agreed with this opinion and lamented:

There's so very little support for teachers from the official people, the WCED, the national department of education. If we don't look after our teachers, they will leave the profession. And it worries me.

There was a tone of disappointment tinged with final resignation in the voice of teacher Participant BT2 (School B) who said:

You know what? I've been teaching for thirteen years. Teachers don't have rights. They don't ... a child can do pretty much whatever they want to do – the parents get called in and he gets detention, he gets suspended, whatever, but that's the end of it. If I were to have an issue with a child because this child did this or that to me or calls me 'racist' or whatever; if I go to the Department and say, "Listen, I refuse to teach here while that child is here." Nothing's going to happen. Sorry, I must suck it up and go and teach. But the child has all the rights. You cannot touch a child. So, I'm not allowed to touch [a learner] but [the learner] can just shove me out of the way ... how does that work?

From the foregoing, it is clear that the behavioural rights of teachers and learners are managed in a conflicting manner by some parents of learners. An increasing number of parents often wage conflict against teachers. Additionally, the WCED is allegedly partial to parents and learners in conflict situations. The South African school system has changed several times since 1994 (Chapter 2.2) – in effect, it has been undergoing a constant transformational process (Chapter 2.5.3.4). According to Louw and Wium (2015:1), not only has there been a shift from apartheid to democratic schooling, but also the curriculum has changed from Outcomes-based Education (OBE), to the Revised National Curriculum Statement (RNCS), to the National Curriculum Statement (NCS), and currently to the Curriculum Assessment Policy Statement (CAPS). Added to this constantly changing milieu are the challenges relating to managing the behavioural rights of teachers and learners (Chapter 2.2).

Burns (2009:1) posits that transformational leadership (Chapter 2.5.3.4) is a process in which managers and subordinates make one another advance to a higher level of morality and motivation. The transformational leadership style (Chapter 2.5.3.4) creates significant change in the lives of individuals and organisations. Burns (2009:1) underscores that the transformational leadership style redresses the perceptions and values by changing expectations and aspirations of teachers and parents of learners at a school.

Rimm-Kaufman (2011:2) contends that learners with good teacher-learner relationships showed better performance on measures of academic performance and school readiness. The learners developed better social skills than those learners with tense relationships with their teachers (Rimm-Kaufman, 2011:2). However, as previously mentioned, in managing the behavioural rights of teachers and learners, there is bound to be conflict (Chapter 2.6). Manktelow and Carlson (2012:2) argue that once the different styles of conflict resolution are identified, it is easy to consider the most effective approach (or approaches) for any given situation. This approach could resolve the problem, respect everyone's legitimate interests, and mend any damaged working relationships (Manktelow & Carlson, 2012:2). In order for effective managing of the behavioural rights of teachers and learners to take place, it is crucial for all parties involved (i.e. the teachers, learners, parents and officials representing the WCED) to apply conflict resolution strategies (Chapter 2.6), which would work for the success of the situation in schools.

4.3.3.4 Data regarding strategies that could be implemented by school

managers in managing the behavioural rights of teachers and learners

Participant CT1 (School C) was quick to offer this suggestion:

From the first day of school, the principal and all teachers should plan, be organized and communicate clearly to all the learners their expectations and standards in connection with good and bad behaviour in class and at school. Each learner (and indeed class for that matter) must be led to understand that this will generate a classroom environment of discipline and mutual respect so that proper teaching and learning can take place.

This helpful strategy expressed by participant CT1 (School C) resonates with Henri Fayol's Administrative Theory (Chapter 2.6.1.6) that has as its core four pillars planning, organizing, leading (by directing) and control (through evaluation). This was one of the models discussed as part of the theoretical framework of this study in Chapter 2.6. The researcher agrees with the assertion made by participant CT1. The researcher takes the view that, in order to effectively manage the behavioural rights of teachers and learners, the principal and all teachers should, from the first day of the academic year as well as on a daily basis, encourage and promote good learner behaviour by planning, organizing, leading (by directing) and control (through evaluation). This should be done whether it is a school assembly, in the classroom or at other times as well. The school managers should present straight talk in connection with what is acceptable and unacceptable learner behavior. Any ambiguity in pronouncing these standards should be completely avoided because this could be the loophole for deviant and defiant learner behavior.

Another strategy that could be employed was voiced by participant BRCL3 (School B):

By stressing our (School B's) core values and expected behaviour as found in the code of conduct from day 1, the school must force all of us learners to know that there is a relationship between discipline and learning within the bounds of proper behaviour and control. It sounds tough, but all of us learners must learn to cooperate for our own good. I also feel that as an RCL we should be given more say in managing the behavioural rights of teachers and learners on the SGB. After all, that's what we are therefore, right?

The researcher feels that this insightful comment by Participant BRCL3 (School B) is consonant with various models discussed in the conceptual framework (Chapter 2.5) as well as in the theoretical framework of this study (Chapter 2.6). Elements of this participant's comment is in line with the conceptual models, formal models (Chapter 2.5.2.1), collegial models (Chapter 2.5.2.2) and the subjective models (Chapter 2.5.2.3). Additionally, that comment also recalls aspects of Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1) as well as Kuhn and Poole's distributive and integrative model (Chapter 2.6.1.2). In connection with Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1), the principal and all teachers should be assertive in outlining standards of learner conduct so that the teaching and

learning process is not impeded. Then too, according to Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1), learners need to cooperate with the direction given for the success of teaching and learning arrangement. Likewise, in line with Kuhn and Poole's distributive and integrative model, the RCL learners need to be include in SGB discussions and disciplinary processes in connection with the behavioral rights of teachers and learners. As highlighted by the Kuhn and Poole's distributive and integrative model, a distribution of positive outcomes will be realized as well as the concerns of teachers and learners can be integrated for the greatest possible benefit to both groups.

Participant CRCL4 (School C) added this observation as a beneficial strategy:

When a learner misbehaves, his parent(s) must come to school and shadow him for the day. In other words, they should follow his class for all periods of the school day and sit in on lessons to see whether the learner or other learners will dare to misbehave while the parent is there. I bet you – the whole class will be well-behaved that day. In this way, the parents are playing an active part in solving the problem.

This strategy is in line with Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1). As previously noted in the theoretical framework section of this study, Pruitt (1983:177) postulated that problem-solving was always the preferred method when seeking mutually beneficial options. In terms of the school context, both the teachers' behavioural rights as well as that the learners' will be safeguarded when this model is put into operation. When effectively applied, the principles that form the basis for the Pruitt model of assertiveness and cooperativeness can be utilised in managing the behavioural rights of teachers and learners.

Participant CRCL4 (School C) noted the following strategy:

The principal and SGB must meet with all parents early in the school year to discuss why parents mustn't come to the school to fight after their child runs home and tells them a sob story. Parents should work together with the school – whether it is with the principal, deputy principal or any teachers – especially when problem situations arise. What I'm saying is, the school must help parents see that they shouldn't be too quick to run to the department or even to the police when they hear from their child what happened at school.

Following on in the same vein of thought, participant CRCL5 (School C) added this mature observation:

When problems arise between teachers and their child, the parents must come to the school, not to argue and fight [with the teachers], but to talk the matter out in a mature manner. By talking things out, they will be able to understand what really happened, identify the problem, acknowledge what went wrong and what is right, express their feelings on what happened and then be given the opportunity to say how they want to see the outcome of the problem.

Here again, the abovementioned comments by participants CRCL4 and CRCL5 (School C) directly relates to Wisinki's A-E-I-O-U model (Chapter 2.6.1.4) as discussed in the theoretical framework of this study. In that model, Wisinki postulates that, for success to be achieved, there should be a forum to acknowledge, express, identify, outcome and understand the problem being handled. In order to mitigate friction and strife at the school, this recommended strategy voiced by participants CRCL4 and CRCL5 (School C) is based on Wisinki's A-E-I-O-U model (Chapter 2.6.1.4) that highlights the need to acknowledge, express, identify and understand the whole situation in connection with managing the behavioral rights of teachers and learners. The researchers believes that, if this strategy mentioned by participants CRCL4 and CRCL5 (School C) is put into practice, a climate of mutual respect and trust will be favored.

Another helpful strategy that was mentioned was that of problem learners who should be isolated and sent for special behavioral counselling. In this connection, participant CT2 commented:

The school must identify and tag problem learners for counseling sessions. Some of these kids have anger management issues that stem from the home front. In many of my classes, I know my challenging "customers" [learners]. At all costs, I avoid crossing swords with these difficult learners, but I'm never going to compromise my principles in the classroom. I try to accommodate them, by collaborating with them and not competing against them. Sometimes they just want to work me up so that they can prove a point.

This strategy is in line with the Thomas-Kilmann Conflict Mode Instrument (Chapter 2.6.1.5) as discussed in the theoretical framework of this study. In the handling of conflict in a proper way that benefits all participants in managing the behavioural rights of teachers and learners, the call rings out for accommodating, avoiding competition, collaborating and compromising. The researcher is convinced that the beneficial application of the various aspects that make up the Thomas-Kilmann Conflict Mode Instrument (Chapter 2.6.1.5) will serve to champion the managing of the behavioral rights of teachers and learners at the school.

