

An Education Law perspective on quality service delivery of grade R educators

A Otte
13058819

Dissertation submitted in fulfilment of the requirements for
the degree Magister Educationis in Education Law at
the Potchefstroom Campus of the North-West
University

Supervisor: Prof JP Rossouw

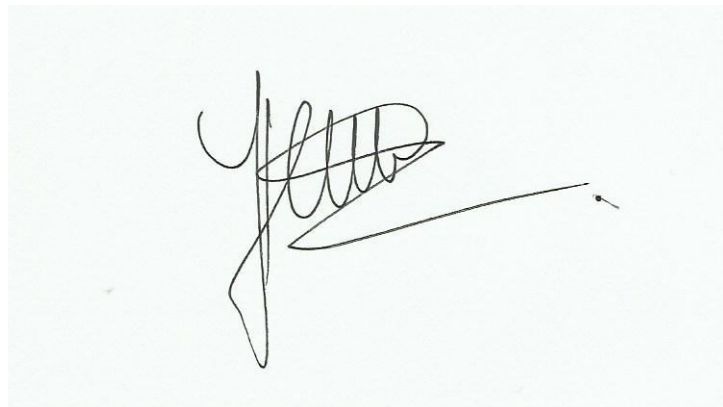
May 2016



Declaration

I, the undersigned, hereby declare that the work contained in this dissertation / thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature

A handwritten signature in black ink on a light blue background. The signature is stylized and cursive, starting with a large 'J' and ending with a long horizontal stroke.

Date: 30 October 2015

Copyright © 2016 North West University (Potchefstroom Campus)
All rights reserved

Acknowledgements

... “*Want Sy Genade was
genoeg*”...

Individuals can make the difference:

Professor J.P. Rossouw, family, colleagues and friends, only you will know in which exceptional ways you motivated, supported and guided me, and for that I will be eternally grateful.

Thank you for the financial support by means of a grant holder-linked bursary as this study formed part of the overarching NRF funded project *Educator rights and educator security within a changing education environment within the Edu-HRight* Research Unit of the Faculty of Education Sciences of the North West University

Abstract

This research focuses on the role of the grade R educator who should know and correctly apply the legal imperatives and principles concerning her duty as educator, as key stakeholder in public education. Different rights and responsibilities in Education Law are applicable to the educator. This study is conducted in the field of Education Law, and investigates the grade R educator's duty of quality service delivery in the South African context. A scarcity of scholarly work regarding legal perspectives related to Early Childhood Development (ECD), and specifically grade R, was identified.

Grade R (the reception year) forms part of a broad term used for ECD that encompasses the development of children aged 0-9 years. Although grade R is not compulsory yet, since 2009, the Department of Basic Education has been establishing grade R classes in public primary schools to promote universal access to this grade.

Legal sources were consulted in the existing legal framework starting with the supreme law of South Africa, namely the Constitution, in which the right to equality, human dignity, and education are provided for by the Bill of Rights. With regard to the grade R educator's duty of care during all school activities, applicable common law principles are analysed. Court cases are discussed which impact on ECD education. Labour legislation is included as the grade R educator, as employee, has the right to join a union and participate in union activities and industrial action. The South African Schools Act makes legal provision for the admission age of learners as well as the duties of School Governing Bodies (SGB), which are addressed in this study. The duties of the SGB which compasses setting a code of conduct for learners, even as young as grade R, and providing a safe environment, are addressed. Specific policies regulating grade R such as the Norms and Standards for grade R, funding, universal access, and the quality of grade R education, are addressed.

The quality of education in grade R is influenced by factors such as learner age, learner-teacher ratios, resources, parent involvement, educator training and appointments, which are discussed.

The phenomenon of quality service delivery of the grade R educator is determined by her attitudes, beliefs and values. An interpretivistic paradigm approach and qualitative research methods were applied in the study. After purposively selecting twenty six participants from the Dr Kenneth Kaunda District, information was gathered through individual and focus group interviews and observations.

An analysis of the empirical data generated during the study revealed that the grade R educator's level of Education Law knowledge is unacceptably low, and that there is little real awareness of legal accountability. Unfair expectations from the school management team because of a lack of understanding the true nature of grade R teaching, influences the quality of education taking place in grade R classrooms in public primary schools.

Recommendations call for grade R terminology to be universalised within the South African scope of ECD. A lifelong investment should be made in the well-being of grade R educators to ensure that they: a) comprehend and implement the legal principles of Education Law which call for accountability and creating safe environments for grade R learners, b) acknowledge and apply the essence of Curriculum and Assessment Policy Statement (CAPS) regarding grade R when teaching. The overcrowding in classes should be urgently addressed. The quality of service delivery by the grade R educator is of critical importance to ensure quality education in grade R.

Key concepts: Bill of Rights, legal accountability, duty of care, labour law, educator duties, Early Childhood Development (ECD), Early Childhood Education (ECE), grade R, quality service delivery, kindergarten, nursery school, educator performance, preschool, pre-primary, quality education



PLEGTIGE VERKLARING

1 Plegtige Verklaring deur student

Hiermee verklaar ek, Aquila Otte

die ondergetekende, dat die proefskrif/verhandeling/skripsie/artikel getiteld

An Education Law perspective on quality service delivery of grade R educators

wat ek by die Noordwes-Universiteit, Potchefstroomkampus, ter voldoening aan die vereiste van die

MEd kwalifikasie inhandig, my eie werk is, dat dit volgens die vereistes taalversorg is en dat dit nie reeds by 'n ander universiteit ingehandig is nie.

Ek verstaan en aanvaar dat die eksemplare wat vir eksaminering ingedien word die eiendom van die Noordwes-Universiteit is.

Handtekening van student

Verklaring van Kommissaris van Ede

Verklaar voor my op hierdie dag van

MAARTHA MARIA VAN DER WAL
Ex officio Commissioner of Oaths, HEAD: EDUCATIONAL SERVICES LEADERS
North-West University – Potchefstroom Campus
Private Bag X6001, Potchefstroom, 2520

NWU

13058819

OATH
Universiteitsnommer

1. The deponent

1.1 has acknowledged that he/she is familiar with the content of this statement, and that he/she understands it; and

1.2 declares that he/she has no objection against taking the oath and regards it as binding on his/her conscience; and

1.3 has signed the statement in the presence of the undersigned.

2. The oath was taken by having the deponent utter the words "I swear that the contents of this statement are true and correct in every particular".

Sworn to before me on the 3 van Ede October 2015 at Potchefstroom.

Stempel van Kommissaris

NWU

LET WEL: Indien 'n student se proefskrif/verhandeling/skripsie/artikel na die sperdatum vir indiening ingedien is, sal die tydperk vir eksaminering beperk wees. Geen waarborg kan daarom gegee word dat (selfs sou die eksaminatorsverslae positief wees) die graad by die eerskomende gradeplegtigheid toegeken sal word nie. Dit mag ook beteken dat die student vir die volgende akademiese jaar moet herregistreer.

2 Plegtige verklaring deur studieleier/promotor

Hiermee verklaar die ondergetekende dat:

- die student gemagtig word om sy/haar skripsie/verhandeling/proefskrif in te handig;
- die student se werk deur Turnitin getoets is en 'n bevredigende verslag ontvang is.

Handtekening van Studieleier/Promotor

2015-10-30

Datum

Oorspronklike gegewens: (11664754) P:\Nagraads en Organisasie\2015\Briewe\Plegtige Verklaring.docm
17 Februarie 2015

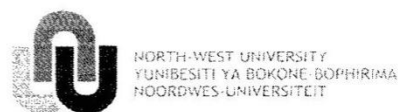
Verwysingsnommer: 7.1.11.3.2

E-Pos

Laal dokument op e-Fundi

Stoor as PDF

Ethics Certificate



Private Bag X6001, Potchefstroom
South Africa 2520

Tel: (018) 299-4900
Faks: (018) 299-4910
Web: <http://www.nwu.ac.za>

Institutional Research Ethics Regulatory Committee

Tel +27 18 299 4849
Email Ethics@nwu.ac.za

ETHICS APPROVAL CERTIFICATE OF PROJECT

Based on approval by **Ethics Committee of the Faculty of Education Sciences**, the North-West University Institutional Research Ethics Regulatory Committee (NWU-IRERC) hereby approves your project as indicated below. This implies that the NWU-IRERC grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the project may be initiated, using the ethics number below.

Project title: An education law perspective on educator rights and educator security within a changing education environment															
Sub-project title: An Education Law perspective on quality service delivery of grade R educators															
Project Leader: Prof JP Rossouw															
Student: A Otte															
Ethics number: <table border="1"><tr><td>N</td><td>W</td><td>U</td><td>-</td><td>0</td><td>0</td><td>0</td><td>1</td><td>8</td><td>-</td><td>1</td><td>1</td><td>-</td><td>A</td><td>2</td></tr></table>	N	W	U	-	0	0	0	1	8	-	1	1	-	A	2
N	W	U	-	0	0	0	1	8	-	1	1	-	A	2	
Approval date: 2015-06-04	Expiry date: 2016-03-17	Category: <table border="1"><tr><td>N/A</td></tr></table>	N/A												
N/A															

Special conditions of the approval (if any): None

<p>General conditions:</p> <p>While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following:</p> <ul style="list-style-type: none">The project leader (principle investigator) must report in the prescribed format to the NWU-IRERC:<ul style="list-style-type: none">annually (or as otherwise requested) on the progress of the project.without any delay in case of any adverse event (or any matter that interrupts sound ethical principles) during the course of the project.The approval applies strictly to the protocol as stipulated in the application form. Would any changes to the protocol be deemed necessary during the course of the project, the project leader must apply for approval of these changes at the NWU-IRERC. Would there be deviation from the project protocol without the necessary approval of such changes, the ethics approval is immediately and automatically forfeited.The date of approval indicates the first date that the project may be started. Would the project have to continue after the expiry date, a new application must be made to the NWU-IRERC and new approval received before or on the expiry date.In the interest of ethical responsibility the NWU-IRERC retains the right to:<ul style="list-style-type: none">request access to any information or data at any time during the course or after completion of the project;withdraw or postpone approval if:<ul style="list-style-type: none">any unethical principles or practices of the project are revealed or suspected,it becomes apparent that any relevant information was withheld from the NWU-IRERC or that information has been false or misrepresented,the required annual report and reporting of adverse events was not done timely and accurately,new institutional rules, national legislation or international conventions deem it necessary.

