Manage law, policy, planning, school development and governance

Advanced Certificate: Education
(SCHOOL MANAGEMENT AND LEADERSHIP)



education

Department:
Education
REPUBLIC OF SOUTH AFRICA

Department of Education

Manage law, policy, planning, school development and governance
A module of the Advanced Certificate: Education (School Management and Leadership)

© Department of Education 2008

Creative Commons License
The copyright for this work is held by the Department of Education. However, to maximise distribution and application, the work is licensed under the Creative Commons License. This allows you to copy, distribute, and display the work under the following conditions:
By **attribution**. You must attribute the work in the manner specified by the Department of Education.
For **non commercial use**[1]. You may not use this work for commercial purposes. Profit-making entities who charge a fee for access to the work are not permitted to copy, distribute and display the work.
By **attribution, share-alike**. Should this core material be supplemented in any way to create a derivative work, it is expected that the derivative work will be made available to the Department of Education to post onto the Thutong website for others to access and adapt as needed.

For any reuse or distribution, you must make clear to others the license terms of this work.

Any of these conditions can be waived if you get permission from the Department of Education.

Department of Education
Sol Plaatje House
123 Schoeman Street
Tshwane
South Africa

Tel: +27 12 312 5344
Fax: +27 12 323 0134

http://www.education.gov.za

© Department of Education 2008

[1] How does the Department of Education define commercial use? A commercial use would involve the assessment of a direct or indirect fee by a for-profit entity for use of the Department of Education Creative Commons (CC) materials, or any derivation or modification of the Department of Education CC material, or any other commercial exploitation of the Department of Education CC materials.

Manage law, policy, planning, school development and governance

Advanced Certificate: Education
(School Management and Leadership)

Table of Contents

Acknowledgements 7
Acronyms and abbreviations used in the programme 9
Introduction to the module 11
What this Module is about 11
Module Outcomes 12
Learning time 12
Link with other modules 12

UNIT 1: THE CONSTITUTION AND GENERAL PRINCIPLES OF LAW IN THE EDUCATION CONTEXT 13
1.1 Introduction 15
Learning Outcomes 16
1.2 Topic 1: Delict–the law of negligence 18
1.2.1 General Principles 19
1.2.2 Examining the various elements of a delict 22
1.3 Administrative Law for educators 42
1.4 Topic 3: Constitutional Law for Educators 50
1.4.1 Introduction 50
1.4.2 An historical perspective 51
1.4.3 The scope of Specific Rights 53
1.5 Concluding remarks 61

UNIT 2: EDUCATION LAW, REGULATIONS AND POLICY 63
2.1 Introduction 65
Learning Outcomes 66
2.2. Legislation and Policy – the differences 68
2.3 The building blocks of legislation and policy 69
2.4 Identifying Four Key Policies 73
2.5 Implementation challenges for legislation & policy 77
2.6 Concluding remarks 86

UNIT 3: GOVERNANCE AND MANAGEMENT ASSESSMENT 87
3.1 Introduction 89
Learning outcomes 89
3.2 Topic 1: Governance and management - two sides of the same coin 90
3.3 Topic 2: South African Schools Act and the legalities of School Governing Bodies 98
3.4 Topic 3: Role of Representative Council of Learners (RCL) in school governance 107
3.5 Topic 4: Building partnerships with the community 112
3.5.1 Reflecting on your leadership style 112
3.5.2 Building relationships and partnerships 113
3.6 Topic 5: Communication with parents and guardians 117
3.7 Topic 6: Communication with the DOE 118
3.8 Concluding remarks 119

UNIT 4: DEVELOPMENT AND COMMUNICATION OF SCHOOL VALUES, VISION AND MISSION 121
4.1 Introduction 123
Learning Outcomes 123

4.2 Topic 1: Developing a core values statement 124
4.2.1 Introducing the concept of values 124
4.2.2 Leadership and values 125
4.2.3 Developing organisational values 125
4.2.4 Translating values into practice 129
4.3 Topic 2: Developing a vision and mission statement 132
4.3.1 Introducing school vision 132
4.3.2 Introducing school mission 133
4.3.3 Developing a school vision and mission 135
4.4 Topic 3: Communicating and integrating values, vision and mission into school management 136
4.4.1 The wow – now – how approach 136
4.4.2 Strategies for infusing the constitutional values in education 138
4.4.3 All schools must be learning organisations 140
4.5 Concluding remarks 142

UNIT 5: LEADING AND MANAGING SCHOOL SELF- EVALUATION, STRATEGIC AND DEVELOPMENT PLANNING 143
5.1 Introduction 145
Learning Outcomes 145
5.2 Topic 1: The principal as a planner and a strategic thinker 146
5.2.1 Strategic, functional and operational plans 147
5.2.2 Plans needed in schools 148
5.2.3 The planning process 150
5.2.4 Who participates in the planning process? 151
5.2.5 Plans can go wrong 152
5.2.6 Strategic thinking 152
5.2.7 Strategic thinking skills for unpredictable scenarios 154
5.3 Topic 2: whole school evaluation and school development 156
5.3.1 School development 156
5.3.2 The need for school reform and development 156
5.3.3 Standards and accountability 157
5.3.4 School effectiveness and school improvement 158
5.3.5 School reform in South Africa 160
5.3.6 Recent trends in school reform 160
5.3.7 South African Education Quality Assurance Policy 162
5.4. Topic 3: Conducting a whole school self evaluation 166
5.4.1 Setting the scene 166
5.4.2 Selecting/acquiring evaluation indicators 168
5.4.3 Conducting a participative evaluation 168
5.4.4 Developing a school improvement plan 171
5.5 Topic 4: Managing school development 173
5.5.1 Creating time, structures and processes for development 173
5.5.2 Managing the school development process 173
5.5.3 Problem analysis and project identification process 175
5.5.4 Project planning process 175
5.5.5 Develop a project budget 179
5.5.6 Encouraging community support 180
5.6 Topic 5: Sustaining the evaluation and development process 181
5.6.1 Monitor and manage the process 181
5.6.2 Motivate and support role players 181
5.6.3 Adhere to action learning 182
5.7 Concluding Remarks 183

READERS & TEMPLATES 185
Reader **187**
Text 1: Commentary by Burchell? 187
Text 2: SASA Link? 187
Text 3: Constitution link? 187
Text 4: Policy issues overview? 187
Text 5: National Guidelines for School Governing Body Elections 187
Text 6: The School Governing Body 188
Text 7: Newspaper article 197
Text 8: Meetings and records 198
Text 9: School policy pro-formas 203
Text 10: Example SGB constitution 209
Text 14: GMSAF whole school evaluation instrument (July 2006) 221
Text 15: Revisiting participative leadership 271
Text 16: Hints on problem solving 273
Text 15: Template for school improvement plan 278
Text 16: Priority problem analysis sheet 280
Text 17: Project proposal 281
Bibliography **284**

List of tables

Table 1: Management or governance issues 96
Table 2: Composition of SGB 100
Table 3: Rights of RCLs 109
Table 4: The school's potential roles in the community (Eastern Cape Department of Education, 2005) 115
Table 5: School values 130
Table 6: Action plan for unpredictable situations 155
Table 7: Summative evaluation 170
Table 8: Example of an action plan 177
Table 9: Gantt chart 178
Table 10: Example project budget 179

List of figures

Figure 1: Organisational structure of a school (Province of Eastern Cape DoE, 2001) 94
Figure 2: Roles and responsibilities of SMTs and SGBs (Province of Eastern Cape DoE, 2001: B 36) 95
Figure 3: A learning organisation change spiral 141
Figure 4: The Allen Wheel 147
Figure 5: Planning circle 149
Figure 6: The planning process 151
Figure 7: The nine areas of whole school evaluation with learner achievement as the key outcome and basic functionality as the central driver. 163
Figure 8: A possible route from school evaluation to school development 174

Acknowledgements

This material is the product of a collaborative endeavour involving representatives of the following organisations and institutions:

Cooper King
Department of Education – Education Management and Governance Development Directorate
GMSA Foundation
Management of Schools Training Programme (MSTP)
Matthew Goniwe School of Leadership and Governance (MGSLG)
National Association of Professional Teachers of South Africa (NAPTOSA)
National Association of Teacher Unions (NATU)
Pauline Matlhaela and Associates, Skills Development Services Pty (Ltd)
Regenesys
South African Democratic Teachers Union (SADTU)
South African Institute for Distance Education (SAIDE)
South African Principals' Association (SAPA)
Shuttleworth Foundation
Ukukhula Projects
University of Fort Hare
University of South Africa (UNISA)
University of Stellenbosch
University of the Free State
University of the Witwatersrand
Zenex Foundation

as well as a number of individual consultants, and reflects feedback from personnel from all the Higher Education Institutions involved in developing this course.

Foreword

Acronyms and abbreviations used in the programme

AC	Assessment Criteria
ACE	Advanced Certificate: Education
AGM	Annual General Meeting
CCFO	Critical cross-field outcome
CHE	Council on Higher Education
DoE	Department of Education
DSG	Development Support Group
EMD	Education Management Development
ETQA	Education and Training Quality Assurance body
HEQC	Higher Education Quality Committee
INSET	In-service Education and Training
IQMS	Integrated Quality Management System
NCS	National Curriculum Statement
NLRD	National Learners' Records Database
NQF	National Qualifications Framework
OBA	Outcomes-Based Assessment
OBE	Outcomes-Based Education
PGP	Personal Growth Plan
PoE	Portfolio of Evidence
RPL	Recognition of Prior Learning
SACE	South African Council of Educators
SAQA	South African Qualifications Authority
SAUVCA	South African University Vice-Chancellors' Association
SDT	Staff Development Team
SGB	School Governing Body
SGB	Standards Generating Body
SMT	School Management Team
SO	Specific Outcome
US	Unit Standard

Overview

Introduction to the module

This core module is about understanding, and managing the requirements of education law, policy, planning, school development and governance, and the changes which schools must implement and manage.

We are living through times of great changes and challenges. Throughout the world, countries are experiencing rapid economic, social and cultural changes including globalisation, international competitiveness, and the introduction of new technology. These changing contexts, legislation and policies impact on education systems and the roles for which learners have to be prepared.

South Africa has introduced many new national and provincial policies and programmes for two main reasons: first, to democratise society and second, to redress the inequalities of the past. The government's new education legislation and policies require schools, as organisations, to adapt and organise themselves differently. They must align with the wider changes in society, as well as impart to learners the different knowledge, attitudes and competences necessary to operate in this rapidly changing world.

Schools and their staff are now more accountable. They are required to take stock of what they do, and how well they do it, through various school and staff evaluations. They can then prioritise their development needs to enable them to transform, improve and, in the process, receive appropriate external support.

Schools have to cope with change which is imposed from the outside. They then have to implement and manage the changes from the inside. The challenge for schools and their districts is to mediate between these different and, at times, contradictory demands for school change and manage these strategically for the benefit of the schooling system and its personnel.

This module examines the role of the principal and school management team in managing policy, planning, governance and school development. It considers how values, vision and mission can be developed and communicated within the school as an organisation, and the personal characteristics of the principal in establishing and maintaining these key areas. It foregrounds the knowledge, and the actions which school leaders must take to comply with the legislative and policy requirements, as critical to the functionality of the school through good management and governance.

What this Module is about

- Introduction to legal frameworks and a brief history of SA legislation; case studies and key laws affecting schools;
- Educational legislation including: SASA, LRA, Employment of Educators Act;
- Policy Development: Key policies affecting schools/school policy development and implementation;

- School Governing Body and Governance -: history and role of school governance; management and governance issues; working with the SGB; Parental and wider community resources- cooperation and effectiveness;
- Values, vision and mission
- Schools as organisations and School effectiveness & school improvement theories;
- Quality assurance, monitoring and evaluation for school development
- School development planning & strategic/systems processes.

Module Outcomes

by the end of the module you should be able to:

- Understand and demonstrate the personal qualities necessary for effective management of school policy planning & implementation, school development and governance
- Demonstrate an understanding of the legislation and case law applying to schools
- Demonstrate an understanding of national education policies and impact upon schools and the management of change
- Develop and maintain sound working relationships with the SGB (as well as parents, learners, the community and the department)
- Develop and communicate school values, vision, mission,
- Develop and implement policies, strategic and development plans, quality assurance processes
- Understand, and be able to apply, relevant content knowledge in leading and managing policy, planning, school development and governance.

Learning time

This module carries 20 credits. It should, therefore, take the average learner approximately 200 hours to successfully complete the module. The 200 hours includes contact time, reading time, research time and time required to write assignments. Remember that about half of your time will be spent completing practice-based activities in your school. This will often involve you in discussions with your colleagues. A more specific indication of time to be spent on each of these activities will be provided in each of the units that make up the Learning Guide part of the module, as well as in additional communications from your HEI.

Link with other modules

Manage policy, planning, school development and governance is a core module. In the actual process of managing teaching and learning, you will find yourself needing to draw upon the work covered in all of the other core modules:

- Understand school leadership and management in the South African context
- Manage teaching and learning
- Lead and manage people
- Manage organisational systems, physical and financial resources
- Learning guide

The constitution and general principles of law in the education context

unit 1

Introduction 1.1
Learning Outcomes

Topic 1: Delict-the law of negligence 1.2
1.2.1 General Principles
1.2.2 Examining the various elements of a delict

Topic 2: Administrative Law for educators 1.3

Topic 3: Constitutional Law for Educators 1.4
1.4.1 Introduction
1.4.2 An historical perspective
1.4.3 The scope of Specific Rights

Concluding remarks 1.5

LEARNING GUIDE
unit one

1

The constitution and general principles of law in the education context

1.1 Introduction

This core module helps you to consider how you can acquire, and demonstrate, the personal qualities necessary for effective management of policy, planning, governance and school development. To enable you to do that, and to be an effective role model in your school and wider community, you need to know, and be able to act correctly upon, the many legal and policy frameworks, planning and accountability requirements which underpin the professional practices of every school.

To help you to better understand the implications for good professional practice in these areas, Unit 1 introduces key aspects of law that school principals and educators are likely to be exposed to in their professional life. The purpose of this unit is to equip you as a principal, or school manager, with knowledge of this field and help you to incorporate this knowledge into the professional management and governance of your school.

Unit 1 will help you understand these legal areas and their relevance to schools, by exploring the following three topics:

Topic 1: Delict, or the law of negligence
Our aim here is to equip school principals and Management Teams with knowledge to identify likely delictual situations, avoid their occurrence and at worst moderate the likelihood of possible delictual claims. Our aim is to give you some legal competence in areas where negligence is in issue within the school context.

Topic 2: Administrative law
Our aim is to make you aware of the public nature of your actions and of the status of decisions of public servants especially policy makers and employers. Educators, and especially principals, are continually confronted with administrative decisions. This section helps you to determine how these are delineated and what recourse is available if your rights have been unfairly prejudiced.

Topic 3: Constitutional law
Our aim is to help you identify the range and ambit of rights available to learners and educators. We discuss when claims can be brought to the constitutional court and what counts as a legal entitlement to a right. We also look at the nature of constitutional adjudication, issues around conflict of rights and powers of the constitutional court.

Learning Outcomes

By the end of this unit you should be able to:

- Demonstrate an understanding of the constitution and the general principles of law
- Demonstrate an understanding of Delict, Administrative law and Constitutional law as applicable to the education context
- Understand and apply case law to your school context
- Demonstrate an understanding of lawfulness, reasonableness and fairness in the school conext

Recommended reading

Barry, B. 2006. *Schools and the Law: A Participant's Guide*. Cape Town: Juta
Burchell, J. 1991. *Principles of Constitutional Law*. Cape Town: Juta.
Hoexter, C. 2002. *The New Constitution and Administrative Law. Volume 2*. Cape Town: Juta.
Boulle, L., Harris, B. & Hoexter, C. 1993. *The Constitution and Other Administrative Law*. Cape Town: Juta.

Topic 1: DELICT

The field of delict is extremely wide. In this topic we will deal only with those aspects of delict that have a bearing on obligations in and around the school.

- We consider wrongfulness: under what circumstances can a person be said to have committed a wrong? A delict brought about by an action will be discussed first followed by an examination of wrongfulness in relation to omissions.
- We consider the question of fault: we distinguish fault from wrongfulness and examine the different kinds of fault. We will look at exceptions and qualifications to the rule as applied to children of different ages.
- We consider negligence: we set out the three stage test for determining negligence and discuss negligence in relation to 'standard of care'.
- We consider aspects of causation and damages.

Topic 2: ADMINISTRATIVE LAW

The two main authorities for administrative law are the Promotion of Administrative Justice Act (PAJA) and Section 33 of the Constitution. This topic sets out to ascertain what each of these provisions cover and which has jurisdiction.

Our treatment of administrative law pertains to three areas.

We ask first what counts as 'administrative actions' in order to ascertain exactly what actions of a principal, educator or government fall within the ambit of administrative law.

Secondly, we examine 'fair procedure.' The Act draws a distinction between actions affecting persons and actions affecting the public. Standards and circumstances differ between these and teachers need to take note of where

they stand. A key aspect of administrative procedure concerns fairness. What does this consist of and what standards should administrators aim at?

Thirdly, we look into the importance of giving reasons. In the past administrators felt that reason giving was not something required as they were responsible to the legislature. This has now changed and all administrators are obliged to provide reasons. We shall look at what counts as adequate reasons and what advantages reason-giving holds out. Finally we will consider the grounds for judicial review, what this means and when review can be requested.

Topic 3: CONSTITUTIONAL LAW

In this topic we shall examine a number of constitutional questions

We start with some historic comments about the nature of a constitutional society and how it differs from societies governed by the Westminster Rule. We then turn to our Constitution and identify what procedures are available for bringing claims to the constitutional court. Horizontal and vertical procedures will be discussed and evaluated.

We next go on to identify a range of constitutional rights affecting educators- we discuss their relevance and application. Amongst these we look specifically at socio economic rights. We take note of their ambit, how they are qualified and what this means for policy makers and claimants. We also turn to the Limitation Clause in sect 36 of the Bill of Rights for further elaboration on when and to what extent rights may be limited.

Finally, we look more closely at particular rights especially – Freedom of Expression and Children's rights. These we examine using case law inter alia R v Keegstra, Government of South Africa v Grootboom, and Christian Education South Africa v Minister of Education. We discuss these also in the light of recent High Court judgements.

1.2 Topic 1: Delict-the law of negligence

Delictual law for Educators (the importance of care in education)

Delict is a difficult area of study as far as educational law is concerned. This is because the occurrence of delicts are ubiquitous; i.e. they happen in every part of society. This makes their appearance in education relatively unexceptional. The difficulty in designing a course on delict therefore is to find cases that inform some of the particularities of education. The following cases –which are mainly hypothetical will help you to think about what you need to know in your school when implementing policy and in making decisions on actions and process which will have legal implications and ,possibly, legal consequences.

So we start with a hypothetical example of an incident which might occur in any school in South Africa today.

Example 1: The Tale of Mr Romeo and Miss Juliet

Mr Romeo is a charismatic and popular teacher in the Science Department at Soho High, a well-known school in Gauteng. Unknown to anyone on the staff Mr Romeo has contracted HIV. He has been tested and is aware of his status.

He is asked to chaperone the Grade Eight Boarder Dance. He and other chaperones are given a list of specific instructions: to check the Bell Tower at regular intervals; make sure that there are never more than two slow dances in succession; to see that all corridors are well-lit and that no children leave the dance hall and environs until their parents collect them.

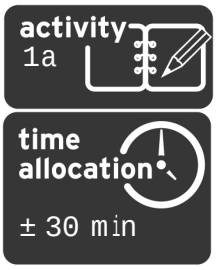
Juliet is a Grade Twelve Learner, among others on the School Student Council, who volunteers to assist as chaperones for the evening. It is well-known among her peers that she has a crush on Mr Romeo. Towards the end of the evening she asks Mr Romeo to dance and he agrees. After their dance Mr Romeo asks Juliet to accompany him to the Bell Tower, which she does. Two months later Juliet is found to be pregnant but will not reveal who might be the father. A further two months down the line a blood test shows Juliet is HIV positive: she reveals that Mr Romeo and she had become lovers in the Bell Tower on that fateful evening.

Mr Romeo is subsequently charged with statutory rape, assault with intention to inflict gross bodily harm and attempted murder.

Juliet's parents sue Soho High School and the Gauteng Department of Education as the second and third defendants in their suit against Mr Romeo on the basis of vicarious liability for the intentional rape of their daughter. The school and the GDE faces a claim for damages for the violation of their daughter's personal rights as well as all future medical expenses for the care of and treatment of her medical condition. Another claim to be answered is for the wrongful birth of their daughter's child, who may or may not be HIV positive. The damages which will be claimed in this wrongful birth suit will be for the maintenance of the child until he or she becomes self-supporting. This claim will include the cost of medical

treatment as well as the cost of providing life-long anti-retroviral treatment should the child in fact prove to be HIV positive.

Time for some questions: Individual reflective exercise



What do you think? Note down briefly your response to the following

If your school was in the position of Soho High School what are the prospects of success for Juliet's parents?

Are there any defences? Could the school have prevented the rape? If the intercourse was apparently consensual why is there a criminal charge of rape? What is the difference between the criminal case brought by the Directorate of Public Prosecutions and the civil claim brought by the parents?

1.2.1 General Principles

We ask you to remember that this is what we call a 'hypothetical' case, for the sake of discussion. No one would suggest that this is the sort of thing that would happen in your school. Our job here is to try to clarify all the legal aspects of the problem. It is for you and your teachers to think about your school's policies and practices and see how a knowledge of the law of delict may prove invaluable in getting out of, before getting into, trouble.

a) Criminal Liability

To begin with let's dispose of the issue of Mr Romeo's criminal liability. The charges Mr Romeo faces are very real. A charge of what is popularly, among defence attorneys, termed 'Assault GBH' means the assault was accompanied by intent to cause gross bodily harm. This charge can be sustained even though Juliet apparently agreed to the touching, the physical contact and intercourse between them.

There are two material issues here.

Firstly, Juliet may be under the age of sixteen. In which case Mr Romeo will be guilty of statutory rape provided he knew her age. Juliet cannot then of course give 'consent' to sexual intercourse.

But let us assume that Juliet was in fact eighteen. The rape charges can be sustained on the basis that Mr Romeo did not reveal his HIV-positive status. Juliet did not know of his illness or that she could be infected at the time. She could not be give informed and proper consent to the physical conduct between them … hence the rape charges. The charge of attempted murder arises in the context of knowingly transmitting or exposing another to the risk of the transmission of HIV.

Canadian Law has held that consent between adults is vitiated if the one partner conceals from the other his or her HIV positive status. The leading case here is called Regina v Keurtain. South African law has followed the Canadian approach.

Attempted murder would be the charge because it was foreseeable that HIV could be transmitted and that HIV could lead to the death of the infected party.

In all criminal charges the State has to prove its case beyond a reasonable doubt. The State also has to show that the accused had a 'wicked mind' (mens rea').

This means the State must show not only that the accused (Mr Romeo) knew the difference between right and wrong and had the capacity to act in accordance with this understanding but also that he intended to kill or to attempt to murder Juliet. Could Mr Romeo uphold a defence by saying… 'well I did not mean to kill or assault Juliet … I only meant to have sexual intercourse with her' …?

South Africans may develop the common law of murder in the same way as the Canadians. There may be a statutory intervention although the desirability of directly criminalising the transmission of HIV/AIDS is highly controversial.

b) The Civil Liability of the School

The civil liability of the school is based in the law of delict or what is called the law of torts in the common law countries such as New Zealand, Australia, the United States, Canada, India and the United Kingdom.

In these jurisdictions the civil wrongdoer is known as the tortfeasor. This is a term we can use in South African law because South Africa, in most respects, is a common law country. South Africa, broadly speaking, uses the same procedural law and law of evidence that is found in the common law countries. Where South Africa differs from these jurisdictions is that the content of South African private law is also rooted in Roman and Roman-Dutch law and can claim another heritage as well - the traditions of the civil law or what is called the civilian tradition.

The South African law of delict finds its origins in the Actio Legis Aquilliae. This a plebiscite, or piece of legislation, emanating from the Consilium Plebum or plebian assembly of the Roman people in 287 BC. and the Actio Iniuriarum a Praetorian remedy based on the Law of the Twelve Tables. 1 The Actio Legis Aquiliae originally provided for compensation for what is still termed patrimonial loss.

The Actio Iniuriarum provides for compensation for injury to personality rights and solace or solatium for hurt feelings and the violation of feelings of piety. Added to these two actions of Romanist origin, modern South African law brings the action for pain and suffering. These three actions then form the basis of the South African law of delict: the Actio Legis Aquiliiae, the Actio Iniuriarum and the action for pain and suffering.

In some areas South African law seems to have a better-developed sense of principle than the English common law. The law of delict appears as a very good example of that developed principle when compared to the law of tort. Most common law torts are developed on a case by case basis and tend to be pigeon-

[1] The Praetor was the Roman magistrate who, by his control of remedies which he published from year to year in an annual Edict, was most responsible for the development of Roman private law. The Actio Iniuriarum was such a praetorian remedy

holed within their own individual requirements. While South African law can observe and absorb the developments in the world of the common law torts all delicts or civil wrongs in the South African context nevertheless possess the same five elements.

From this exercise you should be able to gather that criminal liability and delictual liability are not the same thing. How do they in fact differ? The commentary by Burchell in Text 1 of your reader should go some way to clarifying the difference.

c) Vicarious Liability

Before we analyze the elements of a delict it may be useful to mention the notion of vicarious liability. It is an important legal principle that is being applied increasingly today.

You will observe in our hypothetical case, that Soho High School and the GDE, both corporate entities, did not literally 'perform' any act. Why then can the school and the GDE be cited as second and third defendants in the case of Juliet v Romeo?

This kind of liability is called vicarious liability.

All school principals must be aware of the implications of vicarious liability.

The point is that the Act here was performed by one of the servants of the school during the performance of the course and scope of his duty as an employee of Soho High School and the GDE. In the civil summons it will be specifically laid out (the technical term is 'pleaded') that Mr Romeo was a teacher at all material times employed by Soho High School and at all material times was acting in the course and scope of his duty as a teacher when he committed the civil wrong.

The elements which have to be proved to establish vicarious liability can be stated in three parts.

1. The employee must have committed a civil wrong. In other words all the elements of a delict have to be present to establish that the employee is delictually liable in his or her personal capacity. Note - The fact that the employer may be saddled with vicarious liability in the same matter does not excuse the personal liability of the employee.

2. There must be a relationship between the person charged of a delcit and the vicariously liable defendant at the time the civil wrong was committed. This can best be characterised as between one of employer and employee. More simply stated: the wrongdoer must have been an employee of the defendant when the delict was perpetrated.

3. The wrongdoer must have been acting in the course and scope of his duty at the time when he or she committed the civil wrong.

1.2.2 Examining the various elements of a delict

The Five Elements:–

All delicts in South African law can be defined as follows: A wrongful and culpable act or omission causing damage to another. In modern South African law damage can consist of injury to one's dignitas and feelings on the one hand or pure economic loss on the other hand. These are the five elements in any delictual claim which have to be satisfied before liability can be imposed.

1. The Act,
2a. Wrongfulness,
2b. Wrongfulness as omission

- Fault
- Causation ,
- Damage

1) An Act

We shall not spend time discussing this concept here. It is relatively unproblematic except for the fact that action presupposes voluntariness. A person who therefore commits a delict whilst asleep or under hypnosis and has no control of his/her faculties could not be said to be capable of acting.

2a) Wrongfulness in regard to Acts.

Although wrongfulness may be seen as a separate element to the act, or a failure to act when action was required (in other words an 'omission') it is convenient and conceptually economical to treat all ideas together.

The notion of 'wrongfulness' sometimes referred to as 'unlawfulness', must be attached to an act or an omission to found liability in the law of delict.

Wrongfulness and Unlawfulness. 'Unlawfulness' we must note as a preliminary, should really be used to characterise acts and omissions which specifically transgress the law. 'Unlawfulness' is then ipso facto 'wrongful' and by successfully characterising an act or omission as 'unlawful' then the 'wrongfulness' requirement will be satisfied when establishing a civil claim in delict.

An example of 'unlawfulness' as opposed to 'wrongfulness' might occur when an employer allows an employee to perform certain actions in violation of safety standards and precautions established in Section 8 (2) (a) - (e) of the Occupational Heath and Safety Act 85 of 1993.



EXAMPLE 2 - The Tale of Mr Trolley

Mr Trolley is employed as a janitor at Spread Eagle School for the Arts (Pty) Ltd He is used regularly to move stage equipment and sets from storage to performance theatre. Always in a hurry he regularly stacks more equipment on his pallet-jack than it should safely carry. He pushes the load at very fast speed and is unable to see ahead. Although it occurs to him that he might collide with somebody he decides the possibility is too slight to worry about.

One day, while under the pressure of time constraints to move scenery out of storage, he knocks down a parent volunteer at high speed and causes an intra trochanteric fracture of her right femur.

This is a very good example of an unlawful act. By violating various provisions in Section 8 of the Occupational Health and Safety Act 85 of 1993 Mr Trolley's act in running down a parent volunteer can be automatically identified as unlawful and hence wrongful.

Clearly as he acted in the course and scope of his duty while in the employment of Spread Eagle School for the Performing Arts (Pty) Ltd we could establish the vicarious liability of the school.

Now suppose Mr Trolley ran down a fellow employee?

Clearly his act would remain unlawful and hence wrongful. The School however would be indemnified against liability by virtue of the provisions of the Compensation for Occupational Injuries and Diseases Act 130 of 1993. This legislation indemnifies employers against claims arising from injuries occurring in the workplace. Workplace injuries caused by the acts and omissions of other employees – which have been traditionally been called 'fellow-servant' injuries – receive compensation through the compensation commissioner who 'steps into the shoes' of the employer. The employer pays for this indemnity through premiums on each employee.

In Jooste v Superscore Trading [Constitutional Court of SA Case Number 15/18] the Constitutional Court upheld the constitutionality of the regime set up by Compensation for Occupational Injuries and Diseases Act.

our comments

Wrongfulness is a broader concept than unlawfulness in that not every wrongful act is prima facie a violation of common law or statute.

Wrongfulness is also not necessarily tied to unlawfulness in that a clearly illegal act will not be wrongful at civil law if it causes no damage. A person who discharges a firearm in public without justification is certainly performing unlawful conduct in that he is violating a number of statutory provisions which regulate the lawful use and control of a firearm. However if nobody is injured or if no damage results from the discharge the act will not be wrongful in the law of delict.

For an act to be wrongful it must cause damage.

Now let us suppose we have an act that causes damage but in itself is not a violation of any statutory provision. What exactly will characterise such an act as wrongful?

The answer to this question has been repeatedly answered in case law.

One of the most famous cases in South African law has been the following:

The University of Pretoria v Tommie Meyer Films 3

Here the court made the following propositions regarding wrongfulness.

The plaintiff must have suffered the violation of a subjective right. This would be a right which could be attributed to personality or property.

For the violation to be considered wrongful it must have occurred in a way that the good customs (boni mores) of society or, in other words, the legal convictions of the community would regard as reprehensible.

The custodians of the legal convictions of the community are the courts. It falls to the courts to decide whether the legal convictions of the community have been offended.

Wrongfulness then results from an enquiry into the nature and quality of the act in question and really amounts to a policy decision by the courts as to whether the conduct under scrutiny should be branded 'wrongful'.

This enquiry is objective and does not take into account the subjective state of mind of the wrongdoer.

In other words wrongfulness must never be confused with fault. Fault or culpability is a completely separate element of the law of delict and is entirely concerned with the state of mind of the wrongdoer at the time the wrongful act took place.

It must also be understood that the legal convictions of the community are also thought to be embedded in the values of the Constitution. In assessing whether an act or omission is wrongful a court will consider whether or not it offends the values nurtured within the Constitution. The courts are specifically enjoined in Section 39 (2) of the Constitution to develop the common law in the light of the principles and values expressed within the Constitution. It is quite possible for example, that some forms of conduct which did not attract liability in the past - because they were not considered wrongful - might in fact be considered wrongful in the future if the court has regard to the promotion of human dignity, equality, freedom and other values found within the Constitution.

It is important to note that with regard to the examples for wrongfulness that if no damage has been inflicted there cannot be a wrong. One way of directing your inquiry is by asking whether the infringement offends the legal convictions of the community. Remember that at this stage the inquiry is an objective one and does not look into the state of mind of the alleged wrongdoer.

2b) Wrongfulness as Omission

An omission must be distinguished from a positive act in that it is *a failure to act.* As a matter of policy, the courts took the view that inaction should generally not be sanctioned. The famous example usually cited at this point is that of an adult

[3] 1976 (4) SA 376 T

ignoring the plight of a drowning child when simply by literally 'lending a hand,' at no risk to the adult, the child could be saved.

While this conduct may be morally reprehensible it remains legally unimpeachable at civil law. In the light of the values embedded in the Constitution it is possible that this classic example of the law preferring not to require a person to act might change. It may, in future, be held to be wrongful not to act to save the drowning child under these circumstances.

For a failure to act to be characterised as wrongful the courts required that failure to take place in a certain context. This context has to establish a legal duty to act. Failure to act only then becomes regarded as wrongful.

The Seven Categories

There are six categories of omission which became, in time, crystallised examples of one overarching category. The result of Minister of Justice v Ewels 4 was the Appellate Division's finding that deciding whether an omission is wrongful depends on what is required or demanded by the legal convictions of the community. It has been debated whether or not this category supersedes all of the others. The better answer seems to be that the other six categories are simply special, well-established paradigms of where the legal convictions of the community have in fact already come to consider that an omission is wrongful. This last (or seventh) category which we may regard as general or 'hold-all' category states the general principle that an omission may be regarded as wrongful if the legal convictions of the community regard it as wrongful. Again we should stress that the legal convictions of the community are shaped by legislators and judges and, in the final instance by the values implanted within the Constitution. Wrongfulness is thus a dynamic concept which allows for change in public mores.

The other six distinct categories emerge then as limpid, solidified examples which establish a context where a clear legal duty to act is located and where a corresponding failure to act is regarded as wrongful.

These six categories are:

1. Prior Conduct –
2. Control of a Dangerous Thing.
3. Legal Obligation
4. Public Office
5. A Contractual Undertaking to be Responsible for the Safety of a Third Party:
6. A Special Relationship between the Parties
7. In practice a wrongful omission may fit several categories all at once.



The legal conviction of the community has always been a matter of controversy. There are some questions that have not been answered to address this: e.g. Who is the community, how is it to be identified and what are its convictions? In the end we argue that legal convictions refer more to the convictions of the courts, as they interpret for themselves what these public

[4] 1975 (3) SA 590 (A)

beliefs amount to.

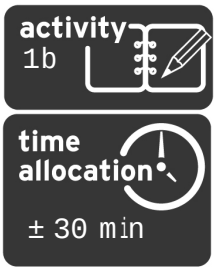
Today, however, things might have changed. With the new constitution it could be argued that the convictions of the community would be better located in the various sections of the Bill of Rights. The benefit of this is that it brings delict in line with constitutional values- it also removes decisions about such convictions from possible subjective interpretation.

Read the following examples of the six categories of omissions.
(This is besides the legal convictions of the community).

i) Prior Conduct

Miss Hammer the Headmistress of Clack and Hammer's School for Young Ladies always arrives at school at 06h30 long before the official school opening time. She is in the habit of drinking coffee while standing outside her office where she watches early arrivals play on the adventure playground long before the staff member designated to supervise the playground is required to commence duty. In effect, Miss Hammer takes it upon herself to provide, unofficially, the early supervision of the playground.

One morning Miss Hammer interviews a parent before school and is unable to watch the early arrivals at play. During this time an older child gets into an altercation with a younger child and pushes her off the top of the slide. The younger child breaks her neck and becomes a quadriplegic. It is conceded that the incident would not have occurred if the children had been supervised.



QUESTION TIME:

Q1. Is Miss Hammer's failure to supervise the children on this particular morning wrongful?

Now briefly write down the reasons for your answer.

ii) Control of a dangerous thing

Mr McGraw is a security guard hired by Wild West High School. He owns a firearm, a Norinco 45, and carries it with him in a holster on his belt wherever he goes. He brings his three children to school by car in the morning on his way to work. One morning he gets a flat tire. While changing the wheel he places his gun on the floor of the driver's side of his car because the gun gets in the way of the physical exertion required to jack up the car.

He then proceeds to school and delivers his children at the front gate. Johnny McGraw, his son in grade eight arrives in class with his father's Norinco 45 and proudly shows his friends. The weapon is somehow discharged during this and a teacher, herself a single parent and sole breadwinner, is killed while walking past the classroom Her dependants sue Mr McGraw, the school and the GDE for the wrongful death of their mother.



QUESTION TIME:

Q2. Is Mr McGraw's failure to take proper care of his firearm wrongful? Now briefly write down the reasons for your answer

ANSWER TIME:

-compare what you wrote with the answer provided by the Advocate

Q1. YES.
Miss Hammer's prior conduct established a context in which a legal duty to act arose. Her failure to act may certainly be considered wrongful.

Q 2.YES.
Mr McGraw's failure to take proper care of his firearm is clearly wrongful in this instance. If he has violated statute law as well then his action is also unlawful at criminal law. This will reinforce the finding that his failure to keep his firearm under his control is wrongful.

iii) Legal Obligation

Legal Obligations are usually imposed by statute law. In McGraw's case above the failure to control a firearm would also be found wrongful by reference to failure to discharge an obligation imposed by laws regulating the control of firearms.

iv) Public Office

A police officer, for example, has to perform certain duties which pertain to his or her office. Failure to perform those duties will be wrongful. We could say the same for a teacher. The point is best illustrated however with reference to a famous case involving a police officer: Minister of Police v Ewels 5

Here several police officers who were on duty watched another police officer, who was not on duty assault the plaintiff. The court held that the legal convictions of the community would demand that by virtue of his or her office the relationship between a police officer and an ordinary citizen is such that it is expected a police officer will prevent harm being done to a member of the public - when the police officer is in a position to effectively prevent that harm from happening. This is especially the case when the preventable harm is occurring as a result of a crime being committed in the presence of the police officers in question.

v) Contractual obligation to be responsible for a third party

Teachers usually fit this category. A general duty to ensure the safety of their students may arise out of contract between the school and the parents of a student.

[5] supra at note 4

At Mainmanne's High School for Boys the seventh grade is taken on a canoe trip down the Umfolozi River. A freak storm brews up and one of the canoes sinks. The teacher in charge of the trip, Mr Achterhuis, had neglected to check that all the boys in that particular canoe were wearing life-jackets and that these life-jackets were properly secured around the person of each student. Two students, both of whom drowned, were in fact using their life-jackets as seat cushions when the storm struck.

vi) A special relationship between parties

We can return to the drowning child example in the wrongfulness as omission section. If the adult in question who simply allows the child to drown is a parent the relationship between parent and child would be sufficient to impose a duty to rescue the child. The same result would obtain if the adult had been a person who had volunteered or who had been hired to look after children at the swimming pool.

3) Fault

The fault enquiry begins by distinguishing between two forms of conduct. We ask the question – was the behaviour of the person intentional or negligent?

Fault must never be confused with wrongfulness. Wrongfulness assesses whether an objective right has been violated and whether this right was violated or infringed upon in a way that the legal convictions of the community (as represented in the

Constitution and legislation (and interpreted by the courts) would regard this as blameworthy. The conduct has to have also caused harm.

Fault on the other hand is a subjective enquiry and is concerned with the state of mind of the wrongdoer.

A. Intentional Conduct (dolus)

We may divide intentional conduct into three types of intention each of which has been given a Latin name for convenience: dolus directus; dolus indirectus and dolus eventualis.

1. **Dolus Directus**
   This form of intention describes action directed or aimed with purpose at achieving a specific goal without taking into account any intervening considerations which might dissipate the purpose to which the action is directed.

2. **Dolus Indirectus**
   In this case the perpetrator intends to cause damage incidental to his or her primary purpose.

3. **Dolus Eventualis**
   Here the question is whether there was at all a likelihood that harm could follow and that one pursued ones cause of action irrespective thereof.

We have mentioned the criminal law here in all three examples because as far as dolus is concerned there is an overlap between crime and delict. At a civil trial the same three forms of intention can be established. The only difference lies in the burden of proof. The prosecutor has to establish the form of intention beyond reasonable doubt. The plaintiff merely has to prove the requisite form of intention on the balance of probabilities.



***Dolus directus*:**
An angry student, Johnnie Breeker, decides to get back at a teacher, Miss Winsome because she humiliated him in front of his girlfriend in class. He decides to damage the teacher's brand new BMW by smashing a side-window so that the vehicle cannot be safely locked. Before smashing the window, with chunks of crushed ceramic from a sparkplug, he sees Miss Winsome's handbag on the floor behind the driver's seat. He does not steal the handbag and is content merely to smash the side window as an expression of his anger.

In this example the intention was to smash the window … nothing more…nothing less.

His actions and intention correspond to a criminal offence called 'Malicious Injury to Property.'

Johnnie Breeker has intended to injure Miss Winsome in her person through damaging her property. This is why the crime is called Malicious Injury to Property and not malicious damage. The malice is assumed from the actions taken. From the point of view of considering intention the motivation for the attack on the motor vehicle does not matter. All that matters is that the perpetrator actually intended to cause damage and in fact did so.

Dolus indirectus
In the example cited above let us suppose Johnnie Breeker's purpose was to steal Miss Winsome's handbag from inside the vehicle. He may well have done so without smashing the window if he had had access to keys or if the door lock was faulty, left open or could be forced. He smashes the window merely to get the handbag.

The criminal offence to which this action corresponds is 'Theft out of a Motor Vehicle'.

Dolus eventualis
We have already encountered an example of this form of intention in our earlier hypothetical regarding Mr Romeo and the young lady Juliet. But for the sake of a complete study we will re-cast it in the mould of the present example.

Let us say our angry student, Johnnie Breeker is so infuriated at his humiliation that he ambushes Miss Winsome in her BMW as she leaves the school property and enters the stream of traffic in the main road. From behind a hedge he throws a very large rock with all the force he can muster at the windscreen. His intention is to damage the windscreen. But he also knows that the vehicle is moving and that Miss Winsome is inside the vehicle and may lose control and become involved in an accident or be injured by the rock. Nevertheless he

proceeds to throw the rock at the windscreen.

Miss Winsome becomes disoriented and enters the stream of traffic moving in the opposite direction and is killed in a collision with a truck.

At criminal law, to sustain a conviction for murder it would be up to the prosecution to show that Johnnie Breeker did consider the possibility that Miss Winsome would become involved in an accident on the main road and that he contemplated the possibility that the accident could be serious enough to cause death. If it can be shown that these possibilities were present in his mind and yet he reconciled himself to their happening then intention to murder is established in this indirect form.

Never mind the fact that his direct and over-riding intention is to merely smash the windscreen – if other consequential possibilities are apparent and if he was aware of them and proceeded to act then his intention is extended to cover these consequences.

***Direct intention** occurs as the desire to bring about the harm actually caused.*

***Indirect intention** occurs as the necessary consequence of his actions directed towards another purpose whether harmful or not.*

Where harm as a possible result of conduct is foreseen but the wrongdoer nevertheless reconciles himself or herself to the possibility or remains 'reckless' as to the possible consequences of the conduct in question we have intention in the form of dolus eventualis.

Exceptions and Qualifications to the rule- liability of children

Can a child have the intention to harm another or would the law be sympathetic to a child's actions?

The ability to tell the difference between right and wrong and the ability to act in accordance with that understanding must also be established as a pre-requisite of the ability to form an intention. Usually this understanding is assumed from the facts of the case and unless the defence places the issue in the balance the assumption will stand.

This pre-requisite for forming a proper intention may very well be lacking in children.

South African law adopted or inherited the position in Roman Law.

Children below the age of seven are presumed irrefutably to be without fault in the form of either intention or negligence. This means the presumption stands and may not be contested or placed subject to rebuttal.

Children between the ages of seven and fourteen have the same presumption working in their favour except that it may be contested. A child over the age of

seven can be shown to be capable of fault in either form and evidence can be lead to establish culpability.

It is here that the pre-requisite for intention can be raised to show that the culpability of an impubes or child below fourteen and over seven is eroded. It can be demonstrated that the impubes has a diminished ability to distinguish fact from fiction or cannot fully appreciate the consequences of a certain course of action.

B) Negligence

In practice the law of delict deals very little with intentional wrongdoing. Most causes of action arise in relation to negligence. In general the standard of reasonableness plays a central role in determining negligence. We shall discuss reasonableness in greater detail below. For now we want to alert you to the criteria employed by our courts in ascertaining negligence.

The locus classicus relating to this in South African law is the case of Kruger v Coetzee .6

In this case the learned judge of appeal (Holmes JA) laid down a three-stage test for negligence.

Would a reasonable person in the position of the defendant have foreseen harm? (Was the harm foreseeable?)

If the answer to this questions is 'no' then the enquiry ends and the element of fault is absent and no liability is imposed on the defendant. If the answer is 'yes' then we proceed to the second leg of the test.

Was the harm of such a nature that a reasonable person in the position of the defendant would have guarded against it?

Once again a negative answer ends the enquiry in favour of the defendant and no negligence is held to be present. If the answer is 'yes' we proceed to the third leg of the test.

Did the defendant in fact take reasonable steps to prevent the harm from happening?

If the answer is 'yes' then the defendant will be found to have not been negligent. If the answer is 'no' then the defendant's negligence will have been established.

Read the following example and think how this might apply in your school:

Example 3

Terence Makko is a bus driver employed by the Mpumalanga Department of Education at the Solomon Mahlangu freedom School. One morning he is required

[6] 1966 2 SA 428 (A)

to drive the Kindergarten Class on a field trip. Unfortunately the bus is old and has no seatbelts. There are also not enough seats for all of the children.

Terence tells the teacher, a Ms Kgomotso, that she should have requisitioned another bus and that the field trip should not proceed or that some of the children should be left behind. Ms Kgomotso derides Terence's suggestion and says everything will be all right so long as he drives carefully.

The children are crammed on to the bus.

Terence does indeed drive carefully. There is one particularly small child who stands between the seat where the teacher is sitting and the driver. Terence tells the child to move further back or sit on the floor at the top of the stairwell. But Ms Kgomotso tells Terence to stop fussing.

Terence finds Ms Kgomotso attractive and a little intimidating so he keeps quiet. Ms Kgomotso then tells Terence to speed up a little or they will be late. Terence does so. As he rounds a bend he nearly hits a taxi which is parked in the middle of the road almost on the corner. Terence narrowly avoids collision by slamming on the brakes. Unfortunately the small child standing between teacher and driver is hurled into the dashboard and decapitated.

Terence is charged with reckless and negligent driving as well as culpable homicide. He is arrested at the scene of the accident and detained. Ms Kgomotso, in an effort to deflect attention from her own culpability, tells the police she had asked Terence to slow down just before rounding the bend.

In a civil suit the child's parents sue Ms Kgomotso, Terence Makko, the Solomon Mahlangu Freedom School and the Mpumalanga Department of Education, the owner of the Taxi, the Taxi driver and the Road Accident Fund for the wrongful death of their child.

The Reasonable Person test

The idea of a reasonable person (previously termed the diligens paterfamilias) is regarded as an objective standard by which conduct can be measured.

The reasonable person is not excessively cautious nor reckless. The reasonable person will take risks on occasion and will not put in place every possible precaution. The reasonable person is inclined to make rational choices.

The reasonable person will take reasonable precautions to prevent harm. Thus if reasonable precautions are put in place and the harm happens no liability follows. If harm occurs and reasonable precautions were not taken but the harm would have happened anyway then the defendant will not be held liable in spite of being found to be negligent.

As long as reasonable precautions are taken the defendant will not be held liable. It will not matter that better precautions could have been taken or were possible.

Where harm is extremely unlikely a reasonable person won't guard against it. Where the harm is too trivial that a reasonable person would not bother to take

precautions then no precautions will be necessary and the defendant can escape liability.

Where taking risks is justified because the purpose of running the risk is very important then not taking precautions by running the risk will also escape liability.

Where the cost of taking precautions is exceptionally disproportionate to the risk of harm then not taking the precautions will not be negligent. This will also be the case where the only precautions that can be taken are unlikely to succeed anyway.

If it is the duty of some other person to take the necessary precautions a reasonable person will not be bound to take those precautions.

Rational Assessment of Risk

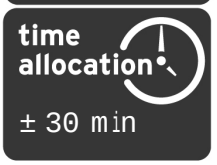
When deciding upon what precautions to take the reasonable person makes a rational assessment of risk. This will include a consideration of:

- The likelihood that harm will occur.
- The nature and quality of the threat. In other words how serious is the threat of harm?
- The difficulty and cost of taking precautions.



We have stressed that the central question in determining negligence depends on what a reasonable person in such a situation would have done. We know this is a broad term and one open to many interpretations- hence the attempt in Kruger v Coetzee to limit it to three inquiries. Its useful right now to test this conception against your understanding by asking you to engage with the following examples and questions.





As a teacher just how reasonable are you? Assess the Actions of the Defendant in the following exercises.

Example A

Canal High School builds a new soccer stadium with an adjacent parking lot. The edge of the parking lot backs up against a concrete canal about two metres deep. The school posts a warning sign disclaiming liability for theft or damage to motor vehicles from any cause whatsoever and warning that the public that cars are park in the lot at their own risk. The school does not put up railings and nor does it warn the public expressly about the presence of the canal. The canal only becomes visible from the edge of the lot itself.

Boys from a soccer team visiting the school return to their bus parked in the lot at night and one of them falls into the canal off the edge of the parking lot and cracks his spine.



Take into account all the various criteria for the actions of a reasonable person. How reasonable are the actions of the school?

Example B

Baccarat High School in Mpumalanga is attacked by four armed men with pistols at the end of the day on which school fees are collected. The men fire into the air and smash through the glass counter in the office where the fees have been collected. They escape with R 1 200 000 00. Approximately a year later the fees office is attacked again on the day fees were collected. This time the attackers carry R 5 automatic rifles and shoot up the office. Schoolchildren and teachers take cover and no-one is hurt. The school decides to upgrade security of the fees office. The idea is to reinforce the walls with steel to prevent armour-piercing shells from entering the office and to have double doors which allow entrance one at a time as in a bank. The cost is estimated to be R 1000 000.00. The school decides these precautions are too expensive and so nothing is done.

Some time later the school holds a casino evening to recoup lost fees. The school earns about R 400 000.00. The money is collected and taken to the fees office. As the money is being put in the safe four armed men attack the fees office and kill the school bursar and principal.



Assess the negligence, or otherwise, of the school and the Mpumalanga Department of Education.

What have these examples helped you to think about in your school? Write down comments, problems, concerns now identified to help you reflect on your actions in your context for your portfolio.

Professional negligence and standard of care

An important aspect of negligence relates to the actions of professionals- teachers, doctors, engineers, accountants and so on. Here the standard required of them is higher than that expected of the man in the street and special rules are set in place assessing actions of such professionals at this higher level. The leading case regarding failure to act in a professional manner is the case of Van Wyk v Lewis 24

Although the case deals with the professional negligence of medical doctors its principles can be extrapolated and can be applied to any type of activity requiring skill and care.