Participant BDP1 (School B) offered the following suggestion as another strategy:

Teacher union representatives on the staff should be trained in order to support teachers, especially when tense situations involving managing the behavioural rights of learners occur. But even before that, we as teachers, must make and take a united stand against any learner challenges.

Expressing a teacher's frustration with the current situation, participant CTL1 concurred by adding:

I mean, for goodness sake, why doesn't the WCED have an active teacher support unit that serves to champion our behavioural rights as teachers when tense situations arise between us and the learners? I tell you, we're alone out there in the classroom. Every day in the classroom, we have to accommodate unruly learner conduct, confront bad behavior as well as avoid tense situations. And what's more shocking is that even our [teacher] unions seem powerless in how they can help us. I mean we really need the department to help and support us more in cases like these.

This strategy calls to mind the model known as DeChurch and Marks' meta-taxonomy of activeness and agreeableness (chapter 2.6.1.3). In this conflict management model, the agreeableness feature includes the extent to which conflict behaviour (between teachers and learners) make for a pleasant and relaxed situation as compared to one that is unpleasant and strenuous. Activeness is denoted by openly discussing differences of opinion (between teacher union representatives and teachers) so as to satisfy the interest of all parties (between teachers and learners) involved. This emphasis on agreeableness includes the call for teacher union support in situations involving conflict in connection with managing the behavioural rights of teachers and learners.

4.5 DATA OBTAINED FROM THE DOCUMENT ANALYSIS

Babbie (2010:333) explains that document analysis (Chapter 3.5.3) can be defined as the study of recorded human communications, which includes written content such as books, laws, symbols, visual documents such as paintings and even websites. Babbie (2010:344) indicates that a great advantage of doing a document analysis is the relatively inexpensive cost of such a study, particularly in our electronic era (Chapter 3.5.3). Moreover, document analysis does not necessitate any special equipment, for it creates margin for the correction of errors without having to repeat the entire project (Chapter 3.5.4). To this end, it remains unobtrusive (Babbie, 2010:344). Mertens (2010:352) postulates that a document analysis provides comprehensive information for the study, and since the information already exists and is available, hardly any bias sets in.

School A, B and C are value-driven schools. Their common core values (discipline, respect, punctuality, responsibility and integrity) are clearly highlighted by means of attractive plaques on the school property. Significantly, these core values serve to promote proactive and constructive behaviour management. At each of the three schools, the vision statement and mission statement are prominently displayed. At each of the three schools, every learner is given a diary which contains the core values, the mission statement, the vision statement and the School's Code of Conduct at the beginning of the academic year. All these documents serve to underline the importance of managing the behavioural rights of teachers and learners in the school. The core values included in the school's Code of Conduct for learners provide an ideal springboard to promote proactive and constructive behaviour management. A high level of discipline is valued at all three schools, such as that if anyone violates the shared core values, then there will be resultant consequences for those learners.

Discipline as a core value speaks of abiding by the set school rules and indicates that deviations from such will be handled in a constructive manner. *Respect* as a core value promotes learners aspiring for the maintenance of both self-respect and respect for others, thereby supporting proactive and constructive behaviour management. *Punctuality* as a core value promotes seriousness, communication and taking responsibility for one's behaviour, which is synonymous with proactive and constructive behaviour management. *Responsibility* as a core value ensures that

learners behave in a trustworthy way and that they are truthful and tactful in their interaction with one another – this further serves proactive and constructive behaviour management. *Integrity* emphasises moral completeness and blamelessness in holding the school's name in a favourable light by engaging in positive activities that do not bring it (the school's name) into disrepute. This links directly to proactive and constructive behaviour management.

At all three schools in this study (School A, B and C), the Codes of Conduct are based on the values enshrined in the Constitution (Republic of South Africa, 1996a). At all three schools, the Code of Conduct also refers to values enshrined in the Constitution (Republic of South Africa, 1996a).

The behavioural rights of teachers are mentioned in none of the three schools' Codes of Conduct for Learners. However, at School A and School B, there is a separate Code of Conduct for teachers. In the Code of Conduct for teachers at School A and School B, reference is made to behavioural rights of teachers. At School C, there is no Code of Conduct for teachers. Rather, at this school, the teachers are instructed by the principal to view the SACE conduct requirements as the guiding line for the behavioural rights of teachers.

At all three schools, the behavioural rights of learners are not mentioned in the respective schools' Codes of Conduct. Rather, the school's Code of Conduct is a litany of rules that regulates learner behaviour. At all three schools, no mention is made in the school's Code of Conduct

in connection with managing the behavioural rights of teachers and learners at the school. Every learner at School A and School B signs the schools' Code of Conduct for learners and thus pledges his/her commitment to the shared core values.

At all three schools, the Codes of Conduct are based on the values enshrined in The South African Schools Act, 84 of 1996 [SASA, (1996)]. Commendably, the school's Code of Conduct (at all three schools) refers to the principles set forth in The South African Schools Act, 84 of 1996 [SASA, (1996)]. At School A, the school's Code of Conduct was updated at the beginning of the academic year. At School B, the school's Code of Conduct was also updated at the beginning of the academic year. At School C, the school's Code of Conduct has been in force for the last five years with no updates having been done since then.

At School A and School B, the SGB is involved in updating the schools' Codes of Conduct. At School C, the SGB merely signs off the school's Code of Conduct. At Schools A and B, the entire teaching staff involved in providing input when the school's Code of Conduct is updated. This does not take place at School C. At School A and B, the RCL learners are included in the discussions when the school's Code of Conduct is updated. At School C, the RCL learners are not included in the discussions when the school's Code of Conduct is updated. At School A and B, efforts are made to emphasise the managing of the behavioural rights of teachers and learners when the school's Code of Conduct is updated. At School C, no effort is made to emphasise the management of the behavioural rights of teachers and learners when the school's Code of Conduct is updated.

At all three schools, the School's Code of Conduct clearly underlines the consequences of bad learner behaviour. At all three schools, the SGB is involved in handling disciplinary cases involving bad learner behaviour. At all three schools, the entire teaching staff is involved in providing input regarding teacher's rights versus unacceptable learner behaviour. At Schools A and B but not at School C, the RCL learners are included in the discussions about learner's rights especially in view of bad learner behaviour. At none of the three schools does the School's Code of Conduct emphasise the management of the behavioural rights of teachers and learners in situations, involving bad learner behaviour.

As far as websites are concerned, School A and School B have up-to-date websites that chronicle significant detail in connection with the teaching and learning at those schools. The schools' Codes of Conduct are prominently displayed on these respective websites. In addition, these schools have Facebook pages, which boast the accomplishments of the schools in different areas of excellence. While School C has a website, it is not up to date. No Code of Conduct is found on this website. However, School C boasts an active Facebook page that highlights their sports and cultural accomplishments.

4.6 SUMMARY

After a brief introduction, Chapter 4 set forth the purpose of the study, outlining the questions that were formulated in Chapter 1. The research process was detailed, the procedure to be followed was described and the steps to ensure trustworthiness were highlighted. Next, the data analysis explained what the collected data from the interviews contained. The following section began with the biographical data collected from the participants. Thereafter, the data analysis was presented. Verbatim quotations from participants' transcripts were used in order to guarantee the trustworthiness of the study. Data obtained from the document analysis were also surveyed. Throughout this chapter, the empirical findings were compared and cross-referenced with the literature review that was conducted in Chapter 2.

The final chapter of this dissertation will synthesise and consolidate the findings of this study by providing a summary, making recommendations and drawing conclusions.

4.7 CONCLUDING REMARKS

“After 25 years in this career, so much has changed – and sometimes not for the better. Now, more than ever before, we must continue to fight for managing our behavioural rights as teachers with that of the learners.”

Participant BDP1 (School B)

That succinct comment from participant BDP1 described in a nutshell the expressions of so many teacher participants in this study. From the outset of the interview process, the researcher was pleasantly surprised to sense the forthrightness and freeness of speech of all the teacher participants. Many of the teachers bemoaned the situation at schools today in connection with managing the behavioural rights of teachers and learners. Yet, they were quick to identify ways that they personally work around the problem given the lack of support from teacher unions and the WCED. Many of the teacher participants felt that if a democratic leadership style is employed by the principal, the behavioural rights of teachers will really be championed. Then too, a collaborative approach was highlighted as having definite merit in connection with managing the behavioural rights of teachers and learners.

Equally surprising was the rich input gleaned from the interviews with the RCL learners. It became apparent to the researcher that the learners are completely aware of the challenges involved in managing the behavioral rights of teachers and learners in schools. As the interview sessions progressed, the researcher remained constantly alert to the correlation between the participants' comments and the various model for school management as elaborated on in the conceptual (Chapter 2.5) and theoretical framework (Chapter 2.6) sections of this study.

The researcher is very excited as he contemplates relating the empirical findings to the literature read. To be sure, the researcher was not expecting to find such a wealth of information in connection with managing the behavioral rights of teachers and learners.

Chapter 5 will conclude the study with suggestions regarding future research in connection with managing the behavioural rights of teachers and learners.