The IRERC would like to remain at your service as scientist and researcher, and wishes you well with your project. Please do not hesitate to contact the IRERC for any further enquiries or requests for assistance.

Yours sincerely

Linda du Plessis

Digitally signed by Linda du Plessis
DN: cn=Linda du Plessis, o=NWU,
ou=Vaal Triangle Campus,
email=linda.duplessis@nwu.ac.za,
c=ZA
Date: 2015.06.24 18:45:31 +0200

Prof Linda du Plessis

Chair NWU Institutional Research Ethics Regulatory Committee (IRERC)

Declaration of Language Editor

Write Entry Write Entry Write Entry

T +27(0)312050714 | C +27(0)844400711 | fsaunders@mweb.co.za | 43 Holmes Road Umbilo
Durban 4001 | South Africa

TO WHOM IT MAY CONCERN

This is to certify that the dissertation *An Education Law perspective on quality service delivery of grade R educator* by A. Otte has been professionally edited by me.

Signed:  (Fran Saunders)
Date: 29 October 2015

Signed: Fran Saunders

Date: 29 October 2015

Abbreviations

ANA	Annual National Assessment
CAPS	Curriculum and Assessment Policy Statement
CPTD	Continuing Professional Teacher Development
DAP	Developmentally Appropriate Practice
DoE	Department of Education
DPME	Department of Performance Monitoring and Evaluation
ECD	Early Childhood Development
ECE	Early Childhood Education
HOD	Head of Department at school level
NAEYC	National Association for the Education of Young Children
NBPTS	National Board for Professional Teaching Standards
NCF	National Curriculum Framework
NELDS	National Early Learning and Development Standards
NGO	Non-governmental organizations
NPFTED	National Policy Framework on Teacher Education and Development
NQF	National Qualifications Framework
NRF	National Research Foundation
SACE	South African Council of Educators
SASA	South Africa School Act
SBG	School Governing Body
UNESCO	United National Educational Scientific and Culture Organisation

Clarification of Terminology

Educator/Teacher:

Both terms indicate a person who teaches or educates learners/children at a school. This person has educational training at an institution. The terms educator and teacher are both used in official documents and studies conducted, although all education legislation only refer to the term educator.

Student:

A person in the process of training for a particular profession or occupation. This person can be studying at a university or institution of higher education.

Learner/child:

Both terms are used to indicate a person receiving education, under the age of 18.

Child minder:

Person with no educational, or certified official qualifications or any formal kind of training, appointed as an assistant in the grade R class.

Practitioners:

A person teaching grade R with a level four (4) and five (5) qualification. These different levels of training in ECD can be obtained via a college or by following other courses. Once obtaining a level 6 diploma, they are referred to as teachers. The National Development Agency (NDA) refer to a practitioner as a person who has been formally or informally trained to provide ECD services to children from birth to school-going age in an ECD Centre.

She/her vs he/him:

The vast majority of the educators attending to grade R classes are female, thus the female pronouns 'her' and 'she' will be used in this study when referring to an educator.

Table of Contents

Declaration	i
Acknowledgements	ii
Abstract	iii
Ethics Certificate	vi
Declaration of Language Editor	vii
Abbreviations	viii
Clarification of Terminology	ix
Table of Contents	x
List of tables	xiv
List of figures	xiv
Chapter 1: Problem statement, aim of the research and research design	1
1.1 Introduction and problem statement	1
1.2 Factors impacting on quality service delivery in grade R	5
1.2.1 Teaching approach	5
1.2.2 Curriculum	6
1.2.3 Educator-learner ratio	6
1.2.4 Age of learners in grade R	6
1.2.5 Resources	6
1.2.6 Educators' qualifications and training	7
1.3 Conceptual framework	7
1.3.1 Legal perspective	7
1.3.2 Grade R	8
1.3.3 Educator's role in quality service delivery in grade R	9
1.4 Research questions	9
1.5 Research objectives	10
1.6 Research design and methodology	10
1.6.1 Literature overview	11
1.6.2 Empirical study	11
1.7 Contribution of the study	18
1.7.1 The practice of grade R teaching	18

1.7.2	The research field of Education Law within the Edu-HRight Research Unit.....	18
1.8	Chapter division	19
2	Chapter 2: A legal framework regulating grade R educators' quality service delivery	20
2.1	Background on ECD in South Africa.....	20
2.2	Quality in education	21
2.3	The fundamental nature of Education Law	22
2.4	Sources of South African law.....	22
2.4.1	The South African Constitution Act 108 of 1996	23
2.4.2	The South African Schools Act 84 of 1996.....	32
2.4.3	The Employment of Educators Act 76 of 1998.....	34
2.4.4	The South African Council for Educators Act 33 of 2000	34
2.4.5	Labour Relations Act 66 of 1995 (LRA).....	36
2.4.6	The Children's Act 38 of 2005.....	39
2.4.7	Common Law.....	40
2.4.8	General policies	44
2.4.9	Education legislation regarding ECD and more specific grade R.....	44
2.5	Conclusion.....	54
3	Chapter 3: Factors that influence grade R educators' quality service delivery	56
3.1	Introduction.....	56
3.2	Quality in ECD /ECE	57
3.3	Admission age	59
3.4	Appointment and qualifications of educators	61
3.5	Teaching approach through knowledge of Curriculum.....	64
3.6	Educator-learner ratio	68
3.7	Resources.....	69
3.8	Parent involvement	69
3.9	Conclusion.....	70
4	Chapter 4: Research design and methodology	72
4.1	Introduction.....	72
4.2	Designs and methodology within the qualitative research approach	74
4.3	Selection of site	74

4.4	Selection of participants for individual interviews	75
4.5	Data generation	76
4.5.1	Face-to-face interviews	77
4.5.2	Focus groups	79
4.5.3	Observation.....	80
4.6	Researcher's role.....	80
4.7	Data analysis	81
4.8	Ethical aspects.....	83
4.9	Conclusion.....	84
5	Chapter 5: Analysis of the findings of empirical research	86
5.1	Introduction.....	86
5.2	Education Law: Levels of knowledge	88
5.3	Accountability of the grade R educator	90
5.3.1	Supervision to ensure a safe environment.....	91
5.3.2	Responsibilities of child minders	93
5.3.3	Appropriate teaching methods from CAPS policy for the grade R learner.....	94
5.3.4	Conclusion	94
5.4	Fairness of school management.....	95
5.5	Quality of education	96
5.5.1	Teaching approach	98
5.5.2	Parent involvement	99
5.5.3	Quality control via Department officials and policies	100
5.5.4	Educator-learner ratio	100
5.5.5	The grade R learner.....	101
5.5.6	The educator and training	101
5.5.7	Discipline.....	103
5.5.8	Resources and class layout	104
5.5.9	Age of the grade R learner.....	105
5.6	Conclusion.....	105
6	Chapter 6: Findings, recommendations and conclusions	107
6.1	Introduction.....	107
6.2	Findings and recommendations per theme.....	108
6.2.1	Education Law: Levels of knowledge	109

6.2.2	Accountability of the grade R educator	110
6.2.3	Fairness of school management	112
6.2.4	Quality of education	113
6.3	Recommendations for future research.....	120
6.4	Conclusion.....	120
7	BIBLIOGRAPHY	122
	Addendum A: Letter to Department	143
	Addendum B: Letter to Participant	146
	Addendum C: Departmental permission	149
	Addendum D: Interview schedule	150
	Addendum E: Form for informed consent	152
	Addendum F: Interview with lecturer	157
	Addendum G: Observation schedule	158
	Addendum H: Focus group interview	159
	Addendum I: Job description of child minder	161

List of tables

Table 2.1 Early 19th century development of Early Childhood Development continuing to the 20th century	45
Table 2.2 20th century continued with major impact: Republic of South Africa is established in 1961	46
Table 2.3 Development during the 1970s and 1980s	47
Table 2.4 Major development after 1994 elections: African National Congress (ANC) as the new Government	48
Table 2.5 21st century development	49
Table 2.6 Events updated since 2010 with a significant impact on ECD	50

List of figures

Figure.1.1 Education and legal determinants regulating Grade R	7
Figure 2.1 Fundamental rights of educators as employees	24
Figure 3.1 Process of quality	59

Chapter 1: Problem statement, aim of the research and research design

1.1 Introduction and problem statement

Quality means different things to different people. In an age of quality awareness, both product and service must be of high quality. Fifteen sustainable development goals were identified by the United Nations summit in 2015 where quality education was fourth on the list. One of the specific targets within the general quality education goals is to “ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education” (United Nations 2015). The literature indicates that quality has increasingly become a priority for those concerned with early childhood care and education. Moss and Dahlberg (2008:3) state, “[e]arly childhood education and care has not escaped the increasing attention paid to quality”. Davin (2003:91) argues that quality is influenced by different concepts or factors in education, and the importance of the educator’s role in quality education is emphasised. In the light of the above, the important link between the grade R educator and quality service delivery needs to be investigated.