[24] 1924 AD 438

A professional need not exhibit the highest possible standards of skill and care. The degree of professional skill required is that of a reasonable professional occupying the branch of the professional activity in question. In the words of Mitchell v Dixon 25cited by Innes CJ ' a medical practitioner is not expected to bring to bear upon the case entrusted to him the highest possible degree of professional skill , but he is bound to employ reasonable skill and care.'

What is reasonable skill and care? The answer will be determined by the court having regard to all the evidence. No particular factor will be emphasised but the expert testimony of experienced practitioners with regard to the abilities of a reasonable practitioner in the same position as the defendant will be closely examined. The court in the end will make its own finding.

In Buls v Tsafsarolakis 27 clarified the distinction between a general practitioner and a specialist. The level of competence of a general practitioner is not expected to be commensurate with that of a specialist.

As far as teachers are concerned the issue of professional negligence is more likely to arise in the context of child safety. And when it comes to guarding against danger to children a higher standard of care is expected. This general principle has emerged from cases involving traffic accidents. The standard of care is higher than the standard of care required in those situations where dealing with adults only.

Motorists are expected to be able to stop instantaneously when children are on the side of the road or when it is suspected that children may be in the vicinity. As such this amounts to a special duty of care.

Case Law:

Santam Assurance Co v Maseko 28 this case sets out the principle that a special duty of care is placed on a motorist who drives where children can be seen or are known to be in the proximity of the street or place where the motorist is driving. This applies to children not visible to the motorist. The court asks the question whether a reasonable person in the position of the motorist and with the particular motorist's experience could foresee the presence of children and appreciate that he may endanger them with his motor vehicle.

As stated by Corbett J:

> 'As a general proposition it is well settled, and it accords with humanity and common sense, that a motorist approaching young children near the edge of the road ought to drive with a degree of special care and vigilance because of the tendency to sometimes to dash heedlessly across the road.'

The principles in this case may be may be applied to other situations.

---

[25] 1914 AD at p 525

[27] 1976 (2) SA 891 T

[28] 1978 (2) SA 784 (A)

Example 3: The Lost Boys

Greenvalley Primary School prides itself on its outdoor education programme. It takes its pupils on a wilderness experience in the Drakensberg every year. For outdoor activities children are always divided into partnerships of two which are then joined together in groups of four partnerships. Regular counting of pupils is done by a teacher shouting 'SQUAT SQUAD!' On this command the partnerships and groups form up together and the numbers of students is checked.

In this way after a period of walking and at regular intervals a count of the students is conducted with great efficiency to see that no-one is ever lost. The school also supplies each child with plastic ponchos as raincoats and the children take flasks of water and jerseys on every hike.

This year however a new outdoor education specialist takes over. He fails to supply plastic raincoats or to remind the children to bring jerseys and flasks of water. He also decides to dispense with the counting system as unnecessary. As a precaution he merely has two teachers walk behind the group as 'sweepers' to look out for strays and stragglers.

At the end of long hike through mountainous and partially wooded trails it is discovered during supper that two boys are missing. A search of the cabins and camp environs is of no avail. Upon interviewing various pupils it is realised that the two boys were last seen at Hangnail Point where the students had stopped at the top of the trail to enjoy the view. A search party gets put together and a search of the trail is initiated. The weather becomes very cold and rain and sleet begins to fall.

At about 03h00 one of the boys is found in a wooded area near Hangnail Point suffering from Hyperthermia. The body of the other boy is found at the bottom of a cliff at 11h00 the next day.

An impromptu enquiry is held. It appears the two teachers acting as sweepers had been engrossed in a discussion regarding the human genome project and may have failed to keep a proper lookout.

4) Causation

We distinguish here between two kinds of causation: factual and legal causation.

a) Factual causation

In all delictual actions wrongful and culpable conduct must cause the damage or harm for which compensation is sought. In most cases the cause of harm is so obvious that this element seldom contested. Nevertheless the plaintiff must prove on a balance of probabilities that there is a causal connection between conduct and damage.
To prove causation the courts rely upon two tests. The first test applied is known as the test for factual causation or the conditio sine qua non test. The words sine qua non mean ' without which not' and the question is asked – without the conduct of the defendant would the harm complained about have happened?

This asked in the form – 'But for the conduct of the defendant would the harm have occurred?' The test is thus sometimes called the 'but for' test.

Sometimes on the application of this test it appears that the harm would have happened anyway. This is a complete defence and no delict or tort will have been proved against the defendant.

A defendant might be able to show that the chain of causation was interrupted by another event which actually did cause the harm. The technical term for this is 'novus actus interveniens'

Limits to Factual Causation

Factual causation can continue ad infinitum.

In the middle ages a defendant was held responsible for all the damage flowing from an act. This was known as the doctrine of versari in re illicita.

Another aspect of the law of delict regarding factual and legal causation is that unlike criminal law the defendant is always responsible for intended consequences no matter how remote. Under these circumstances factual and legal causation are the same thing.

The leading cases regarding factual causation are:

Minister of Police v Skosana 29, International Shipping v Bentley 30

In both cases the appellate division has held factual causation must be established prior to proceeding with an analysis of legal causation. In legal causation the issue of remoteness of damage falls under consideration. The plaintiff will not be compensated if the damage is too distant from the act or omission despite the presence of factual causation.

b) Legal Causation

Legal causation asks whether the defendant should have to answer for the consequences of his culpable conduct once factual causation has been established.

In International Shipping Co (Pty) Ltd v Bentley 32 the court refered to Fleming's Law of Torts 33 and quoted the subsequent passage.

As a matter of practical politics some limitation must be placed upon legal responsibility, because the consequences of an act theoretically stretch into infinity.

---

[29] 1977 (1) SA 31 A

[30] 1990 (1) SA 680 A

[32] 1990 (1) SA 680 A

There must be a reasonable connection between the harm threatened and the harm done. This inquiry, unlike the first [i.e. the enquiry into factual causation] presents a much larger area of choice in which legal policy and accepted value judgements must be the final arbiter of what balance to strike between the claim for full reparation for the loss suffered by an innocent victim of another's culpable conduct and the excessive burden that would be imposed on human activity if a wrongdoer were held to answer for all the consequences of his default.

Corbett, CJ pointed out that a number of factors may be weighed in making what is essentially a policy decision. Whether the cause was proximate or direct, whether a novus actus interveniens was present, whether the consequences were foreseeable and whether in fact the causation was sufficient in its own right. The mix of these factors and the weight and relative importance given to them depends on the circumstances of each case. Legal causation is a flexible tool used to decide whether liability should be imposed.

Example 5: The Case of the High Tackle

The annual rugby derby between Broederboer High School and Lord Kitchener College tends to be a very tense and closely contested affair. Passions running back as far as the Anglo-Boer War sometimes become released in acts of violence. A huge crowd of parents and all the students at both schools as well as the whole town attend the match.

Anton Steekmann a particular large and powerful centre who plays for Lord Kitchener is noted for his ferocious tackles. He is touted as the next Mannetjies Roux. Unfortunately he habitually favours illegal high tackles and gets away with them because the referees assigned to school matches in Mpumalanga have a philosophy that the game must flow and boys must learn to take it and become real men.

During the game Steekmann repeatedly tackles above the shoulder line and although the referee warns him not to do so no penalties or disciplinary measures are used against him. The referee is inexperienced and was only assigned to the game by the rugby union after the original referee, who had handled a number of test matches and Super Twelve Games had torn a hamstring and was unable to run a match noted for its ferocity.

Late in the second half with the scores level Steekmann obliterates the Broederboer inside centre with a high stiff arm tackle. The Broederboer centre is tackled near his own line. He appears unable to move.

The game is being played at Lord Kitchener. The Headmaster runs on to the pitch and before the paramedics can get to the injured player he supervises his removal from the pitch because he is anxious for the game to continue. He feels a stoppage of any length will give the Broederboer players time to rest and hold off the attack and cause his own players to lose focus at a critical time in the game.

As it turns out the Broederboer centre had endured a very severe spinal injury which was exacerbated by his removal from the field. The father of the

Broederboer centre sues the Rugby Union and the referee for his negligent and incompetent handling of the match.

Expert opinion at the trial holds that spinal cord had not been severed at the time of the tackle although the player's neck was broken. The severance of the spinal column, causing the player to become a quadriplegic occurred when the player was moved from the field.

From the point of view of causation should the referee and the Rugby Union be saddled with liability?

From the point of view of negligence how would you assess the competence of the referee?

5) Damages

You may remember no act may be considered wrongful in delict unless it causes harm. Not only does the plaintiff have to establish that she or he suffered harm - the plaintiff also has to prove how much harm was suffered. This is known as the quantum of damages.

In cases of physical harm (i.e. bodily injury) the nature of the harm suffered is established by expert medical testimony. Very often this may take the form of a medico-legal report and can be admitted into evidence by agreement between the parties. It sometimes happens that the issue of what harm happened is not disputed. The parties make use of pre-trial conferences to narrow down areas of dispute to save the courts time and to keep a lid on costs.

In cases of damage to property, motor vehicles for example, the plaintiff will use an assessor recognised as an expert in the field to prove the quantum of a claim.

Patrimonial loss is assessed in terms of the Actio Legis Aquiliae. Here the measure of damages – and we must distinguish the word 'damages' from 'damage,' - is compensation for loss which actually occurred. ['Damages' means the actual amount of compensation in monetary terms. 'Damage' on the other hand means 'harm.']

Bodily injury requires damages to be assessed in terms of the action for pain and suffering. Here the amount awarded is regarded as a solatium or 'solace' (comfort) for the pain and suffering endured by the plaintiff. There is no real way of drawing a correlation between pain endured and a sum of money. In practice various arbitrary amounts have been awarded and precedent tends to guide their quantum. Past awards are re-calculated into equivalent monetary value of the day taking into account the decline in the value of money over time. Koch's Quantum of Damages which is brought out in an updated version every year is regarded as authority in this respect.

Like bodily injury harm to dignitas requires a solatium. The damages are assessed on the basis of the Actio Iniuiriarum.

Trials are very often split up into two parts – merits and quantum - by agreement at a pre-trial conference. The pre-trial conference is a compulsory part of civil

procedure in high court trials and is designed to clarify and minimise the issues in dispute to save the court's time and to keep a lid on costs. The parties can agree to admit certain pieces of evidence in the form of affidavits or reach agreement on certain issues which then are not disputed at trial.

The advantage to splitting a trial up into merits and quantum is that if the plaintiff loses she or he will have saved money on the costs of proving the quantum of the claim. If the plaintiff wins then the second part of the trial can be avoided because the loss may induce the defendant to reach a settlement. Of course there are occasions where the central issue might in fact be the element of damage. In this kind of case it would be foolish to separate merits and quantum because it would lead to duplication of evidence.

Defences

1) Prescription

Prescription is regulated by statute law. Simply stated the effect of the acts relating to prescription is to extinguish any debt or obligation arising out of a delict. A summons must be issued and served on the defendant before three years from the date of the committing of the wrongful act.

Claims against the Road Accident Fund are subject to different provisions. Claims against the police or other branches of government are also regulated by different provisions with regard to serving notice and then issuing and serving a summons. The details of these provisions fall beyond the scope of this course. It is merely necessary to know that prescription may be a complete defence if the relevant time periods have in fact elapsed.

2) Exclusion Clauses

Exclusion clauses often appear in contracts and may very effectively prevent a potential plaintiff from suing a defendant in spite of that defendant's wrongful and culpable conduct. They also appear as notices in garages or at shopping centres and exclude liability for theft or damage whatever the cause might be. They also very often can be found on the back of a purchased ticket.

Although exclusion clauses will provide an excellent defence it is possible, in the light of threatened danger, to notify the beneficiary of the exclusion clause of the danger and thereby negate the effect of an exclusion clause.

For example let us suppose a school boom is defective and it smashes a car windscreen. Another regular user of the car park can warn the owner of the car park that one or more of his booms may be defective and that some sort of precautionary measure is required. Damage in the wake of this notice may not be protected by the exclusion clause.

3) Grounds of Justification

A ground of justification may defined as an action that in the ordinary course of events would be regarded as wrongful but is rendered lawful by the existence of special circumstances. A ground of justification excludes wrongfulness. The most common of these are Private Defence.

The context in which private defence most often occurs is assault. In the earlier hypothetical concerning Mr Squeers the plea discloses the basis of his case as one of private defence. He admits striking the student but hopes to be exonerated by showing the he was warding off an imminent attack.

Whether or not his defence succeeds will depend ultimately on the evidence. If Mr Squeers weighs fifty kilograms and is rather short and if the student weighs one-hundred and twenty kilograms and has a history of attacking teachers his defence is may be more likely to succeed. If the court cannot make up its mind as to whether an assault took place it may grant what is termed 'absolution from the instance'. This means the case against the defendant is not dismissed but remains 'not proved' in that the court is unable to make a decision in favour of either party. The plaintiff can summons the defendant to a new trial. The plaintiff is unlikely to do so in practice unless prospects for success actually improve for some reason.

To be successful in having the case against him dismissed the evidence will have to show the attack had already begun or was about to begin, that it was wrongful, that the defence was necessary to protect the defendant from harm or that the act of defence was no more harmful than what is reasonable.

Other grounds of defence are Necessity, Consent, Statutory Authority, Official Capacity, Execution of an Official Command and Provocation but these we will not discuss here.

Pleadings

Its worthwhile in these concluding comments to indicate to you the form which lawyers use when they enter into litigation in this instance based on delict. We call this pleadings.

The case begins with a summons attached to which we will call a 'particulars of claim.'

In reply to the summons the defendant produces what is know as a plea. A plea must merely admit or deny the numbered averments of the particulars of claim.

Alternatively the defendant may 'confess and avoid' a particular allegation made in the particulars by admitting its truth but thereafter pleading further facts which place it in a context that may well exculpate the defendant. In a plea a defendant may also include a counterclaim which will operate as a fresh particulars of claim which will have to be answered by a 'plea in reconvention' by the plaintiff.

1.3 Administrative Law for educators

Introduction and clarification of terms

Administrative decision-making stretches across a wide field in education. Persons and parties likely to be affected include the National Dept of Education, Mpumalanga, Department of Education, School Governing Bodies, Principals of public schools and teachers in various roles.

Educators are often in an ambivalent position when it comes to administrative law- on some occasions mainly when being involved in management, they take responsibility for initiating administrative actions. Elsewhere educators are asked to comply with administrative decision made higher up say by the G.D.E. or National Department of Education. In one capacity they make decisions in another they follow them.

The PAJA (Promotion of Administrative Justice Act) we shall be studying applies to both parties equally. It implicates administrators because they need to know whether their decisions meet with the requirements of the Act and importantly what scope the Act allows them. On the other hand those teachers and principals carry out the will of policy makers by giving effect to their administrative decisions. They need to know if and when their rights have been e adversely affected and what procedure there may be for review.

Administrative law it needs stating, covers a large field of public law although we shall be concentrating only on a small section, that directly relevant to education. Of course what exactly is relevant to education is often difficult to ascertain since much of administrative law relies on notions of reasoning and reasonableness which are of general interest to all and sundry. On the one hand therefore we shall be looking at the statutory requirements that inform administrative decisions, on the other we shall be exploring a much wider consideration to do with the norm of reasonableness.

The following are examples of administrative actions from various sections of education. They are not all instances of good administrative actions- in fact most are examples of decisions that fall short of the Act. At this stage read through them and try to identify which are valid and which are questionable. Later as we work through the provisions of the Act we shall return to these examples and consider them in more detail.

Example 7

The Gauteng MEC decides that due to a short fall in money, the subsidy of the school of which you are principal has to be curtailed. Does this decision make a difference whether it occurs before or after you have finalized your yearly budget?

Example 8

The MEC for education decides that due to the inadequate use of facilities all school rooms after 1800 hours are to be used for adult education. Has the MEC acted fairly?

Example 9

The principal of an independent religious school decides that the first period of the day will be devoted to religious discussion. As a parent of a child at the school with no religious affiliation is there anything you can do about this?

Example 10

As acting principal of a private school, you have repeatedly warned a learner not to engage in acts of misconduct. One day the learner comes to school with a gun. You decide to expel him there and then.

Example 11

The head of a public school enters into a contract with a computer firm to supply the school with a dozen computers, for use during computer classes. You sold computers to the school in the past but this time were not approached to tender?

Example 12

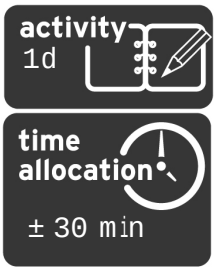
The principal of a school enters into an agreement with a contractor to build a swimming pool at the school and at the same time install a pool at his home. The contractor agrees not to charge the principal for the erection of the pool on his property.

Example 13

The principal arranges with the school carpenter to install some cupboards for him over the weekend.

Reflecting on these examples we know they all involve actions of some administrative kind. Yet in terms of the law these are not all strictly speaking administrative actions per se. Besides even if they were, not all of them are administratively correct or good actions.

Before we turn to the Act itself we need to clarify terminology relevant to this section of the law. You might find the reading, *Constitutional and Administrative Law* by Boulle, Harris and Hoexter helpful. This provides a useful introduction to many of the terms and concepts employed in administrative law as well as some important distinctions. Crucially you will find an initial definition of both constitutional as well as administrative law as well as a clarification of differences between them.



Individual activity: Try to answer the following questions:

1. What is the difference between constitutional and administrative law and in what respects do they overlap?
2. What is case law?
3. What is common law?
4. What is the difference between review and appeal?
5. Clarify the meaning of discretion, jurisdiction and legality?

Now that we have a basic grasp of key terms we can turn our attention to the Act itself. For practical purposes we shall work through the Act. In doing so we note at the outset that the Act can be divided into roughly four areas of inquiry. Each of these four areas will form the subject matter of our analysis.

1. The first (Sect 1) defines what 'administrative action' is. From our examples above we observed that certain actions which appear to be administrative do not in fact fall within the scope of the Act. What is crucial to anyone affected by administrative is where this cut off point falls.
2. We next (Sect 3) go on to look at the requirement of 'fair procedures'. In some of the examples above it is patently clear that procedural fairness is not being followed. What then are the criteria governing fair administrative procedure? Moreover how do they differ when applied to persons as against the public?
3. We next inquire into the importance of giving reasons. (Sect 5) This is a relatively new aspect of our law which was certainly not taken sufficiently seriously in the past. Today giving of reasons has many advantages both for administrators as well as for those giving effect to administrative protocols. They have also educational implication.
4. The following section (Sect 6) deals with the conditions under which someone may seek a review of an administrative action. It also sets out what the correct procedure is for instigating this. It also raises under Section 8 the question of remedies.

We now provide an examination of each of these stages of the act

Question 1:

What specifically are 'administrative actions'?

Answer:

Section 1 of the Act gives a stipulative definition.

The Act tells us that an administrative action is a decision or failure to take a decision, which adversely affects the rights of any person and which has a direct, external legal effect

This definition is relatively unproblematic although there are some concepts here that need interpreting.

- Firstly the term "decision" includes also the failure by an administrative to take a decision or the unreasonable prolonging of taking one.
- Returning to the Act, a more difficult question relates to the terms organ of state and natural or juristic person. What has the legislator intended by making both state administrators as well as 'private' administrators subject to the Act?

Clearly the intention has been to expand the application of the law to various institutions and organizations' that implicate public in their decisions. Let's think of an example. Consider for a moment an institution such as WITS University. Many would regard the university as a private institution. The university charges their own fees, employs their own lecturers and teaches what they think is academically sound. However from another perspective WITS is all but private. Firstly like all other universities they have been brought into life by an Act of Parliament. Beside this they also influence public life through their contribution to learning and research. Because of these considerations, the legislator has most likely decided that actions taken by administrators at WITS should also fall within the Act - and for good reasons.

Boulle, Harris and Hoexter elsewhere in their book argue that what distinguishes public from private interests are essentially three criteria:

- "is the body created or controlled by statute?
- is public money one of the body's source of funding?
- does the body fall under the control of a recognized public authority?"

Question time: What do you think?

Given this can you think of any other institutions that might also be argued to have public importance? What about private schools. Can one make out an argument here for including their administrative actions under PAJA?

i. A third consideration in this part of the Act concerns those parties that are excluded from the PAJA. We don't need to be technical about this list so long as the principle is clear. Let's identify what these are and briefly examine the reasons for these exclusions. Foremost amongst these are:

- **Executive actions**
  The distinction between executive and administrative action has only recently been clarified by the courts. Administrative action as has been affirmed is mainly concerned with questions of implementation of the laws and policies. Executive action on the other hand whether of the National Executive or the Provincial Executive, attends to the making of policies and the formulating of legislation.
- **Legislative actions**
  According to our constitution the legislatures consists of - a) parliament; the national legislature who makes laws binding on the entire country and b) provincial legislature, who make laws for the various provinces and is regulated also under schedules 4 and 5 of the constitution.

  Every bit of original legislation whether of acts of parliament or of the provincial legislature is not subject to review. Do you know why? The

answer is to be found in the separation of powers thesis. What do you think is the basis for separating of powers?

Hoexter in her book "Introduction to Administrative Law" offers a useful guideline for distinguishing legislative and delegated acts from administrative actions.

Firstly she states legislation contains rules of general application that applies to society as a whole not to any distinct group of persons. Administrators always have their sights on groups of persons or particular individuals.

Legislation is also not overly concerned with resolving disputes but with advancing the interests of the common good. Questions of application always involve an element of discretion and frequently also investigations. Thirdly legislation works prospectively and remains in force for some time after having been promulgated.

Finally legislation needs to be gazette in order to take effect.

In the case of the PERMANENT SECRETARY OF THE DEPARTMENT OF EDUCATION, EASTERN CAPE VERSUS ED-U-COLLEGE, what was in issue here was the availability of subsidies for independent schools. And the question was whether the way in which the subsidy came to be formulated constituted an administrative act. If it was it could be reviewed. If not there was nothing the applicant Ed-u-college could do about the decision.

What decision did the court come to and how did it justify it?

1. **Judicial actions**
   In our constitutional society a founding aspect is the independence of the judiciary from other branches of government. For this reason the acts of our courts do not have to meet with the requirement of PAJA except when judicial officers perform administrative functions. The courts incidentally have their own process of review which is determined according to the rules of the court itself.

Question 2:

What is Procedural Fairness?

Answer:

Procedural fairness is a key aspect of administrative law- you will notice in examples cited above that many clearly lacked an element of fairness. The Act is quite specific on what this means and the justification is something carried over from common law.

Turn to the PAJA to Section 3 where a distinction is drawn between actions affecting persons and actions affecting the public. We don't need to slavishly memorize each of the steps that need taking, though it is useful to compare steps required in the event of private persons with steps for the public.

In the case of PREMIER MPUMALANGA, the dispute here turns on a decision by the provincial government to discontinue paying bursaries to ex Model C schools. The question however is not whether bursaries should have been paid or not, but whether the decision to terminate the arrangement was procedurally fair. Much of the discussion hinges on whether the Mpumalanga MEC gave interested parties prior notice as required by section 3 of the Act.

Question 3:

Why is the furnishing of reasons important in justifying the actions of administrators?

Answer:

The furnishing of reasons has always been a matter of contention for administrators. On the one hand administrators under the Westminster system were reluctant to provide reasons as they felt they were responsible to the legislature and executive and not to the public for their decisions. On the other hand it must have been difficult in many situations to provide reasons for actions that under apartheid were morally and politically objectionable. Today fortunately the requirement to give reasons is not only stated in the PAJA, it is also built into the constitution which says - anyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

Question 4:

What are the grounds for Judicial review?

Judicial review is a legal process available to those whose rights have been adversely affected by administrative decisions. Persons seeking review take the case to the high courts who then reconsider (review) the decisions of the administrator in the light of the grounds set out in section 6 of PAJA. Remember this process is not to be confused with an appeal in which the substance of a decision is in issue. Perhaps we should clarify the distinction if you are not yet clear about it.

REVIEW V APPEAL

Baxter provides us with a working definition of this difference:

> He states - 'The primary function of the courts is to apply the law in the resolution of disputes. This provides the justification for their inherent review jurisdiction…but it also limits this jurisdiction to matters involving the legality of administrative action…Without statutory authority, the court may not venture to question the merits or wisdom of any administrative decision that may be in dispute. If the court were to do this, it would be usurping the authority that has been entrusted to the administrative body by the empowering legislation'. (Baxter L Administrative Law, Juta, Cape Town 1984)

Let's now turn to the grounds on which review may be instigated.
Traditionally the common law provided for the three grounds of review-

i. the lawfulness of the actor
ii. the reasonableness of the decisions

iii. and whether they were procedurally fair.

The same grounds are today found in Sect 33 of the Constitution.

i) Lawfulness (Is the action lawful?)

This principle stresses the point that administrators have no powers other than those conferred upon them by others namely though acts of legislation. Lawful actions are those that have been first authorized. If an administrative decision is made, the person making it must be duly qualified and publicly appointed. The rules and standing of the person thus appointed must also be publicly ascertainable.

In many instances powers are delegated from one person to another, say from the principal to the head of a department. This will be lawful provided the principal is permitted to delegate such powers and also that he delegate no more than what is stipulated.

In many instances administrators apply their discretion in arriving at decisions. The law is inclined to be cautious of this and to allow only enough discretion as to what may be necessary for acting.

Where a party acts outside of the powers bestowed on him, he may be said to have acted ultra vires or beyond his powers. In such instances his actions will be reviewable.

ii) Reasonableness (Is the action reasonable?)

According to Brenda Grant in her book "Administrative Law through the Cases" she states "The concept of unreasonableness in relation to decisions made by public authorities requires that decisions be reached in a reasonable manner. Reasonableness, at common law, is therefore not, strictly speaking relevant to correctness or otherwise of the decision and a court will be reluctant to impose its decision on the merits of the matter". She goes on to add that an unreasonable decision usually gets classed as an 'improper motive' or a 'failure to apply the mind'.

Reasonableness is arguably the most contentious criteria of judicial review. That's because reasonableness raises questions about merits which invites the collapse of the distinction between review and appeal. Nevertheless the courts have managed to interpret reasonableness in a number of acceptable ways. The PAJA does the same substituting for un-reasonableness a number of related terms such as 'irrelevant considerations', 'bad faith', 'arbitrarily or capriciously', 'not rationally connected.' Do you have any suggestions about formulating reasonableness that would avoid engaging with the substance of the issues?

iii) Was the action procedurally fair?

Two common law maxims form the foundation to this inquiry; ***audi alteram partem*** - which means literally - hear the other side and ***nemo judex in sua causa*** - meaning nobody should be judge in his own cause (often taken as the rule against bias).

Look for writing on the concept of FAIRNESS by Brenda Grant. Grant sets out the various requirements in support of each of the above maxims. Under *audi alteram* she reiterates the need for a) timeous notification and b) a reasonable opportunity to present ones case. Discussing the rule against bias, she points especially to circumstances under which bias may arise that is where actors have a pecuniary interest, a personal interest, or may exhibit prejudice. We can also revisit some of the case law examples above for assessing fairness In terms of the audi alterma and nemo judex maxims. For example, in the Phenithi case in which a teacher objected to being dismissed because she was not given an opportunity to put here side of the story (audi alteram partem).

These examples and brief explanations of a complex area of law should help you to understand and assess the issues of lawfulness, reasonableness and fairness as applied to situations in your school. It will help you to act accordingly and appropriately.

1.4 Topic 3: Constitutional Law for Educators

1.4.1 Introduction

The South African Constitution came into existence through negotiation and played an extremely important role in the transition from apartheid to democracy. It continues to retain the utmost significance as an instrument for the ultimate transformation of South African society. We shall look at the constitution from two related perspectives.

Importantly we shall try and give you exposure to constitutional issues relating to education, hence the number of exercises that have been incorporated into this section of the course. We also feel however that a full appreciation of Constitutional law could not be achieved without an understanding of its history as well as a grasp of the some of the issues involved in "interpretation' of constitutional rules.

Before we get going therefore its worth asking a basic question. How much constitutional knowledge do you have? Here are some questions to get you thinking. We tell you where you can access the answers –if you are not sure you know.

1. Can learners wear dreadlocks to school?
2. Does the school have a right to search everyone when they arrive?
3. What do learners do if they feel they have a legitimate complaint against a teacher?
4. Can a learner be denied admission to a school if her parents cannot afford to pay?
5. Can the school withhold her results if she is admitted?
6. Can a school prevent a leaner from attending classes because she is pregnant?
7. Can a learner enroll for school even if she is under 7 years old?

Questions regarding teachers:

1. Can a principal expel a leaner for misconduct?
2. Can a teacher discipline a learner without giving her an opportunity to be heard?
3. Can a teacher live an eccentric lifestyle outside of school?
4. Can teachers form trade unions? Even if they don't do they have a right to strike?
5. Can the provincial educational department order that the language policy of a school be changed?

If you don't know the answers to these questions you should consult the Bill of Rights and find a right or rights that roughly match these situations. But what happens after this? You now know what rights apply in certain contexts- does this make you constitutionally literate? I think not. What you may not know is how these rights have come into being and what processes have informed them. You may also be unaware of how your own rights can be constitutionally

safeguarded – what procedures to follow. Finally you may not be able to justify rights beyond that they are constitutionally informed.

We now provide you with a brief historical perspective so that you can understand just how far our current constitution has moved from the earlier models of government that existed prior to 1990.

1.4.2 An historical perspective

Here we briefly examine two themes:

1) THE POLITICAL SYSTEM OF GOVERNMENT DURING APARTHEID - THE WESTMINSTER SYSTEM.

The apartheid era was characterised by adherence to what has been called the Westminster System of constitutional democracy. Unfortunately South Africa's version of the Westminster system did not conform to the genuine ideals and practices of the various types of the Westminster system as occurred in countries such as Canada, New Zealand, Australia, the United Kingdom or India. In South Africa the franchise was restricted on the basis of race to a white electorate. Under the circumstances the strong central exercise of power intrinsic to the Westminster system led to an extremely repressive organisation and exercise of political power.

South Africa eventually adopted a tri-cameral parliament which modified the structure of its parliamentary organisation. The tri-cameral parliament tried to retain power in the hands of the white majority and yet legitimise and disguise the retention and use of power in the hands of the white minority through the extension of the franchise on a racial basis to so-called coloureds and Indians. The old House of Assembly maintained possession of real power and the decisive tie-breaking ability to veto or override the decisions of the other two houses. The House of Representatives was reserved for Coloureds. The House of Delegates was reserved for Indians. Black voters were to be accommodated in the various 'homelands' where their rights of citizenship were to be exercised.

Looking back it is hard to remember how repressive South Africa's apartheid system was. It seems very strange to reflect at this point and time upon a system that was so complicated and ideological and ultimately unworkable. Before the Interim Constitution came into effect education in South Africa was directed through the offices of racially segregated departments of education belonging to the four different parts of the tri-cameral constitutional order.

The Department of Education and Training represented schools for black children under the auspices of the various homeland governments. Their facilities and funding was chaotic. The House of Assembly Schools possessed better teacher-staff ratios and enjoyed better funding and better grounds and facilities than those of the other departments. The House of Delegates and House of Representatives each controlled separate departments of education and each had different levels of funding and facilities. This example mirrors the predicament of what we might call the late apartheid era. Each of the houses of parliament was supposed to exercise sovereignty in 'own affairs' and then work co-operatively in legislating for matters of overlapping or common interest. This has been referred to as 'racial federalism' but it did not enhance the legitimacy of the apartheid

state. Most coloureds and Indians objected to being coerced into the role of becoming 'junior partners of apartheid'.

Establishing a new constitutional and democratic South Africa

A national peace accord was signed in September 1991. A Congress for a Democratic South Africa (CODESA) began proper negotiations between the government and the African National Congress the two heavyweights in the negotiating process and all of the other political parties joined in. This congress did agree upon a two-stage transition from the old to the new order. The solution found to the process of handing over power was that an interim coalition government would rule while a final constitution was drawn up. Thereafter a new properly-elected government would take office. CODESA could not agree to the text of an interim constitution. This was finally drawn up by the Multi-Party Negotiating Process or MPNP which succeeded CODESA. In addition to establishing the text of the interim constitution agreement was reached as to a set of binding constitutional principles which had to be reflected or included in the text of final constitution.

The interim constitution established the way the final constitution was to be written and then adopted by an elected constitutional assembly.

2) FROM A WESTMINSTER MODEL TO A CONSTITUTIONAL SOCIETY

In the Westminster system the electorate could remove an unpopular government through periodic popular elections. The leader of the party with the majority of seats in parliament, by convention, became the prime minister. The prime minister then appointed a cabinet of ministers. These were usually sitting members of parliament but the prime minister could in principle choose any person to become a cabinet minister. The cabinet exercised executive power under the prime minister's leadership.

What is often not realised is that the prime minister could be removed from office at any time if the party lost confidence in her or his leadership.

The Westminster principle demonstrates the sovereignty of parliament. The executive must ultimately succumb to the power of the legislature.

A constitutional order differs in a number of ways from the Westminster model. Most importantly the doctrine of parliamentary sovereignty is replaced by the 'supremacy of the constitution.' Under our interim and final constitutions the right to vote was extended to all adult persons irrespective of race. Proportional representation replaced the first past the post system of representation by constituency based seats.

A Bill of Rights gives new power and independence to the judiciary. The Bill of Rights becomes the touchstone by which all laws are judged. The Bill of Rights also becomes, what Mureinik has called, a bridge to a new deliberative legal culture based on justification. The power of government in the new South Africa is not only legitimated by universal franchise it is constrained to fairness through constitutional checks on the exercise of power. All power can only be exercised in terms of the law.

Justice must be asserted positively and proactively in the areas of human freedom and liberty ['first generation' rights], social and economic development ['second generation' rights] and in the protection and enhancement of the natural environment ['third generation' rights].

our comments

This section has provided you with some information about our constitutional history. It will help you to understand how the law applying to education is located within Constitutional Law.

1.4.3 The scope of Specific Rights

We now turn to questions dealing with application. Here we shall focus specifically on three clauses in the constitution. These are clauses that have important implications for education.

1. The right to equality
2. The right to freedom of expression
3. Socio economic rights and the rights of children

1. The Right to Equality

This is arguably the most important and extensive of all the rights in our constitution. Discrimination is something that many persons, often the most vulnerable in our society, experience, those who are poor, the unemployed and the ignorant. Inherent in this right is the principle of fairness of treatment. Persons who are not treated according to appropriate standards of fairness are said to be discriminated against.

The Constitution does not provide us with a definition of discrimination. For that we need to go to the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000.

2. The Right to Freedom of Expression

From the point of view of being a teacher, one of the most important of the fundamental rights must be freedom of expression. Within freedom of expression we find various values defended and perhaps the most important of these, again, from the point of view of the educator, is academic freedom.

3. The Content of Freedom of Expression

Section 16 of the Constitution is divided into two parts. Section 16 (1) protects freedom of expression and includes within its scope the freedom of the press and media, the freedom to receive or impart information or ideas, freedom of artistic creativity and academic freedom and freedom of scientific research.

Freedom of expression is wider than freedom of speech and will include wearing of clothing and other symbolic acts such as chanting slogans and singing songs or burning flags. The context where these symbolic acts

> take place may however be significant. Shouting terms of abuse at an individual, picketing the private home of a politician or burning a flag in a cinema may be justifiably restricted or may fall into the ambit of s 16 (2) .

Section 16 (2) specifically excludes hate speech, propaganda or war and incitement of imminent violence from protection.

A Discussion of Section 16 (2)

The 'Propaganda for War' exception seems to be very broad and not yet examined by the courts. The question arises – what about public debate on the merits of sending troops to prevent genocide in a distant European country? In the former Yugoslavia NATO countries eventually intervened to stop the aggression against the muslim populations of Serbia and Bosnia in spite of United Nations disapproval. (Approval for military action was eventually given after the war was over.)

The Incitement of Imminent violence exception originates in the test laid down in the case of Brandenburg v Ohio. This test states that advocating the use of force or advocating civil disobedience cannot be restricted by criminal sanction - unless it is designed to directly incite imminent violence and is 'likely to incite or produce' violence of this nature.

For the exception to operate in this section the incitement must be linked to a threat of imminent violence.

The Hate Speech exception can best be discussed in the context of the Canadian case of R v Keegstra 39.

The facts of Keegstra are as follows:

> A history teacher in northern Alberta persistently taught that the holocaust, the systematic persecution and extermination of jews by the Nazis throughout the latter half of the nineteen-thirties and the second world war never happened. His position was that the holocaust myth was a form of Zionist propaganda designed to conceal Jewish power and dominance over the world order. His teaching also targeted jews as a distinct racial group and tended to blame jews generally for political and social and economic problems worldwide.
>
> Keegstra was charged under section 319 of the Criminal Code of Canada which prohibits hate speech. Keegstra challenged the provision in the Criminal Code as unconstitutional. Had his challenge been successful he would not have had a charge to answer.
>
> In his judgement Dickson CJ (Le Hereux-Dube J, Gonthier J and Wilson J concurring) took the limitation placed upon freedom of speech by criminalising hate speech through the steps of the Oakes Test in considering whether the limitation was demonstrably justifiable in a society based on democracy and freedom.

[39] [1990] 3 SCR 697

The format of the limitations clause analysis per the Oakes Test was followed with a model precision in this judgement.

It was clear that section 319 did restrict the fundamental right of freedom of expression.

The purpose of the restriction was then explored. It was found to be of sufficiently pressing importance to justify the limit placed on a Charter right.

The court agreed that hate speech could cause pain and harm really amounting, in South African terms, to a form of iniuria in regard to individuals. On the wider consideration of the effects of hate speech generally the court recognised that criminalising hate speech was necessary to reduce religious, racial and ethnic tensions in Canada. Hate speech was also seen as corrosive of the important social goals of equality and multicultural tolerance.

The court then followed the rationality and proportionality enquiries. It found a rational connection between the measures adopted (criminalising hate speech) and the ends – the prevention of harm to individuals and promoting equality and acceptance of diversity on the broader social plane.

It then had to consider whether the measures adopted were proportional to the achievement of the goals they were designed to achieve. This is the longest part of the judgement because the court had to consider the effects of a stern measure on freedom of expression and the democratic process as against its benefits.

Discussion of Section 16 (1)

We will confine the scope of this discussion to academic freedom. Academic freedom has been associated with university autonomy and the right to pursue objects of research independently of state interference. Traditionally this activity has been described as the 'search for truth' …

During World War Two the western powers did not attempt to shackle the spirit of free enquiry in the universities. In Nazi Germany the state directed all research activity to the war effort. Ironically the Nazis impaired their own war-making capacity by that very policy. Conversely, as a result of freedom of enquiry in the western universities the war effort obtained a massive benefit.

Academic freedom belongs to the academic. We might say the beneficiary of the right is the individual academic over and against both the state and the university.

Academic freedom is not confined to universities. It is recognised as being of application to all schools and colleges and polytechnics.

The beneficiary of academic freedom would be the teacher. Even if the school is a private school, Section 8(2) would require the horizontal application of the right

over and against the school. It is trite law that a school fits the traditional definition of a universitas in which the relationship of power between school and individual teacher classically establishes an administrative law relationship requiring, inter alia, procedural fairness and the implementation of all the different components of just administrative action. As a beneficiary of the fundamental right to just administrative action over and against the school, whether private or not, the teacher is also a beneficiary of academic freedom.

With this in mind let us return to our discussion of Keegstra.40

Keegstra you will recall was a high school history teacher who taught that the holocaust was a myth. He promoted what has been called a 'revisionist' view of history. Keegstra was suspended pending the outcome of his trial. Could Keegstra, or a teacher in a similar situation, claim the benefit of academic freedom of and against his employer, imagining for a moment that this situation arose in a South African school?

This might appear to pose a more difficult problem than it actually is. The Canadian school board who dealt with this difficulty disposed of it more easily than at first glance might seem possible. The argument put by the school board was that even if the teacher in question was acquitted under the criminal code his professional competence as a history teacher was such that it rendered him unemployable. The academic freedom argument put forward on Keegstra's behalf failed.

Academic freedom, especially as it applies to teachers does not mean the right to teach whatever one pleases. The discipline one teaches requires a certain fidelity to its own processes and practices. Reflection upon the teaching of history reveals that it is a discipline originating in the study of documents. Any claim, conclusion or assertion of fact located within the realm of the discipline of history must stand upon documented evidence at its source. Holocaust denial is particularly pernicious because of all facts claiming to possess historical veracity; the holocaust is indeed the most well-documented of all. To deny the holocaust is to fundamentally part company with the very tenets and practices of history itself. Keegstra did not teach history. He taught propaganda and spread the very ignorance a study of history must dispel.



Question time: individual activity

Consider the case studies below and decide whether you think freedom of expression would be justified under our Constitution.

A muslim teacher from Canada is employed at a private school, financed by expatriates, called the American School of Polokwane. He wears a T-shirt to school with a portrait of Osama Bin Laden on it. He is dismissed by the school.

Would your answer be the same in question 1 if underneath the portrait a slogan was printed containing the words ' One American – one bullet '
A white child, in contravention of the dress code agreement signed by parents

[40] supra at note 29

on enrolment, braids her hair into dreadlocks and wears hair extensions. The same prohibition does not apply to black children.

A child comes to school wearing what looks like a rock band T-shirt. In small print you find a swastika and the words: Adolf Hitler – 1939 –1945 European Tour. (The school does not have a uniform and allows students to wear T-shirts.)

A school newspaper publishes a picture of a child looking into the toilet on its front page. The slogan reads 'Excuse me- are you the State President?' the school suspends the editor.

At a madrassa in Fordsburg a student is expelled for having in his possession at school a copy of Salman Rushdie's 'Satannic Verses'.

- What do you think?
- What are the implications of this section for you and your school?
- Have you had to deal with similar situations in your school?
- How did you respond?
- Would you respond in the same way now you know more about the law?

3) Socio economic rights and rights of children. (Section 26, 27 and 28)

For the purposes of an educationalist these rights may be conveniently treated together. The South African Constitution is regarded as one of the most progressive in the world precisely owing to the inclusion of Sections 26.and 27.

Section 26 grants the right of access to adequate housing and places a positive obligation on the state to provide to progressively provide adequate housing for all through legislative and other measures but within the constraints of available resources. This section also prevents arbitrary eviction. Section 27 grants to everyone the right of access to food water and social security including social assistance where it is needed. Again the state has the positive obligation to progressively ensure the realisation of this right through legislative and other measures but within the constraints of available resources.

The distinction between these rights and the classic 'liberal' or first generation rights is thought to be that these rights place positive obligations on the legislature and constrain the policies of the party in power in ways that may ultimately be unacceptable to the electorate.

The counter-argument simply states that even first generation rights require state expenditure on a court system, a department of corrections and a police force. Second generation rights pose no qualitative difference to their realisation than first-generation rights.

A more difficult issue raised is the justiciability of socio-economic rights. Courts are not in the same position as the legislature and cannot easily make rulings surrounding the enforcement of these rights. Courts do not enjoy the political legitimacy to make rulings regarding the allocation of resources.

The answer to this argument is that it views the role of the courts in an incorrect light. The court need not make ill-informed policy choices. The role of the courts is to assess whether progressive realisation of socio-economic rights has been addressed. It may also call upon government to justify the measures or lack thereof already in place. In hard cases involving the competing policy goals and economic complexities involved in making choices the role of the courts is simply to force debate. Courts are ultimately places deliberation. Government may well legitimately be forced to enter a culture of justification and in a serious and considered manner justify its policies in the light of the demands of the constitution.

The Grootboom Decision

The Grootboom decision [Government of the Republic of South Africa v Grootboom]41 reinforced the idea that justiciability requires government policy to measured, rational and applied to the progressive realisation of socio-economic rights within available resources. Although 'progressive realisation' and 'available resources' grant the latitude of a wide discretion to the state the state can nevertheless be called to account in a deliberative forum and be ordered to rethink its policies and then return to court again with a better policy in place.

Grootboom laid down that whether or not the government had lived up to its responsibilities, according to the criterion and standard of reasonableness set out in the Constitution, could be tested in court. While government could not be measured against a 'core minimum' of requirements the state would nevertheless have to justify its use of resources to the people.

The court therefore did require a commission to be set up to monitor what progress the government made towards addressing the problem of homelessness.

The Relationship between Socio-Economic Rights and Children's Rights
The facts in Grootboom were as follows: Squatters were evicted the day before notice to vacate had stipulated. The squatters had occupied private land. It was argued that the Constitution required alternative housing be found for the squatters prior to eviction.

It was further argued that the rights of children have an absolute quality in that the internal constraints present in the clauses regarding socio-economic rights are not found in section 28.

The rights that children have to basic health care, nutrition, social services and shelter are not limited by 'available resources' and 'progressive realisation' qualifiers in sections 26 and 27.

The court a quo held that this meant the children of the evicted squatters had to be accommodated immediately. Their parents thus qualified for an immediate realisation of these rights, as parents of the affected children, despite the availability or lack thereof of available resources.

[41] 2000 (11) BCLR 1169 CC

The decision was appealed to the Constitutional Court which held that the court below had erred. Parents of children would effectively jump the queue ahead of other, perhaps better- deserving adults, who might be elderly, infirm or handicapped and who would be discriminated against purely because they did not have children.

The rights of children, although unqualified, did not therefore indirectly bring adults in the form of parents or caregivers under their umbrella.

The ramifications of Grootboom have been various legislative measures to prevent unlawful eviction. The Prevention of Unlawful Evictions Act supplanted the quick-fire summary judgement procedure with a series of applications designed to find whether alternative accommodation is available and whether on the balance of competing considerations it is in the interests of justice to evict an unlawful occupier. Children, the elderly and infirm certainly may not be evicted easily.

At municipal level, service delivery in the provision of basic services and housing has become a pressing issue. In the wake of Grootboom a minor revolution in socio-economic development has begun. The fears expressed regarding the courts dabbling in the legislative realm and the muddling of separation of powers have proved to be utterly groundless. Yet a court judgement did in fact trigger a process leading towards significant social change.

The Development of Children's Rights

The impact of the Constitution upon the rights of the child has been effected through legislation designed to put the values of the Constitution into practice. We will be studying this legislation in the second part of the course.

The right not to be abused, neglected or subjected to degradation, for example, has found expression in the Child Care Act 74 of 1983 as amended and the Prevention of Family Violence Act 133 of 1993. Section 4 of this act has significance for educators in that it is a criminal offence for an educator not to report abuse or the suspected abuse of children.

Corporal punishment in schools has also been abolished. [See Christian Education South Africa v Minister of Education 42]

The South African Schools Act 84 of 1996 outlaws initiation practices and provides for the equitable treatment of the victims of HIV/AIDS

The practical consequences of these legislative measures demand that several school based policy issues be explored in some detail.

Children's Rights – An Overview

Children have the right to a name and nationality. These are important reflections of the rights reflected in the core values of dignity and equality. Putting these

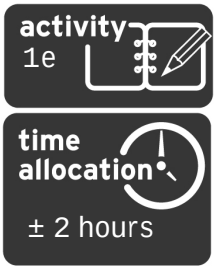
[42] 2000 (4) SA 757 CC

rights into practice in the context of refugees arriving in South Africa has proved difficult to achieve.

Children have the right to family care and failing that, adequate foster care or alternative forms of care or institutional care the Child Care Act [supra] deals with the implementation of these rights in practice.

The rights of children placed in detention is another significant area the Child Care Act addresses

The 'best interests of the child' in section 28 (2) surfaces mostly in custody and access cases in the area of family law. Here the role of the family advocate is also a very significant legislative advance



Portfolio Activity:
Identifying a school improvement priority and the legal implications

The identification of the latecoming of learners as a key area affecting teaching and learning in many schools, is a common issue. Imagine that you, the SMT and the SGB, with the support of the parents, decide that you will overcome this by privately contracting a local bus driver and his vehicle to provide transport for the learners –to ensure their punctuality.

QUESTIONS:
Given what you have learned from this UNIT what must you now consider before you put this plan into operation? What might be the consequences if you don't? Work with your SMT on this activity and provide notes on the activity and outcome for discussion at contact sessions

1.5 Concluding remarks

In this unit we introduced key aspects of the constitution and general law that school principals and educators are likely to be exposed to in their professional life. You will now be better able to reflect upon the implications of these for your school and your professional practice. The case studies were designed to help you understand the implications for good professional practice in these areas and the responsibility which school leaders have to ensure compliance with the law at all levels and in all activities of the school. This unit has attempted to equip you as a principal, or school manager, with knowledge of this field and help you to incorporate this knowledge into the professional management and governance of your school.

It also recognises that you will need to be able to access support and professional legal advice when necessary. It is important that you take the lessons learned from this unit into the strategic planning and development process for your identified school improvement priority.

Education law, regulations and policy

unit 2

Introduction 2.1
Learning Outcomes

Legislation and Policy – the differences 2.2

The building blocks of legislation and policy 2.3

Identifying Four Key Policies 2.4

Implementation challenges for legislation & policy 2.5

Concluding remarks 2.6

LEARNING GUIDE
unit two

2

Education law, regulations and policy

2.1 Introduction

In Unit 1 we explored the three areas of the law which affect your professional practice and accountability directly. Unit 2 is about Education Framework, Law and Policy. This will help you to understand the difference between legislation and policy. You will be able to read and consider what constitutes legislation and policy. You will be able to use actual school case studies to help you in understanding your school context and the need to follow correct processes to ensure the lawful, fair and reasonable actions which must be taken by principal and the SGB.

Unit 2 will introduce you to some of the key terms and concepts in education law and policy. These include:

- LEGISLATION
  Legislation is law made through the democracy process at national or provincial level. It generally deals with issues of broad principle. Legislation is published in either the national or provincial gazette and becomes binding from the date stipulated in the gazette.
- REGULATIONS
  Regulations are a form of subordinate legislation. Regulations are made either by the national Minister in regard to national matters or provincial MECs in regard to areas of provincial competence. Regulations normally deal with the detail necessary for the implementation of legislation. Regulations are subordinate to legislation but are as binding on the public at large. Regulations are published in the national or provincial gazettes and their date of coming to operation are stipulated in the gazettes.
- POLICY
  Policy may be made either at national or provincial levels and consists of a guideline to parties affected by the policy. Policy is not considered to be 'law' in terms of the Constitution and accordingly is generally not binding on the public at large. Policy is however binding on government officials (including teachers) as it effectively constitutes a management instruction to such officials. Policy is therefore binding on public schools.

Important TERMS AND ACRONYMS used in this unit which may help you understand the legislative and policy framework which impacts upon your school

Audi alteram partem is a principle of natural justice which prohibits a judicial decision which impacts upon individual rights without giving all parties in the dispute a right to be heard. It includes the right to receive notice of a hearing and to be given an opportunity to be represented and be heard.