CHAPTER 5

SUMMARY, FINDINGS AND RECOMMENDATIONS

5.1 INTRODUCTION

The purpose of this chapter is to present the summary, findings and recommendations of this study. The main objective of this study was to determine effective strategies in connection with managing the behavioural rights of teachers and learners. The sub-aims of the study (Chapter 1.7) were to:

- determine how the behavioural rights of teachers is managed;
- establish how the behavioural rights of learners is managed;
- identify the challenges encountered when managing the behavioural rights of teachers; and
- discuss strategies that could be implemented by school managers in managing the behavioural rights of teachers and learners.

These sub-aims will be discussed in the research conclusions of this chapter.

5.2 SUMMARY OF THE STUDY

Chapter 1 presented the rationale of the study (Chapter 1.5). The problem statement (Chapter 1.6) is related to the managing the behavioural rights of teachers and learners in three schools in the North Metropolitan District of Cape Town. This chapter presented the theoretical framework (Chapter 1.4) of the entire study which included the main research question and sub-questions (Chapter 1.7), the aims and objectives of the study (Chapter 1.8) as well as the research design and methodology (Chapter 1.9).

Chapter 2 gave an exhaustive discussion regarding the South African and international legal framework that impacts on the managing of the behavioural rights of teachers and learners. The theoretical framework (Chapter 2.5) explored management and leadership concepts together with models of school management. Finally, a thorough synopsis was offered in connection with effective models (Chapter 2.6) for managing the behavioural rights of teachers and learners.

Chapter 3 contained a discursive rendition of the interpretivist research paradigm (Chapter 3.2), the qualitative research approach (Chapter 3.5), the case study design methodology (Chapter 3.4.1.1) and the semi-structured interviews (Chapter 3.4.3.2) with the 30 participants who were used for the data collection process. A synopsis was provided relating to the purposive sampling approach (Chapter 3.4.2.2) for selecting the teacher and learner participants, research venues (i.e. the three selected schools) (Chapter 3.6.2.2) as well as aspects of the study that served to promote its trustworthiness and credibility (Chapter 3.5). The chapter concluded with a description of the ethical considerations linked to informed consent (Chapter 3.6.1.1) as well as access and acceptance (Chapter 3.6.1.2).

Chapter 4 presented the data from the various data collection procedures of the study. This chapter set forth the purpose of the study, outlining the questions that were formulated in chapter one (Chapter 1.7). The research process was detailed, the procedure to be followed was described and the steps to ensure trustworthiness were highlighted (Chapter 3.5). Next, the data analysis explained what the collected data from the interviews contained. The following section began with the biographical data collected from the participants (Chapter 4.2.2). Thereafter, the data analysis was presented in the form of five themes and their related sub-themes (Chapter 4.4). Verbatim quotations from participants' transcripts were used in order to guarantee the trustworthiness of the study. Data obtained from the document analysis (Chapter 4.5) were also surveyed. Throughout this chapter, the empirical findings were cross-referenced and reconciled with the reviewed literature (Chapter 4.2.2).

Chapter 5 presents a summary of the main findings of the study and shows how these are aligned with the main aim, objectives and research questions. In connection with managing the behavioural rights of teachers and learners, key recommendations are then explained followed by avenues for future research. The limitations of the study are noted and final conclusions are outlined.

5.3 THE FINDINGS OF THE STUDY

The findings of the study will now be discussed according to the four questions that are linked to the sub-research questions of this study (Chapter 1.7).

5.3.1 Findings regarding sub-research question 1: How are the behavioural rights of teachers managed?

From the responses given during the interview process, this first question from the list of sub-research questions was generally easy to answer. Taken as a whole, the participants' expressions covered a wide, varied range of comments regarding managing the behavioral rights of teachers. In total, it was apparent that all the participants in the study had a good idea as to what is involved in managing the behavioral rights of teachers. All the teacher participants interviewed in this study agreed that the behavioural rights of teachers are managed by the school's management style and, in particular, via the leadership style used by the principal. Several participants mentioned that if the principal adopts a democratic leadership style (chapter 2.5.3.2), then the behavioral rights of teachers will be managed effectively. Some teachers noted that the collaborative leadership style (chapter 2.5.3.4) will serve the school well in connection with managing the behavioral rights of teachers.

The researcher noted that two of the schools (School A & School B) have a specific Code of Conduct for teachers. The third school (School C) does not have a specific Code of Conduct for teachers. At School C, teachers are merely encouraged to fashion their behaviour based on the stipulations outlined in the SACE regulations (Chapter 2.2). At this school, this arrangement leaves teachers feeling disempowered, since their behavioural rights are not clearly defined in the terms of their local school context.

The ineffective support from teacher unions was another significant finding in connection with managing the behavioural rights of teachers. Many teacher participants were very disappointed that teacher unions offered very little or no support in connection with managing the behavioural rights of teachers. Participant BDP1 (School B) candidly admitted that the only time teachers heard from their unions was when the unions tried to sell a conference. The principal at School A (Participant AP1) agreed with this assertion and added that the teacher unions, instead of championing the behavioural rights of teachers, seemed to be overly concerned with furthering their political agendas. Many teacher participants expressed similar sentiments.

All teacher participants agreed that their behavioural rights were managed primarily by the laws and policies promulgated by the government. These participants cited the

following laws in their comments: The Constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2); The National Education Policy Act, Act 27 of 1996 (Chapter 2.4.3); The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4); The Education Laws Amendment Acts of 2002; 2005; 2007 (Chapter 2.4.5); The International Law and Treaties in South Africa (Chapter 2.4.6) and The Children's Act, Act 38 of 2005 (Chapter 2.4.8). But, while they (as teachers) know the laws that regulate their behavioural rights, they feel that these laws are completely out of touch with the challenging realities faced in classroom as well as with belligerent parents who later on come to the school to stir up conflict.

At two of the schools (School A and School B), an active SGB is involved in managing the behavioural rights of teachers. At these schools, the teachers are involved in discussions relating to the teachers' Code of Conduct as well as the learners' Code of Conduct (Chapter 2.5.3.4). At these schools, the results are satisfying for all role players. However, at School C, the findings of this study highlight the ineffective result of an inactive SGB. While the SGB functions in certain areas of school management (such as appointment of teachers and disciplinary processes), the teachers at School C articulated that their policies are taken from other schools, and these (policies) were not adjusted to cater for the current school environment. Some teachers (Participants ADP1, AT1 & AT2) at School C stated that they felt that their school's code of conduct was very flawed, with lots of inconsistencies in terms of appropriate dress, grooming and acceptable learner behaviour. The result is that the school (School C) figuratively sits on a powder keg in terms of managing the behavioural rights of teachers and learners.

The researcher observed that a successful strategy in connection with managing the behavioural rights of teachers pointed to Henri Fayol's Administrative Theory (Chapter 2.6.1.6). Many of the teacher participants in this study stressed that, if proper managing of the behavioural rights of teachers is to be achieved, the principal (and by extension the SMT) must engage in active planning, organizing, leading and controlling of the behavioral rights of teachers of the staff. In practical terms, this means that seminars, workshops and team-building programs should be organized so that all teachers feel empowered in connection with their behavioral rights. Planning, organizing, leading and controlling the school environment are essential elements of Henri Fayol's Administrative Theory (Chapter 2.6.1.6). Some of the teacher

participants noted that chaos at the school and serious problems on the staff result when there is no planning, organizing, leading and controlling of the behavioral rights of teachers and the school.

5.3.2 Findings regarding sub-research question 2: How are the behavioural rights of learners managed?

The researcher noted that, in the interview process, all the teacher participants showed that they are *au fait* with the various laws that are binding in connection with managing the behavioural rights of learners. When asked which laws and policies impact on the managing of the behavioural rights of learners at the school, many teacher participants mentioned the following: The Constitution of the Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2); The National Education Policy Act, Act 27 of 1996 (Chapter 2.4.3); The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4); The Education Laws Amendment Acts of 2002; 2005; 2007 (Chapter 2.4.5); The International Law and Treaties in South Africa (Chapter 2.4.6) and The Children's Act, Act 38 of 2005 (Chapter 2.4.8).

Interestingly, the findings of the researcher show that, when the RCL participants were asked which laws and policies impact on the managing of the behavioural rights of learners at the school, only two (Participants CT1 and CT2) out of the 15 learners quoted part of the above-mentioned set of laws. Thirteen of the learner participants (all of whom have served on the RCL for two years or more) indicated that they did not know the laws involved in managing the behavioural rights of learners at schools. Many of the RCL interviewees expressed that, as an RCL, they had never researched and discussed any of the legal arrangements that impact on their function. They felt that their role was merely to be a voice for the greater learner population in terms of current hot-debated issues such as school uniforms, haircuts and styles of hair braiding.

A keynote finding in connection with managing the behavioural rights of learners was that many participants bemoaned the muted voice of the RCL at school and on the SGB. For example, at School A and School B, RCL learners have a say in the annual review and emendation process of the learners' Code of Conduct. At School C, no conferencing with RCL learners takes place in terms of adjustments to the Code of Conduct. At this school, the Code of Conduct remains unchanged from year to year.

While a hair *imbizo* was arranged and held at School C, the learner participants felt that the more the situation involving the behavioural rights of learners seemed to be changing, the more it remained the same. The RCL learners (participants CRCL2, CRCL3, CRCL4 and CRCL5) felt disappointed with this current state of affairs and mentioned that this was due to the static force of the unchanged Code of Conduct.