As indicated, one of the factors that positively influence a successful education system is the educator. The literature regarding ECE (Early Childhood Education), ECD (Early Childhood Development), pre-schools, pre-primary schools, crèches, kindergartens, and nursery schools indicates that international research is being done on quality in ECD (Britto *et al.* 2011; Dahlberg & Moss 2008; Elliott 2006; Blok *et al.* 2005).

Research on ECD/ECE in South Africa covers a broad spectrum, with studies ranging from education law, curriculum development and learner support perspectives. Studies conducted from an education law perspective focus on security in the workplace of the Foundation Phase educator (Keating 2011); learner misconduct in public schools (Rossouw & Oosthuizen 2013); the work fulfilment of the grade R educator (Rossouw & Van Vollenhoven 2011), the role of law and policy

in the professional security of grade R educators (Rossouw 2014) and Early Childhood Development provision in rural Namibia (Nuugwedha 2015).

Curriculum development studies include a professional development programme for grade R teachers with a phonological awareness focus (Steyn 2015); research on discourses of teachers in ECE (Ebrahim 2010) a study focusing on Outcome-Based Assessment towards progression and promotion in the General Education and Training Band (Lekalakala 2013); and a distance learning programme for the professional development of Foundation Phase Teachers (Kruger 2015). A Learner support study conducted by Labuschagne (2015) entails promoting quality learning environments at Early Childhood Centres through Service Learning.

It appears as if research which specifically covers the role of the teacher in grade R in relation to quality service delivery has not been conducted in South Africa. This absence in the existing literature points to a lacuna in the body of knowledge regarding early childhood education. This study focused on the quality of the grade R educator's service delivery in the classroom. As grade R classes are implemented at primary schools throughout South Africa the main focus is on the "foundation for academic success in schools" (SA 2010:2). The Department of Education (SA 2010:2) recommends that further research is needed with regard to the quality of education in grade R. Although it is mentioned that the quality of the programme is important for quality teaching and learning to take place, no mention is made of the grade R educator as one of the key elements in the class - a lacuna in literature, as already mentioned.

The possibility that the foundation for education may be laid insufficiently is underlined by Linington *et al.* (2011:38) who state that numerous grade R educators are poorly qualified, to which Rademeyer (2013:11), adds that the minimum qualification an educator requires to teach grade R is a diploma. No mention is made of the minimum requirements for service delivery of a high standard in grade R.

Reflecting on the broad spectrum of education offered in South Africa, including grade R, one way of determining the quality of South African education, is to observe the Annual National Assessment (ANA) results. With the exception of 2015, when teacher unions did not allow ANA to be written, the ANA is written annually in

September, from grade 1 up to, and including, grade 9. The ANA is presently the only “measuring tool” to evaluate or determine quality in the South African schooling system:

Government has reaffirmed the ANA as a significant learner achievement indicator of educational quality in the South African schooling system. Through our annual assessment programmes we remain committed to improve the quality of basic education, with particular focus on the critical and non-negotiable outputs and activities. The key outputs are to ensure high quality of teaching and learning, improved literacy and numeracy at schools, better National Senior Certificate (NSC) examination performance as well as expanding early childhood development (SA 2013:1).

As Biersteker and Dawes (2008:185) state that “...[it] is well established that early childhood development (ECD) lays the foundation for success in the schooling system,” it can be expected that grade R has an influence on grade 1. Therefore the ANA may serve as an indicator to measure or determine whether the foundation for success has been laid in grade R which forms part of ECE.

The literature indicates that the criteria or methods to determine or evaluate quality service delivery in education differ from researcher to researcher. Mashburn *et al.* (2008:732-749) measured classroom quality by the development of learners’ academic, language, and social skills. Sylva *et al.* (2006:76-92) indicate that to capture quality in early childhood, environmental scales such as curricula should be researched. The quality of the workforce has been acknowledged as a criterion in quality service delivery in education (Bruder *et al.*, 2009:13–20). LoCasale-Crouch *et al.* (2007:3-17) examined quality profiles by observing teacher, programme, and classroom characteristics. ECD programmes are also considered to be important when quality in ECD is discussed (Britto *et al.* 2011:1-18). The conclusion is made that not a single method or criterion can be prescribed when researching quality service delivery in education. It seems that many elements influence quality service delivery.

Letseka (2010:56) argues that “nations that invest in successful ECD programmes recognise the significance of the overall health, nutrition, education, psycho-social factors and the welfare of children”. Although grade R is currently not compulsory,

the vision of the Department of Basic Education (SA 2011b:1) is to address the challenges in implementing grade R, and then for all learners to have access to or attend grade R by 2019. Excell and Linington (2008:57) state that the implementation of ECD including grade R, can be problematic because of difficulties such as finance, teacher training, teacher qualifications, and curriculum design. Classroom space, qualified educators, and resources are some of the challenges that need to be addressed first (Rademeyer, 2013:11; SA 2011b). In recent years enrolment in grade R has intensified, and the government is advocating this programme mainly by situating grade R classes at public primary schools which are funded by the Department of Basic Education (SA 2011b:1).

Janssen *et al.* (2001:30) argue that the quality of education which learners receive depends on a number of factors such as the quality of the grade R programme, the adopted approach, the curriculum, and teacher learner ratios. Once again, the role of the educator is implied to be a very important factor which can improve the quality of the programme and produce better results. Pianta *et al.* (2005:145) state that quality is defined in many different ways, but they observe that the main core is made up of the different elements that develop a positive child, influenced by academic and social criteria. One dimension which the above study researched was the behaviour of the teacher, by focusing on the quality of instruction. The results of this study indicated that teacher attributes largely influenced the quality of education that children receive. As researcher I align myself with this dimension to define quality. I define quality as the grade R educators' contributions and influences to deliver education no matter what challenges she/he is faced with. Quality cannot be defined if clear criteria are not selected to measure, compare, or determine the quality of the process (see par. 1.1). The following statement comes closest to what I regard as a working definition for quality education:

Quality in early childhood services is a constructed concept, subjective in nature and based on values, beliefs and interest, rather than an objective and universal reality. Quality child care is, to a large extent, in the eye of the beholder (Moss & Pence 1994:172).

Although the American National Board for Professional Teaching Standards (NBPTS) functions as an important body to ensure that educators perform with high

standards overall (NBPTS s.a.). Goldhaber and Anthony (2004:2) state that gaps still appear in research in education and judging the effectiveness of teachers in a teaching situation.

Lavy's (2007:87) research was motivated by the question of how to increase teacher effectiveness in public schools, and one suggestion was to implement a payment system based on the performance of the teacher. In order to increase the level of effectiveness of educators by means of a payment system linked to performance and professional development, many factors need to be taken into consideration first. Corcoran (1995:1) makes the observation that teacher effectiveness can improve through professional development. Rossouw confirms (2012b:2) that further research needs to be done on grade R, in particular focussing on the educators' position because many factors have an influence on the educator. In this study specific factors that have an impact on educators' performance in class were accordingly considered. A selection of the most prominent factors is briefly discussed in the paragraphs that follow. They are more extensively described in Chapter 3 and analysed in Chapter 5.

1.2 Factors impacting on quality service delivery in grade R

As previously stated, the literature does not single out specific criteria, methods, or factors to evaluate or measure quality in education. One of the recommendations from the 2011, "Tracking Public Expenditure and Assessing Service Quality in Early Childhood Development in South Africa", was that quality service in grade R should be further researched. During field visits to grade R classes the criteria below emerged as important. They also appear in the literature and will be reflected on in the conclusion of this research.

1.2.1 Teaching approach

The method (approach) which an educator uses to initiate teaching and learning is important. Although Janssen *et al.* (2001:30) state that the approach can be formal or non-formal, the Curriculum and Assessment Policy Statement (CAPS) document clearly stipulates that grade R is informal and play-based (SA 2011a:20).

1.2.2 Curriculum

In South Africa the curriculum for grade R is included in the Curriculum and Assessment Policy Statement for the Foundation Phase, namely grade R to 3, as introduced in 2012. The success of a programme is evaluated by how it serves the learner to develop effectively. Landers (1989) indicates that children radiate a positive effect when they receive age appropriate development, and do better in life compared to children who do not receive such development. Insight into the curriculum (or programme) for grade R is included in the research as a factor which influences the quality service delivery of the grade R educator.

1.2.3 Educator-learner ratio

The National Audit of ECD (SA 2001b:66) indicated that educator-learner ratios vary from one Province to the next, and in some Provinces the ratio is unfavourable compared to accepted standards in ECD (see paragraph 3.6). Since many schools are overcrowded, this ratio should be mentioned as a prominent factor which affects the quality of service delivered by the grade R educator.

1.2.4 Age of learners in grade R

In terms of the South African Schools Act 84 of 1996 (SA 1996b), the admission age of a learner to a public school for grade R is '*four turning five by 30 June in the year of admission*'. This stipulation correlates with the Guidelines for Early Childhood Development Services (SA 2006:17), and has subsequently lowered the age of entry into compulsory education to grade 1. The influence or impact that a learner's age might possibly have on the educator's quality of service delivery forms part of this study.