DoE	Department of Education (national)
EEA	Employment of Educators Act
FC	Final Constitution (1996)
HOD	Head of Department (provincial education)
IC	Interim Constitution (1993)
Juristic person	Organisation that has legal status, e.g. can enter into contracts
NEPA	National Education Policy Act
SASA	South African Schools Act
SGB	School Governing Body

Learning Outcomes

By the end of this unit you should be able to:

- Demonstrate an understanding of the legislation, policy and case law applying to schools
- Demonstrate an understanding of the link between educational theory/research and school practice in policy development and implementation, and the application of this in context
- Demonstrate an understanding of national education policies and impact upon schools
- Understand the principles of lawfulness, reasonableness and fairness in your decisions through examination of the case studies

Recommended readings

Barry, B (2006) *Schools and the Law: A Participant's Guide*. Cape Town: Juta

Beckmann, J (2002) The Emergence of Self-Managing Schools in South Africa: Devolution of Authority or Disguised Centralism? *Education and the Law 14(3)* 153-166

Berkhout, S & Weiltermans W (1999) Towards Understanding Education Policy: An Integrated Approach. *Education Policy 13(3)* 402-420.

Bray, E (2005) Codes of conduct in public schools: a legal perspective. *South African Journal of Education 25(3)* 133-138

Bush, T & Heystek, (2003) School Governance in the New South Africa. *Compare 33(2)* 127-138

Fleisch (2002) Managing Educational Change. Chapter 4 "School Governance Reform"

Fleisch B & Woolman, S (2004) the Constitutionality of School Fees: A Qualified Defense. Perspectives



- Write down what you understand by the terms 'legislation' and 'policy'?
- Write down a list of the legislation and policies that impact on your school, including your own school policies.
- Now list the processes that a school has to go through to create and establish a school policy. Is this different, do you think, from the way that provincial departments create policy and legislation?

(It may be helpful if you talk to colleagues, district and provincial people and, where possible, visit government web sites to gather information.)

Your response will be informed by the information provided in this unit. You should discuss this response with your lecturers at the contact session and share this with colleagues.

2.2. Legislation and Policy - the differences

Education law is formed when Parliament ratifies legislation that has been drawn up through a consultative process. Once this happens, it is non-negotiable in terms of interpretation and implementation. There are major repercussions if you do not follow education legislation, or Acts, because to do so is to break the law. In the education arena, there are Acts, such as the South African Schools Act of 1996 (see Text 2 reference in your Reader), which set out the framework for the ways schools should work and perform. These have a direct impact on behaviour changes of educators and learners alike, and guide schools towards a desired way of working.

You will be familiar with this Act because each school has its own copy but it is suggested that you re-read it and look especially at the introduction where the intention of the Act is set out.

Policies are different. They can be drafted at a national, provincial or school level and can change according to input and opinion. However, national and provincial policies carry a lot of weight. Policies attempt to make schools function effectively. A policy is drafted and followed; then adjusted in line with what happens in practice. Policies are the product of consultation and debate and should not be the work of an individual.

School policies (e.g. the learner code of conduct, language and admissions policies, HIV/Aids policy) are drawn up by the various constituent groups of the school and are specific to a particular situation. They exist in order to help manage, govern and resource schools in an effective and efficient manner. A school policy needs to be developed in an organised and consultative way and will be used by the school stakeholders to improve the effectiveness and efficiency of the school and especially the performance of the learners. (Reflect back on the last Activity – were your school policies drawn up in an organised and consultative manner?)

On the website for the Department of Education, (go to www.gov.co.za and click on departments and then education) there are documents which refer to schools. Included in these documents are:

- Acts (passed through Parliament and which are law)
- Bills (passed through Parliament and which are precursors to Acts)
- Government Notices (statements of intent to do something which are binding on schools).

These legal documents guide the ways educators and others operate in schools, colleges and educational institutions in general. It was necessary to write and pass through Parliament many pieces of legislation after 1994 to redress the gender, racial and class inequalities of the past and drive societal transformation.

All laws previous to 1994 that were perceived as contentious or undesirable were repealed and new legislation was put in place. It is suggested that you familiarise yourself with legislation and policies that relate to operations in your school.

2.3 The building blocks of legislation and policy

South Africa became a democratic society in April 1994 and in 1996 the South African Constitution became an Act. The values, sometimes called the building blocks, which are enshrined in the Constitution, are:

- Human dignity, the achievement of equality and the advancement of human rights and freedoms
- Non-racism and non-sexism
- Supremacy of the Constitution and the rule of law
- Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

The Constitution is the supreme law of the Republic. It protects, amongst other things, the sovereignty of the eleven official languages and promotes equal recognition of these. In addition there is provision for development and use of Khoi, Nama, San and sign language. Language is a cornerstone of education and giving equal status to all languages must be a consideration of any educational institution, be it a school or a college or other kind of institution.

In the Constitution there is a chapter devoted to the Bill of Rights where there is an affirmation of the values of human dignity, equality and freedom as well as very clear statements about children and education. Consider the following extracts from the Constitution (the full text of the Constitution can be downloaded from the reference marked as Text 3 in your Reader, and is a text which you are encouraged to read – to remind yourself that there are very few countries in the world that have such a comprehensive guiding Act in place):

'Children
[Section] 28.
Every child has the right

- to a name and nationality from birth;
- to family care or parental care, or to appropriate alternative care when removed from the family environment;
- to basic nutrition, shelter, basic health care services and social services;
- to be protected from maltreatment, neglect, abuse or degradation;
- to be protected from exploitative labour practices;
- not to be required or permitted to perform work or provide services that
- are inappropriate for a person of that child's age; or
- place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development;

…
A child's best interests are of paramount importance in every matter concerning the child.
In this section "child" means a person under the age of 18 years.

Education
[Section] 29.
Everyone has the right

- to a basic education, including adult basic education; and
- to further education, which the state, through reasonable measures, must make progressively available and accessible;
- Everyone has the right to receive education in the official language of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account
- equity;
- practicability; and
- the need to redress the results of past racially discriminatory laws and practices.'



The Bill of Rights is clear and unequivocal about areas concerning children and their rights. In practice, you may see there are contradictions especially when you examine the conditions under which some children live. There is documented evidence of children being used for child labour practices in some provinces. Many AIDS orphans are living on the streets. There are children who still do not attend school because they do not have money to pay school fees and buy school uniforms. Solving these problems is a long term challenge for the South African government. The Bill of Rights is the benchmark against which all South Africans must measure their actions, to see if challenges are being met and overcome. It sets the criteria against which your work in school is measured. It is the starting point for you to ask: are you running a school that meets the needs of children, at all levels?

Without doubt, there is a need to do more work to ensure that children are protected and cared for. South Africa is a country in transition and transformation is the key driver. Education is the backbone of the country and the foundation for creating competent citizenship.

With this is mind, one of the major Acts to be promulgated since the advent of democracy is the South African Schools Act of 1996 (see again Text 2). The values or building blocks that underpin this Act are participation, democracy and transparency. This Act sets out the way a school should be governed and managed and gives a large amount of power to the School Governing Body (SGB) which at the time was considered a radical move. This was because the previous government had always retained a high degree of centralised power. The SGB is set up as a central, accountability structure through which the voice of the parent is heard very distinctly. The Chairperson of the SGB must be a parent and the principal, although a member of the SGB, is not allowed to run the SGB. SASA is legislation and therefore must be followed, as it is a legal document.

activity 1a

time allocation ± 30 min

Refer to the full text of SASA, a copy of which you should have in your school, or access via the website link referred to in your Reader (Text 2), and re-acquaint yourself with what is in the Act. Now answer the following questions, quoting from relevant paragraphs in the Act to support your answers:

1. How old must a learner be to attend school and when is the first time that the learner can leave if he or she needs to do so?
2. Are there any circumstances under which a learner may not attend school full time?
3. Can a learner be refused admission to a school because the guardian or parent is unable to pay fees? Explain your answer.
4. Can a learner who is Muslim be denied access to a school that is predominately Christian and if yes under what circumstances?
5. Is it true that a learner who steals from other learners can be suspended from school by the SGB? If so, under what circumstances?
6. Why and for what purpose is a constitution required by every school?
7. What is the role of the SGB in the development and approval of the School Development Plan and the School Improvement Plan?
8. Who prepares and approves the school budget? Who monitors and controls expenditure and for what items?
9. What powers does the RCL representative have on the SGB?
10. Who owns and controls farm schools?

our comments

The SASA stands as an example of an Act that in essence devolves decision-making powers to the school but in doing so has possibly created greater gaps between the wealthy and poorer schools. This is the unintentional by-product of creating a devolved, democratic system which asks parents to take greater responsibility for their children's schooling. It is inevitable that the parents of poorer children are themselves poor, both in financial and educational terms. This leaves them at a disadvantage when it comes to making decisions about the allocation of school resources and fundraising for extra-mural activities; also, they are not necessarily knowledgeable about policies around language choices and how classroom activities should be rolled out. Often, parents with low levels of education defer decision making to the principal and/or educators; believing this is the right way to improve conditions for their children. This may not be the case, as the principal and others may abuse their power base and make decisions that are not in the best interests of the parents and children.

Consider the conclusion of Lewis and Naidoo (2004) who have investigated whether SGBs create a more participative and democratic environment in which the school operates:

> We conclude that [the] South African government efforts to broaden participation in educational governance is serving technocratic, efficiency ends rather than broadening participation in any authentic way. To date SASA is not translating into the empowerment of school communities or stimulating substantial organizational changes. Rather, the initiatives are serving to reinforce existing patterns of power and privilege in schools and in the broader society. Our study suggests that one of the main reasons for this is that, at all levels of the system, devolved school governance and participation of the school community in decision-making is being interpreted in a strikingly narrow way. The capacity to influence decision-

> making has been viewed in a formal, quasi-legalistic sense, restricted to institutional roles defined externally or defined by the most powerful actors at the school.

In asking such questions as "what does governance mean?" and "who governs and how?" analysis has generally failed to consider that actual practices of governance emerge out of actors' theories of action in particular localized struggles. While SASA and such policy prescriptions provide the template of "how governance should work," the definition of roles in practice is not a simple matter of learning one's role, mastering technical skills, or following official procedures. It involves some conflict, negotiation, and compromise. The lack of authentic participation by parents and learners reinforces the efforts of policy makers, principals, and administrators to equate democratic school governance with rational decision-making, minimal conflict, and decisions by consensus. Any re-definition of roles has to confront established power structures and conventions and their obsession with managerial and organizational efficiency, as these are often antithetical to genuine broad-based participation of local communities.



Overall, the introduction of new educational legislation and policy has been good for the country, in our opinion, with clear statements of intent as to what the government will do to improve access and quality education for all. From experience, the implementation of legislation and policy will always be a challenge as it involves change and people are always nervous about changing what they know, especially if it involves something they are comfortable with. It can be seen from the discussion around the role of SGBs and how they operate in school decision-making processes that the legislation, such as SASA, cannot cover and recommend action to meet all the social demands within South Africa, from an education perspective. In this regard, policy and legislation guide and schools make decisions appropriately.

2.4 Identifying Four Key Policies

As a principal of a school, you must acquaint yourself with all the relevant policies and these are listed in the Reader for you to consider. You will find them listed under Text 2, with references to web sites where you can download the whole text of key policies. These policies include:

- Norms and Standards for School Funding (1998)
- National Curriculum Statement (2005)
- Employment of Educators Act (1998)
- Employment Equity Act No 55 of 1998.

Although these are not all the Acts that you should know, they are the main ones. This gives you an overview on several pieces of legislation that are important to you as a school leader. This will help you to understand your role as a leader in ensuring that the legislation is followed and complied with. In addition, consider what is needed with the roll out of the Integrated Quality Management System (IQMS). This is a quality assurance system which provides an important tool to assess whether a school is performing according to set standards and expectations. (The IQMS is addressed more fully in the core module Lead and manage people. Issues around the management of Human resources and of finance and physical resources are dealt with in the core modules: Lead and manage people, and Lead and manage financial and physical resources).

Norms and Standards for School Funding

(Refer to Text 2 for web site identification)

This piece of legislation came about after SASA became operational in January 1997 and builds on what was promulgated in SASA itself. In SASA there is a statement concerning the national norms and minimum standards for school funding. These norms and minimum standards deal with:

- the public funding of public schools
- the exemption of parents who are unable to pay school fees
- public subsidies to independent schools.

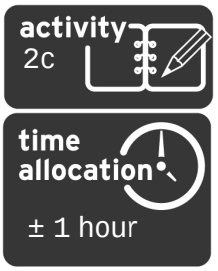
The norms deal only with school-level expenditure, and do not cover a provincial education department's school-related administrative and developmental expenditure. However, the principles of equity and efficiency are expected to underpin the provincial funding allocations. This includes allocation for training of management capacity in schools and funding should be targeted to the schools with the greatest need that is those with weaker SGBs and school leaders.

The national Department of Education (DoE) prepared the legislation around Norms and Standards for Funding after consultation with the Standing Committee on Finance of the Heads of Education Departments Committee (HEDCOM) and after an extensive consultation process with interested and involved stakeholders.

'The State must fund public schools from public revenue on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in educational

provision' (section 34(1)).

The latest directive from the Department shows that there is now concern about poverty levels in our poorest schools and regions. Because of this, the government is asking that all schools be identified and placed into one of five quintiles which have been established according to need and poverty indicators. Learners in the poorest schools will not have to pay fees and will not be excluded from education because of their poverty. This is a positive move but for those schools that fall just above the 'no fee' level the struggle continues as there are very poor learners in these schools as well. Many learners are faced with not being able to pay anything towards their school fund and could find themselves having to borrow money to meet the basic demands of the school.



1. With the members of your school management team, write a short summary of the conditions within your school that relate to:
    a. poverty levels of your learners and with this in mind, explain how you plan to ensure equity and redress within the school environment
    b. your Section 20/21 status and how you manage funding in your school
    c. your view on the school's quintile allocation: does it fairly recognise the school's current situation?
2. How will the above analysis assist you in managing policy implementation and planning implications?

Employment of Educators Act 1998

(Refer to Text 2 for web site identification)

The Employment of Educators Act (EEA) is an Act that covers all aspects relating to the employment, retention and development of educators, with specific regard to educators at:

- Public Schools;
- FET Institutions;
- Department Offices; and
- Adult Basic Education Centres.

The Head of Department at provincial level is the employer of educators, in all respects except for salaries and conditions of services which are the direct responsibility of the Minister. In addition, the public school itself is the employer of persons in the services of the school, such as gardeners and administrators, and also has a say in the employment of educators as stated in the South African Schools Act.

There are paragraphs that relate to salaries and establishment of posts. With regard to the latter, how posts are established is related to learner numbers, needs and subject specification. The Act comments on this and points out that the Minister and Department of Education have overall responsibility in these areas.

However, the provincial Head of Department is responsible for allocation of posts and appointments; to be in line with national regulations and provincial needs, and it is here that the SGB has a role:

> 'Any appointments, promotion or transfer to any post on the educator establishment is on the recommendation of the SGB.' The SGB has this important role as the government recognises the importance of the direct involvement of parents in the education of their children and the SGB is the mechanism through which the parent voice is heard. Parents need to have a say in the appointment of educators who will teach their children and whereas they cannot directly employ such persons, their recommendations on the suitability of educators can influence a decision of employment. The SGB can also recommend in cases of transfer to other schools and receiving educators on transfer to their schools.

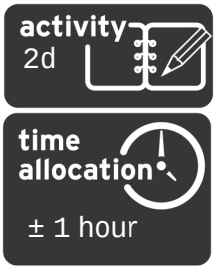
The Act has a section that refers back to one of the responsibilities of the Head of Department, as the employer of educators in a particular province. This section relates to the principles that underpin such appointments. It is stated that when appointing an educator, ability and the need to address the imbalances of the past in order to achieve broad representation must also be considered.

The Act states clearly that the accepted age for retirement is 65 and that there is no difference between males and females when considering retirement.

The discharge of educators is also covered in the Act. The general conditions for discharge include:

- Ill health
- Abolition of the post
- Promotion of efficiency and economy in the Department and the school
- Unfitness to carry out duties
- Misconduct
- Misrepresentation, say of qualifications and experience (also labelled misconduct)
- Failure to complete the probationary period satisfactorily.
- The Act goes into some detail about the importance of the South African Council of Educators (SACE) which promotes the professional development of educators and a code of ethics which all educators should adopt. All educators are required to be registered with SACE otherwise they cannot be employed in a public school.

Finally, the Act states that a notice period of 90 days is required for all educators. This amounts to about a school term's notice.



In your Journal, record how well the process of employment of educators in your school has happened over the past three to five years and the involvement of the SGB in this process. Also, reflect on incidents where problems with educators have been encountered and try to explain why. If none have occurred, why is this case?

Finally, do you believe that all educators in your school are working to the standard of competence inferred in the above Act? Are the educators

promoting efficiency and fulfilling their duties well? Explain your answer. Use the notes to supplement the baseline analysis in your portfolio.

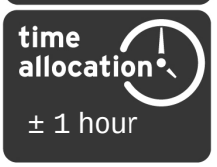
Employment Equity Act 55 of 1998

(Refer to Text 2 for web site identification)

The purpose of the EEA is to achieve equity in the workplace by:

- Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination.
- Implementing affirmative action to redress past inequalities in the workplace by promoting the employment and promotion of individuals from previously disadvantaged backgrounds.





Read the complete EEA and write down ten things that highlight equal opportunity and fair treatment in your workplace and share these with a colleague. Discuss with that person why you have chosen these items.



All the activities around policies and legislation are to introduce you to the framework in which you work and the guidelines under which the school operates.
Text 3 in your reader contains a link to the Constitution and Text 4 contains e reference that you might find useful in determining the policies needed at school level with a variety of examples.

2.5 Implementation challenges for legislation & policy

One of the biggest impacts of new legislation and policy is that it has raised the need for greater accountability. We need to be able to account for and be able to justify our actions in relation to policy. As you have learned, policies in turn need to be informed by appropriate legislation and all legislation has to be justified against the Constitution.

This requires a particular way of thinking, which Fleisch (2005:6) explains as follows:

> Many pseudo critical thinking approaches present all judgments as falling into two exclusive and exhaustive categories: fact and opinion. Actually, the kind of judgment most important to educated people and the kind we most want to foster falls into a third, very important, and now almost totally ignored category, that of reasoned judgment.

A judge in a court of law is expected to engage in reasoned judgment; that is, the judge is expected not only to render a judgment, but also to base that judgment on sound, relevant evidence and valid legal reasoning.

A judge is not expected to base his judgments on his subjective preferences, on his personal opinions, as such. You might put it this way, judgment based on sound reasoning goes beyond, and is never to be equated with, fact alone or mere opinion alone. Facts are typically used in reasoning, but good reasoning does more than state facts. Furthermore, a position that is well-reasoned is not to be described as simply "opinion." Of course, we sometimes call the judge's verdict an "opinion," but we not only expect, we demand that it be based on relevant and sound reasoning.

One of South Africa's great constitutional scholars, Etienne Mureinik spoke eloquently about the challenge that the new South African constitution makes on all government officials. From a culture of authority in which those in positions of power make decisions almost exclusively on the basis of their position in the system, the new constitutional dispensation requires and even demands that all decision made by government officials be justified. In his language, the constitution demands a shift from a culture of authority to a culture of justification.

This … suggests that government officials need to develop the skills of reasoned judgment as part of the culture of justification. Reasoned judgment assumes an adequate understanding of the rules governing the education system, including the constitution, legislation, regulations, policy and provincial circulars. It assumes the systemic engagement with the facts of a particular situation or problem. It also assumes that government officials understand not only the letter of the rules, but in some respects equally important, they understand the spirit of the rules, what the drafters of the rules had intended by those rules. Finally, and most importantly, government officials need to understand, and this is where reasoned judgment comes in, that while most management decisions can be

made with simple application of the rules, good management and leadership is measured by the successful application of reasoned judgment in complex and difficult instances or cases.

There are three benefits of reasoned judgment for a management and leadership perspective.

First, managers are simply likely to make better decisions in complex cases. The intellectual discipline associated with careful and systematic contemplation is likely to translate to management decisions that will ultimately benefit the organisation.

Second, reasoned judgments are likely to enhance the legitimacy (and the organisational harmony) of those making the reasoned judgments as it would require that the manager actively engage with all of the stakeholders around the particular problem in order to achieve a reasoned judgment. When provided with reasons or justification, stakeholders are less likely to believe that the manager is acting arbitrarily or simply acting on his or her authority.

And third, reasoned judgments are less likely to be overturned by management superiors, labour courts or the high courts.



Read the legal case study below, taken from Fleisch's (2005) document (with the author's permission), then answer these questions. Make sure that you can adequately justify your arguments.

1. Given that Antonie has left Settler's High, is the SGB's decision still binding?
2. Did Antonie's hair and dress violate the school's code of conduct?
3. If the code of conduct did prohibit dreadlocks, how should such a provision be interpreted?
4. If Antonie's conduct did breach the code of conduct, does it amount to 'serious misconduct'?

Legal Case: Antonie V Governing Body, Settlers High School, 2002 (4) SA 738 (C)

FACTS

In 1999 Antonie, a 14-year old girl converted to Rastafarianism. Two of the tenets of the religion are: (1) all Rastafarians must wear dreadlocks, and (2) women should cover their heads.

Antonie attended Settler's High School in Bellville. The part of the school's code of conduct dealing with hair read as follows:

The basic rule is that hair must be neat and tidy.

- No coloured bands, slides, clips, bows etc other than white, navy blue, light blue, black or, in the case of slides, the colour of the individual's hair.
- No ''scrunchies'' - elasticised bands worn around ponytails.
- No butterfly clips or clamps.
- No ponytails on top of the head.

- Hair must be tied up if below the collar.
- Banana clips are allowed but only in regulation colours.
- Fringes below the eyebrows must be clipped back.
- No ''mod'' hairstyles, eg punk or little curls or pigtails hanging down the back or on top of the head.
- Hair may not be tinted or rinsed with a colour rinse. Any girl who violates this rule will be required to restore her hair to the original natural colours. No highlights are allowed.
- If the hair is permed it may not be frizzy or stand out in all directions.
- No big bows or fancy hair ornaments allowed

In the first term of 2000, Antonie, with the support of her mother, approached the principal, Mr Webster, for permission to wear dreadlocks as an expression of her religion. The principal refused to grant permission. Antonie ignored this rebuff of her request. She proceeded to attend school with dreadlocks covered by a cap that she had crocheted herself to match the school colours. Mr Webster did not take kindly to this defiance of his authority. He charged Antonie with 'serious misconduct'.

The matter was then referred to the School Governing Body ('SGB'). Antonie was ordered to attend a meeting of the SGB on 10 May 2000. At the meeting Mr Webster alleged that Antonie had acted in 'an unbecoming manner' by wearing a cap in conflict with school rules. He alleged that Antonie's blatant defiance of his authority had caused 'disruption and uncertainty' within the broader student body. He feared that her persistent defiance would prompt more students to breach school rules. Antonie and her mother argued that she was always neat and tidy and had not been the proximate cause of any disruption. They asserted that Antonie's conduct was a legitimate expression of her faith. The SGB sided with the principal. The SGB found Antonie guilty of serious misconduct and suspended her for five days.

In response to the SGB's decision, Antonie's mother removed her daughter from Settler's High and enrolled her in a new school. She then sought legal counsel. Counsel advised her to approach the High Court with a request to set aside the SGB's decision.



Read the second legal case study below and then answer the following questions:

1. Did the plaintiff receive a fair hearing prior to termination of her membership and the expulsion of her daughter?
2. Under the Final Constitution, can students at State and State-aided institutions be required to attend religious instruction classes?
3. Could the plaintiff waive her daughter's right to non-attendance?
4. Can an association – say a private school – expel a member who agreed upon entrance to abide by the rules of the association and who now refuses to abide by the rules of the association?
5. Does the freedom of association – FC s 18 – permit an association – say a private school – to adopt membership rules that discriminate on the basis of religion, language, conscience or belief?

Legal Case: Wittmann v Deutscher Shulverein, Pretoria and Others 1998 (4) SA 423 (T), 1999 (1) BCLR 92 (T)

FACTS

The plaintiff, Mrs Wittmann, became aware that her daughter, T, had been attending religious instruction classes at the Deutscher Shulverein ('German School') and that she was graded for such classes on her report card. The plaintiff, Mrs Wittmann, wrote to the German School's board and requested T be exempted from religious instruction on the grounds that she did not belong to any religious denomination. The board rejected her request. They contended that language instruction and religious instruction were part of the curriculum and that all parents and students agreed, upon admission, to take such courses.2

Mrs Wittmann and T continued to contest the policy – and to resist the requirement of compulsory attendance for religious instruction class. After affording the plaintiff a fair hearing, the school board issued an ultimatum that the plaintiff's membership would be terminated, and her daughter expelled, unless Mrs Wittmann confirmed in writing her willingness to abide by the constitution of the German School and the decisions taken by its board. The plaintiff signed the required confirmation. The matter, however, did not end there. T refused to attend religious instruction classes despite the board's decision that she was not exempt from attendance. The plaintiff demonstrated no intention to guarantee T's attendance at such classes. Furthermore, the plaintiff had granted an interview to the press in which she condemned the school board's refusal to abide by the rules and the constitution of the German School by terminating the plaintiff's membership and expelling T from the German School.

Analysis and Answers for Case Studies

Now that you have had a chance to think about these two case studies for yourself, consider what Fleisch (2005) has to say.

Case Study 1

Given that Antonie has left Settler's High, is the SGB's decision still binding?
A legal challenge cannot be 'moot'. That is, where the effect of a judgment made superfluous because the underlying conflict no longer exists, a court will be loathe to render judgment. Court cases are not designed to resolve issues of academic interest. However, the legal challenge launched by Antonie does not become moot simply because Antonie has already left Settler's High School. The resolution of the conflict remains important because the suspension will remain on Antonie's school record. The SGB's decision may also impair her dignity. One important lesson of Antonie is that a conflict with a learner does not disappear simply because the learner has graduated or left the school.

---

[2] *Prior to 1987, German School rules had always provided that participation at the evangelical religious instruction given at the school was voluntary. In 1987, the school decided to present religion in a historical sense as part of general knowledge. From that date onward, the school policy was that a personal view regarding religion and non-affiliation to a denomination were not valid reasons for the exemption of children from attendance at religious instruction classes. In 1988 the plaintiff and her former husband had applied for the admission of their children to the German School. No request was made by the plaintiff for an exemption for T from religious studies classes. Upon admission, the plaintiff signed a form accepting the school rules and the constitution of the German School.*

Did Antonie's hair and dress violate the school's code of conduct?
The code of conduct, although fairly comprehensive, makes no mention of dreadlocks or of headgear. Antonie's conduct could only violate the code if her hair was deemed not to be 'neat and tidy.' Antonie and her mother contended her hair was always neat and tidy. No evidence exists to the contrary. If the school had, in fact, intended to prohibit dreadlocks, then one could reasonably have expected them to have mentioned them in a code of conduct that deals with such minute details of dress as clips and their colour. For example, banana clips are allowed in regulation colours. Butterfly clips are banned.

The rule of law requires that no punishment may be meted out in the absence of a law or a rule that has -- in advance -- publicly, precisely, generally and non-arbitrarily announced the kind of conduct that would elicit censure. In short, no person can be found to be guilty of some 'crime' if the action or conduct was not 'illegal' at the time it occurred. Students must know, in advance, what forms of behaviour are permissible and impermissible. Dreadlocks and headgear are not mentioned in the code of conduct nor does Antonie's behaviour fit any of the other classes of proscribed conduct. As a result, Antonie ought to have been allowed to continue to wear her hair in the neat and tidy manner she preferred.

Antonie did not violate the code of conduct. The principal's initial decision and SGB's finding and five-day suspension constitutes an ex post facto punishment and violates the principle of legality.

If the code of conduct did prohibit dreadlocks, how should such a provision be interpreted?

The Constitution is the supreme law in South Africa. All law, including school codes of conduct, must be consistent with its dictates and interpreted in light its values. Applicable constitutional provisions in the instant case include the freedom of religion and the freedom of expression.

Furthermore, a student's compliance with a school code of conduct should not be assessed in a rigid manner. A principal must interpret any code in a manner consistent with the values enunciated in the guidelines issued by the Department of Education. (Notice 776 of 1998, issued in terms of s 8(3) of the South African Schools Act 84 of 1996) For example, the guidelines on freedom of expression and student conduct (4.5.1) read, in relevant part:

> Freedom of expression is more than freedom of speech. The freedom of expression includes the right to seek, hear, read and wear. The freedom of expression is extended to forms of outward expression as seen in clothing selection and hairstyles.

However, learner's rights to enjoy freedom of expression are not absolute. Vulgar words, insubordination and insults are not protected speech. When the expression leads to a material and substantial disruption in school operations, activities or the rights of others, this right can be limited, as the disruption of schools is unacceptable.

The Antonie Court found that the DoE guidelines require that a school create an environment that reflects

a spirit of mutual respect, reconciliation and tolerance. The mutual respect, in turn, must be directed at understanding and protecting, rather than rejecting and infringing, the inherent dignity, convictions and traditions of the offender. Most importantly, adequate recognition must be given to the offender's need to indulge in freedom of expression, which may or may not relate to clothing selection and hairstyles.'

2002 (4) SA 738 (C) at para 18. So, even if dreadlocks and headgear had been specifically prohibited by the school's code of conduct, Antonie's conduct might not have constituted a breach that would justify a finding of serious misconduct. Both the code and the student's conduct must be assessed in light of the student's freedom of expression and religion and the deleterious effects, if any, that the conduct might have on school discipline.

Moreover, the appropriate approach to dispute resolution in such a case requires (a) discussion between the parties and (b) an attempt to arrive at a solution that that leaves all parties better off. The Constitution requires that all public exercise of power be justified. The legal authority to make a decision does not mean that any decision made by an authority is justified. The Constitution generally demands that exercise of authority by public officials be backed by reasons consistent with the needs of 'an open and democratic society based upon human dignity, equality and freedom.'

If Antonie's conduct did breach the code of conduct, does it amount to 'serious misconduct'?

S 2(1), of the applicable regulations, (Provincial Notice (PN) 372 of 1997 on 31 October 1997), defines serious misconduct as follows:

- Subject to the provisions of the [South African Schools] Act, a learner at a school who -
- has been convicted by a court of a criminal offence and sentenced to imprisonment without the option of a fine; or
- used or had in his or her possession intoxicating liquor or other drugs on the school grounds or during a school activity; or
- is guilty of assault, theft or immoral conduct; or
- has been repeatedly absent without leave from school and/or classes; or
- conducts himself or herself, in the opinion of the governing body, in a disgraceful, improper or unbecoming manner
- shall be guilty of serious misconduct.'

Antonie's behaviour and dress could only constitute 'serious misconduct' if they were found, as per subsection (e), to be 'disgraceful, improper or unbecoming'. This subsection, however, must be read in the context of those subsections that precede it. Subsections (a) through (d) proscribe actions that are either illegal or so compromise the school environment that the school cannot carry out is intended function. The Antonie Court wrote:

The kind of conduct envisaged by ss (e) is…something akin to immoral, promiscuous or shockingly inappropriate behaviour… It is hence a blatant absurdity to categorise the growing of dreadlocks or wearing of a cap, even if it

should be in conflict with the code of conduct, as serious misconduct. Even more so would this be the case if the real problem were not so much the dreadlocks and cap, but the applicant's so-called defiance of authority. Even if Mr Webster's suggestion, that this behaviour had caused disruption or uncertainty, were borne out by the evidence, it would still be a far cry from 'serious misconduct'. 2002 (4) SA 738 (C) at para 18.

Answers and Analysis for Case study 2

Did the plaintiff receive a fair hearing prior to termination of her membership and the expulsion of her daughter?

The Deutscher Shulverein Court held that, although there had been adequate reason to terminate the plaintiff's membership, the constitution of the school board provided that a hearing had to be held before membership was terminated. The court found that hearing which had been held prior to the plaintiff signing the required confirmation did not suffice. Because an adequate hearing had not been held, and there was clear prejudice to the plaintiff, the decision of the school board to terminate the plaintiff's membership was set aside.

Under the Final Constitution, can students at State and State-aided institutions be required to attend religious instruction classes?

Religious instruction classes at the German School are not, per se, unconstitutional. However, the German School is a State-aided institution. That is, the German School is an independent school that receives subsidies from the state. FC s 15(2) states that: 'Religious observances may be conducted at state or state-aided institutions, provided that (a) those observances follow rules made by the appropriate public authorities; (b) they are conducted on an equitable basis; and (c) attendance at them is free and voluntary.' FC 15(2) recognises expressly the right of non-attendance. As a result, attendance at religious instruction classes in state-aided institutions cannot be enforced. See Wittmann (supra) at 449 -- 450.

However, the position is different if the independent school receives no subsidy from the state. Under such conditions, the independent school may make religious instruction classes compulsory.

Could the plaintiff waive her daughter's right to non-attendance?

The Court held that the right of non-attendance could validly be waived. The Court found that the plaintiff had done just that when she signed a form that subjected herself and her children to the school's constitution and the school's regulations. (Although courts discuss waiver of constitutional rights, there is good reason to think that their analysis is incorrect. Either a constitutional right to do something exists – or it does not. Waiver is really a placeholder or correlate for the proposition that the right does not, in fact, exist.)

Can an association – say a private school – expel a member who agreed upon entrance to abide by the rules of the association and who now refuses to abide by the rules of the association?

Yes – if the termination of membership is the subject of a fair hearing. South African courts have upheld the rights of associations to control the grounds for expulsion so long as they met basic standards of procedural fairness. In Cronje, the Court deferred to the United Cricket Board when it came to deciding how and whether to deal with Hansie Cronje once he had been expelled from the association. In Ward and Wittmann, the Courts reversed the expulsion. But they did not do so on the ground that the expulsion occurred for some politically or morally reprehensible reason. Indeed, to the extent that Wittmann weighs in on the power of an association to terminate membership when the member acts in a manner contrary to the decisions of the association's board and engages in expressive conduct that leads to criticism of the association, it decides that the association does possess such power. All three cases can be read as standing for the proposition that a member has vested interests in the association that, at a minimum, require a fair termination hearing. A non-member, on the other hand, possesses no such rights. Read this way, Wittmann, Ward and Cronje seem of a piece. Indeed, what ties them together at a theoretical level is the notion that once a person has been granted entry into an association, he or she accepts the basic principles upon which the association operates and thus the principles that may lead to his or her exclusion. The potential for exclusion is part of the consideration the member offers in return for admittance.

Does the freedom of association – FC s 18 – permit an association – say an independent school – to adopt membership rules that discriminate on the basis of religion, language, conscience or belief?

Yes – within limits. If a cultural association can demonstrate that its discriminatory membership policies legitimately help to preserve a community's cultural life, then the associational right to determine membership should trump most other interests. As the Wittmann High Court reasoned, the right to maintain a private German school educational institutions based upon culture, language or religion is predicated upon the capacity to exclude non-speakers, non-believers or non-participants.3 This rationale is entirely consistent with justifications for associational freedom based upon constitutive attachments and capture. One cannot maintain either group identity or the institutions that support that identity if everyone has access to, a claim upon and some control over the workings of an association. Moreover, the state's interest – and anyone else's interest -- in equality here is rather weak. The goods provided by such associations are far less public than those provided by other types of association – say political and economic – which are legitimately subject to far greater state control.

The freedom of independent schools to adopt discriminatory admissions policies related to their mission is subject to one clear limitation. Admissions policies at independent schools may not discriminate on the basis of race.

our comments

As you have seen in the previous two activities, having an Act or policy in place does not mean that implementing the policy will necessarily be easy. This may be because, among things, the conditions in a school will vary due to socio

3 But see *Matukane and others v Laerskool Potgietersrus* 1996 (3) SA 223 (T)(Court found that discriminatory entrance policies ostensibly based upon language and culture – but really designed to discriminate on the basis of race -- violated the right to equality of the complainants and could not be justified on the grounds of cultural, minority or associational rights).

economic factors and funding allocation, thus giving individual and different challenges to the schools, their management teams and Governing body.

2.6 Concluding remarks

In this unit we have explored and examined how education policy since 1994 has shaped thinking around schooling and the way schooling has developed since then. Central to this is a review of the operations of a government of transformation which also came into being at the same time. It was a case of a new government having to take on restructuring and redefining a whole system, to achieve the major aim of quality education for all. The case studies demonstrate how important it is for school leaders to have knowledge of the legislative frameworks and the implications for management in implementing policies in school. Whilst the situations described in the case studies may not fit your context exactly, the principles underpinning the policies in place, and actions and decisions taken in any challenge to these policies, will apply. This will help you, your management team and SGB, to apply the correct procedures, as part of your professional management and governance systems and processes.

Governance and Management

unit 3

Introduction
Learning outcomes 3.1

Topic 1: Governance and management - two sides of the same coin 3.2

Topic 2: South African Schools Act and the legalities of School Governing Bodies 3.3

Topic 3: Role of Representative Council of Learners (RCL) in school governance 3.4

Topic 4: Building partnerships with the community 3.5

3.5.1 Reflecting on your leadership style
3.5.2 Building relationships and partnerships

Topic 5: Communication with parents and guardians 3.6

Topic 6: Communication with the DOE 3.7

Concluding remarks 3.8

LEARNING GUIDE
unit three

3

Governance and Management

3.1 Introduction

Unit 2 helped you to understand the legal frameworks and the policy implication for your school in terms of management and implementation. Unit 3 focuses on how you and the school management team can implement, develop and manage policy, and the changes resulting from this. It will also help you to understand the role of the School Governing Body. It may also help you to demonstrate the personal qualities of leadership and management in these areas, to develop and maintain sound working relationships with the SGB as well as with parents, learners, the community and the Department.

Unit 3 comprises six topics:

- Topic 1: Governance and management - two sides of the same coin
- Topic 2: SASA and the legalities of SGBs
- Topic 3: How the RCL can be involved in governance of a school
- Topic 4: Building partnerships with the community
- Topic 5: Communication with parents and guardians
- Topic 6: Communication with the DOE.

Learning outcomes

At the end of this unit you should be able to:

- Develop and maintain sound working relationships with the School Governing Body as well as parents, learners, the community and the department.
- Promote cooperative governance in the school by making sure that the School Governing Body is legally constituted and fully functional.
- Negotiate with the School Governing Body to define clearly the governance and professional roles of the School Governing Body and the School Management Team.
- Through the establishment of legally constituted and supported Representative Council of Learners, involve learners in the co-operative governance of the school.
- Build relationships and partnerships with the community through efficient communication, marketing of the school and the involvement of parents/guardians and others.
- Find and use appropriate ways to communicate with parents/guardians (for example, meetings and/or newsletters and/or personal letters, telephone calls) so that they understand school matters clearly and are motivated to be partners in the education of their children.
- Communicate regularly in both formal and informal ways with the department in order to manage the school responsively

- Demonstrate the personal qualities necessary for effective management (policy, planning, school development and governance).

.

3.2 Topic 1: Governance and management - two sides of the same coin

As you have learned, at the heart of the South African Schools Act (SASA) is the idea that parents need to take responsibility for the education of their children in partnership with government. SASA introduced the structures and measures which obliged schools and parents to create this partnership. It can therefore be said that the enactment of SASA in 1996 started a new practice in our schools – the practice of governance.

The Ministerial Review Committee charged with assessing the state of school governance in South Africa in 2004 reported that South African schools are fortunate in "that relationships within SGB's are generally harmonious. …The assessment that one has to make about the school governance terrain is that it is a remarkably successful one. … Given the enormous challenges and differences of interests of the players involved within the arena, it is important to acknowledge how much of a unifying force for the school the SGB has become" (South Africa, DoE, 2004: 82).

Since the inception of governing bodies only ten years ago, the framework has come to be accepted by everyone in the system. "The country has a model that it can call its own, a model that has come to be owned by its people" (South Africa, DoE, 2004). It is, however, important to acknowledge that while the rewards have been great, there are still many challenges which need to be faced in the area of school governance.

The following two sections of the report help you to understand the nature of the difficulties facing schools and SGB members.

a) The report of the Ministerial Review Committee lists the specific difficulties that confront the development of school governance as:

- "Levels of education in families. Large swathes of the parent population continue to be either functionally illiterate or have minimal levels of education
- The deep and pervasive poverty of large numbers of parents, the majority in some provinces, who are unemployed
- The challenge of a large community of rural families, who live far away from the centres of support of the government and the resources provided by business
- The marginalisation of black parents on school governing bodies in racially mixed schools and the general lack of integration of such structures
- The differential capacity of largely black and poor parents and largely white and wealthy parents to support their schools in terms of fund-raising and other ways of support." (South Africa, DoE, 2003: viii).

b) The report of the Ministerial Review Committee lists the particular difficulties that school governors are confronted with as:

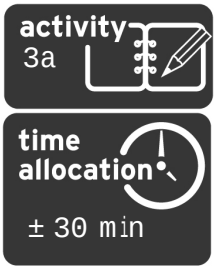
- Insufficient capacity concerning key dimensions of the work of school governance, such as managing account, appointing educators, developing policies and the fee structure of the school
- Difficult relationships between a largely educated educator corps on the school governing structures and a largely under-educated parent community
- Conflicts between parents and educators around the meanings of governance and management
- The weakness of communication channels between SGBs and the provincial departments of education
- Conflicts between governing bodies and provincial departments of education concerning issues such as educator appointments, the management of schools' Section 21 status, the management of learner discipline (South Africa, DoE, 2004: viii – adapted slightly).

It will be helpful to look again at what the law say about governance and management of schools. ASA indicates the difference between governance and professional management of public schools in Section 16. This section states:

16. (1) Subject to this Act, the governance of every public school is vested in its governing body.
(2) A governing body stands in a position of trust towards the school.
(3) Subject to this Act and any applicable provincial law, the professional management of a public school must be undertaken by the principal under the authority of the Head of Department.

But what constitutes professional management and what constitutes governance in schools? In the Ministerial Report on the Review of School Governance in South African schools it is noted that "the distinction between what constitutes governance and what management is, is at the heart of the difficulties that appear to be plaguing all kinds of schools. Many educators express unease about SGB members 'not knowing their place'. SGB members on the other hand, made regular comments about either having to deal with arrogant educators who disrespected them, or educators who were misbehaving and/or not doing their work and who needed disciplining" (*South Africa, DoE, 2004: 83*).

Let's examine the concept of governance in more detail.



- Without looking up the term in a dictionary or on the internet, jot down what you understand by the term "governance".
- On a single piece of paper note down what you think are the roles and responsibilities your school governing body should be fulfilling.
- On another single sheet of paper note down what you think are the roles and responsibilities of the school management team.
- Now jot down the comments you most often think of when you consider the work that your SGB does at your school. Be courageously honest.
- Now read the following definitions of governance. Which of these would you like to use to add value to your own definition of school governance?

The free encyclopaedia website, Wikipedia.com offers the following definitions of the word governance:

- The term Governance deals with the processes and systems by which an organisation or society operates. The word derives from Latin origins that suggest the notion of 'steering'. This sense of 'steering' a society can be contrasted with the traditional 'top-down' approach of governments 'driving' society.
- The World Bank defines Governance as: "the exercise of political authority and the use of institutional resources to manage society's problems and affairs."
- An alternate definition suggests that Governance is "the use of institutions, structures of authority and even collaboration to allocate resources and coordinate or control activity in society or the economy."
- According to the UNDP's Regional Project on Local Governance for Latin America:

  > Governance has been defined as the rules of the political system to solve conflicts and adopt decisions. It has also been used to describe the "proper functioning of institutions and their acceptance by the public".



Learning that governance derives from the Latin word for 'steering' is useful when you consider that SASA stipulates that SGBs play an active role in helping to frame the direction, vision and mission of their schools. The UNDP definition is also useful as it refers to the solving of conflict as well as exercising consensus when making decisions.

With regard to the second and third question, keep your notes. You will be using these when you undertake the next activity.

With regard to the fourth question, if you noted down one or two negative comments about the contribution your SGB makes to the governance of your school, rest assured that you are not alone. As noted in the Ministerial Review of School Governance Report, conflicts are endemic to the organisational life of the SGB (South Africa, DoE, 2004: 82). But, the Report highlights the fact that these conflicts have not generally destabilised the SGBs and that the SGB, despite these conflicts, is still the best means of enabling parents to play a role in the schooling system.

To help you consider the roles and responsibilities and understand the tensions that may exist, read this extract from a thesis by Ivan Carr (2005).

> …it is the principal that needs to take the lead in co-ordinating the functioning of the "diverse personalities, interests, and background" of the members of the SGB. It is also the duty of the principal to keep the SGB informed of the latest developments in education and the implications thereof. The attitude of the other adults on the SGB is therefore very much dependent on the role taken by the principal.

So, what do comments like these mean for you as a school principal? It means that you need to find the time, the willpower and the diligence to consistently

work through whatever problems are being experienced by your SGB so that this body can be a positive force in your school.

If you, as the school leader, do not have a positive attitude towards the SGB and respect the contribution that it can make to your school, then no-one else (including SGB members) will. And this will have negative consequences on the ability of the SGB to function. You need to work hard at developing a positive attitude towards your SGB, a belief that your school governors will govern your school effectively and so improve the provision of quality teaching and learning.

our comments

There is a very thin dividing line between management and governance and confusion over the functions do exist which can cause problems in a school. Simply put, management has to do with the supervision of professionals in the school. In other words the school principal is responsible for the management of the educators and support staff. Two of the principal's most important duties are making sure that the curriculum is delivered properly and supporting learners in their studies. The principal, together with the School Management Team, co-ordinates everything to do with learners, with the educators and with the day to day running of the school. The principal is the overall manager of the school.

School governors are NOT responsible in anyway for matters that relate to professional management and day-to-day school operations. Governance has to do with the participation and involvement of parents in supporting the school. Section 16a of the South African Schools Act states that a governing body stands in a position of trust towards their school. School governors are responsible for matters like:

- *Managing of school fundraising activities*
- *Developing vision and mission statements*
- *Adopting a code of conduct for learners*
- *Promoting the best interest of the school.*

To help make this point more strongly, Let's take a look at the following diagram. We know that management and governance refer to two sides of the same coin – in this case the running of our schools. Figure 9 below provides an illustration of the different structures involved in management and governance.

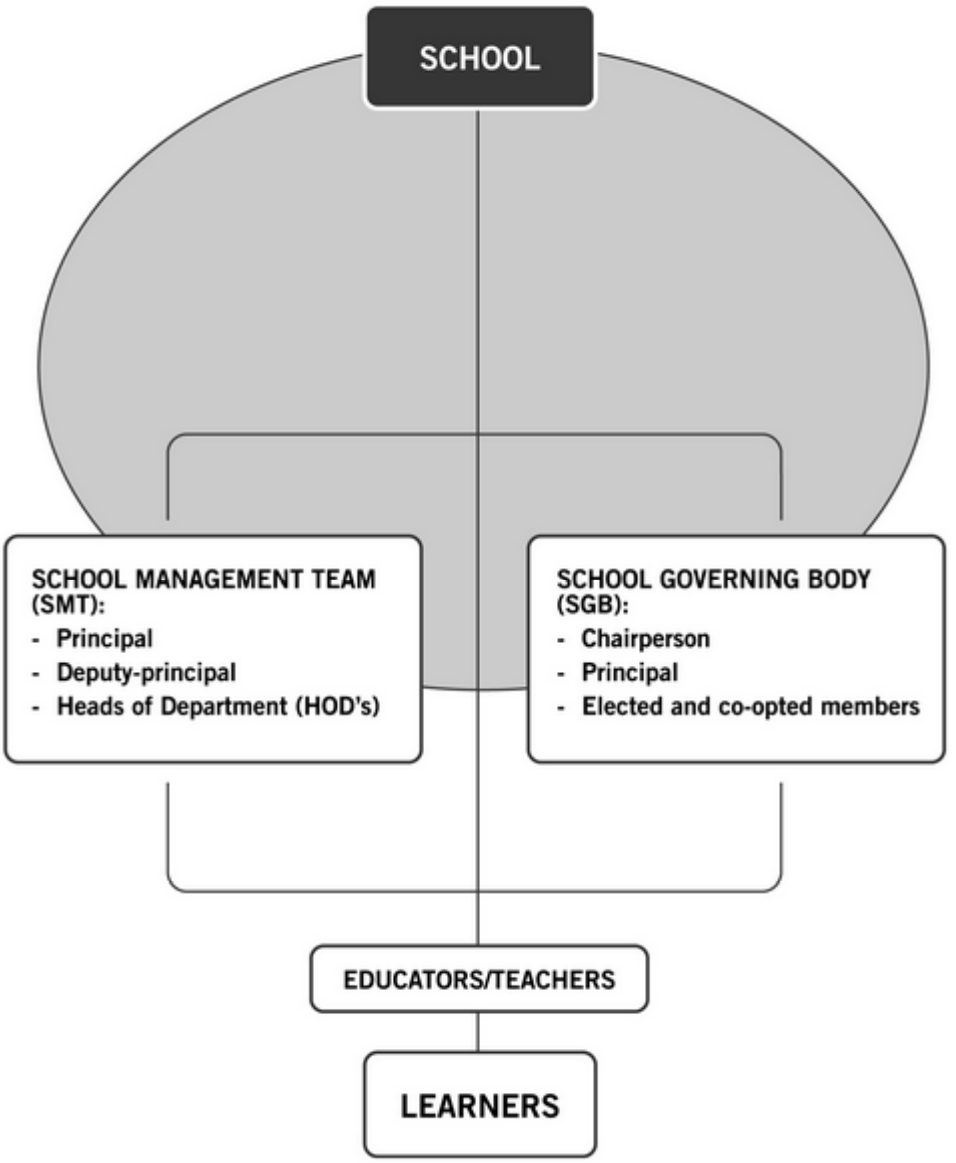


Figure 1: Organisational structure of a school (Province of Eastern Cape DoE, 2001)

An overview of the differences between management and governance functions is provided in Figure 2 below.