Another finding in connection with managing the behavioural rights of learners was that many RCL participants lamented that the RCL was seen only as a means of communication with learners. While RCL members at School A and School B sit in on SGB meetings, their input and suggestions are not taken up. Although RCL members at School C (participants CRCL2, CRCL3, CRCL4 and CRCL5) attended SGB meetings on certain occasions in the year, they stated that they were invited to attend merely as an audience rather than as active participants in the discussion of matters on the agenda.

At two schools in this study (School A and School B), the RCL participants felt that, if their school management team continues to adopt the democratic leadership style (Chapter 2.5.3.2), success could be achieved in managing the behavioural rights of learners. At School C, the RCL participants adoption of the collaborative leadership style (Chapter 2.5.3.2),

Perhaps the most significant finding was that the RCL learners stressed the inclusion of proper planning, organizing, leading and controlling of the behavioral rights of learners at the school. These are the four essential elements of Henri Fayol's Administrative Theory (Chapter 2.6.1.6) as discussed in the theoretical framework of this study. The RCL participants suggested that the aid of professional behavioral counselors be enlisted to speak to boys and girls (as separate groups) at the school. The counselors should meet with individual learners who have a problem with the school authority structures (principal, teachers, etc.) or with individual learners who have known behavioral problems. The researcher noted that all learner participants expressed that mayhem results at the school when the principal (and teachers on the staff) show evidence of a lack of proper planning, organizing, leading and controlling. The participants felt that this can even apply to a school assembly, a school fund-raising event but, more importantly, what happens in terms of acceptable or unacceptable learner behavior in a classroom when a teacher is busy with a lesson.

5.3.3 Findings regarding sub-research question 3: What challenges have been encountered when managing the behavioural rights of teachers and learners?

The researcher was surprised to find out that one of the main challenges (as expressed by participants AP1, CP1, AHOD1, BHOD1, CHOD1, AT1, CT1, CT2, as well as all the RCL learners from Schools A, B and C) was that the Department of Education does not provide the proper support for teachers in connection with the challenges relating to managing the behavioural rights of teachers and learners. Thus, teachers feel disempowered when handling situation involving bad learner behaviour and conflict in school.

Another challenge that emerged was that some parents were belligerent and waged a conflicting battle against teachers when tense situations regarding the behavioural rights of teachers and learners needed to be handled. Some parents reported the teacher, principal and school to the WCED. Other parents continued to wage bitter warfare against the school by getting journalists of local community newspapers to publish their grievances in the most sensational of write-ups.

The researcher sensed that a number of teacher participants were vocal about their disappointment in that the WCED was allegedly partial to parents and learners in conflict situations. When hostile parents clashed with the principal and teachers over the learners' challenging behaviour and the parents reported the teacher and the school to the WCED, the WCED (according to participant BP1) were quick to respond. In many cases, the WCED sided in the favour of the learner and the parents. On the other hand, Participant BP1 mentioned it took the WCED up to six weeks to start an investigation when teachers' behavioural rights were violated.

Teacher union representatives on the staff presented another challenge in connection with managing the behavioural rights of teachers and learners. Many of the teacher participants interviewed felt that teacher union representatives on the staff are not fully equipped in terms of legal knowledge to provide the proper support to teachers when challenges relating to managing the behavioural rights of teachers and learners surface at the school. At best, these teacher union representatives simply take notes of what has happened in a certain situation. Then they pass on these notes to the teacher union and no productive handling of the situation ensues.

Another finding relating to the challenges experienced in connection with managing the behavioural rights of teachers and learners is that learners are quick to advertise the news on the social media. In effect, these learners slander the teachers and besmirch the good name of the school by spreading defamatory stories concerning those involved. Participant BT2 noted that this social media bullying included many forms of bad-mouthing and bullying of teachers online.

5.3.4 Findings regarding sub-research question 4: Which strategies could be implemented by school managers in managing the behavioural rights of teachers and learners?

The researcher recorded that all three principals (Participants AP1, BP1 & CP1) of the schools involved in this study agreed that the democratic management style (Chapter 2.5.3.2) is a beneficial strategy in managing the behavioural rights of teachers and learners. Furthermore, a number of teacher participants (including Participants AHOD1, AT1, AT2, BDP1, BT1, BT2, CDP1, CHOD1, CT1 & CT2) noted that the democratic leadership style (Chapter 2.5.3.2) of the principal positively influences not only the *esprit d'cor* of the teaching staff but also the behaviour of the learners. Learners can sense when a staff takes a united front against any challenging behaviour. Hence, the democratic management style (Chapter 2.5.3.2) strategy proves to be efficacious in managing the behavioural rights of teachers and learners at the school.

Another strategy that could be employed (as expressed by participants CRCL3, CRCL4 and CRCL5) was that, when a learner has been involved in unruly behaviour in class, the parent(s) should come in to school and shadow their child for the day by going to every lesson. In this way, the parent will get to see how their child behaves in front of the different teachers. This may even have a positive effect on the entire class. All the learners may start to behave if a parent is present during all the lessons. Other learners looking on will think twice about misbehaving and having their parents called in to do the same.

It was enlightening to discover that only School A and School B have a teachers' Code of Conduct that is updated annually. School C does not have a Teachers' Code of Conduct. At School A and School B, the learners' Code of Conduct is updated annually. At these schools, all learners and their parents must sign the Learners' Code

of Conduct early in the new school year and return it to the school. This does not happen at School C as expressed by participants CT1, CT2, CRCL2, CRCL3, CRCL4 and CRCL5.

The researcher also noted that, at School A and School B where firm discipline in terms of classroom control is maintained, the active involvement of the SGB serves as a bulwark against disruptive and challenging learner behaviour. However, a sober finding was that participants CDP1, CHOD1, CT1, CT2, CRCL2 and CRCL3 called attention to the ineffective role of the inactive SGB at School C. While discipline does exist at School C, classroom management remains an ongoing challenge for many teachers owing to the relatively young and inexperienced staff. Moreover, participants CT1, CRCL2 and CRCL5 mentioned that in order to effectively manage the behavioural rights of teachers and learners, a helpful strategy could be that the SGB should include parents or teachers who have legal experience or a knowledge of legal matters. In this way, the input from these individuals will anchor the SGB as it presses for the expulsion of a learner in the event of remorseless wrongdoing.

The RCL members at School A (participants ARCL1, ARCL3, ARCL5) and School B (BRCL2, BRCL3, BRCL4 & BRCL5) indicated that they were included in SGB meetings on a regular basis. In contrast, participants CRCL2, CRCL3, CRCL4 and CRCL5 bemoaned that the RCL's muted voice served only as a communicative tool for the learners at School C. Another helpful strategy is that an RCL member should be assigned to each teacher at the school. When conflict arises between teachers and learners, the assigned RCL member should be called in to video record the situation. This video footage could be examined later on by the disciplinary committee and the SGB in order to view the scope of what really took place. Of course, before this arrangement is put in place, all learners will have to be informed beforehand that, if disruptive behaviour occurs in class, the assigned RCL member will be called in to video the situation. The teacher could initially begin to video the situation until the RCL member arrives.

The researcher came to understand that helpful conflict resolution strategies (for conflict between parents and teachers) are employed by all three schools involved in this study. According to participants BP1, BT1 and BT2, parents enter into conflict against teachers when reports about challenging learner behaviour are brought to the

parent's attention. Parents also report teachers and the school to the WCED. In turn, the WCED allegedly sides with the learners and their parents in cases where conflict occurs. The conflict resolution strategies employed at Schools A, B and C are based on the models discussed in the theoretical framework of this study (Chapter 2.7). These include Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1), Kuhn and Poole's distributive and integrative model (Chapter 2.6.1.2), DeChurch and Marks' Meta-Taxonomy of activeness and agreeableness (Chapter 2.6.1.3), Wisinski's A-E-I-O-U model (Chapter 2.6.1.4) and the Thomas-Kilmann Conflict Mode Instrument (Chapter 2.6.1.5).

5.4 Recommendations

The purpose of this qualitative study is to add to the body of knowledge in connection with managing the behavioral rights of teachers and learners. This section provides the discussion based on the findings of the literature study and the empirical investigation. Because there are many recommendations, they are provided under each heading.

5.4.1 Recommendations regarding managing behavioural rights of teachers

- First and foremost, the recommendation is that, on a day-to-day basis, a democratic leadership style (Chapter 2.5.3.2) should be used by the principal. When this is the case, managing the behavioural rights of teachers will have fructifying results. The principal should be known as one who daily consults with other teachers, delegates responsibilities to other teachers and dignifies all teachers in connection with their behavioural rights. On the other hand, when the leadership style tends to be autocratic (Chapter 2.5.3.1), although it is deemed collaborative (Chapter 2.5.3.4), managing the behavioural rights of teachers is fraught with many staff problems such as malicious gossiping, bitterness and an overt feeling of discontent towards the management structure at the school. Consequently, the primary recommendation pertaining to managing the behavioural rights of teachers is that a democratic leadership style should be used by the principal, which should flow to and through the SMT, SGB and by extension to all teachers on the staff.