1.2.5 Resources

The Human Resources Development Review (Kraak & Press 2008:195) draws attention to the fact that quality service is essential for ECD and is influenced by, amongst other factors, the learning materials which are used to promote development. Since this is emphasised in the review, attention in this study is paid to the use and benefits of resources which can have a major influence on the quality of service delivery of the educator. The influence bears on the appropriateness of

the resources, the extent of the available resources, and the skilful utilisation of the resources by the teacher.

1.2.6 Educators' qualifications and training

In the nationwide audit of ECD released in 2001 (SA 2001b:54) it was emphasised that ECD educators are important contributors to success rates in education. An analysis of educator qualifications by the National Department of Education indicated that only approximately 12% of educators are adequately qualified (SA, 2001b:54). Since educator qualifications were highlighted in the national audit, this aspect also receives attention in this study.

1.3 Conceptual framework

This research focused on the quality of service delivery of the grade R educator - a core duty of the employee according to common law (Rossouw 2010:58). Legislation and education (as in Figure 1.1) are both elements that needed to be included in this study before a conclusion could be formulated regarding quality education in grade R.

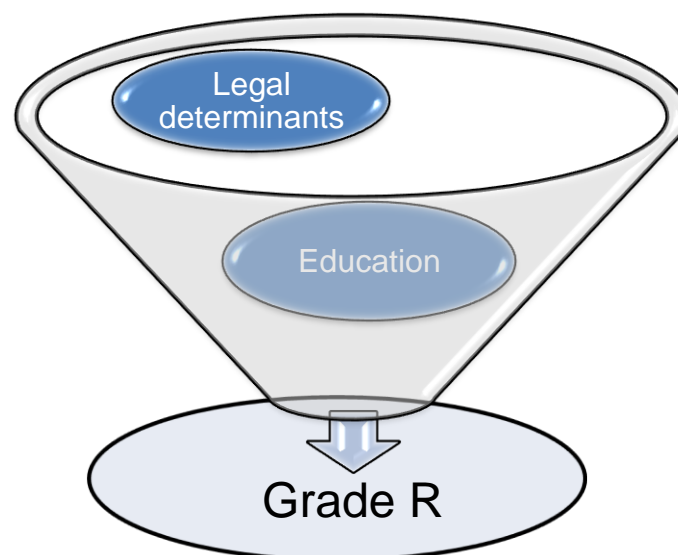


Figure 1.1 Education and legal determinants regulating grade R

1.3.1 Legal perspective

Rossouw (2010:41) states that, "in labour matters it is of crucial importance to determine exactly which Act protects or binds a specific employee." This means that

educators need to know and be informed about the specific legislative measures which determine their rights and duties as employees of the State or a particular school via the School Governing Body (SGB). A variety of sources determine the duties of employees (Rossouw 2010:58). In Chapter 2 the legal determinants applicable to educators' duties in general are discussed, and more specifically those which are applicable to grade R educators.

The legal sources consulted were the South African Constitution, common law, court cases, labour law concerning the grade R educator as employee, education-specific legislation namely the Employment of Educators Act 76 of 1998 (SA 1998b), Personnel Administration Measures (PAM) as part of the Employment of Educators Act 76 of 1998 (SA 1998b), the South African Council for Educators Act 31 of 2000 (SA 2000) – which included an analysis of the Code of Professional Ethics – and the South African Schools Act 84 of 1996.

1.3.2 Grade R

In South Africa, the term 'grade R' is well known and refers to learners in the class preceding grade 1. As previously mentioned, internationally, however, the terms ECD (Early Childhood Development) and ECE (Early Childhood Education) are more commonly used. Grade R forms part of the term ECD that encompasses development of the child from ages zero to nine years. According to the South African Schools Act (SA 1996b) a grade R learner can be between the ages of four and a half and six years in grade R. A number of other terms are also used for this phase of development namely kindergarten, pre-primary school, nursery school, and preschool. These are used in various discussions in this study, depending on the context. Due to inconsistency in terminology regarding ECD and ECE, for the purpose of this study the specific focus is on grade R and refers to children of the age group four and a half to six years old, which is consistent with the South African Schools Act (SA 1996b). See paragraph 2.1 and 2.4.2.

Attention is drawn to the Curriculum and Assessment Policy Statement that clearly distinguishes grade R from formal schooling which starts in grade 1:

Grade R should not be a 'watered down' grade One. It has its own unique characteristics based on how children in this age group make sense of their world and acquire the knowledge, skills, values and attitudes that will allow them to maximise the opportunities afforded in the formal learning years (SA 2011a:20).

For future reference, since the vast majority of the educators attending to grade R classes are female, the female pronouns 'her' and 'she' will be used in this study when referring to an educator.

1.3.3 Educator's role in quality service delivery in grade R

To define or clarify quality of service delivery or performance provided by the educator in the grade R class is a complicated process. As previously mentioned (see par. 1.1) methods such as professional development (Guskey 2002:381-391), scale comparison (Abdullah 2006:71-89), performance-based pay (Lavy 2007:87), and many more suggestions identified as quality measures to better education have been put forward, but a lacuna in the literature regarding the educators' role, specifically in grade R, still exists. Therefore, this study focussed on the grade R educators' role in quality service delivery. By starting in general with legislation in terms of Education Law, this study firstly focuses on the roles of educators in general, and then extends the focus specifically to grade R. This research attempts to fill the research gap and through classroom observations determine whether quality service delivery is taking place in grade R or not.

1.4 Research questions

During the construction and formulation of the problem statement and conceptual framework, a number of research questions surfaced. The primary research question to be answered was: What is the nature of quality service delivery by the grade R educator from a legal perspective?

Specific research questions were formulated as follows:

- How do legislative measures regulate and influence grade R educators to deliver quality service?

- How do specific factors influence the educators' role in service delivery in grade R?
- What are the perceptions of grade R educators regarding quality service delivery?
- Can quality service take place in grade R classrooms regardless of the factors which influence the educator, and if so, how?

1.5 Research objectives

In the light of the problem statement and the research questions, the overarching objective for the study was formulated as follows: To determine the nature of quality service delivery by the grade R educator from a legal perspective. Four specific aims for this research were identified and the study was conducted to establish:

- how legislation regulates and influences the grade R educator's quality service delivery
- how specific factors influence the grade R educator's role in quality service delivery
- what the perceptions of grade R educators are regarding quality service delivery, and
- whether and how quality service can take place regardless of the factors which influence educators in grade R at schools.

1.6 Research design and methodology

The research was conducted through a literature overview followed by an empirical study. Marshall and Rossman (2010:33) define the purpose of qualitative research to: "*explore, explain or describe* the phenomenon of interest". The focus of interest in this study is the quality service delivery of grade R educators. The aim of qualitative research is to help the researcher to better understand the perceptions of participants and how their perceptions are formed. It also involves a specific process, namely "maintaining or altering these phenomena and relationships" (Maxwell 2013:14). Hennink *et al.* (2011:9) emphasise that in qualitative research, the study is done in ordinary surroundings "attempting to make sense of, or interpret phenomena in terms of meanings people bring to them". By using this approach the educators' roles in quality service delivery was observed. One of the aims of this study was to discover what the

educators' perceptions are. A qualitative research design was utilised to study the nature of the service delivery of grade R educators through interviews as well as classroom observations.

By using an interpretivistic approach a better understanding of the educator's quality service delivery is shaped. Maree *et al.* (2010:60) make us aware of how we understand and interpret data or information that can be traced back to prior influences which people were exposed to. The interpretivistic approach assists the researcher to identify with "people's lived experience[s]" and to acknowledge that the milieu and people's values are factors that influence both the participant and the researcher (Hennink *et al.* 2011:14 & 15). Oosthuizen *et al.* (2009:9) point out that the interpretivistic method of research also applies in Education Law.

1.6.1 Literature overview

Creswell (2009:25) states that the literature review accomplishes several purposes. The primary purpose of this literature review is to provide a theoretical structure for a research project and to bring clarity to central concepts. Relevant questions for the interviews were identified and used to create a framework to describe the influence of legal principles on the quality of service delivery. Primary as well as secondary literature sources were consulted to gather information for this study as were legislation and court cases.

Google, Google Scholar, EBSCO-host, and ERIC, made the internet searches possible. Keywords, with their Afrikaans equivalents, used during the searches were:

Bill of Rights, Legal accountability, duty of care, labour law, educator duties, Early Childhood Development (ECD), Early Childhood Education (ECE), grade R, quality service delivery, kindergarten, nursery school, educator performance, preschool, pre-primary, quality education.

1.6.2 Empirical study

Nieuwenhuis (2010:78) states: "Qualitative research is based on a naturalistic approach that seeks to understand phenomena in context and, in general, the researcher does not attempt to manipulate the phenomenon of interest". Creswell (2009:4) adds that qualitative research "is a means for exploring and understanding the meaning

individuals or groups ascribe to a social or human problem”. Nieuwenhuis (2010:70) continues to argue that there is a wide range of research designs to choose from, but points out that the choice is “based on the researcher’s assumptions, research skills and research practices”, and is influenced with regard to the methods of data collection. Data gathering techniques such as interviews and observation were used during the empirical phase of this study to understand the phenomenon, namely quality service delivery of grade R educators.

1.6.2.1 Site of research

The research was conducted in the Dr Kenneth Kaunda District of the North West Province, specifically the Tlokwe, Matlosana, and Maquassi Hills Area Offices (AO) at public primary schools with grade R classes. This decision was supported by the policy currently being developed regarding the inclusion of grade R classes at public primary schools.