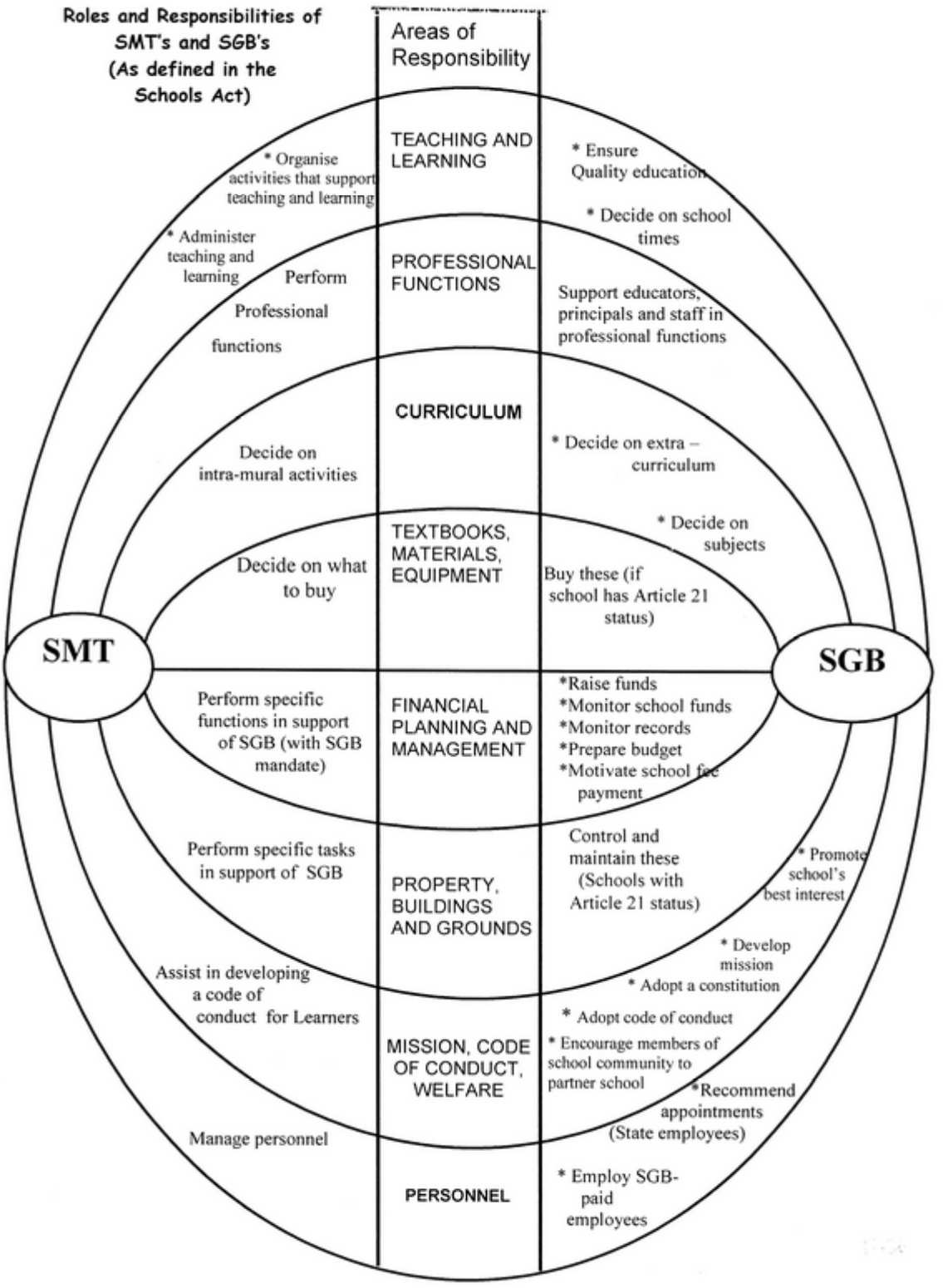
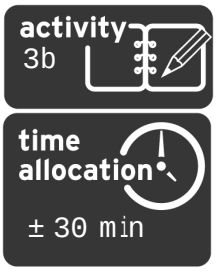


Figure 2: Roles and responsibilities of SMTs and SGBs (Province of Eastern Cape DoE, 2001: B 36)



Consider these statements below and decide whether they represent the work of school management or school governance. (MGSLG, 2006)

TABLE 1: MANAGEMENT OR GOVERNANCE ISSUES

MANAGEMENT OR GOVERNANCE ISSUES		M	G
1	Deciding how religious studies should be taught at the school		
2	Deciding how learners should be disciplined		
3	Deciding how funds raised from a school bazaar are to be spent		
4	Disciplining a teacher who arrives at school drunk		
5	Deciding how late-comers should be disciplined		
6	Deciding what school fees are to be for the next year		
7	Deciding what time school will start and end		
8	Deciding when to hold teachers' meetings		
9	Deciding which teachers should teach which classes		
10	Deciding whether to rent out school grounds on the weekend		
11	Deciding whether to buy a computer		
12	Deciding how many learners will be in each class		

In groups of four explain why the SGB should or should not do the following: (MGSLG, 2006)

- Organise a petition for the dismissal of a teacher.
- Tell the Natural Science teacher that she must take her learners to the museum this term.
- Observe a teacher teaching a lesson and then discussing options to improve her teaching methods.
- Assist in the development and implementation of the school mission statement.
- Decide to raise funds to buy a school kombi.

Read the article below. Is this a management or governance issue? What should the SGB do in this situation?

Probe into staff 'racism' as pupils stay away

By VUSUMUZI KA NZAPHEZA

Adapted from the Cape Times January 23, 2007.

THE principal of Vredenburg High School has rejected as "unfounded" accusations of racism levelled against him and some of the teachers by a group of pupils. Parents interviewed by the Cape Times's sister newspaper, the Cape Argus, said their children and other pupils were unwilling to continue going to the West Coast school because teachers had made racist comments.

The principal, Derek von Zeuner, whose school was among the province's top performers in last year's matric examinations, said he had learned about the allegations through the media.

Von Zeuner, accused of having said he was "gatvol of the kleurlinge (fed up with the coloureds)", said he had been principal at the school since 1997 and was surprised by the racism allegations.

He said the school's governing body would meet today to discuss the problem.

3.3 Topic 2: South African Schools Act and the legalities of School Governing Bodies

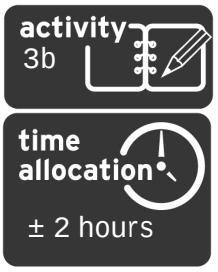
School governing body (SGB) elections are the third largest elections in South Africa, after national and local government elections. Every three years, beginning in 1997, SGB elections are held. In the 2006 elections, 25 582 public schools and more than a million parents participated in electing 200 000 SGB members. 200 000 SGB members – that is a lot of people involved in governing our schools. So what is it that they are actually supposed to do?

SASA clearly indicates what SGBs are supposed to do. The core functions are indicated in Section 20 of SASA, allocated functions in Section 21 and financial functions in Chapter 4. Research indicates that the majority of SGBs are able to comply with the basic requirements of SASA, in other words, they are able to adopt a constitution, develop a mission statement for the schools and assist in the drawing up of a code of conduct for learners (South Africa, DoE, 2004: 104).

How does your SGB function?
Does your school you have a functional and legally constituted SGB?
To have a legally functioning SGB means that:

- Your SGB representatives should be properly elected (see Reader Text 5).
- Your SGB members should represent all the various components of your school (see Reader Texts 6 and 7).
- Your SGB has the correct office bearers, i.e. chairperson, treasurer and secretary (see Reader Text 6).
- Your SGB office bearers carry out their functions properly (see Reader Text 8).
- Your SGB has the necessary sub-committees (see Reader Text 9).
- Your SGB holds its required meetings and keeps required minutes (see Reader Texts 10 and 11).
- Your SGB has a constitution (see Reader Texts 9 and 10).
- Your SGB has helped the school to develop and/or revise its mission statement (see Unit 2).
- Your SGB has helped the school to develop a Code of Conduct for learners (see the core module Manage teaching and learning).
- Your SGB undertakes any of the other functions required of it in terms of Section 20 of SASA.
- If applicable, your SGB undertakes the functions required by it in terms of Section 21 of SASA.
- Your SGB undertakes the monitoring of school finances as required in Chapter 4 of SASA (see the core module Manage organisational systems, physical and financial resources).

You now need to demonstrate that your SGB is functional and legal. Some ideas of how you can do so are given in the following activity.



Develop and present a report on the status of your SGB. This report can be a combination of:

1. A written overview of how your SGB functions using the guidelines provided below.
2. SGB status report guidelines:
    - The election process
    - Did the election process of your SGB follow the process outlined by the Department of Education in its National Guidelines for School Governing Body Elections (see Reader Text 5)?
3. Outline the process of followed in your last SGB election
4. Indicate whether all the steps followed were in line with Department of Education guidelines
5. Explain what can be done to improve the process in your next elections.
    - The composition of your SGB
    - Do the members of your SGB correctly represent all the stakeholder groups (see Reader Text 6)? Describe the membership of your current SGB:
    - List the members of your SGB
    - Indicate whether you have the right number of members and whether they reflect the ethnicity and gender of the learners in your school
    - Indicate who you have co-opted onto your SGB and why (e.g. an additional woman to reflect the gender of learners in your school).

TABLE 2: COMPOSITION OF SGB

School Governing Body Composition of …… (name of school)							
	Number of representatives						
Total no. of learners	**Principal**	**Educators**	**Parents**	**Non-educator staff**	**Learners**	**Co-opted members**	**Total**
	1						

- Describe what skills and expertise each of your SGB members offers to the school (Read the article in Reader Text 7 to help you answer this.)
- Explain in what way each of your SGB members needs to be empowered to perform his or her task effectively. You can use the given table to help you provide the information required.

Name	Component (e.g. educator)	Skills available to school	Extensive knowledge of	Empowerment required in
		e.g. electrician e.g. welder	e.g. law e.g. finances e.g. community	

Your SGB office bearers

Describe how well you think your SGB office bearers are performing. Use the points given below as well as Reader Text 8 to guide you here.

- Your SGB sub-committees
- Reader Text 6 provides a list of the sub-committees your SGB should have. Provide a list of the sub-committees your SGB actually has and the members of each sub-committee
- Describe the purpose of and work undertaken by each sub-committee
- Describe at least successful two projects undertaken by any two of your sub-committee. Explain why these projects were successful
- Describe one project undertaken by any sub-committee that was not successful. Explain why the project was not successful and how it should be tackled in future.
- Your SGB meetings and minutes
- Reader Text 11 provides an overview of the different types of meetings your SGB should have. Does your SGB hold the required meetings?
- Provide a list of the dates of your SGB meetings last year. Provide a list of the dates of your SGB meetings for this year.
- Provide copies of the minutes of at least two meetings held last year.
- Provide copies of the minutes of at least one meeting held this year.

Your SGB constitution

- SASA requires all SGB's to have a constitution. Examples of SGB constitutions are provided in your Reader Texts 9 and 10.
- Provide a copy of your SGB constitution.
- Indicate when it was last revised.
- Indicate who was involved in the drawing up (or revising) of this constitution.

Your school mission statement

- SASA requires the SGB to help their school draw up a mission statement. Unit 4 in this module provides an overview of drawing up vision and mission statements.
- Provide a copy of your school vision, mission statement.
- Describe the process your school used to draw up this statement (i.e. who was involved, when was it done, what process was followed).
- How often does the SGB and SMT refer to this mission statement – in other words does it truly guide your activities at school? If it doesn't what can be done to remedy the situation.

Your school's code of conduct

- SASA requires all SGBs to assist their schools in the drawing up of a learner's code of conduct.
- Provide a copy of your code of conduct
- Describe the process your school used to draw up this code of conduct (i.e. who was involved, when was it done, what process was followed).
- Is this code of conduct effective? In other words does it truly guide you and all your educators as you deal with misconduct and good conduct at school? If it doesn't what can be done to remedy the situation.

Does your SGB fulfil all the other functions as required by SASA? Be honest here, no school can have a perfectly functioning SGB, neither should any school have a completely dysfunctional SGB.

Below is a summary of the functions SGBs are required to fulfil as required by SASA.

Level 1 – Does not perform this function at all
Level 2 – Occasionally undertakes this function, but usually just rubber-stamps what the SMT/principal has decided
Level 3 – Performs this function as required with assistance on SMT
Level 4 – Performs this function without prompting, uses own initiative, is not dependent on SMT in undertaking this task, adds value to school activities.

Read the Section 20 functions indicated in the table below and indicate either with a Yes or No or by means of the given scale to what extent your SGB fulfils these functions.

1 - Never	2 - Seldom	3 - Often	4 - Always

SGB Section 20 Functions according to SASA		1 - 4
20. (1) Subject to this Act, the Governing Body of a Public School must-		
(a)	Promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school	
(b)	Adopt a constitution (Provide a copy of this document for your report.)	
(c)	Develop the mission statement of the school (Provide a copy of this document for your report.)	
(d)	Adopt a code of conduct for learners at the school (Provide a copy of this document for your report.)	
(e)	Support the principal, educators and other staff of the school in the performance of their professional functions	
(f)	Determine times of the school day consistent with any applicable conditions of employment of staff at the school	
(g)	Administer and control the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable	
(h)	Encourage parents, learners, educators and other staff at the school to render voluntary services to the school (Provide examples of how this is done.)	
(i)	Recommend to the Head of Department the appointment of educators at the school, subject to the Educators Employment Act, 1994 (Proclamation No. 138 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995)	
(j)	Recommend to the Head of Department the appointment of non-educator staff at the school, subject to the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the Labour Relations Act, 1995 (Act No. 66 of 1995)	
(k)	At the request of the Head of Department, allow the reasonable use under fair conditions of the facilities of the school for educational programmes not conducted by the school	
(2)	The governing body may allow the reasonable use of the facilities of the school for community, social and school fund-raising purposes, subject to such reasonable and equitable conditions as the governing body may determine which may include the charging of a fee or tariff which accrues to the school.	
(3)	The governing body may join a voluntary association representing governing bodies of public schools.	

If you have a Section 21 school, indicate to what extent your SGB fulfils the Section 21 functions.

Allocated SGB Section 21 Functions according to SASA	**1 – 4**
21. (1) Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:	
(a) To maintain and improve the school's property, and buildings and grounds occupied by the school, including school hostels, if applicable	
(b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy	
(c) to purchase textbooks, educational materials or equipment for the school	
(d) to pay for services to the school	

All SGBs are required to fulfil a number of financial functions. Consider the financial tasks listed as they appear in SASA and indicate the extent to which your SGB fulfils these duties.

Financial functions allocated by SASA in Chapter 4	1 - 4
Annual budget of public school 38. (1) A governing body of a public school must prepare a budget each year, according to guidelines determined by the Member of the Executive Council, which shows the estimated income and expenditure of the school for the following financial year.	
(2) Before a budget referred to in subsection (1) is approved by the governing body, it must be presented to a general meeting of parents convened on at least 30 days' notice, for consideration and approval by a majority of parents present and voting.	
School fees at public schools 39. (1) Subject to this Act, school fees may be determined and charged at a public school only if a resolution to do so has been adopted by a majority of parents attending the meeting referred to in section 38(2).	
(2) A resolution contemplated in subsection (1) must provide for- (a) the amount of fees to be charged; and (b) equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay school fees.	
(3) The governing body must implement a resolution adopted at the meeting contemplated in subsection (1).	
Enforcement of payment of school fees 41. The governing body of a public school may by process of law enforce the payment of school fees by parents who are liable to pay in terms of section 40.	
Financial records and statements of public schools 42. The governing body of a public school must- (a) keep records of funds received and spent by the public school and of its assets, liabilities and financial transactions; and	
(b) as soon as practicable, but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Member of the Executive Council.	
Audit or examination of financial records and statements 43. (1) The governing body of a public school must appoint a person registered as an accountant and auditor in terms of the Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991), to audit the records and financial statements referred to in section 42.	
(2) If the audit referred to in subsection (1) is not reasonably practicable, the governing body of a public school must appoint a person to examine and report on the records and financial statements referred to in section 42, who- (a) is qualified to perform the duties of an accounting officer in terms of section 60 of the Close Corporations Act, 1984 (Act No. 69 of 1984); or (b) is approved by the Member of the Executive Council for this purpose.	
(5) A governing body must submit to the Head of Department, within six months after the end of each financial year, a copy of the annual financial statements, audited or examined in terms of this section.	

(6)	At the request of an interested person, the governing body must make the records referred to in section 42, and the audited or examined financial statements referred to in this section, available for inspection.	

Summative evaluation of overall functionality of SGB

Write a concluding section to your report stating your view on the overall functionality and usefulness of your SGB. Explain whether your SGB is helping or hindering you in undertaking your work as a school principal.
Prepare a plan of how you and your school community will be working with the SGB to improve its functionality in the future.

Place this report in a separate portfolio entitled: Evaluation of Functionality of my SGB.-

our comments

You should note that every SGB will have its strengths and challenges. The crux of this report was for you to be able to recognise the general nature of your governing body AND to be able to develop a plan to build on the strengths as well as develop the areas of challenge. Nobody else knows how well your SGB works as well as you do. Use your knowledge to build a stronger SGB and a stronger support system for your school.

Please note that SGBs are important not just because they should be supporting the work undertaken by the school management team, but also because SGBs are juristic bodies. SGBs may enter into contracts, sue or be sued on behalf of the school. In other words, the Governing Body can make decisions which can legally bind the school. For example, a SGB may decide to enter into a contract to hire a photocopy machine. Once this has been done, the school is obliged to pay the monthly instalments for the photocopy machine.

You are now in a good position to consider the following article written by Dr Willie Chabalala, president of the South African Principal's Association. Do you agree with his recommendations about how to improve the functionality of SGBs?

Given your report, what recommendations do you have on how SGB's in general could be improved? How would this help in your school?

Mail and Guardian

Pay the parents

Willie Chabalala

01 May 2005 10:00

For parents in rural areas, attending meetings is often a challenge because of issues such as transport.

It is significant that our schools are still classified as "former Model C", "urban", "rural" and "farm" schools. The national policies and laws for school governance have very different implications, depending on the type of school in which they are operating.

A culture of school governance among parents in rural and farm schools is mostly still in its infancy because of a lack of information, experience and expertise. In rural and farm schools where illiteracy is high, some parents become school governing body (SGB) members under pressure and without understanding the role they are expected to play.

Attending meetings is often a challenge — because of issues such as transport, but also because parents don't read and understand English, the language in which most SGB matters are written.

This often leaves the principal with no option other than to take control of activities that should belong to all on the SGB, such as drawing up budgets and the school's constitution.

Also, as these parents are not paid for their positions of responsibility, they apparently don't take them seriously.

In urban and former Model C schools, the challenges in the composition of SGBs have other dimensions. Better-educated and more economically stable parents are the ones elected to serve on SGBs and there is little working-class representation. Although former Model C schools admit black learners, their SGBs are still predominantly white — a fact confirmed by a Ministerial Review Committee in 2004. In meetings, racial issues emerge as members are from different cultural backgrounds. Tensions are sometimes so high that SGBs are dissolved before the end of their term.

Among many types of schools, there is also an ongoing tension between powers legally given to SGBs, those of the Department of Education, and practical realities. For example, education law states that those who can't afford school fees be exempted. However, in rural areas, 80% of a school's learners would be exempted. As a result, SGBs do not encourage it — and this is a violation of Education Law.

Another example is that of teacher appointments. Especially in rural areas, SGBs recommend a son of the soil for a post, who is often not supported by the Department. And so more conflict with the authorities arises.

I believe that parents are no longer interested in participating in SGBs. In 2003, when parents were called for SGB elections, there was a painfully low turn-out. In some schools, principals called multiple meetings, yet elections had to be carried out with a consistently low parent attendance.

To improve the situation, I recommend that:

- SGB members be paid;
- SGB parents be able to read and write in English, as most information about SGB matters is in English;
- Educators from other schools should not serve on the executive committees of SGBs, even if their children attend those schools. These educators sometimes want the schools in which they are serving as parents to function like the schools where they teach; and
- Provinces should appoint educators from managerial positions to become SGB trainers, as they are the ones who understand managerial issues in schools.

3.4 Topic 3: Role of Representative Council of Learners (RCL) in school governance

In 2004, a chairperson of a Representative Council of Learners (RCL) stated: "Learners have rights. And as young citizens, it is right and proper that we, the future of this country, gain practical experience of the democratic process through the activities of the RCL. Besides, it makes sense that learners are able to make informed and meaningful decisions about issues that affect us in schools. However, all these rights, privileges and constitutional guarantees mean absolutely nothing if it is not complemented by responsible, determined and purposeful learning" (Sampson, 2004: 29).

As suggested in the above comment, RCLs should be understood in terms of the values and principles espoused in our Constitution. This means, that the RCLs are "vehicles to promote an open and democratic society based on human dignity, equality, and freedom as entrenched in the supreme law of the republic of South Africa" (Carr, 2005: 2).

Representative Councils of Learners were introduced by SASA as the only legal learner representative body in the country's schools. Section 11 of the South African Schools Act (Act no. 84 of 1996), amended, reads as follows:

> A representative council of learners at the school must be established at every public school enrolling learners in the eighth grade or higher, and such council is the only recognised and legitimate representative learners body at the school.

SASA (Section 11) goes on to say that each Province must determine the functions and procedures for the election of a representative council of learners.

But not all provinces appear to have gazetted their policy on RCL functions and election processes. A list of the functions as adopted by the Gauteng Department of Education is provided in Reader Text 14. The Eastern Cape, Northern Cape, Western Cape and Free State have also gazetted their RCL functions. Refer to these if applicable. If you are unsure of which functions your province has stipulated please check with your local District Office.

The various lists of functions provided by the provinces make interesting reading. Unfortunately, many RCLs are not yet capable of fulfilling these functions. There is a need for the school principal to assist learners to play a role in the co-operative governance of the school.

The Ministerial Review of School Governance Report states that "serious attention should be paid to the RCL and its role in guiding decision-making in the school. … there is a need for schools to think more constructively about how learner voices could be utilised in school development processes" (South Africa, DoE, 2004: 90).

Teacher liaison officer (guardian educator) (GMSAF, 2006)

The first step towards having an effective RCL is having an effective Teacher Liaison Officer (TLO). A teacher liaison officer is an educator who is nominated by the educators of the school to liaise between the staff and learners. The district manager appoints the above-mentioned educator to act as the electoral officer for all the electoral procedures relating to the RCL. The TLO must be a reliable and sympathetic educator and must create a sincere and trusting relationship with the RCL. He/she must promote spontaneous communication between himself/herself, the principal, staff and the RCL, while helping the learners organise the RCL and in inculcating a sense of leadership in the members of the RCL.

The role of the teacher liaison officer may be defined differently by different provinces but essentially their election and role is as follows:

- The roles and functions of the Teacher Liaison Officer are:
- To co-ordinate the establishment of a Representative Council of Learners and its annual election
- To serve as the Election Officer for the elections of the Representative Council of Learners and its Executive
- To ensure that there is a formal, well-organised transfer of all documentation and financial records by the outgoing Executive to the newly elected Executive
- To provide capacity-building for the newly-elected Executive so that the members are able to undertake their functions in the new year
- To ensure that the Representative Council of Learners is supported by School Management and the Governing Body
- To ensure that the Representative Council of Learners supports the vision and mission of the school
- To ensure that the Representative Council of Learners remains functional and fulfills all of the requirements of this Notice and its own constitution
- To ensure that opportunities are taken to include learners in the school's decision making processes
- To ensure that members of the Representative Council of Learners are recognised and accredited for their tasks
- To ensure that the school's extra-mural programme enables the Representative Council of Learners to hold regular meetings
- To ensure that the school community accepts the activities of the Representative Council of Learners.

Constructive RCLs can be very useful. Consider the comments made by some principals about their RCLs: (Carr, 2005: 194)

The RCL has grown in terms of their status and impact in the school during the last 3 years. Meetings are held regularly with the TLO present. Meetings are also held regularly with the Principal. The RCL is given time to address the learners during assemblies and class periods. Next year the RCL will also meet with Grade Heads in a formal setting.

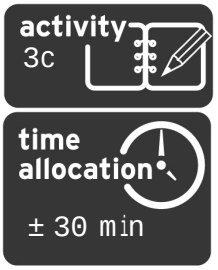
Contributions made at SGB meetings have been done with much maturity, and they have won the respect of the adults on the SGB.

Of course, there are also problems as these remarks make clear (Carr, 2005: 194):

> Our learners are growing up in an atmosphere of general political apathy. There needs to be a process whereby the learners become exposed to civic issues. During the days of apartheid, politicization was very much at the forefront of learners' consciousness. Today's learners have forgotten the roots of the RCL, and are unaware of the power of the RCL to effect change.

Being a primary school with grade 8 learners, I feel that they are still very young. They have not reached the level of maturity to be involved in major decision-making. They would need far more exposure to seminars, camps and workshops to improve their communication and decision-making skills.

It is, however, clear that when supported by school leadership in its election and initial start-up phases, RCLs are able to contribute meaningfully to schools – within their context.



In 2004, the Co-ordinator of School Governance Matters in GDE stated that RCLs have the rights listed below. Consider these rights and decide how learners can use these rights to add value to the teaching and learning which takes place in your school.

TABLE 3: RIGHTS OF RCLS

Rights of RCLs (Ralephata, R. 2004: 24)	How this can add value to teaching and learning	How learners can be assisted to realise this at my school
A right to represent learners at all levels, within the mandate of the RCL		
A right to have access to information on matters pertaining to the school		
A right to use the school facilities provided that proper consultation is followed		
A right to have an office where possible		
A right to acquire and administer funds		

A right to participate in the activities of the SGB		
A right to convene meetings among themselves, and with other learners, teachers, parents and stakeholders		
A right to question / challenge the status quo		
A right, in consultation with other stakeholders, to organise activities at developing learners academically		
A right to have access to education authorities outside the school, should the need arise		

Set up an investigation team with members of the RCL. The team needs to interview various members of the school community to find out (a) their view of the performance of the current RCL and (b) their ideas about what the RCL could do to improve their performance

The members of the school community include:

Learners	Previous RCL members	The TLO
Other educators	The SMT	Support staff
Parents	Any other	

Write a report which provides:

- An overview of (a) and (b) above
- An overview of how the RCL is performing at present (photos and videos can be used here in addition to the written overview)
- A list of recommendations of what can be done to improve the RCL's performance in the future
- A plan of action (how the recommendations are going to be implemented).

Izwi – Cato Manner Community Newspaper

Vol 34, April 2000

Chesterville pupils expel teachers

Classes were disrupted by pupils at Chesterville High School recently when pupils prevented four teachers from entering classrooms following allegations of misconduct. Pupils accused the four teachers of contributing to the breakdown of learning in the school. As a result of the disruption the school had to close down with the pupils vowing not to return to classes if the teachers returned to school.

Classes are now back to normal. Principal of the School, Vusimuzi Bophela said: "Although the pupils are back in their classes, the culture of proper learning has not been fully instilled."

Some of the allegations that were levelled against the teachers were quite serious. A member of the Students' Representative Council, told IZWI that their decision to take a stand against the teachers was a culmination of their frustration following a number of fruitless discussions with the school's governing body, department of education representatives and the community.

"Our patience with these teachers has run out, he said. "We are also concerned with the school's matric results. They seem to be plummeting downwards each year. In 1996 the school recorded a pass rate of 67% - last year it was 13%. We fear that this year it will be 5%. We believe the climate at school is not conducive for optimum results."

http://www.cmda.org.za/IZWI/Izwi_Apr2000_pg6.htm

3.5 Topic 4: Building partnerships with the community

School principals should make use of partnerships and participative methods when they lead their schools today. No principal on his or her own has all the resources needed to achieve all their hopes and dreams for their learners' education.

The focus of this topic is on developing and demonstrating your competencies in (a) 'building relationships and partnerships with the community', (b) 'marketing of the school' and with the 'involvement of parents / guardians and others'.

3.5.1 Reflecting on your leadership style

In the core modules Understanding school leadership and management in the South African context and Lead and manage people, we invite you to think about your own leadership practices in more detail. We know there is a broad trend towards participatory management styles and distributed leadership but realise that not all principals and school leaders feel comfortable with these approaches. This topic introduces, and helps you to reflect on, how your dominant leadership style helps or hinders your partnerships with the school's stakeholders.



You need to demonstrate that you are able to work in partnership with your parents and the community.

- How would you define the term partnership?
- Describe a partnership that you have established recently
- What was the purpose of this partnership?
- Who were the members of the partnership?
- What was achieved out of the partnership?
- What would you do to improve the functioning of the partnership in a future venture?



One definition of partnership is provided below (MGSLG, 2006)

In the business world, a partnership means that a number of people who have a common goal, co-operate with one another by contributing something of value (e.g. money or skills), to a relationship, with the aim of making a profit. Partners may have different roles to play in a partnership.

In education, the "profit" is quality learning outcomes exhibited by all learners. Therefore, all stakeholders in education must accept their responsibilities concerning the organisation, governance, and funding of schools. They are the members of the new partnership in education and must give whatever is necessary to ensure that schools provide good education and that they function properly. In business, partners must be able to trust one another. Similarly, this should be the aim of the new developing partnership in education.

Successful partnerships are generally characterised by the following qualities:

- Mutual trust and respect
- Shared decision-making
- Shared goals and values
- Common vision
- Open communication
- Good teamwork
- Promotion of the interests of the partnership rather than those of the individual
- Respect for the roles of different partners
- Enjoying being together, having fun!
- Where these qualities present in the partnership you described just now?

3.5.2 Building relationships and partnerships

Below is an extract of an address made by a principal of a school based in a historically disadvantaged area. In this extract the principal explains how he has managed to work with his school's community to improve the education of the learners in his school.

> The problem with education policy is that policy makers make assumptions that all communities are the same – that what is applicable at one community is applicable at another. This is clearly not the case. So principals need to study their surroundings and their communities carefully to be able to understand why some things work at their school while other things don't.
>
> After studying the surrounding community of my school, my SMT recognised that we are working in a community with:

- High rates of unemployment
- Low rates of literacy and education
- High rates of HIV/Aids
- High rates of crime and abuse.
- We could not ignore this and pretend to teach as though we were in a middle-class environment. Specific action had to be taken to address specific issues and so begin to win the hearts of the community.

> The first issue we addressed was that of school fees. The non-payment of school fees meant that each year started with a fight and each year ended with a fight about incoming and outstanding monies. The SMT spoke to the parents about this problem. Parents responded that they did not want to pay school fees. The school management team said we understand; we understand your context; we understand that many of our parents are unemployed and so cannot pay. But, at the same time, the school needs money to run. The parents responded by saying, get rid of the word "school fees" and we will help the school to raise funds. And so we declared our school a no-fee school. Instead of fees, a fund raising partnership was established with parents. Currently each child contributes an average of R140 as a result of participation in annual activities such as Big Walks, Bingo Evenings and Grocery Raffles. Identified parents are

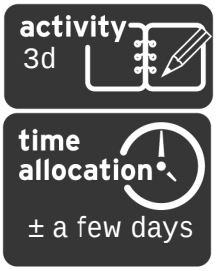
now responsible for collecting the fund raising monies from other parents – they know who can pay and who can't.

Of-course not every parent contributes. The reality is that not every parent is going to co-operate in the development of the school. So at my school we began working with those who were committed. We began working with 565 learners and ten committed parents in 2000. We now have 1400 learners and hundreds of committed parents.

We have achieved this by concentrating on not prodding the parents away, but by visibly acknowledging that parents have valuable skills which we need. We treat every parent with respect – no-one needs funds to be able to do this. We celebrate the small and big achievements of the school. We don't expect everyone to agree with everything the school leadership or SGB says. Constructive disagreements are good. Whenever we get parents involved in the school we give them something in return – a small plate of eats, a pen, etc. We ask parents to help us solve our problems – especially the aunty down the road who has managed to raise three children all of whom have matriculated and one of whom is studying at university, despite not having had a job for 20 years. How has she done this? She has lessons to teach us. We have tried to build relationships by pushing away barriers to the child's entry to school. In addition to making Sapphire a no-fee school, we have also moved away from insisting on uniforms. Our main priority is to ensure that the children attend school. Uniforms are low on our list of priorities.

We realised that people in our community want to see hope. So we concentrate on the tangibles. We have a clean school. Our toilets are cleaned everyday by a group of mothers identified by parents as in need of work. We have a vegetable garden which is cultivated by and shared amongst our HIV/Aids families. We have started a skills training programme for unemployed parents. The provision here is that every parent that receives training (e.g. in brick laying) must pay back something in kind to the school.

Our mission is "to free every student from the bondage of mental inferiority and work towards equity and equality through liberation education which involves creating an educational environment characterized by respect for individual and cultural differences, quality teaching, creative risk taking, parent and community participation and support for these ideals". We can proudly say that many of our parents are working with us to achieve this ideal.



In this activity you are going to consider how your school can make use of the resources available in your community. And, because a partnership is a two-way process, you are going to consider how your community can use your school as a resource. The management of all resources will be discussed in detail in the Module –Lead and manage financial and physical resources; this will be useful exercise to refer to later.

Points to help you:

In describing your school community activity (draw up a list of members of the community who can act as a resource for your school and how you could use these resources. Now you need to:

- Draw up an action plan of how to use at least two of the resources on your list (remember that it will probably be necessary to work with the SGB on this matter)
- Implement the action plan
- Evaluate and report on the results of this action plan.
- Write a short statement explaining why it is necessary for a school to share its resources with the community.
- Analyse the assets and skills your school offers your community. You can use the table below to guide you.

TABLE 4: THE SCHOOL'S POTENTIAL ROLES IN THE COMMUNITY (EASTERN CAPE DEPARTMENT OF EDUCATION, 2005)

	What is already being done in the community in this field	Role that the school could play	Benefits to the school of getting involved	Concerns that the school might have and how to solve them
Educational welfare of the community. e.g. Adult Basic Education and Training.		eg Provide a venue for Adult Basic Education.		
Maintaining the economic welfare of the community e.g. food, shelter, clothing.		eg Providing a space for a community vegetable garden.		
Maintaining physical and emotional health, and preventing the spread of diseases like				

HIV/Aids.				
Spiritual and moral welfare of the community.				
Cultural and artistic welfare of the community.				
Safety and security of the community, including psychological safety.				

Now strategise about how these resources can be made available to the community. You need to:

- Draw up an action plan of how at least two of the school's resources can be shared with the community (again remember that it will probably be necessary to work with the SGB on this matter)
- Implement the action plan
- Evaluate and report on the results of this action plan.



It takes careful planning, hard work and perseverance to ensure parental involvement in schools, but the results are worth it.

3.6 Topic 5: Communication with parents and guardians

A vital tool for effective participatory leadership is communication.

Schools are institutions that have a very high degree of interpersonal communication and the Principal must ensure that communication is properly conducted and recorded. It is important to realise the importance of showing through your communication with the parents and the community that you respect them. One way to do this is to use meetings to find out what the community wants from the school, and put this in place, with community help.

John Maxwell (2001: 193) cites communication as one of the 17 indisputable laws of teamwork. Case studies prove that effective teams have a very high degree of interpersonal communication. Communication that is especially relevant to successful teams is talking and listening. Maxwell (2001:97) surmises that the power of the Law of Communication is revealed in the truth that 'Interaction fuels action'. This is especially true of schools. Role players who are well informed feel part of the school and this, in turn, promotes a feeling of ownership accompanied by a sense of responsibility. A sense of responsibility fuels action (work) that is inevitably of better quality than someone who is doing something simply because they are following orders.

We will not explore this issue in detail in this module because it is covered adequately in other modules in the programme, specifically:

- The fundamental module Language in leadership and management provides a broad understanding of the communication process and related knowledge and skills;
- The core module Lead and manage people includes self-assessment and guidelines related to communication as a key leadership competence both within the school and across school boundaries;
- The core module Manage organisational systems, physical and financial resources explores the role of communication in establishing and maintaining functional school systems.

3.7 Topic 6: Communication with the DOE

It is important for principals to remember that their school forms part of the larger organisational structure of the department of Education. Effective channels of communication must be maintained in order to ensure minimal confusion and misunderstanding.

The primary Departmental contact that principals have is their circuit managers. These managers have been given different titles in different provinces, but they all serve as vital links between the school and the Department of Education. In addition to personal communication with circuit managers, principals can correspond in writing with the Department of Education. All written correspondence and communications must be directed from the school via your District Director.

The District Office is required to kep the school informed of events and policy changes through the dissemination of:

- The Provincial Bulletin
- Departmental Notices
- Circulars
- Legislation
- Acts (National and Provincial)
- Regulations
- Notices.

3.8 Concluding remarks

This Unit has focused on how you and the school management team can implement, develop and manage policy, and the changes resulting from this. It will also help you to understand the role of the School Governing Body and how you work as part of this to ensure good management and governance practice in the school. You have been shown some of the key areas which will enable you to demonstrate the personal qualities of leadership and management, to develop and maintain sound working relationships with the SGB as well as with parents, learners, the community and the Department.

Development and communication of school values, vision and mission

unit 4

Introduction

Learning outcomes 4.1

Topic 1: Developing a core values statement

4.2.1 Introducing the concept of values
4.2.2 Leadership and values
4.2.3 Developing organisational values
4.2.4 Translating values into practice 4.2

Topic 2: Developing a vision and mission statement

4.3.1 Introducing school vision
4.3.2 Introducing school mission
4.3.3 Developing a school vision and mission 4.3

Topic 3: Communicating and integrating values, vision and mission into school management

4.4.1 The wow – now – how approach
4.4.2 Strategies for infusing the constitutional values in education
4.4.3 All schools must be learning organisations 4.4

Concluding remarks 4.5

LEARNING GUIDE
unit four

4

Development and communication of school values, vision and mission

4.1 Introduction

This unit focuses on the development and communication of school values, vision and mission. We introduce these concepts and provide an opportunity to reflect on the core values of your school as an organisation. We set this within the context of the school as a learning organisation, which will be discussed in detail in the core modules Lead and manage people and in Lead and manage teaching and learning. We examine how organisational values, vision and mission are related and serve as a foundation for all school policies and activities. We explore ways of effectively communicating values, vision and mission and examine ways of working with your school community to translate values, vision and mission into school structures, systems and processes. You are encouraged to reflect on and revise your school vision and mission (if needed) with your school community.

Unit 4 comprises three topics

Topic 1: Developing core values for the school
Topic 2: Developing a vision and mission statement
Topic 3: Communicating and integrating values, vision and mission into school management.

Learning Outcomes

At the end of this unit you should be able to:

- Develop and communicate school values, vision, mission, policies and plans (in a collaborative way and secure commitment to these).
- Manage a process for the participative development of a school development plan with vision, mission and values based on context and needs analysis
- Develop and maintain structures and processes that support a consultative and participatory approach to decision making and planning.
- work within the school community to translate the vision and policies into operational plans that will help to achieve sustained school improvement.

4.2 Topic 1: Developing a core values statement

4.2.1 Introducing the concept of values

You have been introduced to the importance of values in the core module, Lead and manage in the South African Context. We need to re-emphasize here how important this area is. Values are ultimately those things that are considered to be important at an individual, organisational and societal level. Values set the standard for ways of behaving and if real transformation is to take place values should also influence our way of thinking. The South African Collins English Dictionary (2004) defines values as: the moral principles for accepted standards of a person or group. Like all other standards and principles values need to be clearly articulated to ensure that (i) performance can be measured accordingly, and (ii) to explore practical ways of demonstrating values in what we do. In his opening address to the Saamtrek conference held in Cape Town in February 2001 Nelson Mandela reminded South Africans that the Constitutional values must be actualised:

> We cannot assume that because we conducted our struggle on the foundations of those values, continued adherence to them is automatic in the changed circumstances. Adults have to be reminded of their importance and children must acquire them in our homes, schools and churches. Simply, it is about our younger generation making values a part of themselves in their innermost being. (Nelson Mandela: The Challenges of National Building, Democracy and Education. Address to Saamtrek, 2001).

The importance of values is stressed in The Manifesto on Values, Education, and Democracy of 2001 (this document can be sourced on http://education.pwv.gov.za). This manifesto identifies the ten fundamental value of our constitution and explains their relevance to education namely:

- Democracy
- Social Justice and Equality
- Non-Racism and non-sexism
- Ubuntu (Human Dignity)
- An Open Society
- Accountability (Responsibility)
- Respect
- The Rule of Law
- Reconciliation.

Given their context and vision schools may highlight specific core values as important for their organisation. They also need to ensure that values are expressed simply and effectively communicated so all understand their importance and relevance. While organisations provide a set of agreed core values for a community we do not all have the same personal values. As a leader it is important that you know what your personal values are and how these relate to those of your school.



Why is it important for both individuals and organisations to identify their core values? You might want to refer back to other core modules that you have already studied as values is an issue that recurs throughout the programme.



Values are important in that:

- They provide clear direction
- They act as a guide for all actions and activities
- They empower
- They motivate
- They set a standard against which to measure performance
- They embrace key principles
- They have transformational power.

4.2.2 Leadership and values

In their leadership seminars Kouzes & Posner often ask people to list the historical leaders who they most admire. The most frequently listed are the following: Martin Luther King, Jr., Abraham Lincoln, Susan B. Anthony, Benazir Bhutto, Nelson Mandela, Mahatma Ghandi, Winston Churchill, Mikhail Gorbachev, Golda Meir, the Dalai Lama, J. Robert Oppenheimer, Pope John Paul II, Eleanor Roosevelt, Mother Teresa, and Archbishop Desmond Tutu. The authors pose the question of "what do these leaders have in common?" and respond that in reviewing these leaders one quality stands out above all else: the list consists primarily of people with strong beliefs about matters of principle.

They all have, or had, unwavering commitment to a clear set of values. They all are or were, passionate about their causes. The lesson from this simple exercise is unmistakable. We admire most those who believe strongly in something, and who are willing to stand up for their beliefs. If anyone is ever to become a leader we'd willingly follow, one certain prerequisite is that they must be someone of principle (Kouzes & Posner, Leadership the challenge, 2003:45).

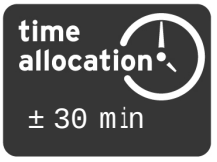
From the above (and other studies) it is evident that leaders need to know what their personal values are and how these relate to the values of the society in which they live as well as their organisation's values.

4.2.3 Developing organisational values

Organisational values should determine everything that happens in school and strongly define a school's culture. Let's look briefly at what is meant by school culture. Davidoff and Lazarus (2002) state that norms and values are the cornerstones of school culture. Norms are embodied in both unwritten (e.g. what happens when it is a staff member's birthday) and written (school rules) rules of an organisation. Davidoff and Lazarus (2002:51) describe culture as all pervasive in that it "…diffuses its particular qualities into every corner of school life". All school culture should ultimately be centred on working towards quality teaching and learning. However, this is not always the case and a school can have a negative culture, in that educators come and go as they please, learners are not disciplined correctly, etc. A school's values set the tone for school culture. Culture in turn is the way in which values (and norms and vision and mission) are made real in a school community.

Although the South African Constitution sets out transformational values for our new democracy these are challenged in our society by factors such as high levels of poverty, the disintegration of the family unit, dysfunctionality at home, crime, abuse, etc. Schools need to become microcosms that embrace and demonstrate the constitutional values of our society – obviously phrased in a way that best suits your school and its context.





Read the extracts below and see if you can identify some of the school values that are demonstrated in each contextual description.



School 1:

At the principal's desk a quiet, shy boy is trying to get permission to re-enter school after several weeks of absence. His mother has been in a serious car accident and since her hospitalisation, he has not come to school. The boy, who is frail and awkward, looks strikingly vulnerable and the principal's tone seems to noticeably soften. A call is made to the boy's aunt who is at work. I'm going to dial the number says the principal and then you should say hello to your aunt so she won't get scared. Tell her it's your principal. Then I'll talk to her. The boy repeats the principal's words and hands the phone across the desk.

The principal is gentle and respectful. "Hello, how are you? We wanted to call to confirm Sipho's absences. He has been absent a lot and we've received no notes from home… He'll fail his subjects unless we hear from you confirming his absences. There is a long pause in which the aunt must be offering an explanation. The principal follows with a few questions and then closes by saying, "Okay, we'll try to help him. He seems like a nice boy. Take care now and thanks for your time." Sipho has been on the edge of his chair, his body erect and tense, during the telephone conversation. His eyes search the principal's face. The principal returns his full gaze and says with a stronger voice. "Let me tell you something important, what happened to your mom is very serious. No doubt about it. It was very scary, extremely frightening …but rather than be absent through all of the hard times, you must come to school. Come here and we'll talk about it …just think, if your mother comes out of the hospital and you've failed your subjects, she's going to be very sad and disappointed …There are lots of people around here who you can get to know, who could care about you. But you have to be in school. If you must stay out, you have to call me. Not your Auntie, you. It is your responsibility. If you want to visit your mother in the hospital, you can come to school and I will give you permission to leave school a bit early." Sipho seems to hang on each word and looks comforted, not chastised. He stands, offers a limp handshake, looks solemnly down at his shoes and walks quietly away.

(Adapted from Sara Lawarence Lightfoot 1983. The good high school: portraits of character and culture. USA: Basic Books, p.99)



School 2:

Written by a Former Head of Department (M. Sello)

My three year stay at Mojala-thuto Primary school was the most rewarding experience in my teaching career. From its humble beginnings, with nothing of its own, the newly- established school was turned into the envy of the other schools and the prize of the community. The success of the school, was of course, made largely possible by the efforts of its charismatic principal, Mrs (now Doctor) KC Moloi, who had an open door policy and practised participative management. She established a team spirit among staff members and this contributed to the success of the school.

As one of the two heads of department of the school I was given responsibility for, among other duties, the financial management of the school because as a former bank official I had some knowledge of bookkeeping. By charging me with this sensitive area of management the principal tacitly told me that she had absolute trust in me and this spurred me on to do my best not to disappoint her.

This was the trend with the rest of the staff members. She always motivated and instilled confidence in us by appreciating a good piece of work and talking openly and reassuringly where there was shoddy workmanship. Through the teamwork that existed, the difficult challenges that faced the school were easily overcome. What made the achievement even more spectacular was the fact that the entire staff, with the exception of the two heads of department and the principal, were fresh graduates from college. The principal had to do a lot of spadework in leading and guiding them and in a short period of three years she turned them into fantastic performers. The moral fibre of the school permeated the surrounding schools and the entire community.

(Extracted from Moloi, K.C. 2002. The school as a learning organisation: reconceputalising school practices in South Africa. Pretoria: van Schaik Publishers, p.39.)



You may have identified values such as the following:

School 1:

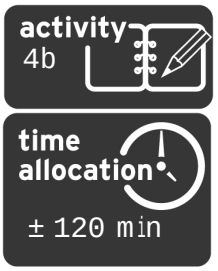
- Compassion
- Respect
- Primary focus on learning
- Responsibility and accountability
- Care and support.

School 2:

- Respect
- Encouragement
- Working together (team work)
- Quality
- Participation.



In order for organisational (school) values to be actualised as part of school culture they must be supported by the school community. School community participation in the development or revisiting of values, vision and mission as an activity in itself embraces the values of democracy and transparency.



Develop a plan for a workshop in which your school community develops or revisits core values for your school. It is obviously ideal if you can hold and reflect on this workshop during the course of this module.

Your plan should include the following:

Who will you invite to this session?

- Staff
- SGB
- RCL representatives (in addition to those on the SGB)
- Community organisations
- Community members

Where and when will the session be held?

- It should be held at a venue and time that will allow for most stakeholders to attend.
- Who will facilitate this session?
- Yourself
- Someone from the SGB or community
- A staff member
- Text 13 in your Reader provides some guidelines for the characteristics of an effective facilitator.

Who will act as scribe for the session?

- Someone needs to keep a record of what is agreed on in the workshop and to assist with writing down stakeholders ideas, etc.

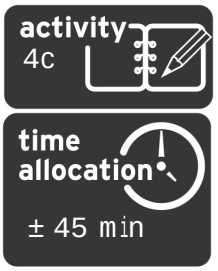
How will the workshop be structured? This is the workshop programme it should be detailed and include timeframes as well as indicate who is responsible for what.

- Introduction
- Icebreaker
- Activity around understanding values
- Presentation of the Constitutional values
- Definition of the school values

How will the values that are determined/agreed on in the session be communicated to the school community?

- Displayed in the administration block?
- Displayed in each classroom?
- In school diaries?
- As a forerunner to the school rules?

If you manage to conduct your workshop with your school community write a brief report that outlines how the session went on a structural/practical level (i.e. did the session flow well? Did the stakeholders participate well in the session? Were there any major challenges?). Also write down the values and descriptive statements that your school agreed on.



This unit has emphasised how values and principles are made apparent through actions. Use the instrument below to assess your school in terms of how it performs in relation to the values and principles below. You may want to adapt this slightly to suit your school's values that you developed or refined in the previous activity.

In column A you should indicate how important your school rates this value/principle and in column B you should indicate how your school currently performs in the area of this value/principle.

Column A
1 = Vital, 2 = important, 3 = fairly important, 4 = not very important, 5 = not at all important

Column B
1= strongly agree, 2 = agree, 3 = uncertain, 4 = disagree, 5 = strongly disagree

4.2.4 Translating values into practice

Values are worthless if they are not translated into practice and strongly underpin school culture. Everything that happens in a school should reflect the school's values.

COLUMN A Importance in my school					VALUES AND PRINCIPLES	COLUMN B Reflected in my school				
1	2	3	4	5	Everyone is treated fairly. (Equity)	1	2	3	4	5
1	2	3	4	5	Everyone is treated with respect. (Respect)	1	2	3	4	5
1	2	3	4	5	The individual is encouraged. (Individuality)	1	2	3	4	5
1	2	3	4	5	Teaching and learning is central to our activities. (Learning)	1	2	3	4	5
1	2	3	4	5	There are many opportunities to succeed. (Equal opportunity)	1	2	3	4	5
1	2	3	4	5	People are more ready to praise than blame. (Support)	1	2	3	4	5
1	2	3	4	5	There is no feeling of 'us' and 'them'. (Inclusion)	1	2	3	4	5
1	2	3	4	5	Everyone is approachable. (Acceptance)	1	2	3	4	5
1	2	3	4	5	We practice what we preach. (Accountability)	1	2	3	4	5
1	2	3	4	5	Different opinions are encouraged. (Diversity)	1	2	3	4	5
1	2	3	4	5	There is respect for authority. (Respect)	1	2	3	4	5
1	2	3	4	5	People act immediately if there is a problem. (Proactive)	1	2	3	4	5
1	2	3	4	5	Truth and justice is promoted. (Honesty & justice)	1	2	3	4	5
1	2	3	4	5	We insist upon a high standard of moral behaviour. (Morals)	1	2	3	4	5

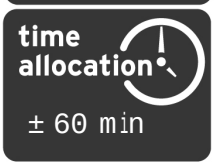
1	2	3	4	5	Our decision-making structures reflect a democratic style of leadership and management. (Participation)	1	2	3	4	5
1	2	3	4	5	We support the notion that all members of our school have rights. (Human rights)	1	2	3	4	5
1	2	3	4	5	We expect a high standard of work. (Quality)	1	2	3	4	5
1	2	3	4	5	Everyone is supportive. (Support)	1	2	3	4	5
1	2	3	4	5	People's problems are listened to. (Compassion)	1	2	3	4	5
1	2	3	4	5	People are open to change. (Improvement)	1	2	3	4	5
1	2	3	4	5	People are encouraged to work together. (Collaboration)	1	2	3	4	5

Now give yourself two scores by adding up the two columns. The greater the gap between A and B, the greater the need to examine what is happening in your school and to ask why its values and principles are not reflected in the school.



You may want to canvass other opinions and to ask your school management team and/or school governing body members to complete the instrument. Or you could develop a similar one linked specifically to your school's values. This will provide a way of entering into dialogue about how the school's values can be translated into school culture and serve as the forerunner to the activity below.





Now that you have worked hard at getting your school's core values in place you, together with stakeholders in your school community, need to define how you see these values being translated into practice in your school. List your school's core values in the table below and fill in the columns defining how you see each value working at your school and what needs to be done to make it happen.



It should be noted that this kind of exercise is not a once-off event. It is necessary from time to time to take stock critically and check whether the school's practices continue to illustrate the values it espouses. This calls for the school to be a learning organisation.