- Every school should have a specific Code of Conduct for teachers. At the beginning of each academic year, this Code of Conduct should be reviewed by the entire teaching staff. As the laws and standards change in the legal arena of the country, emendations to this Code of Conduct need to be made. Also, updated WCED policies relating to teachers' behavioural rights should be included in the Code of Conduct. After that discussion at the beginning of the year, all on the staff should be in heart harmony with the behavioural rights for teachers as set forth in the Code of Conduct. Each teacher should be given two printed copies of the Teacher's Code of Conduct – one signed copy must be returned to the school for filing in the teacher's confidential file in the office and the other copy should be retained in the teacher's personal file for easy reference and consultation. On a daily (or even weekly) basis, the principal should encourage all teachers to re-read their Code of Conduct. As situations crop up at the school, the principal should also call attention to various aspects of the behavioural rights of teachers as adopted by all at the beginning of the year.
- Each school term, the principal should organize workshops, seminars and programs to acquaint the staff with updated research in connection with their behavioural rights as teachers. Legal professionals should host these programs since, in many instances, they have up-to-date information regarding the developments in connection with managing the behavioural rights of teachers. When implemented, this recommendation would point to the faithful application of Henri Fayol's Administrative Theory (Chapter 2.6.1.6). Many of the teacher participants in this study stressed that if, from the first day of school, proper managing of the behavioural rights of teachers is to be achieved, the principal (and by extension the SMT) must engage in active planning, organizing, leading and controlling of the behavioral rights of teachers of the staff. In practical terms, this means that seminars, workshops and team-building programs should be organized so that all teachers feel empowered in connection with their behavioral rights. Planning, organizing, leading and controlling the school environment are essential elements of Henri Fayol's Administrative Theory (Chapter 2.6.1.6).

- At least once a term, different teacher union representatives should be invited to staff meetings in order to discuss the headway that they (teacher unions) are making in connection with providing active support regarding managing the behavioural rights of teachers. This initiative will serve to strengthen the individual teacher's trust in the union. At the same time, any questions from the teachers (regarding how their behavioural rights could be managed at the school especially when situations involving challenging learner behavior arise) can be taken up.

5.4.2 Recommendations regarding managing behavioural rights of learners

- The RCL participants recommended that, from the first day of the academic year, the principal and teachers should display evidence of proper planning, organizing, leading and controlling of the behavioral rights of learners at the school. These are the four essential elements of Henri Fayol's Administrative Theory (Chapter 2.6.1.6) as discussed in the theoretical framework of this study. The RCL participants recommended the aid of professional behavioral counselors be enlisted to speak to boys and girls (as separate groups) at the school. The counselors should meet with individual learners who have a problem with the school authority structures (principal, teachers, etc.) or with individual learners who have known behavioral problems. The researcher noted that all learner participants expressed that mayhem results at the school when the principal (and teachers on the staff) show evidence of a lack of proper planning, organizing, leading and controlling. This should apply at all times, whether it is at a school assembly, a school fund-raising event but, more importantly, what plays off in terms of acceptable or unacceptable learner behavior in a classroom when a teacher is busy with a lesson. Many RCL participants recommended that, if the principal and the SMT continues to adopt the democratic leadership style (Chapter 2.5.3.2), success will definitely be achieved in managing the behavioural rights of learners. Also, some RCL participants recommended the adoption of the collaborative leadership style (Chapter 2.5.3.2) which would include their concerns, input and questions in connection with managing the behavioral rights of teachers and learners.
- A further recommendation was that, from the outset of the academic year, RCL members should become familiar with the laws involved in managing the behavioural rights of learners at schools. In this study, many of the RCL interviewees expressed that, as an RCL, they had never researched and discussed any of the legal arrangements that impact on their function. They felt that their role was merely to be a voice for the greater learner population in terms of current hot-debated issues such as school uniforms, haircuts and styles of hair braiding. Hence, at the beginning of each school year, workshops run by legal professionals should be held with the RCL members in order to school them in connection with the following laws: The Constitution of the

Republic of South Africa, Act 108 of 1996 (Chapter 2.4.2); The National Education Policy Act, Act 27 of 1996 (Chapter 2 2.4.3); The South African Schools Act, Act 84 of 1996 [SASA, 1996] (Chapter 2.4.4); The Education Laws Amendment Acts of 2002; 2005; 2007 (Chapter 2.4.5); The International Law and Treaties in South Africa (Chapter 2.4.6) and The Children's Act, Act 38 of 2005 (Chapter 2.4.8).

- From the beginning of the year, the RCL representatives on the SGB should be an active voice in connection with the behavioral rights of teachers and learners. No muted voice of the RCL members on the SGB should be allowed. This will serve to strengthen the unity and progress in connection with managing the behavioural rights of teachers and learners at the school.
- In connection with managing the behavioural rights of teachers and learners at the school, at the beginning of each year, RCL learners should be invited to make an oral presentation to all parents regarding their role in this process. This will strengthen the parents' and learners' confidence in the RCL as well as in the school's democratic leadership style of management.

5.4.3 Recommendations regarding challenges encountered while managing behavioural rights of teachers and learners

- From the beginning of the school year and throughout the year, the principal (as part of his democratic leadership management style) must ask the WCED to provide proper support for teachers in connection with the challenges relating to managing the behavioural rights of teachers and learners. WCED representatives should be sent to each school to address the teaching staff in connection with the support system that they should offer. Instead of feeling disempowered when handling situation involving bad learner behaviour and conflict in school, this arrangement could serve to champion the behavioural rights of teachers when tense situations involving managing the behavioural rights of teachers and learners arise.
- Early in the school year, the principal should have a meeting with all parents, teachers, SGB and RCL members. Central to the discussion at this meeting should be managing the behavioral rights of teachers and learners. The principal should strongly discourage parents from becoming embroiled in

belligerent, conflicting battles against teachers when tense situations regarding the behavioural rights of teachers and learners needed to be handled. Rather, parents should be encouraged to come in to school and sort out matters instead of reporting the teacher, principal and school to the WCED. Of course, even more than that, parents should never wage a bitter battle against the school by getting journalists of local community newspapers to publish their grievances in the most sensational of write-ups.

- The WCED should not be too hasty in siding with parents and learners in conflict situations. In some cases, when hostile parents clashed with the principal and teachers over the learners' challenging behavior and the parents reported the teacher and the school to the WCED, the WCED was quick to respond. Before making a recommendation for improvement, the WCED should first dispatch representatives to the school to find out the facts.
- Another recommendation is that, from the beginning of the year and on a regular basis, teacher unions should host seminars for the teacher union representatives on the staff. This could serve to acquaint all on the staff in connection with managing the behavioural rights of teachers and learners. Many of the teacher participants interviewed felt that teacher union representatives on the staff are not fully equipped in terms of legal knowledge to provide the proper support to teachers when challenges relating to managing the behavioural rights of teachers and learners surface at the school. At best, these teacher union representatives simply take notes of what has happened in a certain situation. Then they pass on these notes to the teacher union and no productive handling of the situation ensues.
- In the strongest of terms and from the beginning of the year, the principal and all teachers should make known the serious consequences (i.e. expulsion from the school) relating to learners who are guilty of social media bullying. This would include those who are quick to advertise news of challenging learner behavior on the social media platform. In effect, this conduct (which could include many forms of bad-mouthing and bullying of teachers online) would be viewed as a serious form of slander. Moreover, this would constitute defamation of the school's character and good name since besmirching stories concerning those involved are spread.

- Another recommendation is that, In order for effective teaching and learning to take place, from the first day of the year and throughout the year, proper classroom discipline environment must be achieved. The firm-discipline approach to classroom management will create a good effect on the teaching and learning environment, because where there is good management and discipline, there is control, order, focus and mutual respect.
- From the first day of school, teachers should clearly communicate their expectations and standards in connection with learner behaviour to each class. This will generate a classroom environment of discipline and mutual respect so that proper teaching and learning can take place. Learners will come to know that there is a relationship between discipline and learning within the bounds of dignity and control.

5.4.4 Recommendations regarding strategies that could be implemented by school managers managing behavioural rights of teachers

- From the outset of the school year, the democratic leadership style (Chapter 2.5.3.2) of the principal would positively influences not only the *esprit d'cor* of the teaching staff but also the behavior of the learners. Learners would be able to sense that the teaching staff is taking a united front against any challenging behavior. Hence, the recommendation for the inclusion of the democratic management style (Chapter 2.5.3.2) strategy. This will prove to be efficacious in managing the behavioral rights of teachers and learners at the school.
- Early in the school year, another strategy that should be employed is that, when a learner has been involved in unruly behavior in class, the parent(s) should come in to school and shadow their child for the day by going to every lesson. In this way, the parent will get to see how their child behaves in front of the different teachers. This may even have a positive effect on the entire class. All the learners may start to behave if the parent is present during all the lessons. Other learners looking on will think twice about misbehaving and having their parents called in to do the same.
- From the beginning of the first term, the principal should organize a meeting with all parents and teachers at the school. At this meeting, the parents should be encouraged to cooperate and support the school especially when unruly

learners threaten and challenge the authority of teachers at the school. At all times, parents should be encouraged to support the school's disciplinary processes knowing that these are "in the best interests of the child" and refuse to side with belligerent parents who come to the school to stir up conflict.