1.6.2.2 Study population and participant selection

Purposive sampling is generally used during qualitative research (Maree *ed.* 2010:79). This implies that participants are selected because of a certain reason or specific data needed. Purposive sampling is most successful because data review and analysis are done during the collection of information. For this study a stratified purposive sampling (Nieuwenhuis 2010:79) was done which means that the participants – the grade R educators - were selected according to specific criteria. The criteria regarded as important for this study and which were applied during the selection of the participants are the following:

- Only educators in grade R at public primary schools;
- Educators in grade R classes with or without training for grade R. Educators in grade R classes with a number of years’ experience.

Only educators who met all the criteria were included as participants. The number of years’ experience was categorised in three groups. Group 1 included educators with zero to three years’ work experience in grade R, who for the purposes of this study were defined as “inexperienced”. Group 2 comprised “experienced” educators with four

to eight years' experience, and Group 3 was the "expert" group with nine or more years' experience in grade R.

The grade R classroom layout, daily programme, and content were observed during classroom visits. Learning in grade R, as stipulated in the CAPS policy, should be integrated, spontaneous, informal, and play-based. The selected twenty six participants (see Table 1.1) consisted of nine grade R educators in classes situated at public primary schools, three Head of Department (HOD) participants, and three principals from the selected and qualifying schools. Two focus groups (5 participants each) and a Higher Education lecturer were included in the selection of participants. The selected schools needed to have educators who qualified for the different experience groups.

The principals as managers or heads of schools were interviewed to determine their insights regarding grade R. The Foundation Phase (grade R-3) CAPS policy document, states the informal, play-based teaching methods for grade R, and the principal should be well-informed about this approach in grade R. The HODs who oversee the grade R educators were selected to determine their knowledge about grade R and aspects such as planning, classroom lay-out, teaching methods, and assessment. Fewer interviews were conducted with the principals as well as the HODs, seeing that the opinions and perceptions of the educators themselves were regarded as more important to the understanding of the phenomenon. The School Management Team (SMT), formed an integral part of the investigation as the team members also needed to reflect on the quality of service delivery in grade R, through which valuable insight were gained.

I selected a lecturer from Higher Education who was involved in grade R as an expert in her field, to share her insight and knowledge regarding quality education in grade R. One of the focus groups (consisting of five grade R educators) was selected because they are not on the same premises as the public primary school but an excellent functioning pre-primary school. The other focus group (five educators in grade R) was on the same premises but operated and functioned separately from the public primary school. This school is well established and the interviewees gave valuable feedback with regard to quality education in grade R. Both focus groups shared their understanding of quality service delivery in grade R, by verifying and validating

statements made during individual interviews. If the participants from the focus groups were in conflict to responses made during the individual interviews, they could respond.

Table 1.1 Selection of participants

Participants at different schools	Schools selected in the different Area Offices (AO)			TOTAL
	Tlokwe AO	Matlosana AO	Maquassi Hills AO	
Principals	1	1	1	3
HODs	1	1	1	3
Grade R educators	3	4	2	9
Higher Education Lecturer involved in grade R				1
Two focus groups				10
Total				26

Specific criteria as already mentioned were stipulated for the selection of the grade R educators at primary schools. Two important criteria for selection were qualifications, that is whether or not they were appropriately trained for grade R or not, and years of experience in grade R teaching. It was important for the proper understanding of the phenomenon to include representatives of the various categories, ranging from appropriately trained to untrained for grade R teaching, and more as well as less experienced educators. Appropriately trained means that a participant could have been earned a diploma at one of the former Colleges of Education or held an education degree from a university. This training should be for the Foundation Phase since grade R is part of this phase. Untrained can mean that a person in grade R may have other training, for example a B.A. degree, but no training for grade R. In some grade R classes educators or child minders may still be training for appropriate and acknowledged qualifications.

1.6.2.3 Data generation

The data was gathered through observation and semi-structured interviews with educators, principals, and Heads of Departments, to discover how they were

experiencing quality service delivery. Focus groups as well as a lecturer from a Higher Education institution formed part of the multi resources used to gather data.

Firstly the data was collected during classroom observations since this is the natural setting where teaching occurs. The researcher adapted to the role of “observer as participant” during observation in the classroom of the grade R educators. The researcher remained uninvolved and did not influence the situation. Nieuwenhuis (2010:84) states that observation is used to enable the researcher to gain deeper insight and understanding of a phenomenon under observation.

Observation as a data generating technique was also used during the personal semi-structured interviews. Seidman (2012:13) identifies interviews as a “powerful way to gain insight into educational and other important social issues”. A deep understanding of a participant’s experiences of social issues was gained by the researcher. Semi-structured interviews were used to substantiate the data which emerged during observations in the grade R classes. Fixed questions to determine the grade R educator’s quality service delivery were compiled and emerging data related to the phenomenon (Maree *ed.* 2010:87) was also explored. My interview questions covered topics such as qualifications, factors that educators experience as having an influence on their quality of performance, and any other information which an educator spontaneously wanted to share.

The focus groups were included in the data generation of my studies. Cohen *et al.* (2001:2) states that a focus group can be used to “ascertain perspectives and experiences from people on a topic” and can “ensure that data directly targets [the] researcher’s topic”. Morgan (2016:11) mentions that when working in specialised categories, for example as in my study regarding grade R, the recruitment procedures of the participants should equally be specialised. He further states that the planning process is a useful point of departure and common choices or “rules of thumb” can be made to determine the selection of the participants and number of groups. Thorough planning was done to ensure that the correct number of participants was selected. The focus groups and an expert lecturer in grade R was selected with care after the literature was consulted. Chapter 4 offers insight into the theory which informed the empirical study.

1.6.2.4 Data analysis

The data collected through classroom observations and interviews for the empirical research was analysed to report on the phenomenon of grade R educators' quality service delivery.

To secure the data the interviews were recorded with the permission of the participants and analysed at a later stage. To ensure the trustworthiness of the data, transcriptions were made as soon as possible after the interviews and checked with the participants for accuracy. During the classrooms observations of the grade R educators, detailed notes were taken to record the proceedings and capture non-verbal hints, as proposed by Maree (2010:88).

Creswell (2009:186-187) indicates that coding, which is the next process in the analysis, is characterised by organising the data into portions or sections of text to make meaning of the information. The coding process was used to interpret the data in themes and categories which emerged during the analysis.

Nieuwenhuis (2010:81) remarks that data collection and data analysis are seldom two separate components when using a qualitative technique – it is mostly an ongoing process. Data has to be reliable, trustworthy and valid. When a variety of methods are used to gather data it reflects trustworthiness (Nieuwenhuis 2010:80). Nieuwenhuis (2010:86) also mentions that trustworthiness is the process in which a researcher constantly makes sure that facts are being observed, using a strategy called “member checking”, meaning validating your information with those being observed. Validity can be defined as the best available approximation of the truth of a given proposition, inference, or conclusion (Trochim & Donnelly 2008:20). Maxwell (2013:86) emphasises that the validity of data is the aim of quality scientific research.

Jahangiri *et al.* (2008:707) state that “a wide-ranging collection of data or evidence from multiple and diverse sources is described in the education literature as triangulation”. Cross-verification from two or more sources is done to validate collected data. I therefore used this technique to enhance the validity of my research and confirmed the findings from two or more data-collection methods, namely individual semi-structured interviews, observation, focus group interviews, and lecturer in Higher Education training. According to Casey and Murphy (2009:41) authors such as Shih (1998) and

Begley (1996) define the purpose of triangulation as confirmation and completion of data. The data for my study collected through different sources was compared to generate completeness and establish confirmation.

1.6.2.5 Researcher's role

Maree *ed.* (2010:41) states that the researcher's role is to be a "sensitive observer" as well as to establish a "collaborative partnership" between the participants and the researcher. The duties administrated by the researcher were the following: compiling semi-structured questions for the interviews, preparing headings for the observation sheet during class time observations, conducting interviews, and verifying and analysing the data gathered. Most importantly, the researcher was not biased during the data generation so that the phenomenon of grade R educators' quality service delivery can be studied with integrity.

1.6.2.6 Ethical aspects

"Research ethics deal with how we treat those who participate in our studies and how we handle the data after we collect [it]" (Vanderstoep & Johnston 2009:12). Creswell (2009:89) states that participants must not be put at risk and their vulnerability has to be protected. Ezzy (2002:51) argues that much more is at stake than only ethical procedures during the qualitative research processes; the way in which data is gathered and presented is also important. The trust which the participants place in the researcher is of utmost importance. Hennink *et al.* (2011:76) emphasise that it is critical to make sure that the anonymity of participants is protected in the data analysis by removing any information that may identify them, especially since qualitative research often focuses on sensitive issues.

During the interviews and classroom observations the educators must under no circumstances feel that they cannot trust the researcher's integrity. Furlong *et al.* (2000:28-33) warn that at no stage should the participants' well-being be put in jeopardy. As the study proceeds, all questions from the participants must be answered by the researcher.

The participants were informed of the aim of the research. They were assured that the data collected would be treated confidentially and that their participation would be

anonymously recorded and analysed. The researcher informed the participants that all the information or data would be stored for safekeeping. They were furthermore reassured that they would be free to withdraw at any stage of the research process with no consequences at all, and that participating would not lead to anyone getting into trouble.

The empirical research was conducted after obtaining ethical clearance from the Ethics Committee of the Faculty of Education Sciences of the North-West University. This research forms a sub-project of the overarching *Educator rights and educator security within a changing education environment*. (Ethics clearance number NWU-00018-11-A2.)

1.7 Contribution of the study

This study aims to make a contribution to both the practice of grade R teaching and the body of knowledge in the field of Education Law.