TABLE 5: SCHOOL VALUES

VALUE	How do we see this value working in our school?	What do we need to do to make this happen?
1		
2		

VALUE	How do we see this value working in our school?	What do we need to do to make this happen?
3		
4		
5		
6		
7		
8		
9		
10		

4.3 Topic 2: Developing a vision and mission statement

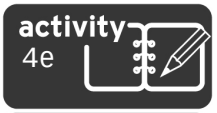
4.3.1 Introducing school vision

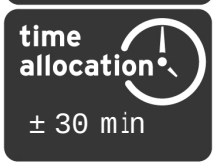
In the same way that the South African Constitution and the constitutional values underpin the ideal society and act as the final legal measuring stick so your school's value statement should inform everything that happens in your school. It is especially important that your school's vision and mission statements echo the school's core values. These three statements ultimately form one document that in essence becomes your school's constitution.

What is a vision?

A vision is something that we aim to achieve – an ideal state. A vision should be something that inspires, motivates and stimulates people into action. A vision reminds people why they are teaching and learning – it captures purpose and outcome. Sue Davidoff (2002:55) describes a vision as "the particular way in which it [the school] envisages itself contributing meaningfully to society…the vision is a picture of the school in its ideal form; a picture towards which all the role players in the school, the teachers, the parents, the students, the broader community, the department of education – can aspire and with which they can identify".

It is important that a vision is something that everyone in the school community can relate to and share. It is important to have a school vision so as to guard against the dominance of personal visions and agendas. With a shared vision the school community works towards a common goal.





Examine the four school vision statements presented below. Select the one you like the best and motivate why you have selected it.

SCHOOL 1:

We, the community of Yellowwood High School, commit ourselves to the holistic education and development of all the people in our school community, by providing a safe and nurturing learning environment, led democratically and supportively in the interests of all those involved with the school. Our commitment is based on the principle of respect for the rights of each individual for the collective good (In Davidoff, 2002:71).

SCHOOL 2:

We have a vision of confident and courageous young women, ready and willing to meet every challenge on the way to achieving their dreams (Parktown High School for Girls).

SCHOOL 3:

Let none be Left Behind
(Crossroads this is a school for learners with barriers to learning.)

SCHOOL 4:

Through clear vision, respectful leadership, relevant curriculum, hard work and discipline as well as pride and passion our school is committed to being the light and energy to grow our learners. It is also our aim to produce learners who are creative, productive, enthusiastic team players, academically successful, highly respected and responsible citizens (Walmer High School).

Examine each of the vision statements presented above and see if you can identify any core school values in each statement.
Also consider the criteria you used to assess each statement. Make a list of these.



POSSIBLE CORE VALUES

School 1: commitment, inclusion, motivation, democracy, human rights and equity.
School 2: confidence, courage and achievement.
School 3: inclusion, equity and human rights.
School 4: respect, hard work, passion, commitment, creativity, productivity, working together, hard work and responsibility.

Possible criteria by which to assess vision:

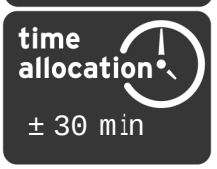
- Clarity
- Coherence
- Takes school context into account (school for girls, barriers to learning, etc.)
- Is inspirational
- Is motivational
- Is challenging (but not unachievable)
- Provides clear direction for all to work towards
- Powerfully written.

4.3.2 Introducing school mission

What is a mission?

While a vision generally defines the ideal and defines something that a school continues to strive towards, a mission broadly sets out how the school will work to achieve its vision.





Now let's look at the mission statements of the schools whose visions we examined previously. Which mission statement do you think is the most effective and why?

SCHOOL 1:

We aim to do this by offering a relevant and integrated school and after-school curriculum, based on the principle of full, active and critical participation by all involved. We will ensure continuing relevance through a process of ongoing critical self-reflection and staff development (Yellowwood High School. In

Davidoff 2002:71).

SCHOOL 2:

We shall make this a reality by:

- Providing a dynamic academic, cultural and supporting curriculum
- Encouraging flexible, critical and creative thinking
- Building a powerful synergy of tradition and innovation
- Facilitating the journey of personal discovery through participation and stretching beyond the barriers.
- (Parktown High School for Girls).

SCHOOL 3:

Mission Statement:

- To provide learners with a nurturing environment in which they can develop holistically in order to maximize all that they can be:
- emotionally
- physically
- cognitively
- spiritually
- so that they may become well integrated, contributing members of our society. (Crossroad school for learners with barriers to learning).

SCHOOL 4:

Mission – we hope to achieve these ideals by:

- Encouraging our learners to take pride in lessons particularly in mathematics, science and technology
- Providing a well-balanced curriculum that will enable our learners to assume their rightful place in our community
- Assisting our learners to develop awareness about social values and acceptance of personal responsibility
- Encouraging our learners to show mutual respect and tolerance towards one another
- Encouraging our learners to love sport and take part in sports. Creating an atmosphere of harmony and co-operation among the different stakeholders
- Preparing our learners to be well-rounded, responsible, God fearing and highly respected citizens in our country. (Walmer High School)



What criteria did you use to assess the mission-statements? Make a list of these.



Possible criteria you may use to assess a mission statement include:

- Clarity
- Length
- Synergy between mission and vision (and values)
- Ability to translate into action.

4.3.3 Developing a school vision and mission

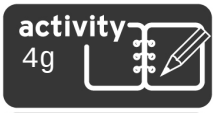
It has already been highlighted that, as with the development or revision of a school's core values, developing or revising a school's vision and mission statement also needs to involve the important stakeholders of your school community.

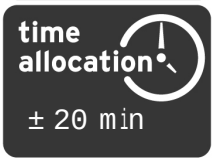


- Why is important to involve stakeholders in the development of a school's vision and mission?
- Who do you think should be involved in the development or revision of your school's vision and mission statement?
- Have you involved all these people in the past (in the development of your school's core values, school rules, school policies, etc)?
- What have the benefits been of involving these stakeholders?
- What have some of the challenges been?
- What would you do differently in a workshop with stakeholders this time round?



It is not only the end result of vision and mission that is important, the development or review process is equally important. This process (as with the development or review of core values) provides opportunity for your school's stakeholders to share ideas, express concerns, talk about issues that are important to them and ultimately through contribution to be more inclined to support the final vision and mission statement. The process in itself is an ideal opportunity to encourage, motivate and inspire stakeholders and to gain initial buy-in for participation in school improvement. It is also a chance to better understand what the community expects from your school (rather than what you expect from the community).





Plan a workshop with stakeholders to develop or revise your school's current vision and mission statements. This activity only involves the actual planning phase for the workshop. It is obviously ideal if you can also carry out and reflect on this workshop during the duration of this module.

The guidelines provided for the development or revision of a school's core values earlier, Activity 2d, will also assist you in preparing a plan of action and programme for this workshop.



Developing a vision is sometimes referred to as vision crafting which suggests that developing a vision is an art. How will you weave aspects of creativity into your vision and mission development or review process so as to stimulate creative thought and good ideas?



Combine your vision and mission and values statements into one document. Make sure that these have been edited and are set out in an attractive manner. Adding graphics (e.g. pictures from your school, or school badge) can enhance these. Make sure that everyone in the school has a copy of these and that they are strategically displayed.

4.4 Topic 3: Communicating and integrating values, vision and mission into school management

4.4.1 The wow – now – how approach

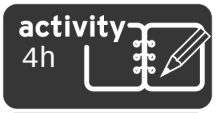
Your school values, vision and mission statement sets the standard for everything that happens in your school. All activities, plans, decisions and actions should be measured against these. You were introduced to the wow – now – how approach to planning in Unit 1 of this module. You are now going to apply a similar approach to integrating values, vision and mission into your school management.

Your vision statement is your WOW of what your school aspires towards and aims to incorporate in its daily life. You need to assess where your school is NOW in relation to where it aspires to be and then to plan HOW to strategically move from the NOW to an aspect of WOW. This move will take place on two levels – (1) through school development planning which is examined in more detail in Unit 5 of this module, and (2) through adjusting and developing school structures, management and leadership styles, policies to support the WOW. The development of policies is covered in Unit 3 of this module.

Let's take a look at how one might move towards one of the statements we examined previously.

WOW	NOW	HOW
The vision of Khuthaza High School is to provide a safe, stimulating and motivating learning environment that will enable young people to develop to their full potential and to be critical and informed thinkers and citizens who can succeed in all areas of life.	Our vision is just words, needs to become reality!	• Launch a campaign to remind all stakeholder of the school's vision, mission and values. • Hold sessions with educators and encourage them to model these. • Make sure statements displayed and used everywhere.
We aim to do this through: • Offering relevant and quality learning. programmes. • Encouraging a love for learning. • Ensuring a safe and secure teaching and learning environment. • Promoting extra-curricula activities. • Valuing all members of the school community. • Encouraging a healthy, balanced lifestyle.	• We are still grappling to implement the new FET curriculum. • Many learners see no value in learning. • We struggle with vandalism and people trading drugs at school. • We still have few extra-curricular activities. • Based on their actions, it seems some staff members and learners do not feel valued. Also need to extend this to parents.	• Work with DoE to ensure educators are familiar with curriculum and explore ways of making progs. relevant and exciting. • Get motivational speakers for learners. Make learning relevant. • Involve community in protecting the school. • Source skills in the community; work with NGO's. • Be more expressive in terms of how people are

	• Have a health programme in place but need to work harder at this.	valued and hold workshop around this. • Work with staff at this level and explore ways of integrating across learning areas/subjects. Guest speakers, etc.
Our values (in summary) are: • Respect for one another. • Accountability & responsibility. • Integrity • Commitment • Participation and cooperation.	• Not evident • Still late coming by both educators and learners. • Lack of responsibility and accountability on part of educators. • Not evident • Not really evident • Some participation but not enough. Management structures still too linear.	Need to make values practical. Leadership must model values as must all staff members. Not all school community members understand values – ensure these are workshopped at all levels. Put accountability & responsibility systems in place. Be more consistent with consequences for negative actions and praise for positive actions. Encourage participation through highlighting its value and praising people. Review decision-making and management structures to ensure they encourage participation. Provide opportunities for people to develop respect for each other and to work together.





Examine the wow-how-now example provided and conduct a similar analysis of your school. Try to involve your SMT and if possible some other stakeholders in this analysis.

When you have completed your analysis – separate the HOW into what involves the (1) adjustment or development of school structures and systems, and (2) those which are projects. The Whole School Evaluation instrument provided in Text 14 of your Reader provides an evaluation instrument based on national criteria for a much more detailed analysis of your school. What you are doing in this module is assessing your school against its own vision, mission and values as a starting point.



Moving your school from NOW to WOW is not something that is achieved overnight. This is a long-term process that requires planning, commitment and monitoring. It is also not something that management can achieve by itself – you will need the full support of the school to move forward and may have to work very hard at motivating and inspiring staff (and other school community levels) on a personal level to renew hope and commitment.

There may be some simple things that you can start by changing to kickstart the process such as changing the decision making process in your school,

encouraging the school community to work in teams on projects or on committees, setting accountability systems in place, etc.

4.4.2 Strategies for infusing the constitutional values in education

The Manifesto on Values, Education and Democracy (2001) identifies 16 educational strategies for integrating the constitutional values (see 2.2.1) into the educational system these are:

- Nurturing a culture of communication and participation in schools
- Role modelling: promoting commitment as well as competence among educators
- Ensuring that every South African is able to read, write, count and think
- Infusing the classroom with a culture of human rights
- Making arts and culture part of the curriculum
- Putting history back into the curriculum
- Learning about the rich diversity of cultures, beliefs and worldviews within which the unity of South Africa is manifested
- Making multilingualism happen
- Using support to shape social bonds and nurture national building at schools
- Ensuring equal access to education
- Promoting anti-racism in schools
- Freeing the potential of girls as well as boys
- Dealing with HIV/AIDS and nurturing a culture of sexual and social responsibility
- Making schools safe to learn and teach in, and ensuring the rule of law
- Promoting ethics and the environment
- Nurturing the new patriotism, or affirming a common citizenship.



Examine the 16 strategies presented above and reflect on what your school is doing to support each of these. You may want to jot down some notes for further exploration and discussion.





A year ago Thembalewethu High School undertook a vision, mission and values design session. This session involved the participation of the educators, RCL representatives, SGB members and non-educator staff. The session was facilitated free of charge by a past learner who now works for a local NGO.

You are part of a leadership exchange programme where you need to spend a day in another school and write a report on how this school is performing in terms of its vision, mission and values. Your assignment is to visit Thembalewethu and to write a 1 to 2 page report based on what you experience there.

1. The school has drafted the following:

Vision:
To provide a nurturing and supportive learning environment that offers a high quality of education that equips young people with the relevant knowledge, skills and values to be responsible and contributing citizens, workers and family members.

Mission

- We aim to do this through:
- Ensuring that the school is a safe and secure environment for educators and learners.
- Ensuring that all educators are competent in their learning area/subject.
- Providing an extended curriculum
- Role modelling values
- Encouraging and supporting our learners.

Core Values

- Respect: for all people, their possessions and the possessions of the school
- Compassion: for each other and our circumstances
- High quality work: in everything we present and do
- Commitment: to learning and teaching and each other
- Dedication: to everything we do, to our school and to our work
- Gender Sensitivity: both genders are given equal opportunity.

2. This is what you observe at the school:

You arrive at the school at 7h45 the school is due to start at 08h00. You enter the school and introduce yourself to the school secretary who welcomes you enthusiastically and takes you to the staff room. The principal is on his way still. The secretary introduces you to a few staff who are assigned to look after you until the principal arrives. The atmosphere in the staffroom is friendly and the staff seem to relate well to each other. You notice that only a few staff are present. You are informed that some staff prefer to go straight to their classrooms on arrival. You see little evidence of this and when the bell rings at 8h00 you observe staff trickling into the school. The principal drives in slowly at 8h20. He is apologetic and informs you that he had an emergency that he had to attend to before school. You later learn confidentially from the secretary that he arrives late most days and has applied for another job.

You spend some time talking to the principal who then takes you on a tour of the school. You notice that the school fence is broken in several places and the principal expresses concern about this especially since the school is located in a high poverty area and is exposed to the actions of gangsters. He informs you that the school raised the initial money to erect the fence and has subsequently repaired it a number of times but it is constantly vandalized. The school can no longer afford to repair it constantly and is looking at alternative solutions.

You are impressed as you walk past the classrooms to hear teaching and learning happening. All teachers and learners appear to be in the classrooms. That is

except for one classroom where a teacher is sitting outside on the step counselling a tearful learner. The principal calls the educator aside and after a brief discussion the learner is sent to wait in the sickbay for the educator to join her during break time while the educator rejoins the class.

You sit in on three classes and are impressed with the educators' content knowledge and teaching methods. Most learners seem interested in the lessons and educators try to draw in those that are not. Only one educator appears to behave inappropriately when she leaves the classroom for five minutes to answer a cell phone call. She returns to set the learners a task and they work on this while she is out on her phone for another fifteen minutes. She apologises afterwards saying she had an emergency to deal with regarding a social worker and learner who had been removed from the care of guardians.

During the first break you stroll around the school grounds and engage some learners in conversation about their school. Some of the learners are very appreciative of their school and praise the teachers and principal while others state that they are not interested at all in school – "What is the point of it anyway you won't get a job if you have a national senior certificate". You are impressed to see some adults cooking food in a small kitchen and on talking to them discover that these are parents who volunteer their time to work in the schools food garden and make soup and bread for learners who purchase this at 20c a cup of soup and 2 slices of bread. The Grade 8s and 9s help with the garden.

At second break you have a cup of coffee in the staff room and are impressed to see staff marking assignments. You see one or two staff leaving quickly for town without signing a movement register and when you ask you are told that they have urgent business to attend to but will be back soon. The bell rings and learners and teachers take a while to get to class but everyone settles in and teaching and learning resumes.

As the school empties at the end of the day, the front door is locked but you note some educators and learners staying for activities such as choir, debating and one-to-one counselling. You are informed that it is safer to keep the door locked when only a few people remain. After listening to the school choir practice for a while you manage to find someone to unlock the door for you and find your way out of the school grounds and drive home to write your report.

4.4.3 All schools must be learning organisations

Among all the important skills that we must list for people to develop in the 21st Century is that of 'dealing with change'. Internationally educators have been confronted with numerous changes as education systems move towards greater accountability and quality. In South Africa this has been intensified with the need for redress and transformation following the 1994 elections. Schools as organisations need to be prepared to continuously adjust and adapt to changes at a variety of levels ranging from the impact of poverty to new technologies. Change is not always easy and can be both complex and threatening. Fullan (2001) uses the analogy of change as a two-edged sword in that it provides opportunity but it also entails additional effort and work. How change is introduced is as important as the change itself, for confusion and lack of meaning can result in frustration and discouragement. This is particularly important, not

only for implementation, but also for sustainability of change. Therefore any change that is introduced at a school level (i.e. aligning the school to its vision, mission and values) needs to be handled sensitively and take into account people's fears.

One way of dealing with and monitoring change is to structure your school as a learning organisation. We shall deal with this concept in more detail in other core modules, but it is important to understand what is meant by this term, in this context. Learning organisations are also sometimes referred to as learning communities. This concept has been applied in business for many years and recently the theory of learning organisations has also been transferred into the school environment. Working within a continuous ethos of reflection, planning, acting (changing) encourages people to embrace rather than fear change.

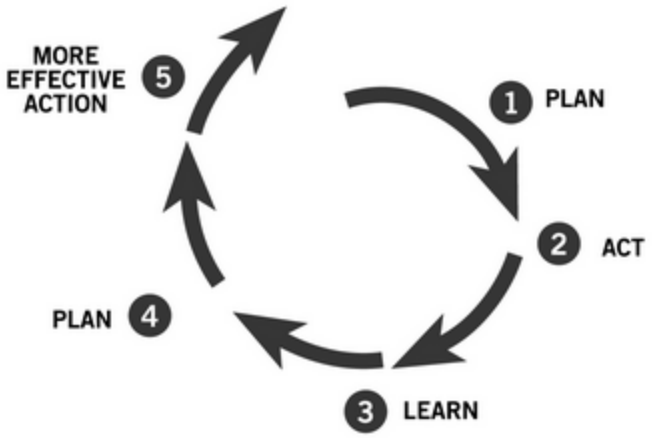


Figure 3: A learning organisation change spiral

Below are some definitions of what it means to be a learning organisation:

> This means involving everyone in the system in expressing their aspirations, building their awareness and developing their capabilities together. In a school that learns people who traditionally may have been suspicious of one another – parents, and teachers, educators and local business people, administrators and union members, people inside and outside the school walls, students and adults – recognize their common stake in the future of the school system and the things they can take from one another (Senge et al 2000:5).
>
> A learning organisation is one which constantly, in an ongoing way, infuses meaning and purpose into its daily practice. What is the practice of a learning organisation? It is one of engaging in reflection- reflection on all its activities, on the pulse and life of the organisation, on the quality of

what is being produced – in the context of broader social dynamics, needs and demands. (Davidoff 2002:50).

Learning organisation is used to refer to school-based efforts by individuals and groups to improve everyday teaching and learning activities, and communication, reflection and inquiry processes in the school… since a learning organisation is one that learns constantly and transforms itself, it is able to deal proactively with change. A deep sense of commitment provides the energy needed to succeed as a world-class organisation. (Moloi, 2002:4,5).



A learning organisation involves:

- A wide variety of stakeholders in planning, decision-making and monitoring
- Regular reflection
- Providing opportunity for people to share their aspirations
- Developing people's capacity
- Working together towards a common vision
- Creating meaning of what is happening
- Being proactive
- Problem solving
- Improving teaching and learning
- Creating time to reflect and learn as an organisation
- Infusing organisational learning into school culture.

4.5 Concluding remarks

In this unit you have been helped to explore ways of encouraging your school community to remain committed to your school's values, vision and mission and to assist in the development of a strong and positive school culture around these. You have explored various concepts of organisations and the ways in which leadership is enacted within these to achieve the vision and mission of the school. You will now be able to consider your own context more analytically to help you in the process of moving your school forward through the identification of school improvement and development priorities and how these must be underpinned by values and effective leadership.

Leading and managing school self- evaluation, strategic and development planning

unit 5

Introduction
Learning Outcomes — 5.1

Topic 1: The principal as a planner and a strategic thinker

5.2.1 Strategic, functional and operational plans
5.2.2 Plans needed in schools
5.2.3 The planning process
5.2.4 Who participates in the planning process?
5.2.5 Plans can go wrong
5.2.6 Strategic thinking
5.2.7 Strategic thinking skills for unpredictable scenarios — 5.2

Topic 2: whole school evaluation and school development

5.3.1 School development
5.3.2 The need for school reform and development
5.3.3 Standards and accountability
5.3.4 School effectiveness and school improvement
5.3.5 School reform in South Africa
5.3.6 Recent trends in school reform
5.3.7 South African Education Quality Assurance Policy — 5.3

Topic 3: Conducting a whole school self evaluation

5.4.1 Setting the scene
5.4.2 Selecting/acquiring evaluation indicators
5.4.3 Conducting a participative evaluation
5.4.4 Developing a school improvement plan — 5.4

Topic 4: Managing school development

5.5.1 Creating time, structures and processes for development
5.5.2 Managing the school development process
5.5.3 Problem analysis and project identification process
5.5.4 Project planning process
5.5.5 Develop a project budget
5.5.6 Encouraging community support — 5.5

Topic 5: Sustaining the evaluation and development process

5.6.1 Monitor and manage the process
5.6.2 Motivate and support role players
5.6.3 Adhere to action learning — 5.6

Concluding Remarks — 5.7

LEARNING GUIDE
unit five

5

Leading and managing school self- evaluation, strategic and development planning

5.1 Introduction

In Unit 4 you examined the importance of developing a quality vision, mission and values statement to guide everything that happens in your school. Unit 5 extends this assessment into a more in-depth evaluation of the areas of your school that need to be improved in relation to both your vision, mission and values statement and national criteria. It examines whole school evaluation and whole school development within a South African policy context and explores national and international trends in these areas. It also introduces strategies and tools to assist you in introducing, implementing and sustaining whole school evaluation and development as important change processes in your school.

Overview of what is covered in Unit 5
Topic 1: The principal as a planner and strategic thinker
Topic 2: Introducing whole school evaluation and development
Topic 3: Conducting a whole school self-evaluation
Topic 3: Engaging with whole school development
Topic 4: Sustaining whole school evaluation and development.

Learning Outcomes

Develop and communicate school values, vision, mission, policies and plans (in a collaborative way and secure commitment to these).

- Manage a process for the participative development of a school development plan with vision, mission and values based on context and needs analysis Develop and maintain structures and processes that support a consultative and participatory approach to decision making and planning.
- work within the school community to translate the vision and policies into suggested operational plans that will achieve sustained school improvement
- Understand and be able to apply relevant content knowledge in leading and managing policy, planning, school development and governance
- Understand and apply in a reflective way school development and planning.
- Understand and apply in a reflective way participatory approaches to decision-making, communication and the role of consultation in planning.

5.2 Topic 1: The principal as a planner and a strategic thinker

Strategy and strategising are words we use on a daily basis, together with the term 'strategic planning'. Strategy has its origins in the military world. In the military 'strategy' has to do with preparing for battle, with planning to win a war.



- Without looking the term up in a dictionary or on the internet, jot down what you understand by the terms 'planning' and 'strategic thinking'.
- Next note as many reasons as you can
- why planning is an important component of a principal's job
- why principals need to be able to think strategically.

List the types of activities at schools for which plans are needed.



- A strategy is a long term plan of action designed to achieve a particular goal or to 'win' a particular contest.
- Planning consists of deciding what to do, how it can be done and when it should be done.
- Strategic planning can be defined as a process of determining the long-term goals of an organisation and then identifying the best approach for achieving those goals.

School principals are managers of learning organisations and therefore have to undertake the four management tasks of planning, organising, leading and controlling. The Allen Wheel, shown in Figure 4, provides a graphical depiction of the tasks which managers must fulfil.

Planning outlines what goals an organisation wants to achieve and how it is going to achieve these goals. The plans of the organisation then shape what needs to happen in the other three management processes, i.e. organising, leading and controlling.

Planning is concerned with the future operations of an organisation – such as a school. The manager – or principal – decides what needs to be done and how these tasks could be effectively executed. Managers usually consider a number of different options before they decide on the best plan to follow.

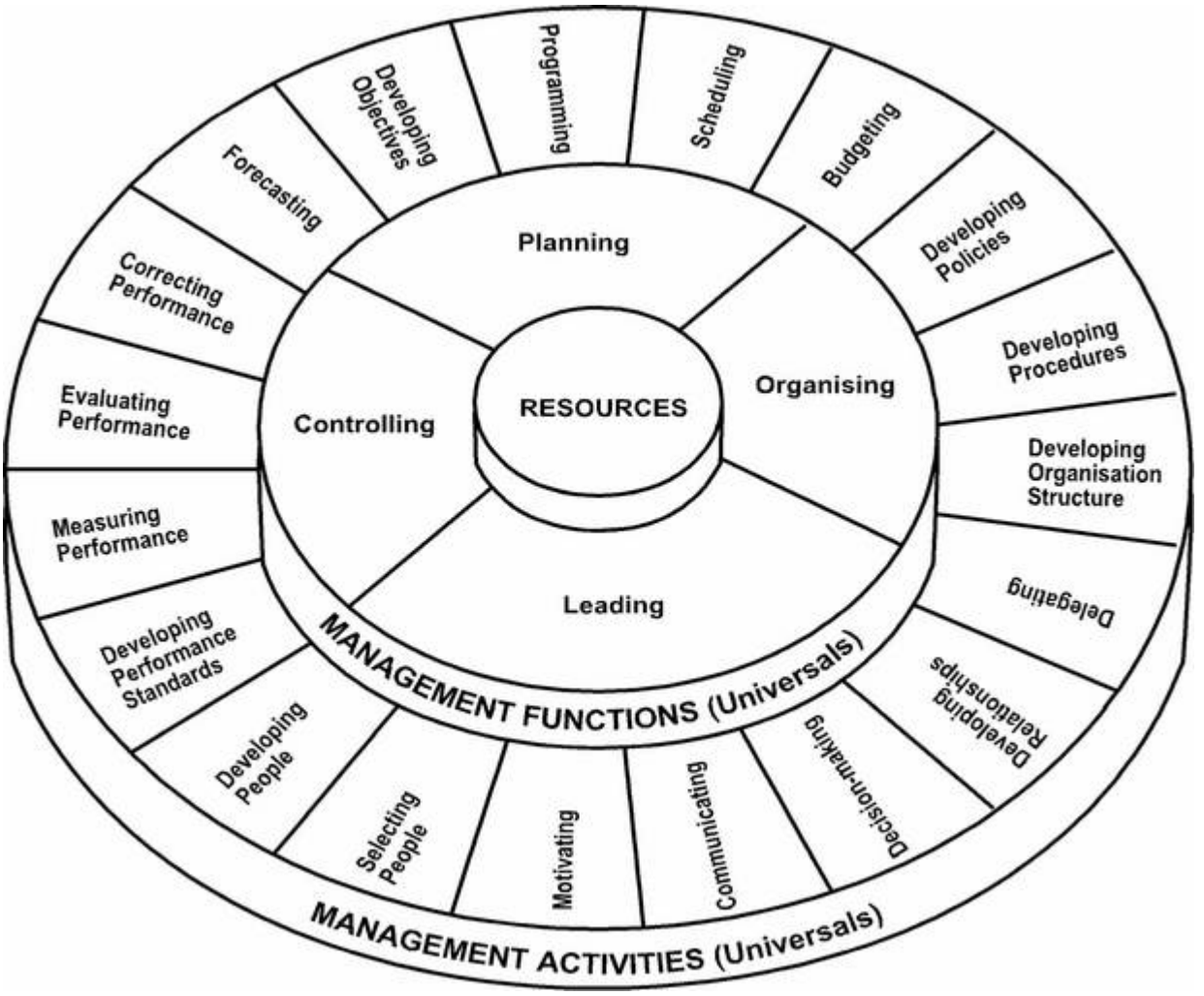


Figure 4: The Allen Wheel

5.2.1 Strategic, functional and operational plans

In Unit 5 you are going to consider school development planning in detail, including the steps of implementing and managing a school development plan. This section, therefore, consists of only a brief introduction to the idea of planning and thinking strategically.

There are three different kinds of plans which principals can use when running their schools.

Strategic Plans: No principal will be able to achieve the goals set for his/her school without a clear strategy. Strategic planning has to do with the direction and purpose of a school. As strategic plans focus on the future direction and long-term goals of the school these plans are usually carried out by senior management. Strategic plans outline

- The vision of the school
- The outputs that the school wants to achieve
- The clients with whom the school will deal.

- While strategic plans deal with the future activities of a school, they are always determined by current and past experiences, strengths and weaknesses of the school. So strategic planning for a school arises out of that school's future, present and past.

In schools, strategic plans are usually drawn up by the principal in conjunction with his or her management team and the school governing body.

Functional Plans: Functional plans focus on medium-term goals. These plans outline how the different functions or operations within the school will contribute to the achievement of the strategic (long-term) plan.

In schools functional plans are usually drawn up by subject heads or the heads of the different phases.

Operational Plans: Operational plans focus on the day-to-day activities of the school. These plans outline what must be done, how it must be done and who will be responsible for doing the work. Operational plans are short-term.

In schools, operational plans are generally drawn up by teachers as they plan their lessons or extra-curricular activities for the term.

5.2.2 Plans needed in schools

In schools, planning is of critical importance. Principals are responsible for overseeing so many different activities and so many different individuals, that things can be forgotten or neglected unless, specified in an operational plan. The planning circle, shown in Figure 5 below, provides examples of only some of the different plans which must be undertaken at schools on a regular basis.



Figure 5: Planning circle

Please note that not all planning is strategic. There is much planning in a school that is quarterly, monthly, weekly and daily. Such planning is no less important than strategic planning. In fact, without such regular functional and operational planning being undertaken there would be little opportunity for strategic planning because all of a school leadership team's energy would be consumed by crisis management.



Study the planning circle diagram (Figure 3) and then answer the following questions:

- What other types of plans can you add to the planning circle?
- Although there are a great many things that must be planned at schools, all plans focus on the core function of a school. What is this core function?
- Draw a diagram indicating:
- What plans have been drawn up and are being used in your school today
- What plans have been drawn up but are not being implemented in your school today
- What plans still need to be drawn up and implemented to help improve the running of your school.

You might like to repeat this exercise with your SMT.



With regard to question 1, there are many other school plans which you could have listed such as:

- Planning for admission of learners to school in a new academic year
- Planning for first day of term
- Planning for extra mural activities
- Planning of school outings
- Planning for the distribution and collection of textbooks.

With regard to question 2, as is clearly indicated in the diagram, the focus of any planning at school should be the improvement of the process of teaching and learning. The end result of any school plan should be the improvement of learner achievement.

With regard to question 3, this is part of the courageous conversation you began in the previous section on role models. As was indicated there, you need to acknowledge what is being done and what is not being done so that you can begin taking steps to improve the management of your school. No principal can pretend that every plan in his or her school is being run perfectly – there is always room for improvement. Similarly no principal should struggle to identify a few plans which are being used at their school.

5.2.3 The planning process

In Unit 5, you will be given opportunity to investigate and undertake intensive planning in terms of school development plans. This section serves as a quick introduction to the process. The principles and processes of planning are quite simple and do not change, no matter whether you are undertaking strategic planning or operational planning or even school development planning. A fun and effective way of undertaking planning is to use the WOW, NOW and HOW approach.

WOW: This is the dream of what we want to achieve for our school. When we think about this dream we say "WOW!"

NOW: This is what we are like NOW, this is where we need to begin working from in order to reach our goals.

HOW: When we have a picture of our dream and we look at where we are now, then we want to decide HOW we are going to move from NOW to WOW.

Figure 6 contains an overview of the planning process. Note that any plan should begin with, and be driven by, the values and vision of the organisation.

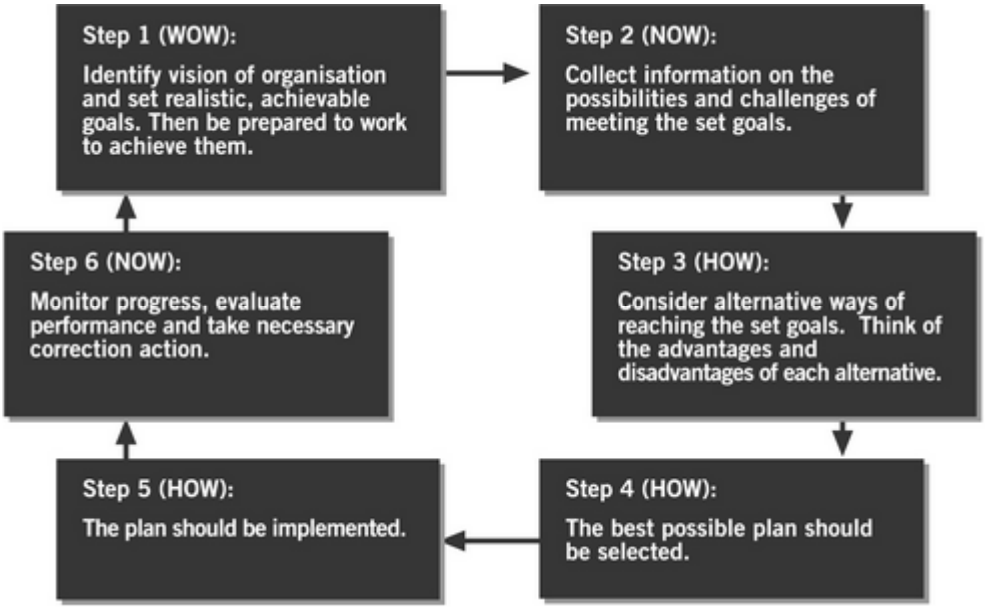


Figure 6: The planning process

5.2.4 Who participates in the planning process?

In the core modules Understand school leadership and management in the South African context and Lead and manage people you learn about different leadership styles, including participative and invitational leadership. The purpose of this section in this module is to emphasize the need for you to ensure sufficient participation by all school community members in all school planning and activities. Text 15 in your Reader provides a quick synopsis of the issues if you wish to refresh your memory.



- To what extent are your educators involved in your school planning processes?
- To what extent are your parents involved in your school planning processes?
- To what extent are your learners involved in your school planning processes?
- To what extent do your educators support and implement school plans they are responsible for?
- To what extent do your parents support and implement school plans they are involved with?
- To what extent do learners positively contribute towards implementing of school plans?
- How can you improve the participation of educators, parents and learners in the development and implementation of school plans?



- The key point of this exercise is to (a) acknowledge that the principal cannot be responsible for undertaking all the planning at school on his/her own. Certainly it is the responsibility of the principal to initiate planning and to monitor and supervise the implementation of the plans.

But, no matter how small or isolated a school is, it is not possible for the principal to do everything by him/herself.

- School leaders need to courageously acknowledge what support they have from their educators, parents and learners. Once this has been done, it will then be possible to take steps to improve the support and input from these members of your school community.
- You will spend time specifically examining the support of different sections of the school community in Units 2, 3, 4 and 5 when you investigate school vision and mission planning, school policies, role of the SGB and RCL as well as school development planning.
- Remember that you are the role model here. If you are not seen to actively support and implement school plans, do not expect other members of your school community to do so.

5.2.5 Plans can go wrong

You have often heard people saying that 'things did not go according to plan'. Spend a little time think about what can go wrong in the planning process. Here are a few reasons why plans fail:

- Goals set are simply not realistic and achievable
- Not all the steps are followed in the planning process. For example no alternative plans are available when something goes wrong. The old saying 'If you fail to plan then you plan to fail' is a truism – if you have not planned properly then the results will not be as you expect
- Staff and community affected by the plans are not included in the planning process
- Not enough money is budgeted to effectively implement the plan.

5.2.6 Strategic thinking

that you are able to think strategically. You noted down your understanding of thinking strategically in a Stop and Think activity earlier. As you probably indicated there are various ways in which principals need to be able to think strategically. You have already spent time considering one way – planning.

A further two ways in which principals should be able to think strategically are:

- Being able to identify and solve problems as they arise
- Being able to anticipate problems and events arising in the future and taking steps to deal with these efficiently.
- A characteristic of good principals is their ability to anticipate and solve problems efficiently. Problem solving involves a process of (a) identifying that a problem has arisen or is going to arise, (b) creating a list of possible options to overcome that particular problem, (c) deciding on the best choice from these options, and (d) implementing the decision.

A step-by-step approach to problem solving is provided in Text 16 in your Reader. You may follow that approach or use your own methods (such as a SWOT analysis) as you deal with the problems in the activity that follows.

activity 5a

time allocation

± 120 min (Plus ongoing research)

Read the Cape Times article below and then answer the questions that follows it.

Adapted from The Cape Times, 10 January 2007

Cape compiling report on burgled schools

By Caryn Dolley

Edgar Wyngaard, principal of Heideveld Primary School, said on Tuesday that when he returned to his school on Monday morning he discovered a storeroom and nine of the 24 classrooms had been burgled and vandalised, causing more than R100 000 worth of damage.

"It must have happened during the holidays. The light fixtures, plugs and switches in the classrooms were stolen and I found the remains of stuff the burglars used to smoke tik (crystal methamphetamine) with.

"Copper piping was stolen from the toilets and a whole year's worth of toilet paper was stolen. There was a similar situation last year but it wasn't as bad as this," he said.

On Tuesday the classrooms at Heideveld Primary School were being cleaned and lights fixed in preparation for the start of the new school year.

Wyngaard said they had not employed any security guards over the holidays as members of the community living nearby monitored the school. He said a discussion with governing body members would be held this week to discuss what security measures the school would take to prevent further vandalism.

Questions?

1. Do you think the problem reported on is a new problem or a recurrent problem?
2. What strategies could the principal adopt to prevent the same problem from happening again? To answer this question you need to provide a detailed analysis of the problem. You can use the approach provided in Text 16 in your Reader or your own method. Provide as much detail as possible – you can use your imagination to provide information not given in the newspaper article.
3. Now identify a problem that is affecting your school. Strategise with your SMT on how your school is going to deal with this problem over the next three years. This problem could be something like:
4. Malnutrition in your school's area is having a negative impact on learners' performance
5. Your school learners are achieving poor results in Maths
6. Teachers are spending too much teaching time outside the classrooms involved in other activities, such as meetings, funerals and extra-curricular activities
7. Your school's library has a shortage of good books and needs to be upgraded.
8. Note that you cannot simply choose a problem and seek to address it. Having identified some possible problem areas, you need to:
9. Undertake some research to see whether they really are a problem
10. Collect and analyse data to discover the extent of the problems

11. Ascertain whether the issues are core problems or symptoms of something else
12. Prioritise which problem(s) you need to address first.
13. Place your answers in your portfolio.

5.2.7 Strategic thinking skills for unpredictable scenarios

No matter how much you plan, school leaders will always be required to deal with unpredictable issues because of the constantly changing nature of the school environment. Being able to think strategically, therefore, also means being able to 'think on your feet' when meeting the demands of an unexpected situation.



- Being able to think strategically is a vital skill which all principals need to have. In the previous two activities you had to strategise to deal with current challenges your school faces. Be flexible in your implementation of your plans because we cannot predict all the twists and turns that life presents with the passing of time.
- It is also important to remember that after a while your plans should form part of your overall school development plan (dealt with in Unit 5).



Below is a list of daily school scenarios that are usually unpredictable, most of which require unexpected planning by the school principal and school management team. Provide direction for four of the scenarios by completing the table below.

TABLE 6: ACTION PLAN FOR UNPREDICTABLE SITUATIONS

ACTION PLAN FOR UNPREDICTABLE SITUATIONS					
Scenario No	Actions to take?	Who will do it?	By when?	Resources?	How will we know the situation has been dealt with effectively?
1					
2					

- A storm has damaged the roof of the school and three classrooms have been damaged by rain water.
- A parent stops you in the corridor and complains to you that her son is being victimized by the Maths teacher.
- A teacher becomes severely ill and has been booked off by the doctor for four months.
- Ten children who bought the same cooked food from the tuck shop suddenly have high temperatures and begin vomiting very badly.
- There has been a leakage of the Senior Phase Economic and Management Sciences end of year test papers.
- There have been a number of reports of bullying and it appears to be a growing problem in the school.
- The District Manager indicates that he/she will be visiting your school tomorrow morning.

5.3 Topic 2: whole school evaluation and school development

5.3.1 School development

The term whole school development has been applied in many different contexts by different agencies and in different projects. In some cases through ad hoc application and lack of management it has lost its significance and simply become another thing that has to be done. We need to revisit the concept of school development as a powerful change process that, especially when coupled with internal whole school evaluation, assists in moving a school closer towards becoming a high quality-learning organisation. However, like all other processes in order to have impact school evaluation and development must be situated within appropriate organisational structures and involve rigorous planning, careful monitoring as well as buy-in for enthusiastic implementation. School evaluation and development form part of a broader field of school reform and it is useful for the purposes of understanding and application to contextualise these processes and relate them to the trends and approaches within this field.



Take a few minutes to reflect on your experiences of whole school development

- What have your experiences of whole school development been? Positive or negative?
- What has influenced your experiences of whole school development?
- Will this influence how you respond to this unit?

5.3.2 The need for school reform and development

For more than a century there has been much international debate around the nature and purpose of schooling. In 1966 the landmark research of Coleman raised the concern that schools could not compensate for socio-economic background. This together with concern about the results of progressive education resulted in government departments of education and schools paying closer attention to what they were doing and the results that they achieved. It also resulted in research to prove that schools have an important role to play in the society and economy and publications such as Schools Can Make a Difference (Brookover et al., 1979) and School Matters (Mortimore et al., 1988) contributed to a restored faith in the potential of schools to make a difference. During the same period Coleman, Hoffer & Kilgore (1981) conducted a major federal study of public and private schools and made the statement that schools could make a difference in terms of addressing socio-economic background, but that this was dependent on the nature of the schools. They concluded that schools that promoted higher academic achievement regardless of the learners' backgrounds were more likely to make a difference.

With this research and later research on school effectiveness, which we explore in more detail below, it became evident that schools can make a difference. It however, depends on the quality of the school as to how much difference they

will make. As with business the buzz word in education towards the end of the twentieth century was quality and associated with this performance standards and accountability. It is, acknowledged that schools are highly complex organisations and reform associated with improving standards and performance is equally complex. One of the biggest challenges faced by school reformers is that we are still learning about the very nature of education. Macbeath & Mortimore (2001:1) capture this in the statement that "… we have entered a new millennium with sophisticated science and spectacular technology but still without knowledge of how to educate our children. We have discovered how to engineer the blueprint of living beings but we are still searching for an environment in which children can learn with enjoyment and effect". High levels of poverty in third world countries, the impact of HIV/Aids, increasing family dysfunctionality and the impact of technology, further complicate this. Thus while we might have a picture of the "ideal" school making this a reality given contextual challenges is not an easy task as Fullan (2001:5) says with reference to school reform "putting ideas into practice was a far more complex process than people realised".



- Take time to reflect on the following:
- In your opinion what is the purpose of schooling?
- Do you believe that schooling makes a difference? Why or why not?



World Bank research indicates that schooling in developing countries is attributed greater impact on learner achievement than that in developed countries (Heneveld & Craig, 1996). This is supported by researchers such as Fuller (1997) who suggests that in developing countries school factors do influence student achievement and identifies the school's social organisation, teaching practices and teacher qualifications as important factors. He also notes that more expensive inputs such as class size, teacher salary level and science laboratories do not necessarily mean higher levels of academic achievement while textbooks and writing materials have more influence on achievement than in developed countries.

5.3.3 Standards and accountability

Internationally there has been a move towards decentralising public service management with an emphasis on site-based management. This is often coupled with a centralisation of policy development and a decentralisation of governance, management and administration. In an attempt to ensure quality at a site level there is a move towards setting national standards and accountability procedures while encouraging support and development at a district and school level. This involves a combination of what Taylor (2002) refers to as the 'outside in' versus the 'inside out' approach. In South Africa this is embodied in the Whole School Evaluation Policy (South Africa DoE 2001a) through external evaluation criteria and monitoring by the Department of Education and the self-evaluation and school development process required of school communities. The outside-in and inside-out approach are linked to the two primary fields of school reform. Let's take a look at these before moving into school development planning.

5.3.4 School effectiveness and school improvement

The response to questioning whether or not schooling makes a difference (i.e. the Coleman Report) essentially took two forms. The first, school effectiveness, focussed on proving that schooling did make a difference provided that it was the right type of schooling involving the right combination of factors. The second, school improvement, involved a more holistic approach that centred around specific intervention initiatives and processes and focused more on the actual school transformation process. School improvement is also sometimes equated with and also used interchangeably with the term school development. For example Hopkins (1996:33) defines both school improvement and school development as "…a process through which schools adapt external changes to internal purpose". More privileged and functional schools are able to focus most of their school improvement initiatives at the classroom level. Most United Kingdom discussion around school improvement/development centres primarily on change at a classroom level. However, in schools facing more challenging circumstances (SFCC) a broader definition is required that focuses on both organisational and classroom change.

our comments

There is not scope within this unit to examine school effectiveness and school improvement in-depth, as there is a vast amount of literature on both. For the purposes of this unit a brief synopsis of each is provided together with a brief discussion of the recent trend towards merging aspects school effectiveness and school improvement. A reading list is provided should you wish to conduct further research in this area.

School Effectiveness

Internationally school effectiveness has adopted a focus on input and output. In this sense effectiveness is essentially measured in terms of learner achievement. Therefore output (ends/goals) involve the learners' attainment of results while input (means) involves researching what school related factors or characteristics contribute towards the attainment of a high quality of learner achievement.
The school effectiveness movement has contributed to the classification of schools in terms of different levels of functionality. When schools are examined within a school effectiveness approach results are generally adjusted according to a 'value-added' approach to compensate for socio-economic factors that affect schools, especially those that face challenging circumstances.

In most school effectiveness research, factors such as school leadership and management together with the centrality of teaching and learning (time spent in class, educator preparedness) rank top of the list of what makes an effective school.

School effectiveness research is generally criticised for a narrow focus of what constitutes learner achievement (i.e. just academic results) and its tendency to provide lists of characteristics instead of an in-depth analysis of these factors and related processes that contribute towards their creation, sustainability and impact.

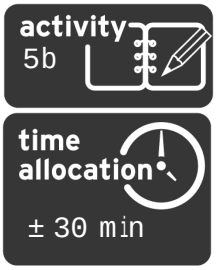
School improvement primarily focuses on improving schools from within. The school is seen to be the site of change and there is much emphasis on the school community taking ownership of school transformation and change.

The core focus of school improvement remains a focus on improvement processes in addition to achievement outcomes. Central to school improvement is the identification and implementation of improvement strategies. Most school improvement initiatives rest on two key assumptions: (i) schools have the capacity to change themselves, and (ii) school improvement involves cultural change (in terms of school culture) that is best achieved through working in each school. Also highlighted is a school community's desire to change. Many school improvement initiatives are underpinned by organisational development and change theory and include consideration of factors such as 'readiness' to change 'organisational values and vision'. Ensuring that a school's organisational culture will support and sustain change is key to any school improvement process. This has been referred to as "reculturing" in contrast to "restructuring" by Hargreaves & Fullan (1998:129). "Restructuring" involves formal changes to timetables, organisational structures, etc., while "reculturing" involves "…changing the norms, values, incentives, skills, and relationships in an organisation to support (and prod) people to work differently together". Based on their experience Hargreaves & Fullan (1998) argue that "restructuring" does little to improve the quality of teaching and learning whereas "reculturing" has a significant impact.

It is also acknowledged that not all schools require the same school improvement strategies – that different schools require different intervention. In keeping with this Hopkins (2001) presents a three-level categorisation of schools: "failing" or "ineffective", "low-achieving" and "good" or "effective" and proposes different strategies to target each level of school which he refers to as type I, type II and type III strategies.

The main criticism of school improvement has been its tendency during its initial phases to ignore learner outcomes as a measure of school improvement. It has also been criticised for its focus on the school as the site of change as opposed to systemic change.
Towards a merging of school effectiveness and school improvement

Recently the benefit of applying the strengths of both school improvement and school effectiveness has been recognised and is applied in many initiatives. Fidler (2001:47) sums it up in his statement that the merging of school effectiveness and school improvement is logical in that school effectiveness research identifies the features that make a school effective and school improvement identifies a process of how to achieve this.



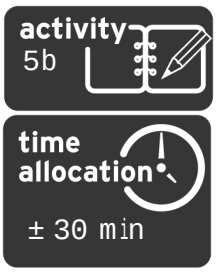
Prepare an answer for each of the questions below:

- In summary what are the main differences between school improvement and school effectiveness?
- What are the strengths and weaknesses of school effectiveness?
- What are the strengths and weaknesses of school improvement?
- How do the two approaches complement each other?

5.3.5 School reform in South Africa

Initial school reform in South Africa was associated primarily with whole school development and focussed teacher development initiatives. The latter were usually subject specific and were aimed at developing teacher competency in a particular subject. However, given South Africa's legacy of apartheid and high poverty levels school development in South Africa is documented as a very complex process. Although researchers such as Taylor (2007:1 (forthcoming)) state that the knowledge about South African schools has improved dramatically since 2003 there is still a great need for much more information on the practicalities and dynamics of school reform.

Many of the initial school development projects were criticised for having too much focus on organisational factors to the detriment of learner achievement factors. However, the need to focus on school organisational and other issues related to the empowerment of the individual is considered important in developing countries (Harber & Davis, 1997). More recent school reform and development projects such as the Education Action Zone (EAZ), the Systemic Enhancement for Education Project (SEED), the Soshanguve School Development Project (SSDP) and the District Development Support Programme (DDSP) have tended to adopt a systemic approach to school transformation. This involves focusing on all levels of the system: classroom, school, and department of education in the quest to ensure that quality teaching and learning is provided and supported. In 2001 the National Whole School Evaluation Policy was introduced with supporting guidelines. This policy provides the framework for whole school evaluation and development within the broader Integrated Quality Management System. These policies are discussed in more detail below.



List all the South African school development initiatives that you know of. Which of these do you think are aimed at (i) a systems level (i.e. the Department of Education), (ii) a whole school level, and (iii) a classroom level.

Also consider which school development project that you have come across you would consider to be the most effective and why?

5.3.6 Recent trends in school reform

The Report of the Human Rights Commission on the Right to Basic Education (Human Rights Commission (HRC) 2007) in South Africa highlighted a number of areas of concern for education in South Africa. This report states that while much can be done in South African schools to improve the quality of education offered, poverty and related factors (i.e. health, nutrition, parental involvement, employment, motivation, migration etc.) impact negatively on schooling. In many areas schools are assuming a broader function than just education to compensate for poverty.

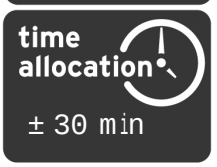
In many countries concern has been expressed about the high levels of stress and poor levels of motivation experienced by educators. Evans (2001) states that the first wave of school improvement initiatives adopted a rational-structural paradigm of change that focused on procedures rather than people. The second

wave has focused more on the lived reality of teachers and emphasised the need to enhance educator morale, motivation and participation. In addition there is a suggestion that staff relationships also play an important role in determining, not only the overall functionality of the school, but also the way in which school improvement initiatives are carried out successfully at a school level. Authors such as Fullan (2001:4) highlight the importance of focusing on relationships when trying to improve schools. He says that it is "abundantly clear that one of the keys to successful schools is the improvement of relationships". Reynolds (2001:37) goes as far as to say that a new area of study that has emerged from both school effectiveness and school improvement studies recently is the study of relationship patterns within staff groups and student groups. He places this relational component as the "third dimension" of schooling alongside the organisational and cultural components.