- Another recommendation is that, at all schools, the teachers should be involved in discussions relating to the teachers' Code of Conduct as well as the learners' Code of Conduct (Chapter 2.5.3.4). Both the Teachers' Code of Conduct and the Learners' Code of Conduct should be updated annually. Of course, at all schools, the learners and their parents must sign the Learners' Code of Conduct early in the new school year and return it to the school.
- Another recommendation is that an active SGB should be involved in managing the behavioral rights of teachers and learners at the school. The RCL members at the school should be actively involved in managing the behavioural rights of teachers and learners at the school. They should be allowed to attend all SGB meetings, regardless of whether they are allowed to vote or not.
- Another recommendation is that young and inexperienced teachers should be mentored and supported by more experienced teachers, especially in cases where classroom management presents a challenge for them. In the community the school should become known as a facility where firm discipline in terms of classroom control is practiced and maintained. To this end, the active involvement of the SGB with RCL members will serve as a bulwark against disruptive and challenging learner behavior.
- Another recommended strategy to overcome the probability of the existence of an inactive and ineffective SGB is that the SGB should include parents or teachers who have legal experience or a knowledge of legal matters. In this way, the input from these individuals will anchor the SGB as it presses for the expulsion of a learner in the event of remorseless wrongdoing.
- Every RCL member should be assigned to a certain teacher on the staff. When conflict arises between teachers and learners in a classroom, the assigned RCL member should be called in to video record the situation. This video footage could be examined later on by the disciplinary committee and the SGB in order to view the scope of what really took place. Of course, before this arrangement

is put in place, all learners will have to be informed beforehand that, if disruptive behaviour occurs in class, the assigned RCL member will be called in to video the situation. The teacher could initially begin to video the situation until the RCL member arrives.

- Helpful conflict resolution strategies (for conflict between parents and teachers) should be employed by all schools. The conflict resolution strategies that should be employed are based on the models discussed in the theoretical framework of this study (Chapter 2.7). These include Pruitt's model of assertiveness and cooperativeness (Chapter 2.6.1.1), Kuhn and Poole's distributive and integrative model (Chapter 2.6.1.2), DeChurch and Marks' Meta-Taxonomy of activeness and agreeableness (Chapter 2.6.1.3), Wisinski's A-E-I-O-U model (Chapter 2.6.1.4) and the Thomas-Kilmann Conflict Mode Instrument (Chapter 2.6.1.5). Above all, a democratic leadership style employed by the principal that encompasses the principles constituting Henri Fayol's Administrative Theory (Chapter 2.6.1.6), namely, planning, organising, leading and controlling, should be implemented at all schools in order to manage the behavioural rights of teachers and learners effectively.

5.5 Suggestions for further research

This study confirms that there are rich future prospects for research in connection with managing the behavioural rights of teachers and learners.

- Further research needs to investigate why teaching and learning suffer so badly if the proper classroom discipline environment is not achieved.
- Teacher union representatives on the staff are not fully equipped to provide the proper support for teachers when challenges relating to managing the behavioural rights of teachers and learners surface at the school. An in-depth study needs to be undertaken concerning the role of the teacher union representatives as they provide proper support for teachers when challenges relating to managing the behavioural rights of teachers and learners surface at the school.

- Another research study could explore why the Department of Education does not provide the proper support for teachers in connection with the challenges relating to managing the behavioural rights of teachers and learners.
- A further investigation could explore the role of the SGB in implementing sanctions via the Learner's Code of Conduct in connection with the consequences for teacher-targeted bullying on the social media.
- Another study could investigate the role of an active SGB in counteracting challenging learner behaviour with reference to managing the behavioural rights of teachers and learners.
- Further research could explore the challenges encountered by RCL members in managing the behavioural rights of teachers and learners at the school.
- A research study could investigate the role played by school principals in conflict-resolution situations, involving strategies parents and teachers when reports of disruptive and challenging learner behaviour is brought to the parent's attention.
- Research could be undertaken that explores strategies that the WCED employs to support school managers and teachers in managing the behavioural rights of teachers and learners.

5.6 CONCLUSION

Around the world, managing the behavioural rights of teachers and learners continues to be a thorny problem for all involved in the school situation. The comprehensive breadth of this study has highlighted that, owing to its complicated nature, the South African teacher-learner relationship is a cause for real concern, given that both teachers and learners are endowed with individual rights and freedoms, with the accent often falling empathetically on the learner only, neglecting to prioritise the duties, which everyone should be obligated to fulfil. From a legal standpoint, the crux of this study revolved around why school managers and teachers feel disempowered by learners' rights. In order to help to answer the main research question of the study, four sub-questions were explored. These sub-question focused on how the

behavioural rights of teachers managed, how the behavioural rights of learners were managed, what challenges had been encountered when managing the behavioural rights of teachers and learners, and the strategies than could be implemented by school managers in managing the behavioural rights of teachers and learners.

This final chapter contains a synopsis of the study, presentation of findings and recommendations. The findings of this study illustrate that the leadership style of the principal, SMT, SGB and RCL has a direct impact on managing the behavioural rights of teachers and learners. The recommendations have provided guidelines as to how principals, SMTs, SGBs and RCLs can effectively manage the behavioural rights of teachers and learners. The principals, SMTs, SGBs and RCLs that adopt a democratic leadership style which favours support, collaboration and conflict resolution can thus take a firm hold of a golden opportunity – the opportunity to sustain and promote the managing of the behavioural rights of teachers and learners.

The present study has spotlighted that much still needs to be accomplished in terms of managing the behavioural rights of teachers and learners. If they are given sufficient training and proper support, I believe that all principals, SMTs, SGBs and RCLs will be able to be effective in managing the behavioural rights of teachers and learners. It is hoped that this study will prove to be helpful to interested stakeholders who are involved in managing the behavioural rights of teachers and learners.

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APPENDIX A: ETHICAL CLEARANCE OF UNISA



UNISA COLLEGE OF EDUCATION ETHICS REVIEW COMMITTEE

2017/05/17

Dear Mr Goldstone,

REC Ref#: 2017/05/17/48314730/16/MC
Name: Mr CG Goldstone
Student#: 48314730

**Decision: Ethics Approval from
2017/05/17 to 2020/05/17**

Researcher: Name: Mr CG Goldstone
Telephone#: 0791090389
E-mail address: cgoldsto@gmail.com

Supervisor: Name: Dr PK Triegaardt
Telephone#: +971509358073
E-mail address: paul.triegaardt@gmail.com

Working title of research:

**Managing the behavioural rights of teachers and learners: A case study in the
North Metropolitan District of Cape Town**

Qualification: M Ed in Education Management

Thank you for the application for research ethics clearance by the UNISA College of Education Ethics Review Committee for the above mentioned research. Ethics approval is granted for 3 years.

The medium risk application was reviewed by the College of Education Ethics Review Committee on 2017/05/17 in compliance with the UNISA Policy on Research Ethics and the Standard Operating Procedure on Research Ethics Risk Assessment. The decision was approved on 2017/05/17.

The proposed research may now commence with the provisions that:

1. The researcher(s) will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.
2. Any adverse circumstance arising in the undertaking of the research project that is



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relevant to the ethicality of the study should be communicated in writing to the UNISA College of Education Ethics Review Committee.

3. The researcher(s) will conduct the study according to the methods and procedures set out in the approved application.
4. Any changes that can affect the study-related risks for the research participants, particularly in terms of assurances made with regards to the protection of participants' privacy and the confidentiality of the data, should be reported to the Committee in writing, accompanied by a progress report.
5. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study. Adherence to the following South African legislation is important, if applicable: Protection of Personal Information Act, no 4 of 2013; Children's act no 38 of 2005 and the National Health Act, no 61 of 2003.
6. Only de-identified research data may be used for secondary research purposes in future on condition that the research objectives are similar to those of the original research. Secondary use of identifiable human research data requires additional ethics clearance.
7. No field work activities may continue after the expiry date 2020/05/17. Submission of a completed research ethics progress report will constitute an application for renewal of Ethics Research Committee approval.

Note:

The reference number 2017/05/17/48314730/16/MC should be clearly indicated on all forms of communication with the intended research participants, as well as with the Committee.

Yours sincerely,

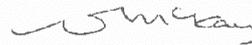


Signature

Chair of CEDU ERC: Dr M Claassens

E-mail: mcdtc@netactive.co.za

Tel: (012) 429 8750



Signature

Executive Dean: Prof VI McKay

E-mail: mckayvi@unisa.ac.za

Tel: (012) 429-4979



URERC 25.04.17 - Decision template (V2) - Approve

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APPENDIX B: LETTER TO THE PRINCIPAL REQUESTING PERMISSION TO
CONDUCT RESEARCH

Cyril Goldstone
Flat 10
Cumnor Court
Main Road
Kenilworth
Cape Town 7700

Mobile no.: 079 109 0389

E-mail address: cgoldsto@gmail.com

03 January 2017

The Headmaster

School A, B, C

Re: Permission to conduct research at Western Cape Education Department institutions

Dear Sir

My name is Cyril Goldstone, and I am a Master of Education Degree student at the University of South Africa (UNISA). I am conducting research on Educational Management and Leadership under the supervision of Dr P.K. (Paul) Triegaardt.

My dissertation topic is: Managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town.

The aims of this research project are:

- To determine how the *behavioural rights of teachers* is managed in schools in the North Metropolitan district of Cape Town
- To establish how the *behavioural rights of learners* is managed in schools in the North Metropolitan District of Cape Town.