1.7.1 The practice of grade R teaching

Finance Minister Pravin Gordhan stated in his budget speech of February 2012 that additional funds would be made available to improve access to grade R (Budget speech 2012). Grade R is in the process of becoming a compulsory part of the current South African public school system because the importance of this developmental stage has been recognised all over the world, including South Africa. The immense potential of research to be done regarding grade R educators' role in quality service delivery has been identified. Other topics to enrich grade R studies can be the correct utilisation of resources towards better teaching and learning in class, and why "age appropriate development" is so important in grade R. This study will stipulate expectations regarding quality service delivery to educators in grade R classes. It is therefore envisaged that the findings and recommendations stemming from the study will eventually enhance grade R teaching.

1.7.2 The research field of Education Law within the Edu-HRight Research Unit

This study will contribute to some of the lacunae in the existing literature pertaining to grade R, specifically from an Education Law perspective. The research forms a sub-project in the overarching National Research Foundation (NRF) funded project

Educator rights and educator security within a changing education environment (Rossouw 2013:15-16) which forms part of the established Edu-HRight Research Unit of the Faculty of Education Sciences of the North-West University.

1.8 Chapter division

Chapter 1: Problem statement, aim of the research, and research design

Chapter 2: Legislation regulating grade R educators' quality service delivery

Chapter 3: Factors that influence educators' quality service delivery

Chapter 4: Research design and methodology

Chapter 5: Analysis of the findings of empirical research

Chapter 6: Findings, recommendations, and conclusions.

Chapter 2: A legal framework regulating grade R educators' quality service delivery

2.1 Background on ECD in South Africa

The Department of Education (SA 1995) defines ECD in South Africa as the “processes by which children from birth to nine years grow and thrive, physically, mentally, emotionally, morally and socially”. There is however no consistency regarding the age range associated with ECD in South Africa (see par. 1.3.2). Contrary to the Department of Education's range, Richter *et al.* (2012:3) concur with the Children's Act no 38 of 2005 (SA 2005) which indicates a different scope for ECD as the stage before formal schooling; with pre-grade R children grouped from birth to four years, and grade R children from five to six years. Ages six to nine are thus not included in this definition. Internationally, UNESCO (2006) states:

Public ECD institutions are funded by provincial departments of education and consist of pre-primary schools that provide ECD services and programmes for children aged 3-5. Children from 6-9 years are guaranteed access to education by the South African Constitution (SA 1996) in the formal education sector.

Falling within the broader concept of ECD, grade R (reception year) “is the year prior to commencement of formal primary schooling, catering for 5-year-old children” and can be located at both schools and community-based sites, as White Paper 5 on Early Childhood Education states (SA 2001a). The Department of Basic Education is responsible for the reception year which is phased in as the first year of the Foundation Phase of public schooling though it is not compulsory yet. In terms of section 29(1)(a) of the Constitution, every citizen has the right to claim a basic education from the State. Basic education is recorded as Grades 1 to 9.

Irrespective of the inconsistency regarding age, Berry *et al.* (2013:26) point out an important aspect of the provision of such education: “South African policy and law encapsulate a broad view of [ECD] service provision and recognise the need for a multi-sectoral approach across health, education, social protection and socio-economic development”. In line with this multi-sectoral approach, ECD services are jointly regulated by the Department of Basic Education, Department of Health, and

Department of Social Development. Biersteker (2010:4) confirms that several government departments are involved “by means of policies and programmes”.

Despite the fact that ECD services are jointly regulated, Viviers *et al.* (2013:34) state that “South Africa needs to address the significant gap between vision, policies and realities of access and poor quality in ECD service provisioning”. Berry *et al.* (2013:35) add to this: “Transforming the ECD sector from its current status to an adequately resourced, universally accessible and high quality system requires urgent and on-going attention to four key components: policy, governance, resourcing and service delivery”. This urgency is discussed in the following paragraph.

2.2 Quality in education

Viviers *et al.* (2013:34) indicate in the previous paragraph the reality of poor quality of ECD services. Modisaotsile (2012:1) argues that despite the fact that “18,5 per cent of its annual budget [is spent] on education, the education system remains largely in a poor state of affairs. Adding that results are still low, the standard of teaching has not improved, the quality remains poor, and issues such as overcrowding, unskilled teachers, lack of commitment to teaching, and shortage of resources, are still challenges that have to be met. Although adequate funding is allocated for education, the quality of education has not improved, including ECD. Berry *et al.* (2013:26) add to the argument and state that academic performance of the learner in the Foundation Phase of public primary schools is less than satisfactory. Meier (2014:160) confirms the above statement and adds that significant evidence shows when good standards as foundations are laid before formal schooling starts, learners are given a better chance to be successful during formal schooling years. The quality of education however remains a challenge; many children have access to grade R across all income groups according to Berry *et al.* (2013:38), but the results are still poor.

Berry *et al.* (2013:37) draw attention to the fact that, to ensure quality education, a higher standard of accountability is needed, provided the government is involved at all levels when developing and implementing policies. The legal framework which regulates education is discussed in this chapter, focusing on grade R.

2.3 The fundamental nature of Education Law

Oosthuizen *ed.* (2009:16) state that “Education law functions to bring about equilibrium in the mutual rights and obligations of the respective participants in education in order to procure a tranquil and harmonious environment of *geborgenheit* conducive to optimal education and training”. This German word *geborgenheit* can be interpreted as safe or secure. The human race experiences emotions of being “defenceless”, therefore the need for *geborgenheit*. Humankind evolves from being totally dependent into independent persons. The young child is a defenceless human being which eventually transforms into an adult. The parent and teacher in the role of adults steer and educate the child till independency is reached (Oosthuizen *ed.* 2009:16-18). Smit *et al.* (2012:vi) argue that “the underlying feature of *geborgenheit* is that the best interests and well-being of the learner should be regarded as of paramount importance”.

Stakeholders or participants involved to secure an education environment where teaching and learning can take place: are the learner, parent or guardian, educator and the State. These stakeholders all contribute to ensure that a “well-educated and highly skilled learner” fills his or her position in the workplace (Oosthuizen *ed.* 2009:18-19). The focus of this study is on the educator as participant. Other stakeholders such as parents and the State are not the main focus of this study and are therefore not discussed in detail in this chapter.

2.4 Sources of South African law

The Constitution of South Africa Act 108 of 1996 (SA 1996) is the supreme law, according to section 2, and no other law or act can contradict the Constitution. Joubert and Prinsloo (2001:8) state that legislation is law made by a “person” with power on a national level. Parliament is the “person” of power. Common law is not passed by parliament but arises from historical and custom development. Case law refers to court rulings, and in the educational sphere it is “directly applicable to education and helps to form a basis for future case law in education-related matters” (Joubert & Prinsloo 2001:8). According to Woolman and Fleisch (2009:7), “the South African system of public education is no longer the product of a parlous, fragile State: it is the product of a government with a much firmer grip on the levers of power”.

Nieuwenhuis *et al.* (2007:84) define law as governing relationships and activities via a collection of legal rules. In education, the law regulates “activities such as teaching, disciplining, collecting school fees and appointing educators”. Nieuwenhuis *et al.* (2007:84) argue that within a legal framework, rights and duties are expected from relationships between educators, learners, parents, principals, staff, schools, school governing bodies, and head offices. Joubert and Prinsloo (2001:25) point out that a right is something someone is entitled to, and that a right is frequently balanced with a duty.

One of the core duties of educators is teaching at schools. The learners’ right to education, as provided for in section 29 of the South African Constitution (SA 1996), must be protected by all educators. Joubert and Prinsloo (2001:147) list the following duties in the school teaching programme:

formulating teaching outcomes; careful planning and preparations of lessons; ongoing assessment of learners to ensure that they are meeting the required standards; disciplinary conduct on his or her own part, and maintaining discipline and order in the school and classroom to protect the learners’ right to education (section 29), regular consultation with learners’ parents; seeing to the safety and well-being of learners and the execution of certain administrative tasks within their delegated powers.

This study does not aim to provide a detailed discussion on the rights of the educator, but a brief discussion in regard to this matter is included as it forms part of the underlying legal framework. The study focuses on the duties of the educator, and it is therefore necessary to analyse legislation with regard to the professional obligations and core duties of the educator. The grade R educator requires specific attention as quality service delivery of the grade R educator is studied.

2.4.1 The South African Constitution Act 108 of 1996

The Constitution of South Africa (SA 1996) provides the legal foundation for the existence of the Republic, sets out the rights and duties of its citizens, and defines the structure of the government. Udombana (2005:51) states “It is the blue-print of intra-governmental relations, setting forth the general parameters of executive, legislative and judicial powers and embodying fundamental rights granted to individuals under the law”, and adds that the South African Constitutional Court is

independent and autonomous. In South Africa additional institutions have been founded to ensure that the public is protected and not abused by government (Udombana 2005:51-54). According to Joubert and Prinsloo (2009:15) the Constitution is at the same time supreme law and a source of education law.

Chapter two of the Constitution consists of the Bill of Rights which enumerates the civil, political, economic, social, and cultural human rights of the people of South Africa. “Courts are the primary guardians of the Bill of Rights” (Udombana 2005:55). Currie and De Waal (2013:133) mention that “the provisions of the Bill of Rights sometimes protect certain kinds of activities or they demand the fulfilment of certain objectives, [but] sometimes they do both”. The selection of sections, within the Bill of Rights, was based on the impact of the grade R educator’s service delivery as a core legal duty, and employees’ fundamental rights within the Constitution. Rossouw (2010:47) lists the fundamental rights of employees (educators) within the Constitution as follows:

Employees have a fundamental rights to
<ul style="list-style-type: none"> • Human dignity – one of the founding values of the Constitution • Equality – a prohibition against discrimination (direct or indirect) • use the Constitution to challenge existing legislation • use the Constitution to challenge decisions of the State • assemble and demonstrate peacefully • fair labour practices • form and join trade unions, and to bargain collectively • strike for collective bargaining purposes

Figure 2. 1: Fundamental rights of educators as employees

As grade R educators work primarily with young children, no discussion can be complete without looking at the best interests of the child, that impact on the duties of the grade R educators.