The challenge for leadership is to identify some of the individual and relational threats to school development and to try and address these prior to and during whole school development planning and implementation. As a school leader your key role in this process will be to encourage participation in school development and to motivate, encourage and role model throughout the journey. You can refer to the invitational leadership approach explored in the core module Lead and manage people to help you.





Take time to conduct a SWOT analysis of the factors that will hinder or support whole school evaluation and development in your school.

For example

Strengths:

- I have a core of dedicated staff that can work with me and hopefully inspire the other staff.
- I am a strong leader.
- My school community is supportive.

Weaknesses:

- Some of my staff are not motivated.
- I tend to get impatient with people who don't deliver on time.
- Our school is situated in a very poor community where most learners live with grandparents or guardians.

Opportunities:

- This is an opportunity to strengthen staff relationships.
- This is an opportunity to develop our school into a quality learning community.

Threats:

- Lack of cooperation
- Lack of resources.

5.3.7 South African Education Quality Assurance Policy

In South Africa the Whole School Evaluation Policy (2001) guides the school development process. Let's take a brief look at what this policy is all about.

The National Whole School Evaluation Policy

The National Whole School Evaluation Policy (2001) was introduced as a component of the National Department of Education's initiative to improve the quality of education in South African schools through introducing self and external evaluation of schools together with accountability indicators and measures. The overarching aim of this policy is summarised in the following sentence: "the National Policy on Whole-school Evaluation has been designed to ensure that school evaluation is carried out according to an agreed national model. It sets out the legal basis for school evaluation, its purposes, what is to be evaluated and who can carry out evaluations" (South Africa. DoE, 2001:7).

The National Whole School Evaluation Policy's principal aims are to:

- Moderate externally, on a sampling basis, the results of self-evaluation carried out by the schools
- Evaluate the effectiveness of a school in terms of the national goals, using national criteria
- Increase the level of accountability within the education system
- Strengthen the support given to schools by district professional support services
- Provide feedback to all stakeholders as a means of achieving continuous school improvement
- Identify all aspects of excellence within the system which will serve as models of good practice and
- Identify the aspects of effective schools and improve the general understanding of what factors create effective schools. (South Africa. DoE, 2001: 10)

The self-evaluation is conducted by the school community and forms the basis of the School Improvement Plan. It is anticipated that a provincial team of whole school evaluation supervisors will carry out external evaluations in a three-year cycle with secondary schools and a five-year cycle with primary schools. At least fifty percent of the time that the supervisors spend at the schools must be spent on lesson observation. After visiting a school the supervisors should supply the school with an oral and written report that highlights the strong points of the school's performance and which makes recommendations for improvement. Provincial Improvement Plans and District Improvement Plans will be developed to assist schools meet their School Improvement Plans.

The following are the focus areas of whole school evaluation:

- Basic functionality of the school

- Leadership, management and communication
- Governance and relationships
- Quality of teaching and learning, and educator development
- Curriculum provision and resources
- Learner achievement
- School safety, security and discipline
- School infrastructure
- Parents and community. (South Africa. DoE, 2001:13).

The Department of Education has developed criteria and descriptors (South Africa. DoE, 2001b) linked to the focus areas covering inputs, processes and outputs (South Africa. DoE, 2001b: 13–16) that are graded according to a five-point scale. These initial criteria and guidelines for evaluation (South Africa. DoE, 2001b) were revised in June 2004 (South Africa. DoE, 2004). The process of whole school evaluation is managed nationally by the National Quality Assurance Directorate and locally by Provincial and District Quality Assurance units.

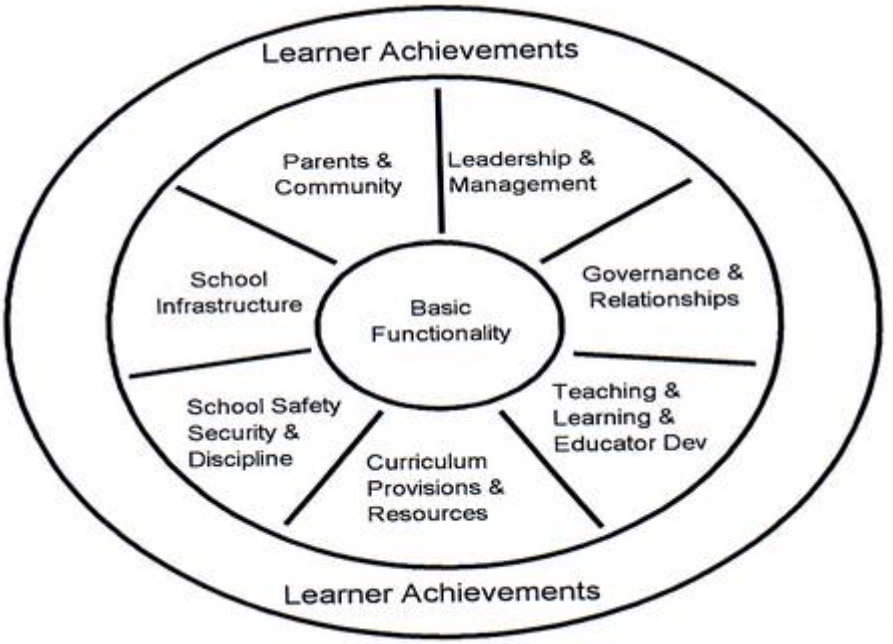


Figure 7: The nine areas of whole school evaluation with learner achievement as the key outcome and basic functionality as the central driver.

The Integrated Quality Management System

While whole school evaluation is one component of quality management, it is not the only one. The Department of Education and the Education Labour Relations Council (ELRC) introduced the Integrated Quality Management System (IQMS) for school-based educators in collective agreement 8 of 2003. This system acts as a framework to integrate the existing programmes on quality management in education. It incorporates the following programmes: Developmental Appraisal System (DAS) (introduced by Resolution 4 of 1998), the Performance Measurement System (introduced by Resolution 1 of 2003) and the National Whole School Evaluation Policy. The introduction of an Integrated Quality

Management System was an attempt to solve some of the logjams that arose in response to the Development Appraisal and Performance Measurement systems. It also provides a way of integrating the key focus on teaching and learning of all three systems (including WSE as mentioned where 50% of the time of the WSE supervisors conducting a school evaluation must be spent observing lessons) and attempts to eliminate unnecessary duplication of assessment in this area.

The IQMS document sums up the aims of these three systems as follows:

- The purpose of Developmental Appraisal is to appraise individual educators in a transparent manner with a view to determining areas of strength and weakness, and to draw up programmes for individual development.
- The purpose of Performance Measurement is to evaluate individual educators for salary progression, grade progression, affirmation of appointments and rewards and incentives.
- The purpose of Whole School Evaluation is to evaluate the overall effectiveness of a school as well as the quality of teaching and learning.
- The document (ibid.) states that these three programmes should be implemented in an integrated way so as "…ensure optimal effectiveness and co-ordination of the various programmes".

The dual purposes of IQMS are (i) to identify the needs of educators, schools and districts for support and development, and (ii) to promote accountability and institutional effectiveness through the evaluation of both individual educators and the whole school.

The IQMS policy and its implementation are explored in the core module Lead and manage people, so we will not go into detail here. However, take note of the following comment.

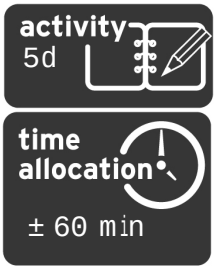


There is often confusion regarding the staff improvement plan, school improvement plan and school development plan. The simplest way of understanding this is the following:

- *The staff improvement plan results from the staff appraisal process and provides detailed information linked to the criteria contained in the IQMS document for the development of a school's staff.*
- *The school improvement plan is a document that examines all 9 areas in the whole school evaluation document in relation to the national criteria provided. This is generally an annual plan. While the school improvement plan may make reference to staff development (as this is one of the 9 areas included) it does not include the detail found in the Staff Improvement Plan.*
- *The school development plan is often viewed as a longer term planning document that sets out school development over 3 to 5 years. This is updated annually as the School Improvement Plan and Staff Improvement Plans are reviewed. While the Staff Improvement Plan and the School Improvement Plan are usually developed internally, with little or no community involvement, the School Development Plan is a document developed with the community.*

The whole school evaluation and the educator appraisal and development (Developmental Appraisal) systems are based on evaluation cycles. For the appraisal of individual educators the cycle involves a baseline evaluation in the first term (of the first year) and a summative evaluation in the last term with two developmental and reflection cycles in between. Included in both the baseline and summative is a self-evaluation process where educators are encouraged to critically reflect on their own performance, to set their own targets and timeframes for improvement to monitor their progress. The baseline is only conducted for the first evaluation cycle, thereafter each summative assessment becomes the baseline for the following year.

The whole school evaluation works on both an internal and external cycle. Schools are expected to develop school improvement plans and to annually reflect on and update these. This evidence is taken into account in the external evaluation. The revised Whole School Evaluation Guidelines and Criteria (South Africa. DoE, 2004b) should be used as the assessment instrument for both the internal and external evaluation processes.



Take some time to reflect on and answer the questions below:

- Describe how the whole school evaluation process as outlined in the whole school evaluation policy is structured.
- How does the whole school evaluation policy fit with the Integrated Quality Management System?
- What have your experiences of IQMS and WSE been to date?
- On the basis of your experience, identify what you can do as a school leader to maximize the positive aspects of IQMS and WSE processes and to minimize the potential problems and pitfalls.

5.4. Topic 3: Conducting a whole school self evaluation

5.4.1 Setting the scene

The way in which whole school evaluation and development is introduced and promoted within a school community has a large impact on how successfully it will be implemented. If educators particularly do not see the benefit of participating in the process, not only for the whole school, but also for themselves as educators then the initiative is unlikely to succeed.

Whole school evaluation and development is a process that not only aims at improving school performance to nationally determined standards, but is also an important part of a school working towards its vision. It is therefore critically important that your school has a powerful vision, mission and values statement in place (see Unit 2) to drive and support school development. As suggested in Unit 2 the school community should ideally have been involved in creating this vision. If many were not part of the initial vision design process then it is recommended that you spend some time revisiting the vision and motivating and enthusing staff around the school's vision and core values. An important part of this process will to be to encourage the alignment of personal professional vision to your school's vision.

Before introducing school evaluation and development school leadership should have their own operational plan in place and have adapted school structures to accommodate this.



It is well documented in school improvement literature that if time and school structure do not accommodate school development then it is unlikely to be successfully implemented or to be sustained in the long term. Therefore, time should be set aside in the school year planner (and if possible timetable) for meeting times for those working on school development, together with strategic planning and report back sessions that link to the learning organisation ethos discussed in Unit 2. Annual time should also be set aside for the school self evaluation and subsequent planning process. Ideally this should be in term four of the year prior to implementation. This provides opportunity to reflect on what has happened during the year that has passed, to develop a school improvement plan for the subsequent year and to integrate school improvement related expenditure into the budget for the year ahead.

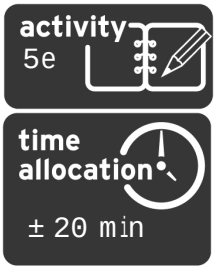


The following conditions will support WSE:

- The school community responds well to participative leadership
- The school community is inspired and willing to participate in activates aimed at improving the quality of teaching and learning in their school
- The school community can work together as a team
- The school works as a learning organisation.

Do not be despondent if not all of the supportive conditions are in place prior to implementation of the process, many can be developed along the way. Consult

expertise where available (and read as much as possible) to make self-evaluation and improvement succeed in your school.



Take time to reflect on how ready your school is to commence with school evaluation and improvement. Complete the questionnaire below and then determine what you still need to do to create the right climate for self-evaluation and development.

	Yes	No
Our school has an inspirational vision and mission		
The school community is familiar with and supports the vision and mission.		
The school community is motivated to work towards improving our school.		
The school community holds teaching and learning in high regard.		
The relations amongst people in the school will support the school improvement process.		
Leadership has a strategic plan for school evaluation and improvement.		
Time has been set aside for evaluation, planning and improvement.		
Time has been set aside for implementation and reporting.		
Time has been set aside for reflecting on and amending the process for the following year.		
Provision has been made in the budget for school improvement processes and projects.		

Based on your assessment above how ready is your school to commence with the school evaluation and improvement process?

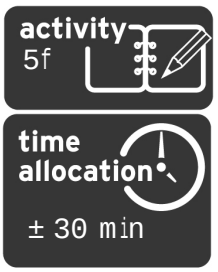
Our school is more than ready.	
We still need to work a bit more at creating the supportive conditions.	
We still have to work a lot more at creating the supportive conditions.	
We need external assistance to create the supportive conditions.	

5.4.2 Selecting/acquiring evaluation indicators

Traditionally SWOT analyses have been used to determine a school's improvement needs. This technique is not ideal as it does not provide a yardstick to work with. If a school is conducting a SWOT analysis what is it conducting it against? For example what are our strengths (in terms of what?), weaknesses (in terms of what?). While a school's vision may provide a measuring instrument as discussed in Unit 2 this gives you an idea of how your school is doing in terms of the community's standards, not necessarily national standards.

With outcomes based education learners are provided with specific national assessment standards that they must attain. In the same way schools need to measure up against national assessment standards (as well as any of their own standards especially those that embody their core values). As discussed in topic 1 of this unit there is an international move towards setting national standards for schools to ensure that quality education is delivered to all students.

These standards should firstly be monitored by the school itself and secondly by the Department of Education. In South Africa these standards are set out in the whole school evaluation indicators (DoE 2004) related to the Whole School Evaluation Policy (DoE 2001a). These are the standards/indicators by which your school will be assessed when the Department of Education whole school evaluation visits you for an external assessment. It therefore makes sense that your school uses these for the purposes of a baseline assessment for school improvement. The GM South Africa Foundation in consultation with six pilot schools has developed a whole school evaluation instrument included in your Reader as Text 14 that incorporates these standards/indicators, plus some standards from other international and national school evaluation instruments. It also includes the educators' assessment standards from the National IQMS assessment instrument. This instrument provides an easy to use evaluation tool that can be used as a basis or guide for a school's self-evaluation process.



Spend some time examining the whole school evaluation instrument included as Reader, Text 14 and discuss with a partner or your SMT how you think school management could use such an instrument to conduct a school self-evaluation in a participatory manner. You will need to pay attention to how the quality of leadership and teaching and learning will be assessed.

5.4.3 Conducting a participative evaluation

As you already know, good buy-in from your school's community entails engaging with the community in a participative process. This process should be one that emphasises the need to genuinely draw on the information and opinions available from the school community, as opposed to something that happens because (i) it's the right thing to do, or (ii) it needs to be done to be ticked off. A school community will sense the real motive of the process in the way that the session is introduced and conducted. Participative planning and development centres on involving stakeholders in school management and of course school improvement.

Thus, participation is two way: not only does it aim to empower stakeholders, but also to elicit their assistance in school activities – in this case school improvement.

As you will know participative planning is challenging in that it requires a good facilitator that can work with the ideas and opinions of all stakeholders while not allowing dominant people to hijack the process and providing opportunity for the voices of the less dominant to be heard. The participative planning facilitator also needs be able to lead people to a point of consensus on various issues for example, what are our high priority needs for the year?

Involving stakeholders in a participatory manner does not mean that you have to hold one big session where everyone makes their input at once. It may be more manageable to meet with different groups of stakeholders and to synthesise the information later and then present it in a larger session.

While some aspects of schools are easy to assess e.g. do we have a vision? Has it been revisited within the last five years? As mentioned other aspects such as those related to leadership and quality of teaching and learning may be more difficult to assess – that is depending on how honest an answer one wants. It is suggested that quality of teaching and learning and professional development be assessed through means of the Developmental Appraisal Process and that the Staff Development Team be commissioned to undertake this. A panel representative of different stakeholders should assess leadership.



- Some schools may choose to adopt the route of setting up panels or committees to undertake an assessment of the nine different areas of whole school evaluation within the following process.
- Whole school evaluation process
- Introduce evaluation process to whole school community.
- Establish committees/panels to undertake an evaluation of each area of whole school evaluation.
- Committees/panels undertake evaluation process.
- Facilitate presentation of committee/panel reports to whole school community.
- Compile summative report and distribute to stakeholders (see example template below related to the GMSAF WSE instrument)

TABLE 7: SUMMATIVE EVALUATION

PRIORITY	AREA	List the key issues (if any) related to the area that needs to be addressed in order of priority. Do not list more than 3 key issues for each area.	Specific details of what needs to be addressed and possible solutions/projects.
HIGH	1		
	2		
	3		
MEDIUM	4		
	5		
	6		
LOW	7		
	8		
	9		



Together with your School Management Team decide how you will undertake your annual whole school self-evaluation process and draw up a strategic plan for this. You may not have the opportunity to undertake this action plan during the course of this module, however, when you do implement it, adopt an action learning approach: document the process, make notes of what works and what does not work, together with suggestions for how you could improve the school self evaluation process during the next implementation cycle. Share these findings with your colleagues at an appropriate time.

5.4.4 Developing a school improvement plan

The summative evaluation conducted by your school community will give you a good idea of the areas that your school needs to work at improving. The whole school evaluation indicators/standards provide a detailed synopsis of what should be in place in your school and the quality in these areas. It is important that your school community does not feel overwhelmed by everything that needs to be done. Being overwhelmed could lead to a state of not knowing where to start.



When considering how this process will take place be sure to include the following:

- What standards/ indicators will you use for self-evaluation purposes? Are these in line with national standards/ indicators? Are all of your own standards/ indicators/ values included? (Text 14 in your Reader provides a long list of possible indicators.)
- How will the self-evaluation process be conducted to ensure participative planning? (i.e. will you establish committees/panels? If so how will these be constituted? Will you host stakeholder sessions?).
- Who will facilitate participative planning and feedback sessions?
- How will the areas of leadership, management, teaching and learning be dealt with in a way that ensures confidentiality and yields meaningful results?
- Who will you compile the summative report?
- How will the outcome of the evaluation be shared with or distributed to the broader school community?

Hargreaves & Hopkins (1991) differentiate between a school's development and maintenance activities. The relationship between development and maintenance activities is a dynamic process whereby development supports maintenance and development changes are integrated into maintenance. A good starting point may be to separate out maintenance from development activities.

Maintenance activities are essentially those that have to be performed on an annual, term or day basis. These include: inventories (infrastructure, textbooks), registers, maintenance of infrastructure and school grounds. These should not fall within the school improvement plan unless there is nothing in place for them and they need to be created from scratch. For example if your school has no infrastructure inventory and maintenance list then this needs to be established – once established it falls into the general school maintenance activities.

Development activities are those that are more long-term and generally assume the form of a project. A project once completed may then fall under maintenance for example a project to develop a school library. Once the library is established and up and running it needs to maintained.

The separation of maintenance from development activities provides a useful way of ensuring that schools do not get caught up in maintenance and never actually deal with school development. It also ensures that whatever is developed gets attention in terms of being maintained.



There are also many different ways to structure a school improvement plan. You need to find a way that best suits yourself and your school, but which can also be used for reporting to the Department of Education. Text 17 in the Reader provides one example of a template for a school improvement plan. Attached to this plan should be:

- *The summative evaluation report*
- *The detailed project synopsis and plan for each of the high priority areas that needs to be addressed (see topic 3 that follows)*
- *Any other information that may be relevant.*





Examine your current school improvement plan and then answer the questions that follow.

- Does it work for you and your school?
- Does it include everything that it needs to?
- Make suggestions on how it could be improved if it needs to be.

If you have not yet compiled your school improvement plan do so with your school community. Document this process and reflect on its successes and challenges.

5.5 Topic 4: Managing school development

5.5.1 Creating time, structures and processes for development

As was discussed in topic 3, if school improvement is to succeed then time needs to be allocated and structures need to be created. Specific people need to be allocated to specific school improvement tasks; project teams and committees need to be established to support this and time needs to be set aside for this. Some schools find that setting aside an hour or so as a planning, reporting and working session after school once a month works. Other schools work these sessions into their timetable. You need to decide what will work best for your school.

Once projects/tasks reach a maintenance level they also need to be allocated attention and responsibility within the general school activity timetable e.g. conducting an infrastructure inventory once a term – who will do this? When will they do this?

In addition to creating time and structures for development, documentation and rigour are key to implementing meaningful school development. The whole school evaluation process has contributed to these processes. The indicators/standards used will have ensured a rigorous evaluation and this is documented in your summative report and school improvement plan. School leadership, however, needs to make sure that these processes are sustained throughout the development process. This is done through careful analysis of priority needs and project planning (see below), report writing, financial analysis of project budgets and recording of expenditure and filing of all of this information for school records. Thus, while each project team/committee should have a file in which they keep these things, a master file for school development should also be stored and maintained in the school office.



When will be the best time for your school community to meet regularly to work on school development?

Who will monitor this process?

5.5.2 Managing the school development process

Central to the success of any school development process is project management. This embodies the rigour and documentation processes discussed above. School leadership cannot undertake to carry out all the school improvement projects identified by a school. They can however manage these and should do so in a manner that encourages participation while not delegating responsibility. School leadership needs to lend authority to a project as if this is delegated to post level one educators or parents they may not be taken seriously and the project may not get off the ground. Post level one educators may also be prepared to work on a project, but not be prepared to put in the additional time and effort that management level educators are expected and prepared to.

However, this should not stop you as a participative leader from identifying and harnessing the passion and skills of post level one educators.

There are different routes one can follow when moving from school evaluation to school development. Figure 8 illustrates one possible route:

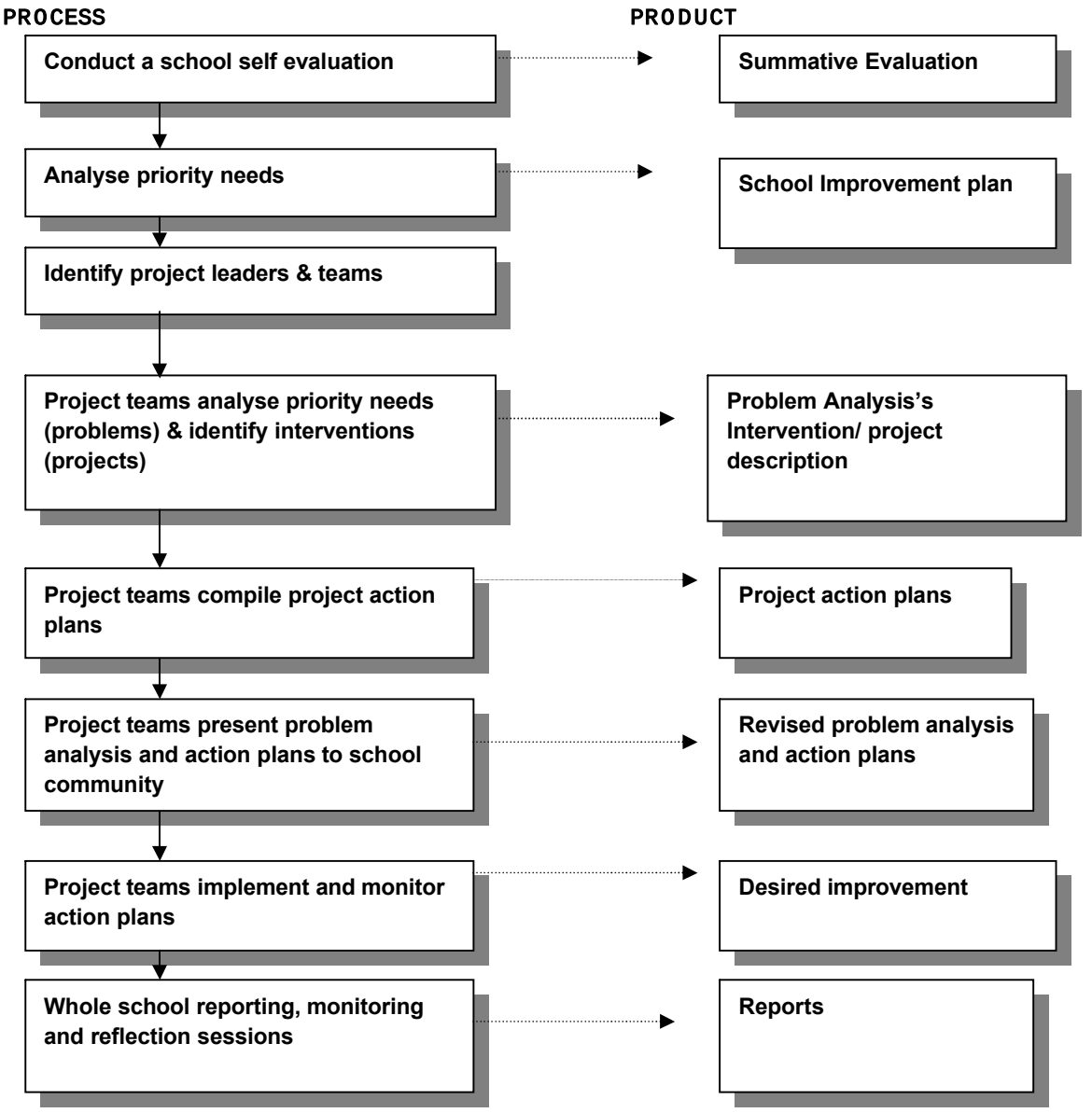


Figure 8: A possible route from school evaluation to school development

Some projects will be priority for more than a year and will take more than a year to accomplish. This is important to bear in mind when planning for the subsequent school year.

5.5.3 Problem analysis and project identification process

Before your school plunges straight in a project and spends valuable resources (especially time) on this it is very important that you make sure that the project is directly addressing the need identified. For example if the priority need is to get more parents to come to the school and the current problem is that not sufficient parents attend parent meetings it is important to collect data and analyse why parents do not attend these meetings. Is it because:

- They have no interest?
- They can't due to work commitments?
- They are nervous to come to the school because they only get moaned at or asked for money?
- Many of the children are orphans or live with guardians?
- The school is far away from the children's homes?

As you can see from this there are many possible reasons and each has its own solution that in turn becomes a separate project. It is therefore of absolute priority to identify the right reason so as to design the right intervention/project.

A template is provided as Reader Text 18 to guide the project analysis process. Below is an example of how Tembalani Primary School applied this to analyse a high priority need in their school.



Choose a priority need/problem in your school and use the template provided in Reader Text 18 to analyse this.

5.5.4 Project planning process

Once the correct intervention has been identified then the project team or committee can commence with the project planning. If you want to take a more formalised approach, especially if your school would like to approach business to fund aspects of a project, then it is recommended that the project team complete a project proposal for the project. An outline for a project proposal is provided in Reader Text 19. Once a project/intervention has been identified it is a good idea to give it a name. This tends to give it a life of its own and makes it more interesting to work on. It is also at this phase that more detailed budgeting is required. An example of this is provided in the next section.

A project plan should consist of 3 documents:

- An action plan
- A Gantt chart
- A project budget.

These can be three separate documents or for easy management purposes can be combined into one document.

An action plan is an important planning tool as it provides a means of putting ideas and words into action. As you are aware the best of ideas can fail if they are not translated into action. It is in putting business ideas into action that we often see whether or not they can work in reality. An action plan should spell out each step of what needs to happen in order for the project to be successful. An example is provided in Table 16 below.



Essentially an action plan consists of:

- What needs to happen - activities
- Who will be responsible for carrying out each activity – person responsible
- When the activity should begin – start (or commencement) date
- When the activity will be completed – completion date
- Actual date of completion – actual date completed.

A Gantt chart shows the time flow of these activities on a chart. The Gantt chart (also known as a barchart) is named after the American Henry Gantt (1861-1919) who developed it. It was initially designed to act as a visual aid for planning and controlling ship building projects (see Table 17 below).

The use of Gantt charts was found to be an effective tool in project management, especially projects linked to the generation of income where it was necessary to complete specified tasks by a certain date so as to speed up production and sales. In business performance targets are often linked to Gantt charts. A Gantt chart should clearly show what project activity is expected to happen when and how different activities build on one another in sequence or can be undertaken simultaneously.

An additional monitoring feature that indicates what exactly was accomplished as well as the recording of any problems can be added to an action plan and Gantt chart. This can be titled verification or comments. The verification/comment component provides a way of monitoring what has happened as well as a means of avoiding making any similar errors in the future.

TABLE 8: EXAMPLE OF AN ACTION PLAN

	ACTIVITIES	PERSON RESPONSIBLE	START DATE	COMPLETION DATE	ACTUAL DATE COMPLETED	VERIFICATION & COMMENTS
1.	Organise programme for Saturday parent's day	Heath	1 Feb 2008	1 Mar 2008	1 Mar 2008	Accomplished as planned
2.	Get quotations and hire tables and chairs	Thabo	1 Feb 2008	29 Feb 2008	28 Feb 2008	Accomplished as planned.
3.	Source donation of sheep for spit braai and other food/cool drinks	Nomonde	1 Feb 2008	1 April 2008	20 April 2008	Process more involved than initially anticipated
4.	Organise speakers	Nomonde	1 Feb 2008	1 April 2008	10 April 2008	Some people took a while to respond
5.	Organise jumping castle and events for younger children	Nomonde	1 Feb 2008	28 Feb 2008	11 Mar 2008	Only received some responses later
6.	Organise prize and raffle	Thabo	1 Feb 2008	10 Mar 2008	2 May 2008	Difficult to secure prize
7.	Source learners/ parents to help on the day	Heath	10 Feb 2008	10 Mar 2008	05 Mar 2008	A lot of willingness to help
8.	Draw up and send out invites with learners	Danielle	1 Mar 2008	15 Mar 2008	20 Mar 2008	Experienced problems with school photocopy machine
9.	Develop slide show and presentation	Danielle	1 Mar 2008	30 April 2008	20 April 2008	Got help from brother
10.	Organise music	Danielle	1 Mar 2008	20 April 2008	10 Mar 2008	Band free on day
11.	Source name tags and kokis	Danielle	1 Mar 2008	15 Mar 2008	1 April 2008	Waited for donation to arrive
12.	Host event	All		10 May 2008	10 May 2008	
13.	Reflect on how well day went	All		13 May 2008	13 May 2008	Heath was ill around the 13th

TABLE 9: GANTT CHART

WHEN

WHAT

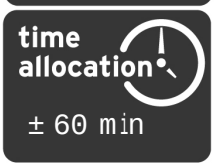
Gantt chart for the Positive Parent Project								
ACTIVITY	JAN	FEB	MAR	APR	MAY	JUNE	JULY	VERIFICATION/ COMMENTS
Draw up action plan for the project								Submitted & responses received
Draw up budget for the project								Completed
Submit plan to the SMT and SGB								
Draw up programme and circulate to team								
Get quotes for and hire tables and chairs								
Source donation of sheep for spit braai and other food/cooldrinks.								
Organise speakers								
Organise jumping castle and events for younger children.								
Organise prize and raffle								
Source learners/parents, etc to help on the day.								
Draw up and send out invites with learners								
Develop slide show and presentation.								
Organise music								
Source name tags and koki's								
Host event								
Reflection session								



Essentially a Gantt chart consists of:

- A list of detailed activities
- A timeframe of months
- An indication of when a specific activity will happen in linear form
- A verification/comment section to track progress.





Now based on the examples provided above develop an action plan and Gantt chart for the same project that you worked with in activity 5i.

5.5.5 Develop a project budget

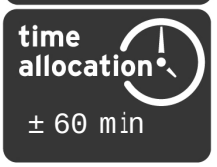
Most projects will have some financial costs attached even if this is simply photocopying costs, petrol for transport of learners, etc. It is important to estimate these costs and to make sure that they are incorporated into the school improvement plan for the information and overall budgeting purposes of the school finance committee. Even if you intend to fundraise various costs it is important to still show these as expenses in case you do not receive the anticipated funding. Managing finance and budgets will be dealt with in detail in the core module, Lead and manage financial and physical resources.

Below is an example of a project budget based on the example of the Positive Parent Project.

TABLE 10: EXAMPLE PROJECT BUDGET

Proposed Budget for the Positive Parent Project		
ITEM	EXPENSES	INCOME
Printing of invitations & raffle tickets	R 200	
Hire of data projector for slide show	R 500	
Hire of tables, chairs, cutlery	R 1 000	
Buying of sheep for spit	R 800	
Cool drinks, salads, etc.	R 600	
Entertainment	R 1 000	
Contingencies	R 400	
Sale of raffle tickets		R 500
Donations		R4 000
Total	R4 500	R4 500



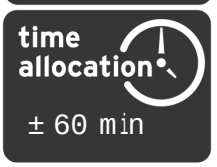


Now draw up a budget for the project that you have planned for in activity 5i. Remember to include donations as possible and not given income. (Refer to the core module Manage organisational systems, physical and financial resources.)

5.5.6 Encouraging community support

As already discussed in this module a school is part of a bigger community. It is important to try and involve the school community in the school development planning and implementation process. School development provides an opportunity to harness community knowledge and skills and to involve identified community members and organisations in improving the quality of education and care at your school.





List the role players in your school community that generally you think should be involved in:

- The school self evaluation process
- The school development planning process
- The school improvement process.

Now in terms of the project you have identified and been working with above, list the role players who you think should be involved in this project. Be as specific as possible for example name people and organisations (e.g. FAMSA, lifeline, child line, etc.).

5.6 Topic 5: Sustaining the evaluation and development process

5.6.1 Monitor and manage the process

For school development to succeed there needs to be careful monitoring and management of the process such as that discussed in this unit under topic 3. School management needs to take responsibility for this management and monitoring. It is suggested that management and monitoring take place through actions such as the following:

- Regular meetings with the intervention/project teams
- Regular meetings with the intervention/project leaders
- Regular sessions where the project teams report on their progress
- Regular review sessions where project teams assess how the project is doing, identify problems and obstacles and suggest ways of overcoming these
- Submission of progress reports.

The principal should try and attend some of the individual project team meetings, give attention to their successes and challenges and assist them in identifying solutions and contacts. Where the principal notices problems in relations between project team members they may find it appropriate to find ways of encouraging team spirit and work.



Can you think of any other ways in which school management can manage and monitor the school development process?

5.6.2 Motivate and support role players

Not all educators may initially want to, or be able to participate in the school development projects. However, when a critical mass of motivated and enthusiastic educators participates in school development they may also inspire and encourage other educators to participate. Although management can use the legal imperative in highlighting that educators will be assessed in Development Appraisal for their participation in school development, ideally educators' participation should be based on other imperatives. Given that some may have other responsibilities which are more maintenance directed (e.g. working with the school RCL, running the school newsletter, counselling learners, etc.) management cannot expect all staff to participate equally in school development. Management should try to ensure that responsibility and participation is spread amongst educators so that none feel overloaded.

Even the most enthusiastic participants need to be recognised and motivated. Recognition can take the form of displaying the project teams and names in the staff room and acknowledging participants in newsletters, correspondence, etc. Making educators and other role players feel proud to be involved in school

development and acknowledged for their hard work will assist with motivating them. A special dinner or event to thank the teams may also be suitable. You again need to identify what works best for your school.

Role modelling can also serve as a good motivator. While the principal may not have time to participate fully in a school development project as a project leader s/he should still try to participate as a team member role modelling acceptance of other management as authority in a given situation as well as involvement, commitment and enthusiasm. School management also needs to role model participation on this level as project leaders. If the principal is in a particular project team s/he should still show support of the other teams' work and not enter into competition with them. While competition is healthy amongst teams to a certain extent it must always be remembered that some projects are more difficult than others, especially those that involve fundraising and welfare needs and teams and other role players need to acknowledge this.

Key to school development is the celebration of successes. School development is a difficult process that requires extra time and commitment from all role players. Every little success along the way therefore needs to be acknowledged and celebrated. Celebrations can take the form of a staff lunch, an outing, a school award/certificate, thanks by a respected guest or learner or even a cake! The important aspect of celebration is that the principal acknowledges what staff has done and publicly thanks them for this.



Consider the following:

- How will you encourage your school community to participate in and support school development?
- How will you role model this process?
- How will your school community celebrate successes?

5.6.3 Adhere to action learning

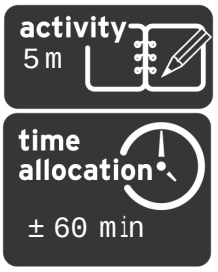
We have stated earlier the importance of a school working within a learning organisation ethos. All school development needs to happen within this ethos to avoid a situation where schools carry on doing the same old thing in the same old way.

Remember change is the only constant of the 21st century and in order to continue to offer quality education within a constantly changing context schools need to be open to learning and adapting. There are new challenges every day that require innovative and creative solutions and interventions.

While technology in the form of cell phones impacts directly on the classroom and values, poverty on the other hand impacts directly on learners' preparedness and support. Peter Senge (Senge et al: 2000:9 & 10) suggests that:

> …schools face a unique set of pressures these days, unknown to any other kind of organisation … schools are increasingly expected to compensate for the shifts in society and family that affect children: changes in family structure, rapidly shifting trends in television and popular culture, commercialism without end, poverty (and the inadequate nutrition and health care that go with it), violence, child abuse, teenage pregnancy,

substance abuse and social upheaval… in this context, the idea of building a school that learns – or, more precisely, a learning classroom, learning school, and learning community – represents an approach that galvanizes hope.



Based on what you have read in this unit consider:

- What skills, knowledge and values does a leader require to lead and manage school development?
- Conduct a self-assessment based on these skills, knowledge and values.
- What are the key supportive factors that your school needs to work on to ensure the sustainability of school development in your school?
- What can you do to ensure that your school is a learning organisation?

5.7 Concluding Remarks

This unit has provided an in-depth evaluation of the areas of your school that need to be improved in relation to both your vision, mission and values statement and national criteria. You have been helped to understand what is involved in whole school evaluation and whole school development and in school effectiveness and school improvement by looking at research in this area and applying the ideas to your school context. You have also been helped to understand what strategic and development planning involves, and what strategies and tools are available to assist you in introducing, implementing and sustaining whole school evaluation and development as important change processes in your school.

This is now the end of the module. We suggest that you look back to the beginning and reflect on the overall purpose and outcomes we set out to achieve and how you have been helped to understand what is involved in the leadership of the areas discussed in this core module.

Texts & Templates



The reader contains a variety of different texts which were referred to in the Learning Guide and which provide the basis of activities or extensions of the discussion in the main text.

READER

Commentary by Burchell	TEXT 1
Education policy links	TEXT 2
Constitution link	TEXT 3
Policy issues overview	TEXT 4
National Guidelines for School Governing Body Elections	TEXT 5
The School Governing Body	TEXT 6
Newspaper article	TEXT 7
Meetings and records	TEXT 8
School policy pro-formas	TEXT 9
Example SGB constitution	TEXT 10
GMSAF whole school evaluation instrument (July 2006)	TEXT 11
Revisiting participative leadership	TEXT 12
Hints on problem solving	TEXT 13
Template for school improvement plan	TEXT 14
Priority problem analysis sheet	TEXT 15
Project proposal	TEXT 16

Reader

Text 1: Commentary by Burchell

See: Burchell, J. 1991. *Principles of Constitutional Law*. Cape Town: Juta.

Text 2: Education policy links

SASA, came into being in 1996 and is central to the performance of schools. A copy of this Act should be available in all schools. Go to www.gov.za - click on Department – click on education; web site - d then on Acts.

The purpose of the Act is:
To provide for a uniform system, for the organisation, governance and funding of schools, to amend and repeal certain laws relating to schools; and to provide with matters connected therein.
The norms and standards of funding for schools is discussed in SASA and also is further expanded on in www.info.gove.za/gazette/notices/1997/18349

The latest document on funding is found on the government web site: www.gov.za under government departments (Education) - clicking on the education web site – click on Documents – click on policies. Look for 31 August 2006 – and the following document.

Amended *National Norms and Standards for School Funding* (Gazette 29179, Notice 869).

National Curriculum Statements
The Curriculum Standards can be found under the government website. Go to www.gov.za – click on Departments – click on Education – click on Documents – click on Curriculum Documents.

Employment of Educators Act No 76 of 1998
This Act can be found as a full text by clicking on the government web site www.gov.za - click on Departments – click on Education and website – click on Documents – click on Acts – click on appropriate Act which is dated 29th September 1998.

Employment Equity Act No 55 of 1998
Follow the same instructions as above but click finally on the date of 12th October 1998.

Alternatively, access edycation policy documents directly at: www.education.gov.za/documents/policy

Text 3: Constitution link

The South African Constitution can be found on the web site: www.polity.org.za/govdocs/bills/sacon.96.html

Text 4: Policy issues overview

See: Clarke, A. 2007. *The Handbook of School Management*. Cape Town: Kate McCallum. Distributed by Macmillan.

Text 5: National Guidelines for School Governing Body Elections

It is the right of every parent of a child at school, educators, non-teaching staff and learners in Grade 8 and above to participate in SGB elections. SGB elections are held every three years and the last elections were scheduled for May/June 2006. Provincial Education Departments are responsible for communicating

details of these elections to eligible voters. (DoE. 2005. *Rights and Responsibilities of Parents, Learners and Public Schools: A Public School Policy Guide*.)

Text 6: The School Governing Body

Province of the Eastern Cape
Manual for School Management

THE SCHOOL GOVERNING BODY (pp C6 – C15)

INTRODUCTION

Sound school governance and community involvement ensure the prevalence of the culture of learning, teaching and service. The South African Schools Act makes a distinction between the governance functions of the SGB and the professional functions of educators. The SMT and SGB should negotiate their different areas of responsibility and work closely together in the best interest of the school. They need to ensure that the school is accessible to and addresses the needs of the community. This should encourage the community to take pride in the school and protect and support it in all its endeavours.

1. THE COMPOSITION OF THE SGB

1.1 WHO SERVES ON THE SGB?

The following are component members of the SGB:

- Elected members
  - Parents
  - Educators
  - Learners (Grade 8 and above)
  - (Nominated by the Representative Council for Learners)
  - Non-teaching Staff
- The school principal
- Co-opted members

- In the case of schools for LSEN the following additional categories of persons must be represented on the Governing Body. Each category must be represented by one or more members.
  - Representatives of sponsoring bodies, if applicable
  - Representatives of organizations of parents of learners with special education needs, if applicable
  - Representatives of organizations of disabled persons, if applicable
  - Disabled persons, if applicable

- A new RCL for the school is elected at the beginning of each year. The RCL is then entitled to elect representatives on the SGB for that year. These representatives may have knowledge of the financial affairs of the school but

they may not contract or be held financially liable for any consequence of their membership of the SGB.

1.2 SIZE OF THE SGB

The exact number of members on the SGB may vary from one school to another. The parent component must be the majority.

If an SGB serves more than one school, the total number of learners at both schools together will be used to decide the number of members of the SGB. If the school does not have a non-teaching member of staff the number of parent governors must be reduced by one so the total number of governors will be reduced by 2.

The table below provides a guideline of the number of members to be elected for each component of the SGB.

NUMBER OF MEMBERS TO BE ELECTED FOR EACH COMPONENT OF THE SGB						
SCHOOL	PRINCIPAL	EDUCATORS	PARENTS	NON-EDUCATOR STAFF	LEARNERS	TOTAL
Primary School < 160 Learners	1	1	4	1	0	7
Primary School 160 to 719 Learners	1	2	5	1	0	9
Primary School 720 or more Learners	1	3	6	1	0	11
Secondary School < 630 Learners	1	2	7	1	2	13
Secondary School 630 or more Learners	1	3	9	1	3	17
Comprehensive or Combined School < 500 Learners	1	2	7	1	2	13
Comprehensive or Combined School 500 or More Learners	1	3	9	1	3	17

The table below provides a guideline of the number of members to be elected for each component of the SGB of schools for LSEN.

SCHOOLS FOR LSEN: NUMBER OF MEMBERS TO BE ELECTED FOR EACH COMPONENT OF THE SGB							
SCHOOL	PRINCIPAL	EDUCATORS	PARENTS	NON-EDUCATOR STAFF	LEARNERS OR CARE WORKER	SPONSORING BODY	TOTAL
Primary School < 150 Learners	1	2	6	1	0	1	11
Primary School >150 Learners	1	3	7	1	0	1	13
Secondary School < 150 Learners	1	2	7	1	1	1	13
Secondary School > 150 Learners	1	3	9	1	2	1	17
Comprehensive or Combined School < 150 Learners	1	3	9	1	2	1	17
Comprehensive or Combined School >150 Learners	1	2	8	1	2	1	15
Place-of-Safety	1	1	1	1	1	0	5

1.3 TERM OF OFFICE OF THE SGB

1.3.1 TERM OF OFFICE

SGB MEMBERS	TERM OF OFFICE
Elected members • Parents • Educators • Non-Teaching staff Co-opted members	 Three years Three years Three years Three years or shorter
Learners nominated by the RCL	One year
Office-bearers of the SGB	One year

1.3.2 EXPIRY OF TERM OF OFFICE

- The term of office of elected and co-opted members comes to an end
- upon the adoption of a motion of no confidence in the SGB by parents at a properly constituted meeting of parents
- when a parent does not have a child at the school any more (e.g. the child leaves at the end of the first quarter of a year, then the parent's term of

office will end with immediate effect, namely at the end of the same quarter)
- SGB members remain in office after the expiry of their term of office until the election of a new SGB.
- A member of the SGB may be re-elected or co-opted as the case may be, after the expiration of his/her term of office.

1.4 PORTFOLIOS OF THE SGB

1.4.1 OFFICE-BEARERS

The elected SGB members must from amongst themselves elect office-bearers, who must include at least a:

- Chairperson
- Treasurer
- Secretary

Only a parent member of the SGB who is not employed at the school may serve as the chairperson of the SGB.

1.4.2 OTHER MEMBERS

The specialist functions of the SGB may be divided and assigned to the other members of the SGB to ensure that every person is responsible for a portfolio within the SGB. The person responsible for a specific portfolio will act as the chairperson for any sub-committee established for that portfolio.

2. FUNCTIONS OF THE SGB

The law stipulates the functions, which the SGB must perform on behalf of the school. The function of individual members of the SGB is to contribute to and execute the functions assigned to the SGB. The MEC may decide that the governance of two or more public schools may be the responsibility of one SGB if that is in the best interest of the schools concerned.

2.1 COMPULSORY OR OBLIGATORY FUNCTIONS OF THE SGB

- Promoting the best interests of the school
- Adopting a constitution and a code of conduct for learners (See Annexures/SGB/01A and B for examples)
- Developing the vision and mission statement of the school and be part of the strategic planning process
- Supporting the principal, educators and other staff of the school
- Determining the starting and ending times of the school day
- Determining the school uniform
- Recommending the appointment of staff by the State
- Appointing staff at the school
- Encouraging parents educators and learners to render voluntary services to the school
- Developing the school's policy on admissions, language and religious observances
- Administering and control the school's grounds and buildings
- Suspending learners in certain circumstances

- Preparing a budget each year
- Enforcing of the payment of school fees and to recover school fees
- Appointing both an accountant and auditor or other suitable person to audit the school's records and financial statements and to ensure that control measures are in place to safeguard the administration of school funds
- Determining and stipulating how the school will promote multi-lingualism.

2.2 OPTIONAL FUNCTIONS OF THE SGB

- The SGB may allow the use of school facilities for community, social and school fund-raising events
- The SGB may affiliate to voluntary associations representing governing bodies of public schools
- The SGB may establish posts for educators and non-educators additional to the educator and non-educator establishment determined by the MEC. Payment of salaries to such educators and non-teaching staff should be determined by the SGB.

Staff employed by the SGB must

- have a written contract, which must be agreed to and signed by both parties. This contract should deal with salary matters and other conditions of service and should include a clear job description. An example of a contract for educators appears in Annexure/SGB/02. The State is not liable for any act or omission by the public school with regard to the school's contractual responsibility as the employer of educators and non-teaching staff.
- be registered as an educator with the South African Council of Educators (SACE) and be affiliated to a Teacher Union..

When employing such staff, the SGB must bear in mind:

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

2.3 SGB FUNCTIONS FOR SECTION 21 SCHOOLS

The Constitution guarantees equality and recognition of the right to redress and the state is required to ensure that these constitutional obligations are met. National norms and minimum standards has been set for:

- Funding public schools
- Exempting parents who cannot pay school fees
- Public subsidies to independent schools.

The South African Schools Act

- Places important responsibilities on the state for funding public schools
- Encourages schools to become self-managed and self-reliant through striving for section 21 status
- Places the responsibility on public school SGBs to improve educational quality in their schools by raising additional financial resources to add to what the state provides. The SGB cannot carry these responsibilities without the active involvement of the SMT.

Schools who wish to receive Section 21 status may apply in writing to the MEC to perform these functions. All or some of these functions may be allocated or assigned to schools by the MEC, depending on the capacity of a school to undertake these functions.

These functions include:

- To maintain and improve the school's property and buildings and grounds occupied by the school including school hostels, if applicable
- To determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy
- To purchase textbooks, educational materials or equipment for the school
- To pay for services to the school
- To provide an adult basic education and training class or centre subject to any applicable law, or
- Other functions consistent with this act and any applicable provincial law

2.4 WITHDRAWAL OF FUNCTIONS FROM SCHOOL GOVERNING BODIES

If there are reasonable grounds for such action, the Head of Department may withdraw a function or functions of an SGB, provided that:

- The SGB has been previously informed of the intention, and the reasons for the withdrawal
- The SGB has been given a reasonable opportunity by the Head of Department to appeal against the intention to withdraw a function
- The Head of Department has considered all the implications of such representations made by the SGB.

2.5 REMUNERATION AND REIMBURSEMENT OF SGB MEMBERS

A member of the SGB may not be remunerated (paid) in any way for the performance of his or her duties. However, if a member of the SGB incurs any expenses in the performance of his or her duties, he or she may be reimbursed for expenses.

2.6 THE MARKETING FUNCTION OF THE SGB

The SGB should seriously consider the need to promote the image of the school to its immediate and even wider community by undertaking ongoing public relations programmes. Public relations may include:

- Approaching sponsors and advertisers, launching fund raising exercises, promoting the school through the medium of displays in public places, etc.
- Approaching feeder primary schools, requesting that a secondary or high school be allowed to promote their school to Grade 7 learners in order to try to attract those learners to their school.

3. SUB-COMMITTEES OF THE SGB

The SBG may establish committees, to advise on specific issues and appoint persons who are not members of the SGB to such committees. The need for sub-committees in a particular area depends on the particular needs of the school and the community that it serves. An SGB member of that committee must be the chairperson of the committee. Each sub-committee chairperson should report

back to the ordinary meeting of the SGB on its activities. All proposals of such committees must be approved by the full SGB at a subsequent meeting before implemented.

COMPULSORY COMMITTEES	OPTIONAL COMMITTEE
• Executive Committee • Finance Committee • Disciplinary Committee • Selection Panel	• Fundraising Committee • Sport Committee • Grounds and School Building Committee • Health and Safety Committee • A Hostel Committee where applicable • Other

3.1 EXECUTIVE COMMITTEE

3.1.1 COMPOSITION

The Executive Committee usually comprises a small committee of senior members of the SGB, for example

- The Chairperson
- The Secretary
- The Treasurer
- The Principal.