- To identify the *challenges* encountered when managing the behavioural rights of teachers and learners in schools in the North Metropolitan District of Cape Town.
- To discuss *strategies* that could be implemented by school managers in managing the behavioural rights of teachers and learners in schools the North Metropolitan District of Cape Town.

For this study, I would like to interview the principal, one deputy principal, one head of department and two other teachers. Additionally, I would like to interview five learners that are part of the school's Representative Council of Learners (RCL). These interviews and observations will enable me to explore and understand the complexities involved in managing the behavioural rights of teachers and learners in the North Metropolitan District of Cape Town.

The following steps will be taken to ensure a high level of professionalism:

- The interviews will be approximately 20 to 30 minutes and will be digitally recorded
- Interviews will be conducted after school hours so that the normal teaching and learning programs are not interrupted
- Teachers, learners and schools will not be identifiable in any way from the results of the research
- Participation is strictly voluntary and participants may withdraw without any consequence

As a researcher, I will develop concepts and arrive at conclusions based on the relationships, patterns and themes that were identified in the collected data from these interviews.

Thank you for your support. I kindly await your response.

Yours faithfully

C.G. Goldstone (UNISA MEd student) (WCED Persal no.: 55498086)

**APPENDIX D: LETTER TO THE PRINCIPAL REQUESTING PARTICIPATION AND
CONSENT TO CONDUCT RESEARCH AT THE SCHOOL**

Cyril Goldstone

Flat 10

Cumnor Court

Main Road

Kenilworth

Cape Town 7700

Mobile no.: 079 109 0389

E-mail address: cgoldsto@gmail.com

06 January 2017

The Headmaster

School A, B and C

Re: Request regarding participation and consent

Dear Sir

My name is Cyril Goldstone. I am currently studying towards the Master of Education (MEd) in the subject Educational Management and Leadership at the University of South Africa. My research topic is: **Managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town.**

I have obtained permission from the District Director (and also requested your permission) to conduct this research project at your school. I hereby invite you to participate in the research project. Should you agree to participate in an interview, I would like to inform you that the following applies:

- Your participation in this study is purely voluntary.
- You are free to refuse to answer any question at any time.
- You are also free to withdraw from this research at any time.

I will protect your identity and your responses will be kept confidential. Your name and contact details will be kept in a separate file from any data that you supply. In any publication emerging from this research, you will be referred to by a pseudonym. I will

remove any references to personal information that might allow someone to identify you. I undertake not to divulge the information from these documents to anyone outside the school, or anybody at the school who may not be entitled to insight therein. Once the research has been completed, the findings will be presented in a published dissertation. Further to the above, I attach the Confidentiality disclaimer, the intention of which is to indicate to you that strict confidentiality will be maintained at all times.

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying consent form and return it to me.

Should you require any further information, do not hesitate to contact me.

I kindly await your response.

Yours faithfully

C. G. Goldstone
(UNISA MEd student)

APPENDIX F: LETTER TO THE PARTICIPANTS (TEACHERS) INVITING THEM TO TAKE PART IN THE STUDY

Dear Participant

My name is Cyril Goldstone. I am presently studying towards a Master of Education (MEd) degree in Education Management and Leadership at the University of South Africa. My study focuses on the managing the behavioural rights of teachers and learners.

I have obtained permission from the Head of Education: Western Cape Education Department and the Principal of the school to send this letter to you informing you of this research project. Should you agree to participate in a focus group, I would like to inform you of your following rights:

- Your participation in this study is purely voluntary.
- You are free to refuse to answer any question at any time.
- You are also free to withdraw from this research at any time.

I kindly request that you sign below, thus indicating that you consent to participate in the above study.

Signature: _____

Print name: _____

Date: _____

Further to the above, I include the Confidentiality Disclaimer below, the intention of which is to indicate to you, the participant, that strict confidentiality will be maintained at all times.

CONFIDENTIALITY DISCLAIMER

Title of Research Project: Managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town.

Researcher: C. GOLDSTONE

As a researcher, I understand that I may have access to confidential information about participants. By signing this statement, I indicate my understanding of my responsibilities to maintain confidentiality and agree to the following:

I understand that names and any other identifying information about study sites and participants are completely confidential.

I agree not to divulge, publish, or otherwise make known to unauthorized persons or to the public any information obtained in the course of this research project that could identify the persons who participated in the study.

I understand that all information about study sites or participants obtained or accessed by me in the course of my work is confidential. I agree not to divulge or otherwise make known to unauthorised persons any of this information, unless specifically authorised to do so by approved protocol or by acting in response to applicable law or court order, or public health or clinical need.

I understand that I am not to read information about study sites or participants, or any other confidential documents, nor ask questions of study participants for my own personal information but only to the extent and for the purpose of performing my assigned duties on this research project.

I agree to notify my supervisor immediately, should I become aware of an actual breach of confidentiality or a situation which could potentially result in a breach, whether this be on my part or on the part of another person.

Signature of Researcher

Printed name

Date

**APPENDIX G: LETTER TO THE PARENTS OF UNDERAGE LEARNERS
REQUESTING THEIR PERMISSION FOR THEIR CHILDREN TO PARTICIPATE IN
THE STUDY**

Dear Parent

My name is Cyril Goldstone. I am presently studying towards a Master of Education (MEd) degree in Education Management and Leadership at the University of South Africa. My study focuses on the managing the behavioural rights of teachers and learners.

I have obtained permission from the District Director and the Principal of the school to send this letter to you informing you of this research project. With regard to this study, your child has the following rights:

- His/Her participation in this study is purely voluntary.
- He/She is free to refuse to answer any question at any time.
- He/She may also withdraw from this research at any time.
- He/Her responses will be kept strictly confidential.
- His/Her name or any identifying characteristics will not be divulged in the report.
- He/She is free to consult with the school counsellor and or the peer counsellors as and when she sees fit.

I will protect your child's identity. In any publication emerging from this research, the learner will be referred to as Participant A, B, C, etc. Before participating in this research, your child will be provided with counselling by the school counsellor, to ensure that he/she is ready. If further counselling is needed after your child has participated in the study, it will be arranged for them. I would appreciate it if you, the parent or legal guardian, could sign this consent form as an indication that you have read and understood its contents.

Signature: _____

Print your name: _____

Date: _____

Thank you for your kind assistance.

Yours faithfully

C. G. GOLDSTONE

E-mail: cgoldsto@gmail.com

Mobile no.: +27 79 109 0389

APPENDIX I: LETTER TO THE UNDERAGE PARTICIPANTS (LEARNERS) WHO ARE RCL MEMBERS

Dear Participant

My name is Cyril Goldstone. I am presently studying towards a Master of Education (MEd) degree in Education Management and Leadership at the University of South Africa. My study focuses on the managing the behavioural rights of teachers and learners.

I have obtained permission from the District Director and the Principal of your school to send this letter to you to participate in this research project. On reading this letter, you can decide whether you wish to participate or not. Should you agree to participate, I would like to inform you of your following rights:

- Your participation in this study is purely voluntary.
- You are free to refuse to answer any question at any time.
- You are also free to withdraw from this research at any time.
- Your responses will be kept in the strictest of confidences.
- Your name or any identifying characteristics will not be divulged in the report.
- You are free to consult with the school counsellor and or the peer counsellors as and when you see fit.

I will protect your identity. In any publication emerging from this research, you will be referred to as Participant A, B, C, etc. Before you participate in this research, you will be provided with counselling by the school counsellor, to ensure that you are ready. If you need further counselling after you have participated in the study, it will be arranged for you.

I would appreciate it if you the learner could sign this consent form as an indication that you have read and understood its contents.

Your signature: _____

Print your name: _____

Date: _____

Thank you for your help.

Yours faithfully

C.G. GOLDSTONE

E-mail: cgoldsto@gmail.com

Mobile no.: +27 79 109 0389

APPENDIX K: QUESTIONS TO BE USED DURING THE INTERVIEW WITH THE PRINCIPAL

Interview with the principal (P)

As the school manager and leader, the principal is responsible for managing the behavioural rights of teachers and learners at the school. In the interview with the principal, I will propound the following direct questions:

1. How does the school's Code of Conduct regulate managing the behavioural rights of teachers and learners at the school?
2. How common are the challenges to managing the behavioural rights of teachers at the school?
3. How does managing the behavioural rights of teachers and learners affect the teaching and learning environment at the school?
4. As principal, how do you overcome and manage the challenges in connection with managing the behavioural rights of teachers and learners?
5. As principal, how do you guide the SMT to overcome challenges in connection with managing the behavioural rights of teachers and learners at the school?
6. As principal, how do you create the correct balance between teachers' rights and learners' rights?
7. As ex-officio member of the SGB, what role does the school governing body play in managing the behavioural rights of teachers and learners?
8. Have the various teacher unions in South Africa provided support with regard to managing the behavioural rights of teachers (who are affiliated to those unions) at your school? If so, please explain in full detail.
9. If you have parental support with regard to managing the behavioural rights of teachers and learners at your school, explain the role played by the affected parents.
10. How do you overcome new challenges with regard to managing the behavioural rights of teachers and learners at your school?
11. Which laws and policies govern the managing of the behavioural rights of teachers and learners at your school?
12. Do these laws and policies really help in managing the behavioural rights of teachers and learners at your school?