2.4.1.1 Section 9: Equality

The constitutional commitment to equality is stipulated as follows:

- (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- (3) The State may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

The right to equality has a special place in the South African Constitution (SA 1996) because of the past history of inequality and discrimination with regard to race and gender, and is therefore one of the “values on which South African democracy is based” (Grant 2006:8). It can be interpreted as granting all persons equal rights without discrimination (Shultziner 2007:91). “The formal idea of equality is that people who are similar in relevant ways, should be treated similarly” (Currie & De Waal 2013:210). In her application of this equality principle, the grade R educator should be careful not to unfairly discriminate against any learner in her class. Favouritism can create a classroom situation where learners are aware of an educator not treating everyone fairly and equally. A grade R learner is very sensitive and quick to discover how the teacher operates. Daily activities should also be planned so that every learner in the class can be an active participant.

In addition, experience shows that grade R educators are not regarded as equal to educators who teach in higher grades. If an educator feels that her colleagues look down on her because she “works with younger children” or that she is not as well trained as they are, this can impact on her quality service delivery. The South African Schools Act (SA 1996b) stipulates in section 16A the functions and responsibilities of the principal of a public school. By virtue of his leadership position the principal stands central to maintaining and respecting values in the school, and should ensure that all stakeholders at school level contribute to uphold this section of the Bill of Rights.

2.4.1.2 Section 10: Human Dignity

Human dignity as a fundamental right in the Constitution is stipulated as follows in section 10:

“Everyone has inherent dignity and the right to have their dignity respected and protected”.

Section 1 of the Constitution (SA 1996) also entrenches human dignity as a founding value. According to Shultziner (2007:91), “human dignity has several meanings that can entail a moral, cultural understanding and human worth in the society. It can also mean one’s consciousness, values, attitudes and people’s ‘roots’.”

The grade R classroom includes a diversity of learners and they should be made aware of the fact that people in our society have different cultures, beliefs, and values which play a vital part in every person’s life. School rules can support an awareness of the principle of human dignity by ensuring that learners do not unfairly discriminate against learners with disabilities, or those who experience challenges in the learning process. Grade R class learners should be educated to treat each other with respect and dignity.

Just as the learners’ dignity should be protected by the educator, so the learners’ reciprocal duty is to show respect to the educator. An equilibrium – an environment of *geborgenheit* - in the grade R class needs to be created to ensure that quality education can take place.

2.4.1.3 Sections 17, 18 and 23: Employment related rights applicable to educators as employees

Freedom of assembly “creates the space both to speak and to be heard” (Currie & De Waal 2013:378) and is formulated in the Constitution as follows:

17. Assembly, demonstration, picket and petition

Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Section 17 under the Constitution “provides an effective means of communication for those who feel that their demands are not being given serious consideration by the state” (Currie & De Waal 2013:378).

Closely related to the right to assembly, is the right to freedom of association which is provided for in section 18.

Different associations for example political, cultural, economic, and religious associations can be formed within section 18 of the Constitution which reads as follows:

18. Freedom of association

Everyone has the right to freedom of association

Freedom of association as established in the Constitution in section 18 is explained as “the accumulated trust, respect, loyalty, wisdom and effort that sustain our fragile unions” (Currie & De Waal 2013:397).

As compared to the rights above, the most prominent constitutional provision regarding labour matters, is that of section 23. Currie and De Waal (2013:482) state that employees [educators] have “specific rights to join and participate in the activities of trade unions, because unions are the mechanisms through which workers bargain collectively.” Section 23 regulates the following labour rights in the Constitution:

23. Labour relations

- (1) Everyone has the right to fair labour practices.
- (2) Every worker has the right -
 - a. to form and join a trade union;
 - b. to participate in the activities and programmes of a trade union; and
 - c. to strike.
- (3) Every employer has the right -
 - a. to form and join an employers' organisation; and
 - b. to participate in the activities and programmes of an employers' organisation.
- (4) Every trade union and every employers' organisation has the right -
 - a. to determine its own administration, programmes and activities;
 - b. to organise; and
 - c. to form and join a federation.

This section grants employees the freedom to “form and join a trade union” and to participate in “activities of the union and may go on strike” (Rossouw 2010:100). The above sections 17, 18, and 23 were especially selected as they have an impact on the educator’s as well as the child’s rights. Educators as employees of the State

have the right to join and take part in trade union activities, for example in a strike when serious consideration is not given to their demands. Although section 23 authorises industrial action (to strike), Rossouw (2010:114) mentions the ethical element of strike action, as the learners' rights should be protected. Educators' labour rights are weighed up against learners' rights to education as protected by section 29 of the Constitution. Section 28(2) states: "a child's best interests are of paramount in every matter concerning the child". The question arises as to whether the rights of the learner can be of higher importance than the right of educators to go on strike.

Grade R educators from public primary schools can participate in strike actions, but as grade R learners are so young and very vulnerable, their safety are a big concern. The safety of learners during strike actions should be of extreme importance to the grade R educator and the SGB. In terms of section 20(1) (d) of the South African Schools Act (SA 1996b) the SGB has the obligation to ensure a "disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process". In close collaboration with the SGB, the principal should ensure that measures are in place to guarantee a safe environment during strike actions. Unfortunately quality education cannot take place during these actions.

22. Freedom of trade, occupation and profession

Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law.

Section 22 can be applied to education via the SACE (South African Council for Educators) which was founded in October 1994 to regulate the teaching profession. This professional teaching body is responsible for their members to meet certain requirements, and to execute their professional tasks within the guidelines of a code of professional ethics.

The grade R educator makes a choice with regard to her profession, and because she is a compulsory member of SACE, she needs to perform her duties accordingly. She needs to fulfil and commit herself, to do everything in her power to exercise her duties, as well as respect the constitutional rights of her learners. To meet the terms of the above, she needs to acknowledge and ensure quality service delivery in her

grade R classroom by means of being prepared (planning), and using age appropriate and holistic teaching methods (see paragraph 3.5). She recognises that every learner is a unique individual with specific needs and has to take steps to ensure the safety of her learners during all school activities (see paragraph 5.3.1).

2.4.1.4 Section 24: Environment

This section states, amongst others, that

Everyone has the right -

- a. to an environment that is not harmful to their health or well-being; ...

McGregor, Doyal and Gough (as quoted by Currie and De Waal 2013:521-522) mention that well-being incorporates several dimensions addressed by the Bill of Rights and can be linked to children's rights and education. The concept of well-being can be described as human relationship and feelings, and is relevant when addressing security in childhood.

Research in South Africa was conducted on security in the workplace of the Foundation Phase educator (Keating 2011), as well as work fulfilment of the grade R educator (Rossouw 2012b). This research indicates that the educator feels increasingly powerless and vulnerable in her work environment. Her security and well-being as educator are not taken care of and consequently feelings influence her service delivery and the quality thereof.

The educator as caring supervisor should ensure a safe school environment for every learner (Joubert & Prinsloo 2001:147). This statement can be directly applied to the grade R educator and grade R learner. Grade R classes are phased in at primary schools and the safety of the grade R learner is of vital importance as learners are exposed to different elements such as older learners, and a much larger environment as at an ECD site or centre (see paragraph 5.3.1). The grade R learner can easily feel insecure and overwhelmed.

The educator has a duty to uphold authority and implement discipline in her class, and to provide a secure environment in which quality education can take place. Since some grade R classes have no qualified educators (see paragraph 3.4) and

that overcrowding (see paragraph 3.6) has become a real problem in many contexts, maintaining and implementing discipline may be a challenge.

2.4.1.5 Section 28(2): Children

The “best interests of the child” is regulated in the Constitution (SA 1996) as:

“A child's best interests are of paramount importance in every matter concerning the child”

According to Currie and De Waal (2013:601) when “interpreting children’s constitutional rights a balance has to be struck between a child’s need for autonomy and his and her need for protection”. The age of a learner is also relevant in this section as younger children need more protection than older learners. The grade R educator should take responsibility for the safety and well-being of the grade R learner. This section sets a standard as to how important the child’s rights are within the Constitution. The SGB should ensure that all outdoor playground equipment are in good condition so that injuries can be prevented when learners play outside. This provision in the Constitution creates high demands of the teacher. During outdoor play activities, educators need to supervise every moment of all the activities (see paragraph 5.3.1) (De Wet & Oosthuizen 2001:163). Extra supervision (parents) should be arranged during excursions because the learners’ best interests, which include physical and psychological safety, are of paramount importance. In those grade R classes where overcrowding is a reality, this can do more harm than good (see par. 5.5.4), and is not in the best interests of the child. Nor does it contribute to quality education. The quality of service delivery provided by the grade R educators is also determined in the teaching approaches which she applies in her class (see par. 3.5).

2.4.1.6 Section 29: Education

- (1) Everyone has the right -
 - a to a basic education, including adult basic education; and
 - b. to further education, which the State, through reasonable measures, must make progressively available and accessible.