3.1.2 ROLES AND FUNCTIONS

- Takes decisions on a day-to-day basis to ensure the smooth running of the school
- Decisions of this committee must be approved by the full SGB at a later meeting.

3.2 FINANCE COMMITTEE

3.2.1 COMPOSITION

The Members of the Finance Committee should include

- The Principal
- One member of the parent component
- One member of the teacher component
- Where applicable, a learner member.

The Treasurer should be one of the above (not a learner member) and will be the chairperson of the Finance Committee.

3.2.2 ROLES AND FUNCTIONS

- The principal in his capacity as accounting officer must ensure that the functions of the Finance Committee relating to school funds are properly executed
- The Finance Committee shall report to the SGB at least twice per year
- Keep financial records and statements of the school

- Appoint a registered person to audit or examine the financial records and statements.

3.3 DISCIPLINARY COMMITTEE

The small disciplinary committee should consist of members designated by the SGB. This committee is compulsory for hearings on serious misconduct.

3.4 SELECTION PANEL

3.4.1 COMPOSITION

It is important that the Selection Panel is representative and a new committee be appointed each year. The principal must be a member of the committee. Then there should be three or four other members. The maximum number of members should be five.

The Selection Panel shall comprise:

- The principal of the school
- One departmental representative (who may be the school principal)
- Members of the SGB
- One Union representative per union as observers to the process of shortlisting, interviews and the drawing up of a preference list.

3.4.2 ROLES AND RESPONSIBILITIES

The Selection Panel should elect two members to act as a chairperson and a secretary. The chairperson presides over all committee meetings. The secretary will collect and file all the documents involved.

The Selection Panel takes responsibility for the process of selection and recommending the appointment of the new staff member.

3.5 FUNDRAISING COMMITTEE

3.5.1 COMPOSITION

This committee could consist of:

- Three SGB members elected by the SGB
- Non-SGB members elected by the SGB.

3.5.2 ROLES AND FUNCTIONS

- Members are appointed on grounds of their expertise
- This committee is the operational arm of the Finance Committee and may
- approach people in business to sponsor things for the school or pay for certain expenses
- approach members of the public or parents to donate money or anything else to the school
- organise a market / hold a concert or collect and sell goods for the school.

3.6 GROUNDS AND SCHOOL BUILDING COMMITTEE

The SGB should establish a Grounds or School Building Committee. The principal or an elected representative can provide professional support services to the

Committee. The Chairperson and Principal (or appointee) should represent the school at the Circuit or District Building Forum meetings.

The Committee should perform the following functions:

- Administration and control of school's property, buildings and grounds.
- Maintenance and improvement of the school's property, building and grounds.
- Determine and implement a Code of Conduct allowing reasonable use, under fair conditions, of the facilities of the school.

3.7 HEALTH AND SAFETY COMMITTEE

The Health and Safety Committee may be established by the Governing Body depending on the needs of the school.

Text 7: Newspaper article

Mail and Guardian

1 May 2005

A serious responsibility

There are two significant pillars of a school, beyond the fundamental triangle of teachers, pupils and parents, without which it cannot begin to build for the future.

The first is the principal and the second the body of people that governs the school.

The school governing body's (SGB) most significant role, together with the Department of Education, is to select a principal who will suit the community, inspire teachers and understand that education is about the future needs of children.

Can a school really grow and develop without a committed principal? Effective principals are committed and enthusiastic, have a sense of vision and the energy to carry the vision through. Good principals make schools better — bad principals make schools worse.

If an SGB has the central task of setting the school on a path of success through the principal, then it is essential that those who govern are wise, astute and have a sense of responsibility for the community and its families.

SGBs should be selected with care. They should co-opt vigorously. Point six under "Membership of governing body of ordinary public school" of the South African Schools Act indicates that, "A governing body may co-opt a member or members of the community to assist it in discharging its functions." Schools must make every effort to do so. Such co-options may be difficult in rural areas, but cannot be ignored in towns and cities.

My first choice of co-option would be a **"wise owl",** who has preferably had a long association with the school, and is sufficiently flexible to move with the times, but astute enough to realise that the latest educational trend does not have to be implemented right now.

The second priority, I think, would be to co-opt **a business person** — whether farmer, entrepreneur or professional — who has business acumen, energy and a go-getting attitude. We need people on SGBs who can make things happen. Talk shops can smother a principal and a school into mediocrity. These bodies must, from time to time, take a risk — especially in the development of grounds and buildings, or the employment of an unconventional teacher.

Thirdly, SGBs should co-opt **a lawyer, an architect or builder, and an accountant, if** they are not found among the parent body. Their professions give a governing body essential services for free, and none can be fully functional without them. The time given by members of the SGB shouldn't be reimbursed. This will ensure

an objective environment and a sense of service towards the school and pupils. Governing bodies should also receive training.

It is important that SGBs support principals through difficult decisions. Principals should be able to confide in them and rely on them. The position of a principal can be lonely and involves grappling with major social issues — such as the discontinuity between values espoused at home and values espoused at school.

It is also essential that a principal is encouraged and afforded the time to form a cluster with other principals in the district, town or neighbourhood. There is a need to share ideas and gain support and guidance on difficult decisions. A mentoring process among principals is a great encouragement.

Effective principals are made by SGBs, so governing bodies need to realise the role they play. This is to facilitate the principal, not to interfere in his or her job.

If we had an effective principal in every school in the country, we would have an effective schooling system. Confident principals can help teachers to gain promotions and experience, and attract young staffers to repeat the process.

Principals and SGBs hold a huge responsibility in their hands. They are truly nation builders.

David Wylde is headmaster od St Andrew's College in Grahamstown. Wylde was elected as president of the Confederation of Principals for 2005 to 2006

Text 8: Meetings and records

What are the duties and responsibilities of the chairperson?

The chairperson:

- Presides at meetings of the governing body
- Calls meetings after consultation with the principal
- Determines the agenda of meetings after consultation with the principal
- Presides at meetings of parents, educators, learners and non-educators called by the governing body.

The chairperson is seen by most people as the representative of the governing body. He or she is seen as the official mouthpiece and any statement that he/she makes is regarded as coming from the governing body as a whole.

The chairperson conducts meetings and is therefore responsible for their proper management. This includes:

- Calling the meeting to order and making sure that there is a quorum
- Obtaining the meeting's approval before signing as correct the minutes of the previous meeting
- Ensuring that the members keep to the rules and procedures
- Presenting matters in the order in which they appear on the agenda

- Deciding whether any proposals, motions and counter motions presented at the meeting are in order and within the functions of the governing body
- Maintaining order
- Ensuring correct voting procedure
- Decisively ruling on points of order
- Cutting down on unnecessary discussion
- Ensuring that all members have a chance to speak in any discussion
- Protecting a speaker from unacceptable interruption
- Using a casting vote to decide an issue.

SOME GOLDEN RULES FOR CHAIRPERSONS:

- Be brief
- Be a leader
- Listen attentively
- Speak with authority
- Stand above petty differences; be impartial
- Maintain an orderly meeting
- To control others, control yourself
- Keep the members informed
- Be modest
- Be trustworthy.

What are the duties and responsibilities of the vice-chairperson?

The vice-chairperson is there to support the chairperson, and to stand in for the chairperson in meetings in some circumstances.

- If for any reason the chairperson is absent, the vicechairperson takes over his or her responsibilities at the meeting
- If the chairperson is late, then arrives, it is customary for the vice-chairperson to continue in the chair, at least until the item under discussion has been dealt with
- In the rare event of the chairperson having to vacate the chair and absent him or herself, the vicechairperson takes over while that item is dealt with
- During the time that the vice-chairperson is in the chair he or she has all the powers of the chairperson. This includes having a decisive vote as well as a deliberative vote.

What are the duties and responsibilities of the treasurer?

The duties and responsibilities of the treasurer often vary according to the size of the school. Large schools may have clerical assistance but in smaller schools it is often the principal who doubles as the treasurer. The school governing body may choose to appoint a parent in an honorary capacity, assisted by the principal or an educator.

A treasurer looks after the finances of the school. This may include:

- Managing the collection of school fees
- Ensuring that bills are paid
- Monitoring expenditure
- Ensuring that sound financial books are kept.

He or she should also keep the members informed of the school's current financial position. This is usually done at meetings.

The treasurer has the following responsibilities at meetings of the governing body:

- Presenting the 'Treasurer's Report' at each regular meeting. This report outlines current income and expenditure, and the present balance, and compares the actual position with the position anticipated by the budget. The report is in written form and is retained by the secretary as a permanent record
- Preparing detailed financial statements for the AGM, and presenting them
- Preparing the budget with the chairperson
- Presenting the budget at the Annual General Meeting
- Answering questions related to finance at the AGM
- Advising the members on the raising of funds
- Leading discussion on the setting of the school fees to be recommended to the parents.

In a public school today, the treasurer plays a key role. He or she has to have a thorough understanding of the school's finances and ensure that all other role-players share this understanding. The treasurer should not only be aware of the current position with school finances, but also be able to compare it with what happened in the past. He or she should also be able to forecast future trends to some degree.

The members tend to rely on the treasurer not only to keep them informed, but also to advise them if there is any problem that should cause concern. It is essential that the treasurer works closely with the chairperson (and the principal, if the principal is not the treasurer) and that there is a free flow of information and ideas.

If there is an administration clerk tasked with recording the school's finances, the treasurer should make a point of getting to know that clerk well and having frequent discussions with him or her.

On the school's finance committee, the treasurer is obviously a key role-player and would probably be the chairperson. In presenting information to the school governing body the treasurer has to remember that very few members will be expert with finance, so the information should be presented as simply as possible. The use of simple illustrations such as bar graphs might assist.

Above all, the honesty and integrity of the treasurer must be beyond question.

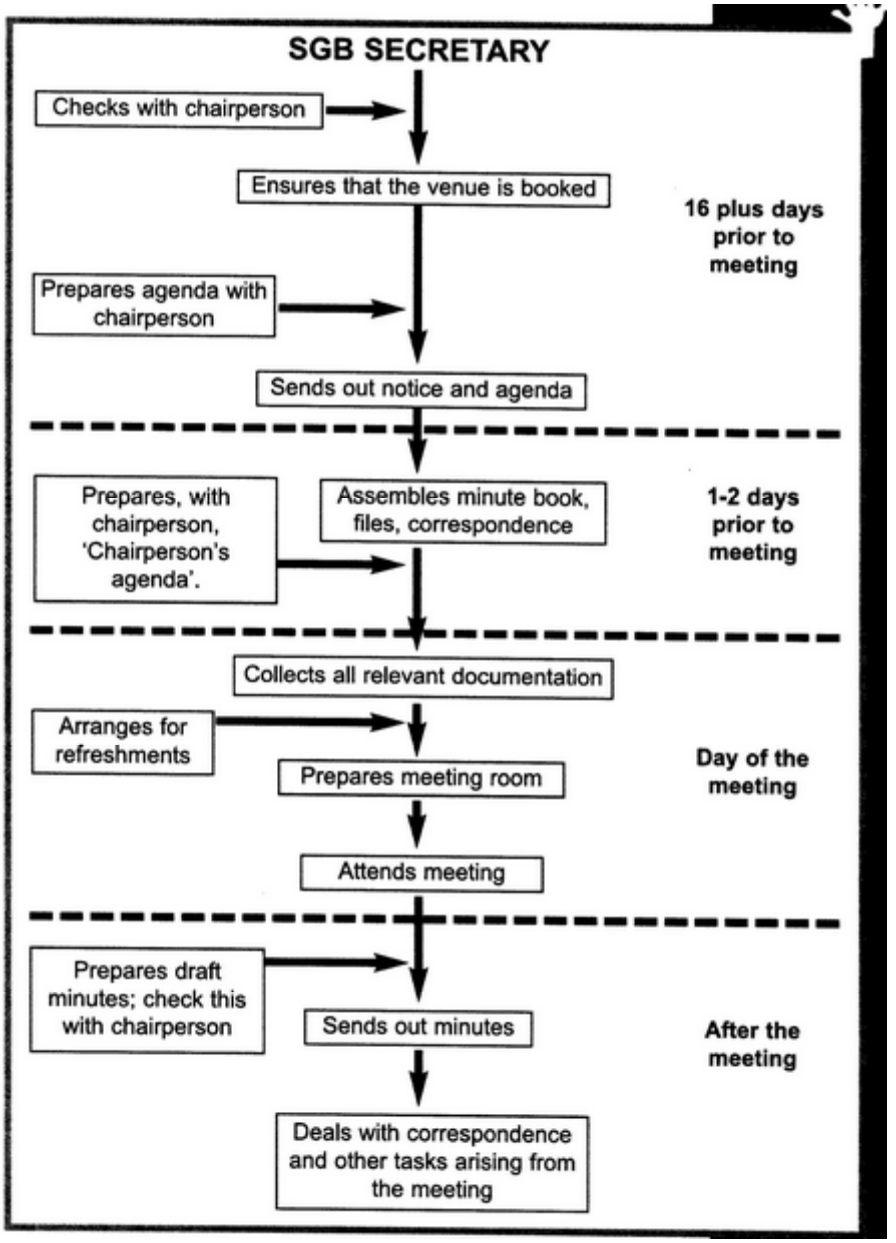
What are the responsibilities and duties of the secretary?

The secretary has the following duties:

- Keeping up-to-date records of all members' details such as addresses, telephone (and fax) numbers, etc
- Keeping in close contact with the chairperson and assisting him or her wherever possible

- Compiling notices of meetings in conjunction with the chairperson, and circulating the notices
- Ensuring that the venue is available
- Making arrangements for suitable refreshments
- Preparing the agenda, in conjunction with the chairperson
- Assisting the chairperson with the ‘chairperson's agenda’, if required
- Making enough copies of the agenda, the previous minutes, and important reports
- Ensuring that the attendance register, the minute book and any other records that need to be referred to, are available at meetings
- If any equipment is to be used, ensuring that it is available
- Reading the minutes of the previous meeting, when requested to do so by the chairperson.
- Recording accurately the outcome of any voting
- Recording the minutes
- Preparing a draft of the minutes, checking them with the chairperson and sending out the final version to the members
- Attending to the school governing body's correspondence
- Being responsible for the school governing body's documents and records
- Carrying out the instructions of the school governing body
- Giving information and help to every committee member as required.

The secretary should be a good organiser, methodical, calm and clear-headed, tactful and approachable.



from:

UNDERSTANDING SCHOOL GOVERNANCE

Manual 3: Conducting Meetings and Keeping Records

Materials developed by the Media in Education Trust (MiET) for the KwaZulu-Natal Department of Education and Culture, under a subcontract with Aurora Associates International, Inc., Washington, D.C., for the U.S. Agency for International Development.

(pp 20 – 25)

Text 9: School policy pro-formas

CONSTITUTION OF GOVERNING BODY

School Stamp

Date of Adoption by SGB_____ Signed_____

Date of Verification by Department Signed_____

1. INTRODUCTION

In terms of the South African Schools Act (SASA) _____ School has been declared a public school. This means that the school is "a juristic person" with the legal capacity to perform functions in terms of SASA. This act requires that each public school has a School Governing Body (SGB) that defines the basic principles and rules by which the school will operate. This document defines how the SGB will operate.

2. DEFINITIONS

This document will use the following definitions.

Parent	Any adult who is legally entitled to custody of a learner
Learner	Any person registered to receive an education at the school.
Educator	Any person who is employed at the school in terms of the Employment of Educators Act.
Non-Educator	A person employed by the school in any capacity other than an educator.
Elected Member	Any person elected to serve according to procedures defined in this document.
Ex-officio Member	The principal who is required to serve on the body in his or her official capacity.
Co-opted Members	A person, without voting rights who is asked to serve on the school governing body in order to provide a specialized service.
Juristic Person	A group recognised by law with defined rights and responsibilities.

3. VISION AND MISSION

4. POWERS

The governance of the school in terms of SASA is vested in the SGB of the school. In terms of SASA the SGB shall:

a. Determine the admissions policy of the school
b. Determine the language policy of the school
c. Determine the policy for religious observance
d. Determine the school's Code of Conduct for Learners
e. Determine change and enforce the payment of school fees payable by parents and learners
f. Join voluntary associations representing governing bodies of public schools.

5. FUNCTIONS

5.1 In terms of the SASA, the governing body shall:

a. Promote the best interests of the school and strive to ensure its development
b. Adopt a constitution
c. Develop a mission statement
d. Adopt a code of conduct for learners
e. Support the principal, educators and other staff of the school in the performance of their professional functions
f. Determine the times of the school day consistent with any applicable conditions of employment of staff
g. Administer and control the school's property, and buildings and grounds
h. Encourage parents, learners, educators and other staff to voluntary services to the school
i. Recommend the appointment of educators to the Secretary (of the provincial department), subject to the Educators' Employment Act 1994, and the Labour Relations Act 1995 (No 66)
j. Recommend the appointment of non-educator staff to the Secretary, subject to the Public Services Act 1994 and the Labour Relations Act 1995
k. Allow the reasonable use, under fair conditions of the facilities of the school for educational programmes not conducted by the school
l. Meet at least every 3 months
m. Keep minutes of meetings
n. On request, make the minutes of meetings available for inspection by the HOD
o. Prepare an annual budget

p. Establish and administer a school fund into which all money received by the school must be paid
q. Raise revenues including voluntary contributions to the school in cash or in kind
r. Open and maintain a bank account
s. Prepare an annual financial statement
t. On request by an interested party, make annual financial statements available for inspection
u. Annually report to parents, learners, educators and other staff
v. Convene annual meetings respectively with parents, educators and other staff.

5.2 This SGB has the following functions in terms of Section 21 of the SASA

_____

_____

_____

6. COMPOSITION

Given that the school has an enrolment of _____, the SGB has the following composition:

Type of School	Principal	Educators	Parents	Non-Educators	Learners	Total

7. ELECTION

a. A parent who is employed at the school may not represent parents on the governing body.
b. The representative council of learners (RCL) must elect the learner or learners who will serve on the SGB (if the school has grade 8 or higher).
c. The SGB of an ordinary public school which provides education to learners with special needs must, where practically possible, co-opt a person or persons with expertise regarding the special education needs of such learners.
d. A governing body may co-opt a member or members of the community to assist it in the discharge of its functions.
e. The governing body of a public school may co-opt the owner of the property occupied by the school or the nominated representatives of such owners.
f. Co-opted members do not have voting rights on the governing body.
g. The number of parent members must comprise one more than the combined total of other members of a governing body who have voting rights.
h. The Principal of the school presides at any meeting convened to elect the chairperson.
i. The term of office of a member the SGB may not exceed a period of 3 years.
j. The term of an SGB member who is a learner may not exceed one year.
k. The term of office of an office bearer may not exceed one year.
l. A member or office-bearer may be re-elected or co-opted as the case may be after expiry of his or her term of office.

8. DUTIES

a. The governing body must, from amongst its members, elect office-bearers, who must include at least a chairperson, a treasurer and a secretary.

b. A member of the SGB who is a minor may not contract on behalf the school nor be held liable for his or her membership of the SGB. He or she may not vote on resolutions, which impose liabilities on third parties or on the school.

8.1 Duties of the Chairperson

Only a parent member of an SGB, who is not employed at the school, may serve as the chairperson of the SGB. The Chairperson shall preside over meetings of the Governing Body, and shall in consultation with the secretary convene meetings. Other duties shall include:

a. Signing confirmation of the previous minutes
b. Ensuring that the format and procedures of the meeting follow in an organised and uninterrupted manner
c. Allowing all members to participate
d. Where necessary, putting all motions or proposals to the SGB for voting
e. Preparing for the following meeting.

8.2 Duties of the Vice-Chairperson

The Vice-Chairperson shall deputise for the chairperson in invent of absence, and perform all appropriate duties.

8.3 Duties of the Secretary

a. Keeping in close communication with the Chairperson
b. Where necessary dealing with correspondence
c. Convening meetings in consultation with the Chairperson
d. Taking minutes, and ensuring the safekeeping of all official documentation.
e. Minutes shall record attendance, the nature of discussions and the decisions taken
f. Providing information and assistance to every member, as required.

8.4 Duties of the Treasurer

a. The Treasurer is ultimately responsible for all procedures and transactions regarding the school's income, expenditure and assets
b. In the second half of the year, the Treasurer, in collaboration with both the principal and finance officer is required to prepare and present to the SGB, budget scenarios for the coming year, for confirmation f the budget by a majority of the parents at the Annual General Meeting.

Other Duties include:

c. Ongoing support and assistance to the Finance Officer
d. Scrutinizing monthly income and expenditure
e. Holding responsibility for the payment of the School's accounts
f. Ensuring the preparation and presentation of the monthly financial statement
g. Liaising, in collaboration with Finance Officer, with the Schools lawyers
h. Leading the presentation of the forthcoming budget scenarios and financial.

8.5 Duties of the Finance Officer

The SGB will appoint, in writing, a Finance Officer to look after the day-day administration of money.

9. COMMITTEES

The governing body may:

a. Establish committees including and executive committee
b. Appoint persons who are not members of the body to such committees on grounds of expertise, but an SGB member must chair each committee
c. This school will establish the following committees:

10. MEETINGS

a. A meeting of the SGB shall be held at least once every term.
b. Separate meeting of the SGB, will be held at least once a year, with each of the following stakeholder groups: learners, parents, educators and other staff.
c. The SGB will meet with the following regularity:

d. Notice will be given as follows:

---

e. The agenda will be determined as follows:

---

g. The following will constitute a quorum:

---

h. If the meeting will is postponed for at least 5 days, no matter how many turn up at the new date, they will be considered a quorum.

i. Members will recluse themselves from discussion under the following circumstances:

---

j. Decisions will be taken in the following manner:

---

k. Individuals may only vote by proxy if the vote is made in writing.

l. What happens if the votes are equal?

---

11. ANNUAL GENERAL MEETING

The Chairperson is required to call a General Meeting of all parents at least once a year. Parents must be given at least 30 days notice of the meeting. The purpose of the meeting will be as follows:

a. To resolve by a majority of parents attending that school fees shall be levied.
b. The Treasurer shall prepare and present a budget for each year. The budget should estimate the income and expenditure for the year.
c. The Treasurer shall present to the meeting, the examined financial statements of the school with respect to the previous year.
d. Each committee chairperson shall present a report on the activities of that committee.
e. The chairperson shall present a report on the general affairs of the school.

A quorum at the Annual General meeting shall be _____% of the parents of the school or a minimum of ____ parents.

12. VACANCIES ON THE SGB

a. Members wishing to resign will observe the following procedure:

---

b. Members may be dismissed under the following circumstances:

c. How can we replace resigned or dismissed members?

13. AMENDMENTS TO THE CONSTITUTION

a. The following procedure will be followed in order to amend the constitution:

b. The following majority will be required in a vote to change the constitution:

From: Link Community Development
School Policy Pro-formas
Developed by Stephen Harvey & George Mosimane
Funded by USAID Grant Agreement No. 7139-502-02

Text 10: Example SGB constitution

CONSTITUTION OF THE GOVERNING BODY OF PINELANDS HIGH SCHOOL

Last amended 13 June 2006

http://www.phs.org.za/index.php?option=com_content&task=view&id=97&Itemid=150

1. DEFINITIONS

In this Constitution unless indicated otherwise:

- "education" means instruction, teaching or training provided to learners in terms of the Act;
- "Governing Body" means the Governing Body of Pinelands High School, as referred to in section 16(1) of the South African Schools Act;
- "Head of Department" means the head of the Western Cape Education Department;
- "Measures" means the Measures Relating to Governing Bodies as set out in the Provincial Gazette Extraordinary of the Province of the Western Cape (Friday 31 January 2003);
- "Members of the Executive Council" means the members of the executive council responsible for the education in the Province of the Western Cape;
- "the Act" means the South African Schools Act of 1996 (Act 84 of 1996) and the measures published there under;
- "this Constitution" means the Constitution of the Governing Body of Pinelands High School;
- and "the school" refers to Pinelands High School.

2. STREET ADDRESS

Pinelands High School
Forest Drive
Pinelands

3. POSTAL ADDRESS

Pinelands High School
Forest Drive
Pinelands
7405

4. STATUS OF THE SCHOOL

In terms of the Act, the school is a juristic person with legal capacity to perform its functions.

5. GOVERNANCE AND PROFESSIONAL MANAGEMENT

5.1 The Governing Body stands in a position of trust towards the school and the community which it serves.

5.2 Subject to the Act and this constitution, the professional management of the school must be undertaken by the Principal and his/her staff under the authority of the Head of Department.

6. MISSION OF THE SCHOOL AND STATEMENT OF VALUES AND INTENT

6.1 The Mission of the school is as follows: "We strive to be a world class school, rooted in Africa, that facilitates a quality all-round education in a caring and disciplined environment."

6.2 The statement of Values and Intent of the school is as follows: "Founded in 1952, Pinelands High School strives to offer an outstanding all-round education for those seeking a co-educational environment for their children. The governing structures and management of the school are committed to providing the best possible environment for teaching and learning, based on the value system outlined below and on a genuine desire to build and maintain a South Africa where all are treated as equals."

STATEMENT OF VALUES AND INTENT
Sensitive to the needs of a changing society

PINELANDS HIGH SCHOOL
stands for

1. Partnership between learners, staff and parents/guardians.
2. The worth of each person.
3. The individual's responsibility to and respect for others.
4. The fulfilment of the individual's full potential.

and is committed to

1. The development of self-esteem.
2. Creating a happy school community in which respect and tolerance for the individual, the environment and property are practised and a passion for excellence is inspired.
3. the pursuit of the highest academic standards, and
4. an understanding and integration of cross- cultural diversity.

It encourages

1. self-reliance,
2. critical and creative thought,
3. a sense of responsibility and accountability,
4. self-discipline,
5. honesty and integrity,
6. equipping learners with skills to deal with a changing world,
7. stimulating vision and optimism, and
8. an involvement in and commitment to the development of our African roots.

The TWO core values which underpin our decisions are

INTEGRITY and RESPECT

6.3 Any change to the mission statement or to the statement of values and intent must be ratified by the governing body after a democratic process involving parents, educators and learners.

6.4 The Governing Body must ensure that the school does not act contrary to its Mission Statement or its Statement of Values and Intent.

7. LANGUAGE POLICY
The language of instruction at the school shall be English, with the obvious exception of the Learning areas of isiXhosa and Afrikaans.

8. GENDER POLICY
The school shall be co-educational by nature. The school shall endeavour to maintain an equitable ration of male: female learners with no fewer that 45% of either gender in the school at any one time.

9. FUNCTION OF THE GOVERNING BODY
The Governing Body performs the functions which fall within its powers and which are necessary for the continued welfare of the school, subject to the provisions of sections 20 of the Act.

10. ALLOCATED FUNCTIONS OF THE GOVERNING BODY
The Governing Body performs the functions as specified in section 21 of the Act and as allocated to it in terms of the Government Notice 2628 (Government Gazette 19389) dated 31 October 1998.

11. LIABILITY OF MEMBERS OF THE GOVERNING BODY
A member of the Governing Body is not liable for any debt, damage or loss incurred by the school unless he or she has acted without the necessary authorisation, with malicious intent or negligence and can therefore be held responsible for such debt, damage or loss.

12. COMPOSITION OF THE GOVERNING BODY
In accordance with section 2(1) of the Measures, the Governing Body is composed of 7 parents, 2 educators, 1 non-educator, 2 learners, the Principal and a maximum of 6 co-opted members.

13. TERM OF OFFICE
The term of office of a member of the Governing Body is set out in section 4 of the Measures.

14. OFFICE-BEARERS OF THE GOVERNING BODY
The election of office-bearers, who must include at least a chairperson, a treasurer and a secretary, as well as the term of office of such office-bearers, are subject to section 19 of the measures.

15. COMMITTEES
The Governing Body may establish one or more committees in accordance with section 30 of the Act. A member of the Governing Body must chair each such committee.

16. MEETINGS
The Governing Body shall meet once a month, at least 9 times a year. The meetings are subject to section 20 of the Measures.

17. MINUTES OF PROCEEDINGS OF MEETINGS
The minutes of the proceedings of meetings of the Governing Body must be taken at the meeting and such minutes shall be typed and circulated to the members within a reasonable period of the date of the meeting held.

18. BANK ACCOUNT

The Governing Body shall open and maintain bank accounts as required.

19. FINANCIAL YEAR

The Financial Year begins on the first day of January and ends on the last day of December. The records and statements of the school must be audited each year in accordance with the provisions of section 43 of the Act.

CHAIRPERSON:	PRINCIPAL:
Name:	Name:
Signature:	Signature:
Date:	Date:

Text 11: Meetings of the SGB

Province of the Eastern Cape
Manual for School Management
THE SCHOOL GOVERNING BODY (pp C21 – C23)

8. MEETINGS OF THE SGB

It is the responsibility of the chairperson of the SGB to call all meetings.

8.1 TYPES OF MEETINGS

There are three different types of meetings for which different procedures apply:

ORDINARY MEETINGS	SPECIAL MEETINGS	ANNUAL GENERAL MEETING (AGM)
Deals with matters important for the effective running of the school such as the school policy, school finance, staffing, learner matters, non-educators, maintenance, etc.	Deals with urgent matters arising from problems that are experienced or with serious issues related to ineffective governance of the school.	Deals with the budget and school fees - must be approved by a majority of the parents present at this meeting. Other matters discussed at ordinary meetings may also be discussed at this meeting.

8.2 PROCEDURES FOR SGB MEETINGS

Procedures at meetings will be determined by each SGB. The following procedures may be followed:

ORDINARY MEETINGS	SPECIAL MEETINGS	ANNUAL GENERAL MEETING (AGM)
WHEN SHOULD MEETINGS BE HELD:		
At least once per term	Whenever an urgent matter arises When 10% or more of the parents who have voting rights wishes to call for a motion of no confidence in the SGB. This should be done in writing.	Once a year (preferably during the last term)
RESPONSIBILITIES:		
The chairperson sets the agenda, date, time and venue. The secretary informs all the members in writing of the above at least 14 days before the meeting.	For urgent matters the chairperson calls the meeting giving at least 24 hours notice. For no-confidence meetings the chairperson must call the meeting within 21 days.	The chairperson sets the agenda, date, time and venue. The secretary informs all the members in writing of the above at least 30 days before the meeting. The chairperson informs the

		parents.
WHO SHOULD ATTEND:		
All members of the SGB Any person may be invited but will not have voting rights This invited person will only stay for the time that the SGB actually needs him/her to be there Any staff member may be asked to attend	For urgent matters the attendance is the same as for ordinary meetings. For no-confidence meetings the parents and the SGB should attend.	The SGB and the parents of the school
QUORUM:		
Half the members of the SGB plus one more must be present. One of these must be a parent.	For urgent matters the quorum is the same as for ordinary meetings. For no-confidence meetings 50% of the parents with voting rights must be present. A vote of no-confidence is carried when 60% or more of the parents attending the meeting votes in favour of the vote of no confidence.	No quorum has been determined. Decisions will be made according to the majority vote of the parents present.

8.3 MINUTES

8.3.1 RESPONSIBILITY

The secretary must record the minutes of every meeting in the minute book and distribute copies to all members soon after the meeting and not later than seven days before the next meeting. Minutes should also be kept of all sub-committee meetings.

8.3.2 HOW MINUTES SHOULD BE KEPT

- The minutes should be a true reflection of a meeting. Record the minutes on an audio tape recorder, if possible. Refrain from using names in minutes – only minute the decisions and the main points of discussion.
- Minutes must be recorded in a minute book.
- All members should have copies of their minutes available at every meeting.
- At each meeting the minutes of the previous meeting should be read and adopted.
- The chairperson should sign the minutes after it has been adopted.
- See Annexure/SGB/03 for a proforma example for minute keeping.

8.3.3 SAFEKEEPING OF MINUTES

- The minute book should be kept in the principal's office where it is safe and can be accessed.
- When requested these minutes should be made available to the Head of Department, any person authorised by the Head of Department, parents, learners or staff members of the school. It is important to protect the rights of all stakeholders, when taking minutes.
- The minute book should be handed to the principal if an SGB should be dissolved (i.e. when it ceases to exist) or at the end of the term of office.
- Should a school be closed, the principal must hand in all minutes and other documents of the SGB to the Department for safekeeping.

Text 12: Functions of the Representative Council of Learners

Extracts from Representative Council of Learners Training Manual
Revised Programme 2006
GM South Africa Foundation

Core functions of the RCL
(as adopted by the Gauteng Department of Education)

1. A good RCL must be a sound, functioning body which respects educators, learners, parents, the SGB and non-educators.
2. The RCL must serve the school willingly and must be able to encourage the voluntary co-operation of learners.
3. The RCL acts as an important instrument for liaison and communication.
4. The RCL meets at fairly regular intervals, as determined by its constitution, to consider ideas, suggestions, comments and even complaints from its constituencies.
5. After every meeting an RCL gives feedback to its learners.
    i. If an idea is turned down, an RCL must try to explain why approval was not granted.
    ii. If an idea is approved, it must be conveyed to the professional management and the SGB, where applicable.
    iii. If they also approve the idea, it becomes part of the school policy, if applicable. If they do not approve the idea, the principal must explain the reasons for this decision to the council, who in turn must inform its constituency.

The responsibilities of an RCL
(as adopted by the Gauteng Department of Education)

1. It must liaise and communicate with the learners, professional school management team (SMT) and the SGB at the school.
2. Because it represents the learners, it must accept that the well-being of the school and learners is its primary task.
3. It must foster a spirit of mutual respect, good manners and morality among the learners.
4. It must promote and maintain discipline among learners and promote the general welfare of the school.
5. It must foster participation in school activities.
6. It must provide a training ground for developing leaders.
7. It must help each learner to feel at home in the school.
8. It must lead learners to develop high ideals of personal conduct.
9. It must promote orderliness and not disrupt the order in the school.
10. It must assist school management in implementing the school policy.
11. It must attempt to democratise its activities at the school.

RCL office bearers and their functions

The RCL should have the following office bearers:

- President
- Deputy President

- Secretary
- Treasurer.

The functions of the president and / or deputy-president of the RCL

- To chair all meetings of the RCL and its Executive
- To attend and represent the RCL at meetings with the RCL's at other schools or other youth organisations
- To promote the image of the school and the RCL
- To be the spokesperson for the RCL when mandated to do so by the Executive Committee of the RCL
- To write an annual report on the activities and achievements of the RCL for tabling at the School Governing Body meeting and to forward such to the District Manager
- Should both the president and the deputy-president be unable to fulfil the functions as specified above, the remaining members of the Executive shall elect, from its members, a person to fulfil these functions.

The functions of the secretary of the RCL

- To ensure that minutes of all meetings of the RCL and its Executive are taken and submitted for approval at the next meeting of the Executive or general meeting
- To ensure that notices of all meetings are dispatched to all members of the RCL and its Executive timeously
- To ensure upon request by the principal of the school or chairperson of the SGB, through the TLO, that copies of minutes requested are provided
- To ensure that all correspondence is read at meetings and respond to correspondence when requested
- To ensure that all minutes of meetings of the RCL and its Executive, after adoption, are signed by both the president and the secretary and dated with the day, month and year.

The functions of the treasurer of the RCL

- To keep a record of all monies received (donations, fundraising, i.e. income).
- To ensure all money collected is handed over to the school to be entered in the RCL ledger in the school funds account
- To keep records of all money spent (expenditure)
- To be responsible for all fund-raising activities
- To regularly (once a month) inform members of the RCL and its Executive of the state of the RCL's finances
- To ensure that funds are used for the purpose of promoting the educational interests of learners at the school
- To ensure that at the end of his or term of office, write an annual report on the state of the finances of the RCL for approval by the SGB and submit this report to the incoming secretary.

EXAMPLES OF POSSIBLE RCL SUBCOMMITTEES AND THEIR FUNCTIONS

SUB-COMMITTEE:	ROLES AND RESPONSIBILITIES
1. Social Committee	• Consult school learners regarding their social needs • List these needs • Identify at least one social function that can be hosted per term
2. Peace Education Committee	• Identify problem areas in the school (e.g. bullying, conflict, need for counselling of learners, etc.) • In consultation with the Teacher Liaison Officer Identify ways of addressing these needs
3. Public Relations Committee	• Liase with school newsletter or magazine • Market events • Write articles about the RCL • Promote the RCL
4. Outreach Committee	• Identify needs in the community that the school can assist with (e.g. visits to old age homes, interaction with SOS children's villages, etc.) • Organise outreach events
5. Fundraising Committee	• Work with treasurer to identify fundraising events • Consult with broader learner body concerning fundraising events • Host and report on fundraising events
6. Interschool liaison Committee	• Identify which other schools learners would like to interact with • Set up events across schools (e.g. debating evenings, RCL visits, etc.)
7. Compassion Committee	• Identify ways of assisting learners with needs (e.g. death of a family member, lack of funds for school uniform, etc.)
8. Discipline Committee	• Encourage learners to observe the rules of discipline stipulated in the code of conduct • Refer major disciplinary problems to the principal • Encourage learners to conform to school and classroom rules.

RCL CONSTITUTION

The RCL Executive Committee and the TLO generally do the initial drafting of the RCL Constitution. If an RCL constitution already exists then the executive committee/RCL members need to examine it and see what amendments need to be made. If there is no constitution then the Executive Committee should draft one following the procedures and structures outlined below.

Procedures for writing a constitution

- The Executive Committee of an RCL and the teacher liaison officer form the core of the committee that has to write the constitution of the RCL.

- After having written down a proposed constitution, the writing committee may provide copies of its proposal to a few learners, educators, the SGB and the other role players to study and comment on.
- Any changes suggested may be voted on by the committee and if approved, included in a revised version of the first proposal.
- The constitution is then ready to be examined and approved by all RCL members.
- The constitution should be written in a language that can be understood by all the learners to whom it applies.

Possible content of a RCL constitution

Section 1: Name

This section states the name of the council for example: "*The name of this council is…"*

Section 2: Purpose, duties and responsibilities.

This section includes details about the general aims and objectives and the general areas of responsibility of the council.

Section 3: Membership

This section covers the criteria for membership, how and when a member may be removed from office and how vacancies may be filled.

Section 4: Office bearers and representatives

This section names the office-bearers of the council, for example the chairperson, describes the nomination and election procedures, outlines the general duties and responsibilities of each office-bearer, and lists standing committees and the provisions for the appointment of any special committees.

Section 5: Meetings

This section states how often the meetings of the council will be held, determines the procedures for calling meetings and establishes a quorum required for conducting business. A quorum is the required number of members that has to be present in a meeting in order for decisions to be legal.

Section 6: Election of members

This section outlines the entire procedure for the election process, gives guidance on the time for elections, who may vote and provides information on general procedures

Text 13: Some qualities of an effective facilitator

An effective facilitator should be:

- **Objective and neutral:** The facilitator should not side with any particular group or viewpoint. The facilitator's task is to ensure that everybody has a fair chance to participate. The facilitator should deal with conflict and disagreements in an even-handed way.
- **Flexible:** The facilitator should not stick to the programme (or process) rigidly but should allow for variation, for example, by leaving more time for participants to discuss issues where necessary. The facilitator should also not display rigidity in the answers he or she is looking for.
- **An effective listener:** The facilitator should listen effectively and be able to capture accurately the views expressed by the participants.
- **Responds effectively:** The facilitator should be able to work with the input from participants. He/she should also be able to respond effectively to questions or challenges from the participants.
- **Maintains control of the group (or process):** The facilitator should maintain control of the group and deal effectively with unacceptable attitudes and behaviour.
- **Maintains an objective attitude:** The facilitator should give some individuals more attention than others.
- **Deal with diversity:** the facilitator should not discriminate against different people in the process due to their different points of view, race, religion, etc.
- **Diffuse conflict:** The facilitator should be able to deal with conflict in a constructive and neural manner.

(*Adapted from Moonsammy & Hassett, 1997*)

Text 14: GMSAF whole school evaluation instrument (July 2006)

WHOLE SCHOOL EVALUATION INSTRUMENT
Based on the South African National Whole School Evaluation policy (2001)

AREA 1: BASIC FUNCTIONALITY OF THE SCHOOL

Key Issue 1.1: Basic Functionality of the school

Please indicate which of the following you have in place at your school:		**Yes**
A1a1	**The following documents**	
A1a1.1	Vision & mission	
A1a1.2	Admission policy;	
A1a1.3	Language policy;	
A1a1.4	Discipline policy;	
A1a1.5	Code of conduct for learners;	
A1a1.6	Code of conduct for educators. (SACE)	
A1a2	An elected SGB	
A1a3	A timetable	
A1a4	An accounting and auditing system for the management of the school finances	
A1a3	**A system for monitoring the attendance, absence and lateness of:**	
A1a3.1	Learners	
A1a3.2	Educators	

Please indicate to what extent you agree with the following statements:			**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
A1b1	The school has sound leadership and management in place.		1	2	3	4	5
A1b2	The school has a positive organisational culture that supports the continuous growth and development of educators, learners and the school.		1	2	3	4	5
A1b3	Teaching and learning is central to the school and its activities (e.g. it is not compromised by non teaching activities).		1	2	3	4	5
A1b4	Learners show interest in education and are motivated to learn.		1	2	3	4	5
A1b5	Educators are committed and motivated to ensuring quality teaching and learning.		1	2	3	4	5
A1b6	School facilities, buildings and resources are well maintained.		1	2	3	4	5
A1b7	School facilities, buildings and resources are sufficient for teaching and learning to take place.		1	2	3	4	5
A1b8	School finances are managed in an accountable and responsible manner.		1	2	3	4	5
A1b9	There is no serious misconduct, (e.g. drugs, abuse, vandalism, disciplinary problems, etc.) on the part of:		1	2	3	4	5
A1b9.1	Learners		1	2	3	4	5
A1b9.2	Educators		1	2	3	4	5
A1b10	The set of core values for the school are supported by all stakeholders	N.A.	1	2	3	4	5
A1b11	The code of conduct is satisfactorily adhered to by:						

A1b11.1	Learners	N.A.	1	2	3	4	5
A1b13.2	Educators	N.A.	1	2	3	4	5
A1b14	The SGB effectively carries out its roles and responsibilities.	N.A.	1	2	3	4	5
A1b15	The system for monitoring and responding to attendance, absence and punctuality are efficient with regard to:						
A1b15.1	Learners	N.A.	1	2	3	4	5
A1b15.2	Educators	N.A.	1	2	3	4	5
A1b18	The school timetable accommodates effective teaching and learning.		1	2	3	4	5
A1b19	The accounting and auditing systems are adequate for the management of the school finances.	N.A.	1	2	3	4	5
Key issue 1.1 summary:			NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
A1c	What is your overall rating of the basic functionality of the school?		1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:							
A1d1							
A1d2							
A1d3							

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Minutes of meetings held by SMT, SGB and RCL.
- School attendance records for educators and learners.
- School timetable.
- School policies.
- School records of learner conduct.
- School financial records (e.g. budget, income and expenditure statements and audited statements).
- Building and grounds inventory lists and maintenance plans.

AREA 2: LEADERSHIP, MANAGEMENT & COMMUNICATION

Key Issue 2.1: Vision & mission statements

Please indicate which of the following you have in place at your school:		**Yes**
B1a1	A written vision statement	
B1a2	A written mission statement	
B1a3	Aims and goals in line with the school vision and mission	

If No, please proceed with Key Issue 2.2

Please indicate to what extent you agree with the following statements:			**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
B1b1	The vision & mission statements have been written or revisited within the past 5 years.	N/A	1	2	3	4	5
B1b2	The school leaders, staff, learners and parents participated in the writing or revisiting of the vision & mission statements.		1	2	3	4	5
B1b3	The vision & mission statements provide the school with clear direction and motivation.		1	2	3	4	5
B1b4	The vision & mission statements are well known to and supported by the school community.		1	2	3	4	5
B1b5	The vision & mission statements are displayed for all to see in the school building and important documents.		1	2	3	4	5
B1b6	The vision & mission statements are referred to when deciding on school policy and practice.		1	2	3	4	5
B1b7	The school has well-established achievable aims and goals in line with its vision and mission.		1	2	3	4	5

Key issue 2.1 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
B1c	What is your overall rating of the school's vision & mission statement?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
B1d1	
B1d2	

B1d3	

Key Issue 2.2: Policies and procedures

Please indicate which of the following policies & procedures you have in place at your school:		**Yes**
B2a1	Admission	
B2a2	Assessment (assessment of learners)	
B2a3	Assistance to learners with learning difficulties (LSEN)	
B2a4	Awards	
B2a5	Code of conduct for Educators (SACE)	
B2a6	Code of conduct for Learners	
B2a7	Discipline	
B2a8	Excursions	
B2a9	Finance	
B2a10	HIV/AIDS	
B2a11	Homework	
B2a12	Language	
B2a13	Orientation of new learners	
B2a14	Stock control	
B2a15	Labour saving devices (e.g. duplicators, telephone, fax, overhead projectors, etc.).	
B2a16	Use of private motor vehicles by staff	
B2a17	Pregnancy	
B2a18	Religion	
B2a19	Safety	
B2a20	Subject/learning areas	
B2a21	IQMS is being implemented by the school	

Please indicate to what extent you agree with the following statements:			**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
B2b1	The school policies are supported by the necessary guidelines and procedures.	N.A.	1	2	3	4	5
B2b2	The school's policies are a valuable source of reference and are implemented as required						
B2b3	These policies are in keeping with the school's vision and mission statements.						
B2b4	The school finances are run according to policy and strict record keeping exists.						
B2b5	The systems in place for monitoring and evaluating the performance of the school and individual educators are fair and effective (links to IQMS).						

Key issue 2.2 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
B2c	What is your overall rating of the school's policies & procedures?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
B2d1						
B2d2						
B2d3						

Key Issue 2.3: Overall leadership & management of the school

Please indicate which of the following you have at your school:		**Yes**
B3a1	The school has a permanent principal	
B3a2	All SMT positions are filled.	
B3a3	A copy of the Education Law and Policy handbook	
B3a4	A copy of the South African Schools Act (SASA) & amendments	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
B3b1	The principal is a good motivational leader who is aware of weak and strong areas and uses praise and disciplinary action appropriately.	1	2	3	4	5
B3b2	The principal, SMT and SGB work well together to lead and manage the school.	1	2	3	4	5
B3b3	There is an emphasis on consultation and delegation with senior staff and learners empowered to manage effectively.	1	2	3	4	5
B3b4	The management structure of the school is clearly defined and understood ensuring that policies are implemented.	1	2	3	4	5
B3b5	Management proactively looks for ways of improving the school.	1	2	3	4	5
B3b6	Management ensures that the best possible use is made of existing human and capital/material resources (staff, equipment and other resources).	1	2	3	4	5
B3b7	Management actively liases with the Department of Education and other agencies to obtain assistance as required.	1	2	3	4	5
B3b8	Management sets a personal and a professional example to staff and learners.	1	2	3	4	5
B3b9	Management relates to staff in such a way that they feel valued members of the school with an important contribution to make.	1	2	3	4	5
B3b10	Relevant legislation (e.g. SASA, Employment of Educators Act) is used to guide the management of learners, staff, financial and physical resources.	1	2	3	4	5
B3b11	Clear instructions and sound guidelines enable staff to do what is expected of them.	1	2	3	4	5
B3b12	Mentoring and support is provided as needed by educators.	1	2	3	4	5

Key issue 2.3 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
B3c	What is your overall rating of the school's **overall leadership & management of the school**?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
B3d1	
B3d2	
B3d3	

Key Issue 2.4: Administration of resources and records

Please indicate which of the following you have in place at your school:		**Yes**
B4a1	A School Improvement Plan for the current school year	
B4a2	Systems for managing and tracking school development.	
B4a3	A budget for the current school year.	
B4a4	Financial statements that are audited at least once a year.	
B4a5	A school fee register	
B4a6	A petty cash register	
B4a7	A school stock control register	
B2a8	Minutes are taken at all meetings (i.e. SGB, SMT, RCL, etc.).	

Please indicate to what extent you agree with the following statements:			**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
B4b1	Resources are administered efficiently and effectively		1	2	3	4	5
B4b2	Adequate records are kept to support the administration of resources		1	2	3	4	5
B4b3	The school budget ensures sound administration of resources	N.A.	1	2	3	4	5
B4b4	The school budget is strictly adhered to		1	2	3	4	5
B4b5	Auditing has revealed few errors in the financial statements	N.A.	1	2	3	4	5
B4b6	The controlling and monitoring systems for administration fulfils their purpose	N.A	1	2	3	4	5
B4b7	Minutes of all governance, management, staff, SGB, SMT, RCL and other meetings are adequate, filed and easily accessible.	N.A.	1	2	3	4	5

Key issue 2.4 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
B4c	What is your overall rating of the school's administration of resources and records?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
B4d1	
B4d2	

B4d3	

Key Issue 2.5: Communication

Please indicate which of the following you have in place at your school:		**Yes**
B5a1	A list of what must be communicated to parents during the school year (e.g. school fees, SGB elections, sports activities, collection of reports, etc.).	
B5a2	A list of what must be communicated to learners during the course of the year.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
B5b1	The principal co-operates with the parents in the best interests of the learners.	1	2	3	4	5
B5b2	The principal co-operates with the local community in the best interests of the learners.					
B5b3	Educators are notified of decisions and changes taken at a SGB and management level.					
B5b4	Departmental circulars and other relevant information are consistently brought to the attention of the staff in good time.					
B5b5	Learners give input and feedback on important school issues.					
B5b6	Educators give input and feedback on important school issues.					
B5b7	The principal establishes and monitors structures and processes to promote both a top-down and bottom-up flow of information.					
B5b8	Communication takes place in suitable advance of events so that parents, educators, learners can organise themselves accordingly.					

Key issue 2.5 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
B5c	What is your overall rating of communication at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
B5d1	
B5d2	

B5d3	

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- The school vision and mission statements.
- School policies, guidelines and procedures.
- Minutes of meetings held by staff, SMT, SGB and RCL.
- School financial records (e.g. budget, income and expenditure statements and audited statements).
- School management planning, recording and reports.