APPENDIX L: QUESTIONS USED DURING THE INTERVIEW WITH THE DEPUTY PRINCIPAL

Interview with the deputy principal (DP)

In the interview with the deputy principal, I will propound the following viewpoint questions:

1. How does the school's Code of Conduct regulate managing the behavioural rights of teachers and learners at the school?
2. How common are the challenges to managing the behavioural rights of teachers at the school?
3. How does managing the behavioural rights of teachers and learners affect the teaching and learning environment at the school?
4. As deputy principal, how do you work along with the principal in overcoming and managing the challenges in connection with managing the behavioural rights of teachers and learners?
5. As deputy principal, how do you work along with the principal in connection with guiding the SMT to overcome challenges in connection with managing the behavioural rights of teachers and learners at school?
6. As deputy principal, how do you create the correct balance between teachers' rights and learners' rights?
7. As deputy principal, what role does the school governing body play in managing the behavioural rights of teachers and learners?
8. As deputy principal, have the various teacher unions in South Africa provided support with regard to managing the behavioural rights of teachers (who are affiliated to those unions) at your school? If so, please explain in full detail.
9. As deputy principal, if you have parental support with regard to managing the behavioural rights of teachers and learners at your school, explain the role played by the affected parents.
10. As deputy principal, how do you overcome challenges with regard to managing the behavioural rights of teachers and learners at your school?
11. Which laws and policies govern the managing of the behavioural rights of teachers and learners at your school?
12. As deputy principal, do you view these laws and policies as having definite merit in managing the behavioural rights of teachers and learners at your school?

APPENDIX M: QUESTIONS USED DURING THE INTERVIEW WITH THE HEAD OF DEPARTMENT

Interview with the Head of Department (HOD)

In the interview with the Head of Department (HOD), I will propound the following questions:

1. How does the school's Code of Conduct regulate managing the behavioural rights of teachers and learners at the school?
2. How common are the challenges to managing the behavioural rights of teachers at the school?
3. How does managing the behavioural rights of teachers and learners affect the teaching and learning environment at the school?
4. As HOD, how do you work along with the principal and the SMT in overcoming and managing the challenges in connection with managing the behavioural rights of teachers and learners?
5. As HOD, how do work along with the principal in connection with guiding the SMT to overcome challenges in connection with managing the behavioural rights of teachers and learners at your school?
6. As HOD, how do you create the correct balance between teachers' rights and learners' rights?
7. As HOD, what role does the school governing body play in managing the behavioural rights of teachers and learners?
8. As HOD, have the various teacher unions in South Africa provided support with regard to managing the behavioural rights of teachers (who are affiliated to those unions) at your school? If so, please explain in full detail.
9. As HOD, if you have parental support with regard to managing the behavioural rights of teachers and learners at your school, explain the role played by the affected parents.
10. As HOD, how do you overcome challenges with regard to managing the behavioural rights of teachers and learners at your school?
11. Which laws and policies govern the managing of the behavioural rights of teachers and learners at your school?
12. As HOD, do you view these laws and policies as having definite merit in managing the behavioural rights of teachers and learners at your school?

APPENDIX N: QUESTIONS USED DURING THE INTERVIEW WITH THE TEACHERS

Interview with Teacher 1 and Teacher 2 (T1 & T2)

In the two separate interviews with Teacher 1 and Teacher 2, I will ask the following questions:

1. How does the school's Code of Conduct regulate managing the behavioural rights of teachers and learners at the school?
2. How common are the challenges to managing the behavioural rights of teachers at the school?
3. How does managing the behavioural rights of teachers and learners affect the teaching and learning environment at the school?
4. As a teacher, how do you work along with the principal in overcoming and managing the challenges in connection with managing the behavioural rights of teachers and learners?
5. As a teacher, how do you work along with the principal in connection with guiding the SMT to overcome challenges in connection with managing the behavioural rights of teachers and learners at school?
6. As a teacher, how do you create the correct balance between teachers' rights and learners' rights?
7. As a teacher, what role does the school governing body play in managing the behavioural rights of teachers and learners?
8. As a teacher, have the various teacher unions in South Africa provided support with regard to managing the behavioural rights of teachers (who are affiliated to those unions) at your school? If so, please explain in full detail.
9. As a teacher, if you have parental support with regard to managing the behavioural rights of teachers and learners at your school, explain the role played by the affected parents.
10. As a teacher, how do you overcome challenges with regard to managing the behavioural rights of teachers and learners at your school?
11. Which laws and policies govern the managing of the behavioural rights of teachers and learners at your school?
12. As a teacher, do you view these laws and policies as having definite merit in managing the behavioural rights of teachers and learners at your school?

APPENDIX O: QUESTIONS USED DURING THE INTERVIEW WITH THE RCL MEMBERS

Interview with members of the Representative Council of Learners (RCL1; RCL2; RCL3; RCL4 & RCL5)

In the individual interviews with the five learners who have all served on the RCL, I will ask the following direct questions:

1. How does the school's Code of Conduct regulate managing the behavioural rights of teachers and learners at the school?
2. How common are the challenges to managing the behavioural rights of teachers at the school?
3. How common are the challenges to managing the behavioural rights of learners at the school?
4. How does managing the behavioural rights of teachers and learners affect the teaching and learning environment at the school?
5. As a member of the RCL, how do you overcome and manage the challenges in connection with managing the behavioural rights of teachers and learners?
6. As an RCL member, how do you support the SMT in overcoming challenges in connection with managing the behavioural rights of teachers and learners at the school?
7. As a member of the RCL, how do you create the correct balance between teachers' rights and learners' rights?
8. As an RCL member, what effectively is the school governing body's role in managing the behavioural rights of teachers and learners?
9. Have the various teacher unions in South Africa provided support with regard to managing the behavioural rights of learners (who are affiliated to those unions) at your school? If so, please explain in full detail.
10. If you have parental support with regard to managing the behavioural rights of teachers and learners at your school, explain the role played by the affected parents.
11. How do you overcome challenges with regard to managing the behavioural rights of teachers and learners at your school?
12. Which laws and policies govern the managing of the behavioural rights of teachers and learners at your school?

**APPENDIX P: PERMISSION FROM THE WESTERN CAPE EDUCATION
DEPARTMENT TO CONDUCT RESEARCH**

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REFERENCE: 20160720 – 2481

ENQUIRIES: Dr A.T. Wyngaard

Mr Cyril Goldstone

Flat 10 Cumnor Court

Main Road

Kenilworth 7708

Dear Mr Cyril Goldstone

Research Proposal: managing the behavioural rights of teachers and learners: a case study in the North Metropolitan District of Cape Town

Your application to conduct the above-mentioned research in schools in the Western Cape has been approved subject to the following conditions:

1. Principals, educators and learners are under no obligation to assist you in your investigation.
2. Principals, educators, learners and schools should not be identifiable in any way from the results of the investigation.
3. You make all the arrangements concerning your investigation.
4. Educators' programmes are not to be interrupted.
5. The study is to be conducted from 01 September 2016 till 31 July 2018
6. No research can be conducted during the fourth term as schools are preparing and finalising syllabi for examinations (October to December).
7. Should you wish to extend the period of your survey, please contact Dr A.T. Wyngaard at the contact numbers above quoting the reference number.
8. A photocopy of this letter is submitted to the principal where the intended research is to be conducted.

9. Your research will be limited to the list of schools as forwarded to the Western Cape Education Department.
10. A brief summary of the content, findings and recommendations is provided to the Director: Research Services.
11. The Department receives a copy of the completed report/dissertation/thesis addressed to:

The Director: Research Services
Western Cape Education Department
Private Bag X9114
CAPE TOWN 8000

We wish you success in your research.

Kind regards

Signed: Dr Audrey T. Wyngaard

Directorate: Research

DATE: 20 July 2016

APPENDIX Q: LETTER FOR TECHNICAL AND LANGUAGE EDITING

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18 October 2017

TO WHOM IT MAY CONCERN

Herewith I, Cornelia Geldenhuys (ID 521114 0083 088) declare that I am a qualified, SATI-accredited language practitioner and I have edited the dissertation by

CYRIL GOLDSTONE

**MANAGING THE BEHAVIOURAL RIGHTS OF TEACHERS AND LEARNERS: CASE
STUDY IN THE NORTH METROPOLITAN DISTRICT OF CAPE TOWN**

All changes were indicated by track changes and comments for the student to verify and finalise.



.....
C GELDENHUYS
MA (LIN – *cum laude*), MA (Mus), HED, Postgraduate Dipl, Library Science, UTLM

ACCREDITED MEMBER OF SATI – Membership number: 1001474 (APTrans)
GEAKKREDITEERDE LID VAN SAVI – Lidmaatskapnommer: 1001474 (APVert)
Full Member of/Volle Lid van PEG (The Professional Editors Guild)

APPENDIX R: LETTER FOR PROFESSIONAL TRANSCRIBING



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E: juitamb1@rnweb.co.za

11 September 2017

To whom it may concern:

This letter serves as confirmation that my company, Cyber Transcription transcribed the audio recordings for Mr. Cyril Goldstone and no changes were made between the transcribe and the actual recordings.

Sincerely,

Julia M. Martinelli