AREA 3: GOVERNANCE AND RELATIONSHIPS

Key Issue 3.1: Composition and functioning of the School Governing Body as a structure

Please indicate which of the following you have in place at your school:		**Yes**
C1a1	The SGB has an elected:	
C1a1.1	Chairperson	
C1a1.2	Treasurer	
C1a1.3	Secretary	
C1a2	All stakeholders are represented on the SGB (e.g. parents, educators, non-educators employed by school, learners in the Grade 8 or higher).	
C1a3	The SGB has a constitution.	
C1a4	The SGB meets regularly (at least once a term)	
C1a5	The SGB has a code of conduct	
C1a6	The SGB has established all relevant committees (e.g. finance, fundraising, etc.).	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
C1b	The SGB keeps minutes that are confirmed and acted upon.	1	2	3	4	5
C1b4	SGB members have received the necessary training to participate as effective members of this body.	1	2	3	4	5

Key issue 3.1 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
C1c	What is your overall rating of the composition and meeting of the School Governing Body?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
C1d1	
C1d2	
C1d3	

Key Issue 3.2: Roles and responsibilities of the School Governing Body

Please indicate which of the following is in place at your school:		**Yes**
C2a1	The SGB presents a report on its activities to the parents, learners, educators and other staff of the school at least once a year	
C2a2	The SGB has determined the times of the school day.	
C2a3	The SGB prepares an annual budget for the school	
C2a4	The SGB monitors funds received and spent by the school	
C2a5	The SGB has appointed an auditor to audit the records and financial statements of the school	
C2a6	The SGB has designed or approved all relevant policies that fall under its brief (e.g. admissions and language) and a code of conduct for learners.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
C2b1	The SGB assists with providing strategic leadership for the school without interfering in school management.	1	2	3	4	5
C2b2	The SGB works with the principal to monitor and support the quality of teaching and learning in the school.	1	2	3	4	5
C2b3	The SGB effectively recommends the appointment of educators and non-educators.	1	2	3	4	5
C2b4	The SGB allows reasonable use of the school property by other organisations.	1	2	3	4	5
C2b5	The SGB assists in constructively resolving any disputes or issues that arise in the school.	1	2	3	4	5
C2b6	The SGB effectively monitors the financial operations of the school.	1	2	3	4	5
C2b7	The SGB is actively involved in fundraising for the school.	1	2	3	4	5
C2b8	The SGB fulfils its responsibility in dealing with learner disciplinary matters.	1	2	3	4	5
C2b9	The SGB has a good relationship with school stakeholders	1	2	3	4	5

Key issue 3.2 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
C2c	What is your overall rating of the **roles and responsibilities of the School Governing Body**?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
C2d1	

C2d2	
C2d3	

AREA 4: QUALITY OF TEACHING AND LEARNING AND EDUCATOR DEVELOPMENT

Key Issue 4.1: Educator development processes and structures

Please indicate which of the following you have in place at your school:		**Yes**
D1a1	A Staff Development Team (SDT)	
D1a2	A schedule for the implementation of the Quality Management System based on two developmental cycles	
D1a3	A Development Support Group (DSG) for each educator	
D1a4	A Personal Growth Plan (PGP) for each educator.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
D1b1	The SDT fulfils its roles and responsibilities	1	2	3	4	5
D1b2	The SDT prepares adequate reports on the implementation of relevant aspects of the IQMS	1	2	3	4	5
D1b3	Educators readily participate in self-evaluation processes and relevant professional development programmes	1	2	3	4	5
D1b3	The DSG's are of great benefit to the educators	1	2	3	4	5
D1b4	The PGP's are put into action.	1	2	3	4	5

Key issue 4.1 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
D1c	What is your overall rating of the school's **educator development processes and structures**?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D1d1	
D1d2	
D1d3	

Key Issue 4.2: Lesson planning, preparation and presentation

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D2a1	Preparation records are kept by educators.	
D2a2	Lesson preparation is based on the NCS requirements.	
D2a3	Each educator has a portfolio of evidence for each learning area/subject they teach.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D2b1	Educators maintain adequate records of short and long term planning.	1	2	3	4	5
D2b2	Comprehensive records are kept of learner progress	1	2	3	4	5
D2b3	Learning programmes include a wide range of teaching and assessment strategies (e.g. group work, cooperative learning, investigative learning, individual work, direct instruction, discussion, problem-solving, etc.) that develop the required knowledge, skills, attitudes and values.	1	2	3	4	5
D2b4	Educators have well-structured schemes of work that indicate how they will develop the required knowledge, values and skills over a year and term.	1	2	3	4	5
D2b5	Lessons are well structured, build on previous lessons and anticipate future learning activities.	1	2	3	4	5
D2b6	There is evidence of learner-centeredness and high expectations of learners in planning and management of the learning programme	1	2	3	4	5
D2b7	Educators are able to diagnose learner needs and to develop appropriate learning programmes.	1	2	3	4	5
D2b8	There is a balance between the goals of the learning programme and learner needs, interests and background.	1	2	3	4	5

Key issue 4.2 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D2c	What is your overall rating of the lesson planning, preparation and presentation (Assessment of levels 1-4 educators) at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:

D2d1	
D2d2	
D2d3	

Key Issue 4.3: Educator's knowledge of curriculum and learning programmes

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D3a1	All educators are appropriately qualified for the Learning Areas/subjects that they teach.	
D3a2	Each educator has a copy of the RNCS/NCS for the learning area/s and/or subject/s that they	
D3a3	Each educator has a copy of the programme guidelines for the learning area/s and/or subject/s	
D3a4	Each educator has a copy of the assessment guidelines for the learning area/s and/or subject/s	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D3b1	Educators have a good understanding of the National Curriculum Statements and Learning Programmes related to their areas of teaching.	1	2	3	4	5
D3b2	Educators know how to develop the required knowledge, concepts, skills and values in their area of teaching.	1	2	3	4	5
D3b3	Educators are able to design learning experiences that assist learners to develop new knowledge, skills and values.	1	2	3	4	5
D3b4	Educators establish realistic goals for learners to accomplish specified outcomes within curriculum timeframes.	1	2	3	4	5
D3b5	Educators assist learners to monitor their progress against learning outcomes.	1	2	3	4	5

Key issue 4.3 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D3c	What is your overall rating of the knowledge of curriculum and learning programmes at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D3d1	

D3d2	
D3d3	

Key Issue 4.4: Educators' use of teaching strategies

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D4a1	Educators use a variety of teaching methods to meet outcomes.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D4b1	Learning programmes include a wide range of teaching and assessment strategies (e.g. group work, cooperative learning, investigative learning, individual work, direct instruction, discussion, problem-solving, etc.).	1	2	3	4	5
D4b2	Learners who require assistance in the use of particular teaching strategies are supported.	1	2	3	4	5
D4b3	Teaching strategies are used appropriately and relevantly to develop identified knowledge, skills and values.	1	2	3	4	5

Key issue 4.4 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D4c	What is your overall rating of educators' use of teaching strategies at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D4d1	
D4d2	

D4d3	

Key Issue 4.5: Educators' use of resources

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D5a1	Educators have access to a range of resources.	
D5a2	Educators know how to use a computer.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D5b1	Educators organise their classrooms and other learning areas (e.g. library, hall) in a stimulating way that supports individual and group learning activities (physical layout).	1	2	3	4	5
D5b2	Educators are able to effectively use available teaching and learning resources to develop learners' knowledge, skills and values (Resources include: textbooks, visual aids, computers and other electronic resources)	1	2	3	4	5

KEY ISSUE 4.5 SUMMARY:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D5c	What is your overall rating of educators' use of resources at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D5d1	
D5d2	
D5d3	

Key Issue 4.6: Learning environment created by educators

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		**Yes**
D6a1	The school's classrooms are welcoming learning environments.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
D6b1	Educators establish a good rapport and encourage learners to participate actively in learning programmes.	1	2	3	4	5
D6b2	Learners are engaged in relevant activities that develop learning programmes outcomes.	1	2	3	4	5
D6b3	Educators provide positive reinforcement of learners' achievements.	1	2	3	4	5
D6b4	Educators are able to effectively organise, manage and discipline learners.	1	2	3	4	5
D6b5	Educators provide support for learners with special needs and different abilities.	1	2	3	4	5
D6b6	Educators promote respect for individuality and diversity in their learning environments	1	2	3	4	5

Key issue 4.6 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
D6c	What is your overall rating of learning environment created by educators at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D6d1	
D6d2	
D6d3	

Key Issue 4.7: Learner assessment and achievement

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D7a1	Assessment is guided by national guidelines.	
D7a2	Educators keep assessment records for each learner.	
D7a3	Assessment records are easily accessible.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D7b1	Educators keep accurate assessment records.	1	2	3	4	5
D7b2	Assessment records provide insight into individual learner's progress.	1	2	3	4	5
D7b3	Learners receive regular feedback on their progress.	1	2	3	4	5
D7b4	Feedback is insightful, consistent and motivates learners to improve their performance.	1	2	3	4	5
D7b5	Based on assessment results teachers take required steps to assist at risk learners	1	2	3	4	5
D7b6	Educators have a good knowledge of different assessment techniques.	1	2	3	4	5
D7b7	Assessments cater for learners with special needs.	1	2	3	4	5
D7b8	Assessment is regularly undertaken, is included in learning programmes and lesson plans and is relevant to the learning outcomes (i.e. continuous assessment).	1	2	3	4	5
D7b9	Assessment is accurate, fair and consistent.	1	2	3	4	5
D7b10	A variety of assessment techniques are used to cater for learners from diverse backgrounds, for multiple intelligences, learning styles and physically challenged learners.	1	2	3	4	5

Key issue 4.7 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D7c	What is your overall rating of learner assessment and achievement at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D7d1	
D7d2	

D7d3	

Key Issue 4.8: Educators' use of homework

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D8a1	The school provides a venue for learners to do their homework in.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D8b1	Homework, assignments and projects are marked.	1	2	3	4	5
D8b2	Homework, assignments and projects support the development of curriculum knowledge, skills and values.	1	2	3	4	5
D8b3	Clear instructions for homework, assignments and projects are given.	1	2	3	4	5
D8a4	Adequate time is allowed for learners to complete their homework assignments.	1	2	3	4	5

Key issue 4.8 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D8c	What is your overall rating of educators' use of homework at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D8d1	
D8d2	
D8d3	

Key Issue 4.9: Educators' use of appropriate processes to evaluate the success of lessons

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D9a1	Educators make use of learner feedback to refine their lessons.	
D9a2	Educators keep records of their reflection on lessons.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D9b1	Educators assess the strengths and weaknesses of their lessons and learning programmes.	1	2	3	4	5
D9b2	Educators make use of peer feedback to refine their lessons.	1	2	3	4	5
D9b3	Educators adjust lesson plans and learning programmes according to feedback received and learner ability and interest.	1	2	3	4	5
D9b4	Educators determine learner involvement and progress in lessons.	1	2	3	4	5

Key issue 4.9 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D9c	What is your overall rating of educators' use of appropriate processes to evaluate the success of lessons at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D9d1	
D9d2	
D9d3	

Key Issue 4.10: Professional development and participation in professional bodies

(Assessment of levels 1-4 educators)

Please indicate which of the following you have in place at your school:		Yes
D10a1	Educators participate in cluster and other meetings.	
D10a2	Educators participate in professional bodies.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
D10b1	Educators participate positively in activities that foster professional growth.	1	2	3	4	5
D10b2	Educators work with other LA/subject teachers to improve practice.	1	2	3	4	5
D10b3	Educators are aware of current education issues and developments.	1	2	3	4	5
D10b4	Educators have a positive attitude towards their professional development.	1	2	3	4	5
D10b5	Educators work towards achieving their PGP	1	2	3	4	5

Key issue 4.10 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
D10c	What is your overall rating of the professional development and participation in professional bodies at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
D10d1	
D10d2	
D10d3	

Sources of information to complete tables

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Minutes of meetings held by SMT, SGB and RCL.
- School records of learners' academic achievement (e.g. Continuous Tasks of Assessment, Continuous Assessment, General Education and Training Certificate results, Further Education and Training Results).
- Records of learners' achievement in extra curricula activities.
- Educator planning and assessment records and Educator Portfolios.
- Observation of lessons.
- Observation of staff room interaction.
- Professional body registration.
- Viewing of classroom environments (e.g. layout, cleanness, display, etc.)
- Action plan for implementation of IQMS.
- Record of Developmental Support Groups.
- Educators Personal Growth Plans.

AREA 5: CURRICULUM, PROVISIONING AND RESOURCES

Key Issue 5.1: Adherence to National and Provincial curriculum and guidelines						
Please indicate whether the following is true about your school:						**Yes**
E1a1	The school follows the South African National Curriculum for schools.					
Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
E1b1	The school's learning programmes provide a balance between a national and local context.	1	2	3	4	5
E1b2	All assessment policies and practices are in line with the national and provincial curriculum and guidelines.	1	2	3	4	5
Key issue 5.1 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
E1c	What is your overall rating of the school's adherence to the national and provincial curriculum and guidelines?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
E1d1						
E1d2						
E1d3						

Key Issue 5.2: Structure and planning of the school's curriculum

Please indicate whether the following is true about your school:		**Yes**
E2a1	Copies of all learning programmes are kept on record and monitored against delivery timeframes.	
E2a2	The school liaises with feeder or receiver schools regarding the Grade 7 to Grade 8 transition phase.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
E2b1	HOD's and teachers meet regularly to plan and evaluate the structure and implementation of the curriculum	1	2	3	4	5
E2b2	The curriculum caters for the needs of all learners.	1	2	3	4	5
E2b3	The timetable accommodates effective curriculum delivery.	1	2	3	4	5
E2b4	Learners are prepared to cope with current and post-school challenges and environments (e.g. relationships, education, etc.).	1	2	3	4	5
E2b5	The overall school curriculum and activities are structured to develop the whole learner.	1	2	3	4	5

Key issue 5.2 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
E2c	What is your overall rating of the structure and planning of the school's curriculum?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
E2d1	
E2d2	
E2d3	

Key Issue 5.3: Provision of co-curricular and extra-curricular activities to enhance the curriculum

Please indicate which of the following you have in place at your school:		Yes
E3a1	The school has a list of sporting and cultural activities that are held at the school.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
E3b1	A broad range of sporting activities are provided which cater for the majority of learners interests.	1	2	3	4	5
E3b2	A broad range of cultural activities are provided which cater for the majority of learners interests.	1	2	3	4	5
E3b3	Activities are arranged in a way that learners can participate in a range of activities.	1	2	3	4	5
E3b4	Sports coaches provide high quality coaching	1	2	3	4	5
E3b5	Cultural activity facilitators provide high quality skill development.	1	2	3	4	5
E3b6	Opportunities are provided for learners to gain additional knowledge and skills in areas related to living and learning (e.g. Toastmasters, first aid, life skill workshops, etc.).	1	2	3	4	5

Key issue 5.3 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
E3c	What is your overall rating of the provision of co-curricular and extra-curricular activities to enhance the curriculum at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
E3d1	
E3d2	
E3d3	

Key Issue 5.4: Resources to support the curriculum.						
Please indicate which of the following you have in place at your school:						**Yes**
E4a1	Each educator has sufficient textbooks to support their teaching.					
Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
E4b1	Sufficient resource materials are easily accessible for use by the teachers (e.g. paper, chalk, cardboard, magazines, etc.).	1	2	3	4	5
E4b2	Learners have access to relevant resources to support learning (e.g. books, magazines, people, etc.).	1	2	3	4	5
E4b3	Available technology (computers, satellite, videos, television) is used to support the curriculum.	1	2	3	4	5
Key issue 5.4 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
E4c	What is your overall rating of **resources to support the curriculum** at the school?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
E4d1						
E4d2						
E4d3						

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- National Curriculum Statements (e.g. Revised National Curriculum Statement GET and National Curriculum Statement FET).
- National and Provincial Learning Programme guidelines.
- Curriculum support material supplied by the District Office.
- Minutes of meetings held by Heads of Departments.
- Resources and materials used in the learning programmes.

AREA 6: LEARNER ACHIEVEMENT

Key Issue 6.1: Learner achievement of the expected levels in literacy, numeracy and life skills

Please indicate whether the following is true about your school:		Yes
F1a1	Diagnostic assessments are used to assist with putting developmental support programmes in place to support learner achievement.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
F1b1	Most learners can read and write fluently in their primary language according to their developmental stage.	1	2	3	4	5
F1b2	Most learners read and write fluently in an additional language according to their developmental age.	1	2	3	4	5
F1b3	Most learners speak well and confidently.	1	2	3	4	5
F1b4	Most learners have good listening skills.	1	2	3	4	5
F1b5	Most learners can work with numbers and solve mathematical problems according to their age and ability.	1	2	3	4	5
F1b6	Most learners achieve according to their potential in their learning area/subjects (inkling gifted and LSEN).	1	2	3	4	5
F1b7	Most learners reach their full potential in sporting and cultural activities.	1	2	3	4	5
F1b8	Most learners are able to build on information previously learned.	1	2	3	4	5
F1b9	Most learners are able to find information, analyse and order it and produce well formulated solutions.	1	2	3	4	5
F1b10	Most learners work confidently in groups, co-operating and respecting others' values, opinions and cultural differences.	1	2	3	4	5

Key issue 6.1 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
F1c	What is your overall rating of learner achievement of the expected levels in literacy, numeracy and life skills at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
F1d1	
F1d2	
F1d3	

Key Issue 6.2: Learner achievement in learning area/subject outcomes						
Please indicate whether the following you have in place in your school:						**Yes**
F2a2	A profile for each learner which documents and monitors their academic achievement.					
Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
F2b1	Most learners are able to make good progress in their learning areas/subjects with little supervision.	1	2	3	4	5
F2b2	Most learners fare well in internal assessments and CASS.	1	2	3	4	5
F2b3	Most learners fare well in external exams and assessment s (e.g. CTA's, GET certificate and FET certificate).	1	2	3	4	5
F2b4	Learners are performing to their potential in all learning areas/subjects.	1	2	3	4	5
F2b5	Learners are motivated to learn	1	2	3	4	5
F2b6	Tracking of past learners indicates that they perform well socially, economically and in further studies.	1	2	3	4	5
Key issue 6.2 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
F2c	What is your overall rating of learner achievement in learning area/subject outcomes at the school?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
F2d1						
F2d2						
F2d3						

Key Issue 6.3: Learner achievement in extra curricula activities						
Please indicate which of the following you have in place at your school:						**Yes**
F3a1	(linked to F2a) A profile for each learner that documents and monitors their achievement in extracurricular activities.					
Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
F3b1	Most learners are able to make good progress in extra curricula activities with little supervision.	1	2	3	4	5
F3b2	Learners are performing to their potential in all extra curricula activities.	1	2	3	4	5
F3b3	Most learners fare well when competing against other schools and learners from other schools.	1	2	3	4	5
F3b4	Learners are motivated to participate in extra curricula activities.	1	2	3	4	5
Key issue 6.3 summary:		**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
F3c	What is your overall rating of learner achievement in extra curricula activities at the school?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
F3d1						
F3d2						
F3d3						

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Language assessments
- Numeracy assessments
- Critical outcome assessments
- National systemic assessments as a measuring stick (Grades 3, 6,9 and 12)
- External assessment results (e.g. General Education and Training Certificate and Further Education and Training Certificate results).
- Learner profiles, learner portfolio and tracking of learners.

AREA 7: SCHOOL SAFETY, SECURITY AND DISCIPLINE LEARNER ACHIEVEMENT

Key Issue 7.1: Provision of a safe learning environment

Please indicate whether the following is true about your school:		**Yes**
G1a1	The school has a school safety committee in place that oversees safety and security policies and issues and reports to the principal and SGB accordingly.	
G1a2	Safety and security regulations, policies and practice are prominently displayed in appropriate	
G1a3	The school keeps detailed records of all safety and security incidents.	
G1a4	The school has a first aid kit.	
G1a5	Emergency equipment in place (e.g. fire hydrants, sand buckets) and checked regularly	
G1a6	The school has an emergency plan and procedures in place (e.g. fire, natural disasters, etc.).	
G1a7	Regulations for the transporting and supervision of learners on school trips/outings are in place.	
G1a8	Procedures are in place to effectively deal with teachers abusing or having inappropriate relationships with learners.	

Please indicate to what extent you agree with the following statements:		**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
G1b1	Staff members and learners know how to react in instances of emergency and disaster, including transport arrangements (e.g. emergency practice drills are held regularly).	1	2	3	4	5
G1b2	Classes and laboratories are safe and secure.	1	2	3	4	5
G1b3	The school grounds (e.g. playgrounds) are safe and secure.	1	2	3	4	5
G1b4	The school ensures that learners and staff on school premises are safe from outside dangers e.g. potentially violent criminals.	1	2	3	4	5
G1b5	The school safety policy indicates clear ways of dealing with drugs and weapons.	1	2	3	4	5
G2b6	The local community contributes towards the safe keeping of the schools premises.	1	2	3	4	5
G1b7	The school has good relationships with local police, traffic department and fire brigade.	1	2	3	4	5
G1b8	All staff members relate positively to the learners (e.g. there is no verbal or physical abuse of learners)	1	2	3	4	5
G1b9	Educators and learners are not threatened by each other or their peers but work together in a caring environment.					

Key issue 7.1 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
G1c	What is your overall rating of the provision of a safe learning environment at the school?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
G1d1						
G1d2						
G1d3						

Key Issue 7.2: Contribution towards the welfare of learners

Please indicate whether the following is true about your school:		Yes
G2a1	The school has a record of all learners who are orphans and/or staying with guardians.	
G2a2	The school has a policy and procedures in place for supporting orphans, children at risk (e.g. abused children) and teenage pregnancy.	
G2a3	A feeding scheme is in place for malnourished learners	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
G2b1	The school has strong links with the Social Welfare Department, NGO's and other relevant organisations in the area (e.g. Lifeline, Famsa, child line, etc.).	1	2	3	4	5
G2b2	Appropriate structures are in place in the school for counselling and referral of learners.	1	2	3	4	5
G2b3	Appropriate structures and programmes are in place to mentor and support learners who are at risk	1	2	3	4	5
G2b4	The school environment caters and protects LSEN learners as well as educators and learners with disabilities.	1	2	3	4	5

Key issue 7.2 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
G2c	What is your overall rating of the contribution towards the welfare and safety of learners by the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
G2d1	
G2d2	
G2d3	

Key Issue 7.3: Learner discipline policy and procedures

Please indicate which of the following you have in place at your school:		Yes
G3a1	A learner discipline policy is in place.	
G3a2	A number of alternative discipline procedures (i.e. not corporal punishment) are in place.	
G3a3	Disciplinary procedures for learners requiring and reporting discipline are in place.	
G3a4	Up to date discipline records and related minutes that are regularly monitored.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
G3b1	The learner discipline policy and procedures are in keeping with the SA constitution and related legislation.	1	2	3	4	5
G3b2	The learner discipline policy and procedures are known and supported by the school community.	1	2	3	4	5
G3b3	The discipline policy is active and used in a consistent way.	1	2	3	4	5
G3b4	The discipline that takes place in the school is in keeping with related legislation	1	2	3	4	5
G3b5	Discipline methods and procedures are effective.	1	2	3	4	5
G3b6	Positive discipline is also applied (e.g. rewarding of learners who always obey school rules).	1	2	3	4	5
G3b7	There is clear and constant communication with parents so that they can support discipline efforts.	1	2	3	4	5
G3b8	The relevant policies e.g. code of conduct and disciplinary procedures are revisited at regular intervals by management, staff and learners to ensure that they are effective.	1	2	3	4	5
G3b9	Procedures are in place to effectively deal with learners' bullying or abuse of other learners.	1	2	3	4	5

Key issue 7.3 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
G3c	What is your overall rating of the learner discipline policy and procedures at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
G3d1	
G3d2	
G3d3	

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Minutes of School Safety Committee.
- Safety policy.
- Discipline policy.
- Learners at risk policy.
- Safety equipment inventory and maintenance plans.
- Checking of emergency equipment.
- Records of any accidents, breaches of security, emergency incidents.
- Emergency evacuation plans for fire and disaster.
- Records of emergency drills

AREA 8: SCHOOL INFRASTRUCTURE/RESOURCES

Key Issue 8.1: School buildings and teaching facilities

	Please indicate which of the following you have in place at your school:	**Yes**
H1a1	An inventory (list) of school buildings and facilities that need to be repaired	
H1a2	Maintenance plans for the school buildings and facilities	
H1a3	Piped water supply.	
H1a4	Taps in the learner toilets	
H1a5	Taps in the staff toilets	
H1a6	Electricity	
H1a7	There are no dangerous health or other risks (e.g. stagnant water, dangerous buildings).	

	Please indicate to what extent you agree with the following statements:	**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
H1b1	There are sufficient classes and other buildings for teaching, learning and school administration.	1	2	3	4	5
H1b2	Buildings are in good state of repair, are clean and are regularly and well maintained.	1	2	3	4	5
H1b3	The school makes good use of the buildings and teaching facilities that they have.	1	2	3	4	5
H1b4	The inventory (list) of what needs to be repaired is regularly updated.	1	2	3	4	5
H1b5	Buildings and facilities are repaired according to maintenance plans	1	2	3	4	5
H1b6	Sufficient finances are allocated to support maintenance and development of buildings and facilities.	1	2	3	4	5
H1b7	Boarding accommodation is well maintained and provides a healthy environment for learners.	1	2	3	4	5
H1b8	The school has adequate water supply.	1	2	3	4	5
H1b9	The school has sufficient toilets for its learners	1	2	3	4	5
H1b10	The school has sufficient toilets for its staff.	1	2	3	4	5
H1b11	The learner toilets are clean and hygienic	1	2	3	4	5
H1b12	The staff toilets are clean and hygienic	1	2	3	4	5
H1b13	Fundraising campaigns contribute towards the improvement of infrastructure.	1	2	3	4	5

Key issue 8.1 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
H1c	What is your overall rating of the school buildings and teaching facilities?	1	2	3	4	5
If you have indicated a need for support or improvement, please describe your needs:						
H1d1						
H1d2						
H1d3						

Key Issue 8.2: Extra curricula facilities and grounds

Please indicate which of the following are in place at your school:		Yes
H2a1	Sports fields and related facilities.	
H2a2	An inventory (list) of what needs to be repaired at the sports fields and related facilities.	
H2a3	Maintenance plans for the sports fields and related facilities.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
H2b1	There are sufficient sports fields and other extra curricula facilities.	1	2	3	4	5
	Sports fields and related facilities are in a good state and are regularly and well maintained.	1	2	3	4	5
H2b2	The inventory (list) of what needs to be repaired is regularly updated.	1	2	3	4	5
H2b3	Sports fields are maintained and repaired according to maintenance plans	1	2	3	4	5
H2b4	Sufficient finances are allocated to support the maintenance and development of sports facilities and school grounds.	1	2	3	4	5
H2b5	Fundraising campaigns contribute towards the maintenance and improvement of extra curricula facilities and grounds.	1	2	3	4	5
H2b6	The school makes good use of the sports facilities and grounds that they have	1	2	3	4	5

Key issue 8.2 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
H2c	What is your overall rating of the extra curricula facilities and grounds at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
H2d1	
H2d2	
H2d3	

Key Issue 8.3: Equipment and resources

Please indicate which of the following you have in place at your school:		Yes
H3a1	An inventory (list) of all equipment is kept.	
H3a2	An inventory (list) of all equipment that needs repairs is kept.	
H3a3	A library	
H3a4	A plan for the future acquisition of resources.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
H3b1	All equipment is regularly maintained and repaired.	1	2	3	4	5
H3b2	Equipment is repaired according to an inventory.	1	2	3	4	5
H3b3	The school library is well-maintained	1	2	3	4	5
H3b4	Sufficient finances are allocated to support the maintenance and development of equipment and resources.	1	2	3	4	5
H3b5	All necessary equipment needed to support teaching and learning is in place.	1	2	3	4	5
H3b6	All available resources are used effectively and efficiently.	1	2	3	4	5
H3b7	The school is able to access transport to support curriculum and extra-curriculum activities.	1	2	3	4	5
H3b8	Fundraising campaigns contribute towards the acquisition and improvement of resources.	1	2	3	4	5

Key issue 8.3 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
H3c	What is your overall rating of the school's equipment and resources?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
H3d1	
H3d2	
H3d3	

Key Issue 8.4: Staffing

Please indicate which of the following you have in place at your school:		Yes
H4a1	A list of all current staff at the school (including contact and other details)	
H4a2	A staff attendance register	
H4a3	A list of duties for non-educator staff	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
H4b1	There are sufficient teachers to provide a reasonable teacher/learner ratio.	1	2	3	4	5
H4b2	There are sufficient teachers in all learning areas and subjects.	1	2	3	4	5
H4b3	The school employs a sufficient number of non-educators (e.g. secretary and cleaners).	1	2	3	4	5
H4b4	The non-educators' performance management and development systems functions satisfactorily	1	2	3	4	5
H4b5	Non-educator staff performs their duties effectively and efficiently.	1	2	3	4	5
H4b6	Non-educators readily participate in the quality management process.	1	2	3	4	5
H4b7	Non-educators readily participate in professional development programmes.	1	2	3	4	5

Key issue 8.4 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
H4c	What is your overall rating of staffing at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
H4d1	
H4d2	
H4d3	

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Discussions with non-educator staff such as caretaker(s) and cleaners.
- On-site visits and inspections.
- Records of educators employed at school and timetable allocation (e.g. is there a balance workload and sufficient suitably qualified teachers for the learning areas and subjects offered by the school).
- School budget and income and expenditure statements.
- School asset register, records of state of buildings and maintenance plans.

AREA 9: PARENTS AND COMMUNITY

Key Issue 9.1: Communication with parents

	Please indicate which of the following you have in place at your school:	**Yes**
I1a1	Written reports on learners' progress are sent to parents (once a term).	
I1a2	Consultations and meetings with parents are organised to discuss learners' progress and other	
I1a3	Parents are notified of their children's successes and positive achievements.	
I1a4	Parents are notified and counselled regarding their children's behavioural problems	

	Please indicate to what extent you agree with the following statements:	**STRONGLY DISAGREE**	**DISAGREE**	**NEUTRAL**	**AGREE**	**STRONGLY AGREE**
I1b1	There are good channels of communication between the parents and the school.	1	2	3	4	5
I1b2	Information on the school and its teaching and learning activities is clearly communicated to the parents on a regular basis.	1	2	3	4	5
I1b3	The system of reporting to parents regarding their children's progress works well.	1	2	3	4	5
I1b4	Parents react to communication from the school (e.g. invitations to parent meetings, requests for fundraising assistance, etc.).	1	2	3	4	5

	Key issue 8.1 summary:	**NEEDS URGENT SUPPORT**	**NEEDS IMPROVEMENT**	**ACCEPTABLE**	**GOOD**	**OUTSTANDING**
I1c	What is your overall rating of the school's communication with parents?	1	2	3	4	5

	If you have indicated a need for support or improvement, please describe your needs:
I1d1	
I1d2	
I1d3	

Key Issue 9.2: Parents and community involvement in school activities

Please indicate which of the following are in place at your school:		Yes
I2a1	Parents are represented on the SGB.	
I2a2	Parents are involved in fundraising activities.	
I2a3	Parents assist with school maintenance.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
I2b1	A sufficient number of parents partake in school activities.	1	2	3	4	5
I2b2	Parents offer their skills to assist the school to function as a caring and high quality education community.	1	2	3	4	5
I2b3	Parents' suggestions are taken seriously.	1	2	3	4	5
I2b4	The school community plays a valuable role in supporting school activities.	1	2	3	4	5
I2b5	Where the parents do not contribute school fees they support the school in other ways.	1	2	3	4	5
I2b6	School and parents work together to guide and develop learners.	1	2	3	4	5

Key issue 9.2 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
I2c	What is your overall rating of parents and community involvement in school activities?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
I2d1	
I2d2	
I2d3	

Key Issue 9.3: Development opportunities for parents and the community

Please indicate which of the following you have in place at your school:		Yes
I3a1	The school has a list of the skills that parents can offer to assist in school maintenance, development and activities (e.g. repairs, coaching, class sitting, baking, etc.).	
I3a2	The school has some development/skills programmes in place for parents.	

Please indicate to what extent you agree with the following statements:		STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
I3b1	The school is aware of parents' (and where applicable the community's) educational and developmental needs.	1	2	3	4	5
I3b2	The school assists parents to meet their education and developmental needs.	1	2	3	4	5
I3b3	The parents and community make use of development opportunities offered by the school.	1	2	3	4	5
I3b4	The school plays an active role in the local community.	1	2	3	4	5
I3b5	Where needed the school is able to draw other funders and organisations into these activities.	1	2	3	4	5

Key issue 9.3 summary:		NEEDS URGENT SUPPORT	NEEDS IMPROVEMENT	ACCEPTABLE	GOOD	OUTSTANDING
I3c	What is your overall rating of development opportunities for parents and the community at the school?	1	2	3	4	5

If you have indicated a need for support or improvement, please describe your needs:	
Id1	
I3d2	
I3d3	

Sources of information to complete tables:

- Interviews with school community (i.e. educators, non-educators, parents, learners, SGB, SMT, Department of Education officials).
- Minutes of meetings held by SMT, SGB and RCL
- Learner reports prepared for parents.
- General newsletters, reports or feedback sessions to the parents.
- Notes of parent consultations.
- Evidence of community interventions and projects.
- Inclusion of community outreach in school learning programmes.

Text 15: Revisiting participative leadership

Making planning a participative process is not something that the Department of Education devised specifically to make life difficult for principals. Government requirements for public participation in schools and other structures is an international phenomenon. In February 1990, coincidentally during the same week Nelson Mandela was released from prison, an International Conference on Popular Participation was held in Arusha, Tanzania. Out of this conference came an *African Charter for Popular Participation in Development and Transformation*. The purpose of the Charter was to assert the role of popular participation in the development process. Resolution 11 states:

> *We believe strongly that popular participation is, in essence, the empowerment of the people to effectively involve themselves in creating structures and in designing policies and programmes that serve the interests of all, as well as to effectively contribute to the development process and share equitably in its benefits.*

This concept of public participation, including in the realm of education, has been extensively legislated for by the South African government since 1994. Until the mid-1990s, schools in South Africa were characterised by hierarchical, authoritarian cultures and structures. The newly formed Department of Education (DoE) was determined to change this. In a report commissioned by the Department in 1996, entitled *Changing Management to Manage Change*, the new approach was clearly enunciated:

> Decisions related to concerns such as learning, resource management, staff management and development should be made on the basis of commonly agreed principles ....*This means that education management can no longer be seen as being the preserve of the few.*

In the same year, the government passed the South African Schools Act, which revolutionised the systems and structures of schools. The preamble of the Act indicates the government's vision of the purpose of schooling and the contribution that school communities – comprising educators, parents and learners – would be expected to make in achieving these goals[i] :

Preamble to the South African Schools Act

- This country requires a new national system for schools which will
- Redress past injustices in education provision
- Provide education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities
- Advance the democratic transformation of society
- Combat racism and sexism and all other forms of unfair discrimination and intolerance
- Contribute to the eradication of poverty and the economic well-being of society
- Protect and advance our diverse cultures and languages

- Uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the State.

So the Department of Education has enacted laws and policies to ensure that school principals on their own do not undertake all the planning needed for schools to operate effectively because:

- School principals cannot succeed in reaching set goals without the support of educators, parents and even the learners
- Educators need to participate in the process of planning because if they do not 'buy in' to (or 'own') the plan they will not be willing to work hard to achieve the goals of the plan
- Parents are well placed to help develop and implement programmes and policies that serve members of their community. In other words, parents will help to ensure that school structures and programmes are run for the benefit of all.

Of course, just because government has made public participation possible through its laws, doesn't mean that it will succeed. One of the important tasks of the school principal is to encourage educators, parents and, where possible, learners to become more actively involved in school activities and school development planning.

Text 16: Hints on problem solving

1. Read through these hints on problem solving.

RECOGNISING PROBLEMS

Before trying to solve problems, it is worth agreeing on what constitutes a problem. This can be done by describing:

- in what situation the 'problem' occurs:
- e.g. in the classroom; at a meeting; in the staff room; in the system for administering exams;
- what happened:
- e.g. a certain teacher never has good discipline in the class;
- e.g. the exam papers were leaked to the learners the week before the exam
- why was it a problem:
- Here you describe the effects of the problem or the consequences that are seen in the school.

Fill in the 'recognition' on a worksheet like this one.

Recognising problems worksheet

THE SITUATION (where the problem occurred)	**WHAT HAPPENED?**	**WHY IS IT A PROBLEM?** (what was/is the impact on the school?)

TYPES OF PROBLEMS

It is useful, when trying to deal with a problem, to focus on the type of problem. Generally, the types of problems that we face fit into one of four categories:

Problem → Situation ↓	Familiar	Unfamiliar
Familiar	1	3
Unfamiliar	2	4

If a person is familiar with a problem and is in a familiar environment, then once it has been addressed for the first time, it should be fairly straightforward to solve that problem again, even if it occurs in a new environment. However, if it is a new problem in either a new or unfamiliar environment, then the ability to resolve it depends on the knowledge and skills of the problem solving team. If the

problem solving team do not have the correct knowledge and skills they can decide to ask for external assistance. In terms of difficulty, 1 (in the table above) is the most straightforward to solve with 4 being the most difficult.

Depending on the nature of the problem, types 1 to 4, the skills required to resolve it will be different.

PROBLEM SOLVING SKILLS

Differing situations, differing problems require differing skills and combinations of skills. Some examples:

- analysis skills
- listening skills
- communication skills
- theoretical skills
- technical skills
- management skills
- understanding born of experience.

There are also certain attributes or characteristics of mind, personality and character.

For example:

- common sense
- open-mindedness
- a willingness to accept the ideas of others.

PROBLEM SOLVING TECHNIQUES

There are certain well-known techniques, which can be used in problem solving. When you go about this process remember to involve all the people

- who are impacted by the problem;
- who can add information; and/or
- who may have the resources that can aid the successful solution to the problem.

Following a participative, teamwork approach will have the advantage of

- allowing everyone a say in the problem;
- everyone will have a chance to buy-in; and
- everyone would then be more willing to accept responsibility for delegated tasks when it comes to implementation.

On the following page is a general summary of problem solving steps which you can use in your next activity:

STEP 1	RECOGNISE/IDENTIFY THE PROBLEM Out of feelings of frustration and uncertainty there comes a realisation that there is a problem. At first the problem can seem to be too large or too complicated to sort out. A very important initial step is then to break up the problem into its most simple components. The recognition worksheet (p. 51) can guide you in doing this. 
STEP 2	ACCEPT OWNERSHIP OF THE PROBLEM Decide whether you can solve this problem. You cannot solve all problems that affect you. You need to distinguish between problems that you are expected to do something about, and those that are outside of your responsibility. Indicate who could help you remedy this problem.
STEP 3	ANALYSE THE PROBLEM Ask your team: • What can you see (the symptoms)? • What is influencing the situation (the factors)? • What is the origin of the problem (the root cause)? You need to collect and analyse information. Collect facts and statistics as well as opinions and feelings of those affected. Use group brainstorming techniques, speaking to staff members, records etc.
STEP 4	IDENTIFY POSSIBLE SOLUTIONS Develop potential solutions that could remedy the problem, based on all the information collected. 
STEP 5	CHOOSE THE BEST SOLUTION From the list of solutions presented, decide which is the best. Ask your team: • Does the solution solve the problem and deal with the root cause? • Will the solution remove all the symptoms? • Will it satisfy all the people involved? • Do we have the resources to make it work? • Will we be able to implement the solution?
STEP 6	IMPLEMENT THE SOLUTION In order to implement the solution effectively, you need to draw up an **action plan** specifying actions, responsibilities, time frames and targets.
STEP 7	FOLLOW UP AND EVALUATE THE SOLUTION As the school leader you need to follow up to determine whether the solution implemented actually solved the problem. Keep checking and evaluating whether the problem has been effectively eliminated. 

1. Identify a problem that you need to solve in your school.

2. Begin the steps of developing a solution to the problem. Use the diagram provided on the following page to help you/

<table>
<tr><td colspan="6">Step 1: RECOGNISING PROBLEMS WORKSHEET</td></tr>
<tr><td colspan="2">THE SITUATION
(where the problem occurred)</td><td colspan="2">WHAT HAPPENED?</td><td colspan="2">WHY IS IT A PROBLEM?
(what was/is the impact on the school?)</td></tr>
<tr><td colspan="2"></td><td colspan="2"></td><td colspan="2"></td></tr>
<tr><td>Step 2</td><td colspan="5">Accept ownership of the problem
We can solve this problem: YES ☐ NO ☐</td></tr>
<tr><td>Step 3</td><td colspan="5">Analyse the problem
Add this to the information you have already recorded for Step 1.</td></tr>
<tr><td>Step 4</td><td colspan="5">Identify possible solutions</td></tr>
<tr><td>Step 5</td><td colspan="5">Choose the best solution</td></tr>
<tr><td colspan="6">Step 6: Implement the solution

ACTION PLAN</td></tr>
<tr><td>No</td><td>Actions to take?</td><td>Who will do it?</td><td>By when?</td><td>Resources?</td><td>How will we know when we have achieved it?</td></tr>
</table>

1					
2					
3					
4					
5					
6					
7					
8					

Step 7:	Follow up and evaluate the solution:

1. Make sure that sufficient buy-in the to solution has been obtain by your school community. Allow staff and parents (and learners where appropriate) an opportunity to consider the issue and to have their input. Spend time developing a solution and action plan accepted by everyone. Then IMPLEMENT your solution and RECORD your evaluation of the progress.

Text 15:Template for school improvement plan

SCHOOL IMPROVEMENT PLAN

NAME OF SCHOOL:

DATE COMPILED:

HIGH PRIORITY PROJECTS	BRIEF DESCRIPTION OF HOW THESE WILL BE MET - PROJECT/S	WHO IS INVOLVED	BUDGET
1.			
2.			
3.			
4.			
5.			

ACTIVITIES THAT NEED TO BE INCLUDED IN SCHOOL MAINTENANCE PLANNING:

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Text 16: Priority problem analysis sheet

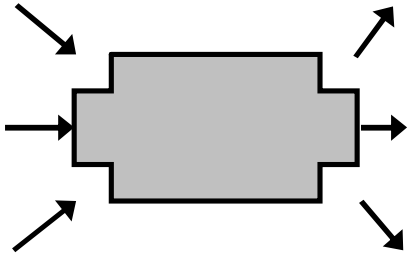
PRIORITY PROBLEM		
CAUSES (List & Highlight Core Cause)		**SOLUTIONS** (List & Highlight Best)

1

2

3

4



PRIORITY PROBLEM

1

2

3

PROJECT DESCRIPTION

Text 17:Project proposal

PROJECT PROPOSAL

Project Name:

Presented to:

By

Name of school:

Date:

Project Abstract

- Brief description of the project
- Project name
- Project objectives
- People who will be working on the project

Objectives

List the project's objectives in bullet form.

Historical Background

Give a brief history of the school, problems, research, and other projects in this area; explain current issues.

Project Justification

Explain what current issues/problems your project addresses; why do you need to do this project? If you have attempted such a project before mention this and outline what will be different this time round.

Project Explanation

Explain how your project will address current needs/issues, what you intend to look at, and so on.

Project Benefits

List the benefits that will come from your project.

Project Risks

List the risks associated with your project and how you'll overcome them.

Implementation

Discuss the actual methods and steps you'll use to complete your project; give specific details.

- Step one
- Step two
- Step three

Project Deliverables

Identify exactly what you'll produce: written reports, working models, and so on.

- First deliverable
- Second deliverable
- Third deliverable

Project Schedule

Give a time line for the project with dates for milestones, goals, and deliverables. If these are covered in your action plan then refer to your action plan here.

Project Organization

Show the people who will work on the project, who they'll report to, the roles they'll play, and so on.

- First person, title, duties
- Second person, title, duties
- Third person, title, duties

Necessary Equipment and Materials

Explain what kinds of things you'll need for your project.

- First need
- Specifications, price, and so on.
- Second need
- Specifications, price, and so on.
- Third need
- Specifications, price, and so on.

Project Budget

Provide a detailed budget indicating all project costs. Indicate where you will save on or cut costs.

- Cost/Benefit Analysis
- Talk about the costs versus the benefits of accepting your project.
- Costs
- Benefits

Conclusion

Provide a motivational conclusion that briefly touches on the need for the project again and the benefits for the school and/or community.

Attach

- Action plan
- Any other relevant documentation (i.e. letters of support, other sponsors

Bibliography

Brookover, W., Beady, C., Flood, P., Schweitzer, J., & Wisenbaker, J. (1979). *School social systems and student achievement: Schools can make a difference.* New York: Praeger.

Carr, I. 2005. *From policy to praxis: a study of the implementation of representative councils of learners in the Western Cape from 1997 to 2003*. PHD Thesis with the University of the Western Cape.

Coleman, J.S., Campbell, E., Hopson, C., McPartland, J., Mood, A., Weinfeld, F. et al. (1966). *Equality of educational opportunity.* Washington, DC : US Government Printing Office.

Coleman, J.S., Hoffer, T., & Kilgore, S. (1981). *Public and private schools.* Chicago: National Opinion Research Centre, University of Chicago.

Davidoff, S. & Lazarus, S. 2002. *The learning school an organisational development approach.* 2nd Edition. Cape Town: Juta.

Davids, I. et. al. (eds). *Participatory development in South Africa: a development management perspective*. Pretoria: Van Schaiks, p.210

Du Plooy, P. 2005. Participatory development and South African schools: possibilities and problems. *Journal of Commonwealth Youth and Development.* Vol 3, No. 1.

Education Labour Relations Council (ELRC). 2003. *Integrated Quality Management System.* Collective Agreement no. 8 of 2003. Pretoria: ELRC.

Evans, R. (2001). *The* human *side of school change: Reform, resistance, and the real-life problems of innovation.* San Francisco: Jossey-Bass.

Fidler, B. (2001). A structural critique of school effectiveness and school improvement. In A. Harris & N. Bennett (Eds.), *School effectiveness and school improvement: Alternative perspectives.* London: Continuum.

Fullan, M. (2001). *The new meaning of educational change* (3rd ed.). New York: Teachers College Press.

Fuller, B. (1987). What factors raise achievement in the third world? *Review of Educational Research.* 57(3), 225–292.

GM South Africa Foundation. 2006. *Representative Council of Learners Training Manual*, Revised Programme.

Gultig, J. et. al. 2002. *Creating people-centred schools: school organization and change in South Africa.* Oxford: Oxford University Press, p. 6 - 8

Harber, C., & Davies, L. (1997). *School management and effectiveness in developing countries: The post-bureaucratic school*. London: Cassell.

Hargreaves, A., & Fullan, M. (1998). *What's worth fighting for in education?* Maidenhead: Open University Press.

Harris, A. (2001). Contemporary perspectives on school effectiveness and school improvement. In A. Harris & N. Bennett (Eds.), *School effectiveness and school improvement: Alternative perspectives.* London: Continuum.

Heneveld, W., & Craig, H. (1996). *Schools count: World Bank project designs and the quality of primary education in Sub-Saharan Africa.* Washington, DC: The World Bank.

Hopkins, D. (1996). Towards a theory for school improvement. In J. Gray, D.

Hopkins, D. (2001). *School improvement for real.* London: RoutledgeFalmer.

Human Rights Commission (HRC). (2006). *Report of the public hearing on the right to basic education.* Retrieved November 2, 2006, from http://www.sahrc.org.za/sahrc_cms/downloads/RBE_Report.pdf

Kouzes, J. & Posner, J. 2003. *The leadership challenge*. 3rd edition. USA: Jossey-Bass.

Kouzes, J. and Posner, B. 2003.*Encouraging the heart. A leader's guide to rewarding and recognising other.* San Francisco: Jossey-Bass; p. 13

KwaZulu Natal Department of Education and Culture. 2002. Towards effective school management: planning and developing effective schools. Media in Education Trust (MiET): Durban.

KwaZulu Natal Department of Education and Culture. No date. *Understanding school governance. Manual 3: Conducting Meetings and Keeping Records*. Media in Education Trust (MiET): Durban, pp. 23 – 25.

Lightfoot, S.L. 1983. *The good high school: portraits of character and culture*. USA: Basic Books.

MacBeath. J. & Mortimore, P. (Eds.). 2001. *Improving school effectiveness.* Buckingham: Open University Press.

MacCallum and S. Beltman. 2002. *Role models for young people. What makes an effective role model programme?* National Youth Affairs Research Scheme, Australia.

Matthew Goniwe School of Leadership and Governance. 2006. *Governing our schools. Programme 1 – Legislative Roadmap: Module 1 – Constitutional Values*. Johannesburg: MGSLG.

Matthew Goniwe School of Leadership and Management. 2006. *Governing our Schools. Programme 2 – It's a Match: Module 1 – The school as an organisation and relationship building*. Johannesburg: MGSLG.

Maxwell, J. 2001. *The 17 Indisputable Laws of Teamwork.* Thomas Nelson Publishers, Nashville (p.193)

Moloi, K.C. 2002. *The school as a learning organisation: reconceputalising school practices in South Africa*. Pretoria: van Schaik Publishers.

Moonsammy, G & Hassett, A. 1997. *Reconstructing Schools*. Macmillan TIPS.

Mortimore, P., Sammons, P., Stoll, L., Lewis, D., & Ecob, R. (1988). *School matters: The junior years.* Wells: Open Books.

Oosthuizen, I.J. (ed). 2003. Aspects of Educational Law. Van Schaiks: Pretoria.

Province of the Eastern Cape. 2001. Manual for School Management. Professional management. Government Printers: Bisho. P. B33.

Province of the Eastern Cape, Department of Education. 2005. *Education and development manuals. Module 2: Structures and process for effective schools.* Government printers: King Williams Town.

Province of the Eastern Cape, Department of Education. 2005. *Education and development manuals. Module 3: Managing and developing human resources.* Government printers: King Williams Town.

Province of the Eastern Cape, Department of Education. 2005. *Education and development manuals. Module 7: Managing and developing relations with the community.* Government printers: King Williams Town.

Ralephata, R. 2004. *Role of RCLs in the 21st Century*. Matthew Goniwe School of Leadership and Governnance, p. 24.

Reynolds, D. (2001). Beyond school effectiveness and school improvement. In A. Harris & N. Bennett (Eds.), *School effectiveness and school improvement: Alternative perspectives.* London: Continuum.

RSA Government. 1996. *South African Schools Act of 84*. Pretoria: Government Printers

RSA. 2004. *Review of school governance in South African public schools. Report to the Minister of Education*. Government Printers: Pretoria.

Sampson, C. 2004. *Role of RCLs in the 21st Century*. Matthew Goniwe School of Leadership and Governance, p. 29.

Scheerens, J. (1992). *Effective schooling: Research, theory and practice.* London: Cassell.

Senge, P., Cambron-McCabe, N., Lucas, T., Smith, B., Dutton, J., & Kleiner, A. (2000). *A fifth discipline resource: Schools that learn – a fifth discipline fieldbook for educators, parents, and everyone who cares about education.* New York: Doubleday.

South Africa. Department of Education (DoE). (2001a). The National Policy on Whole-School Evaluation. Pretoria: Department of Education.

South Africa. Department of Education (DoE). (2001b). Evaluation guidelines and criteria for the whole-school *evaluation policy.* Pretoria: Department of Education.

South Africa. Department of Education (DoE). (2004). *Whole school evaluation: Guidelines and criteria*. Pretoria: Department of Education.

Taylor, N. (2002). *Accountability and support: Improving public schooling in South Africa: a systemic framework*. Paper presented to the National Consultation on School Development hosted by the Department of Education, 29 January 2002.

Taylor, N. (2007). (Forthcoming). Equity, efficiency and the development of South African Schools. In T. Townsend (Ed.), *International handbook of school effectiveness and improvement* (forthcoming). Dordrecht: Springer.

Wikipedia at http://commons.wikimedia.org/wiki/Image:Communication_sender-message-reciever.png

Wikipedia.org/wiki/Governance