Section 29 “confers the right to a basic education on ‘everyone’, but it is clear that children will be the major beneficiaries of this particular right” (Currie & De Waal 2013:600). The South African Constitution (SA 1996) provides for the right to

education in section 29, though never articulates the exact standard of education. Modisaotsile (2012:4) and Meier (2014:162) confirm that according to the Bill of Rights, “everyone has the right to education and it is the State’s duty to build enough schools and provide enough teachers for everyone to go to school and obtain a proper education”.

Although the right to education has been determined in section 29, grade R is not compulsory yet. The question arises as to whether grade R is included in the right to education. According to Basic Education Minister, Angie Motshega (SA 2014a) “a legislative review to make schooling for young people aged five to 15 years compulsory is on the cards”.

Public primary schools are encouraged to establish grade R classes within their existing structures, to eventually ensure universal access. With this provision, the Department has succeeded in increasing the numbers of grade R learners who attend grade R classes before advancing to grade 1. Although this is a significant accomplishment, the quality of grade R is questionable (see par. 3.6). The grade R educator is one of the major stakeholders involved in determining quality education (Atmore *et al.* 2012:26).

“One of the primary duties of all educators is to protect learners’ right to education’ ” (Rossouw 2010:63). The important role which the educator plays regarding the learners right to education is noted, although the specific role of the grade R educator as employee of the Department or the school, is not addressed or mentioned in the minimum teachers qualification requirements (SA 2011c:1-11). As grade R educators are specifically mentioned and their duties emphasised in this research, legislation relevant to grade R is discussed in this chapter after above analysis of the core of Education Law, namely the Constitution.

In the sections that follow, other statutes, over and above the Constitution, are analysed and applied to the grade R education environment. Of these, the South African Schools Act 84 of 1996 is arguably the most prominent statute in the public school environment, and will be discussed first.

2.4.2 The South African Schools Act 84 of 1996

This Act regulates schools by providing a “uniform system for the organisation, governance and funding of schools” (SA 1996b). Nieuwenhuis *et al.* (2007:84) state that “the South African Schools Act (SA 1996b) proposed a partnership between the State, parents, educators and learners concerning the funding, governance and organisation of schools”.

According to section 5 (4)(a) the admission age for grade R is four turning five by 30 June in the year of admission. The court case of *Harris v Minister of Education 2000* (case 30218/2000) (T) had a remarkable impact on legislation and severe consequences followed within the school system with specific reference to the age of the learner. Section 5 (5A)(b) regulates norms and standards for the capacity of schools in respect of the numbers of learners a school can admit.

The court case: *Member of the Executive Council for Education in Gauteng Province v Governing Body of the Rivonia Primary School* CTT 135/12 [2013] ZACC34 drew a lot of attention as the SGBs’ power was questioned with regard to their admission policy. SGBs’ powers are stipulated in section 5(5A)(2b)(iv) of the South African Schools Act (SA 1996b). After this court case, Maithufi (2014:740) stated that various articles or commentaries dealing with the admission of learners to public schools were released, seeing that SGBs have to perform their duties according to the “powers granted to them by legislation”.

The number of learners in a classroom was identified as a factor influencing quality education and was discussed in paragraph 3.6. The grade R educator will struggle to perform quality service delivery if policy is not followed indicating a 30:1 ratio (SA 2008) (see par. 3.6). Within the South African Schools Act (SA 1996b), section 5(5A)(2b)(iv), SGBs should regulate the number of learners in the class. Van Wyk (2004:50) however states that section 19 “obliges provincial governments to provide training for governing bodies” but reveals that some SGBs do not have the required skills to exercise their powers and have difficulty when they need to fulfil their functions.

The South African Schools Act (SA 1996b) also stipulate organisation to ensure the smooth running of the school. Maphosa and Shumba (2010:388) affirm that learner

misbehaviour can have a negative result on the smooth running of the school and the “safety of educators and learners”. Oosthuizen *ed.* (2009:155) indicate that discipline protects the learner. “In an orderly environment, discipline protects learners from unruly and undisciplined behaviour of their fellow learners“ but also against “their own waywardness”. To ensure the smooth running the South African Schools Act 84 of 1996 (SA 1996b) “a governing body of a public school must adopt a code of conduct for learners after consultation with the learners, parents and educators of the school” (Maphosa & Shumba 2010:388). The aim of this code of conduct is to “establish a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process”. Bray (2005:134) declares that the code of conduct “promotes proper and good behaviour and sets standards for positive discipline” and adds that it also “deals with negative discipline and provides measures how to deal with these kind of incidents”; one of the most important functions of the governing body is to adopt a code of conduct.

As grade R classes are phased in at public primary schools, see paragraph 1.1, the code of conduct should also indicate rules for learners from grade R as they form part of the school. Even children as young as grade R should be steered by uncomplicated school rules guiding their behaviour during the school day. Methods for dealing with unacceptable behaviour should be clearly stated within this code. School rules can, if properly formulated, create a well-disciplined learning environment which contributes to quality education in grade R. The behaviour of some grade R learners should not disturb other learners’ opportunities to learn (see paragraph 5.5.7 and 3.6).

Another function of the SGB, according to section 20(g), is to maintain the school’s property, buildings and grounds. A number of grade R classes are established at public primary schools where the grade R daily programme calls for specific requirements for outdoor play as the CAPS policy indicates. The SGB should provide a safe outdoor area where grade R learners can play as part of the informal, play-based teaching approach to ensure quality education (see par. 1.2.1). Preferably this area should be fenced off so that older learners cannot disturb the grade R learners. The area should also be situated so that learners can play without disturbing learners of other grades when they are in class. Equipment such as balancing and climb apparatus and swings are some of the structures to be found at

an outdoor play area. Learners should be able to play in an environment where equipment is regularly maintained by the SGB. When injuries occur because of ill-maintained apparatus, the SGB should be held accountable for not complying with this legal provision as well as to provide safe environment for the learners. Quality education in grade R depends on holistic development which includes gross motor development.

2.4.3 The Employment of Educators Act 76 of 1998

The Employment of Educators Act states as its aim: “to provide for the employment of educators by the State, for the regulation of the conditions of service, discipline, retirement and discharge of educators and for matters connected therewith” (SA 1998b).

Chapter H of the Employment of Educators Act (SA 1998b) captures the Personnel Administration Measures (PAM). The PAM outlines educators’ responsibilities, duties, and workloads. As the PAM indicates, an educator’s position in education can be split into two distinguishable legal components, namely the rights of the educator and the duties of the educator. The PAM stipulates core duties as:

Scheduled teaching time, relief teaching, extra- and co-curricular duties, pastoral duties (e.g. ground supervision), administration, supervisory and management functions, professional duties (e.g. meetings and workshops), planning, preparation and evaluation.

Some of the above mentioned duties such as workshops and preparation take place after the formal school day. The PAM, Chapter A, paragraph 3.2 instructs educators, which includes grade R educators, to be at school for seven hours per day and to attend professional development up to 80 hours per year.

As stated in Chapter 1, this study narrows down the research to the phenomenon of this study, quality service delivery of grade R educators, where the primary focus is the duties performed during a formal school day of teaching.

2.4.4 The South African Council for Educators Act 33 of 2000

The South African Council for Educators (SACE) was founded in October 1994 and specifically regulates the teaching profession. The SACE stated vision is to improve

the quality and standard of teaching. Three broad objectives are formulated in section 2 of Chapter 1 (a-c) and interpreted as follows:

- 1) a developmental function, to promote and develop the teaching profession.
- 2) a registration function, to maintain minimum standards of practice through the registration of educators
- 3) a regulation function, to establish and maintain a code of professional ethics which governs the behaviour of every educator.

The grade R educator must be registered with SACE and should therefore be dedicated to the professional ethics stipulated in the SACE Code of Professional Ethics. She needs to acknowledge that to educate is a noble calling, and that her attitude, dedication, self-discipline, ideals, training, and conduct determine quality education. She has to uphold human rights, specifically those of the grade R learner.

SACE is an important stakeholder in the education framework which ensures continued professional development of educators, and promotes professional standards. According to section 7 of the SACE Code of Professional Ethics, an educator must keep abreast of educational developments. SACE is currently phasing in the implementation of Continuing Professional Teacher Development (CPTD) approved in November 2012.

The CPTD orientation and sign-up workshop programme handout of 2012 (SACE 2012) states that the programme has the support of the Department of Basic Education (DBE), as well as of the nine Provincial Education Departments. The National Policy Framework on Teacher Education and Development (NPFTED), in terms of section 53 (SA 2007), gave SACE additional authorisation for the overall implementation, management, and quality assurance of the CPTD system. The purpose of the CPTD system is to

- a) ensure that professional development programmes contribute to improving teaching and learning,
- b) strengthen the professional status of teaching, and

- c) present educators with guidance regarding their professional development activities that will add to their professional growth.

The CPTD system targets school-based educators, principals, deputy principals, HODs, and teachers. This involves State employed employees, employees appointed by the SGB, as well as those at independent schools. The CPTD orientation and sign-up workshop programme handout (SACE 2012) states that teachers need to be lifelong learners and do their jobs better. Teachers should improve their knowledge and skills, keep up to date with new research, and learn from colleagues.

The CPTD system is implemented in the expectation that all grade R educators will get involved in the process of “lifelong learning”. Learners in grade R are growing up exposed to technology, and it is therefore important for educators to keep abreast of new ideas and different ways of presenting information. This does not mean that learners should start to write in grade R, but that the grade R educator should have innovative and original ideas when information is conveyed to learners. Experiments during theme table discussions for example, could capture learners’ attention in interesting ways. The grade R educator should keep in mind that her profession is a calling, and that her commitment to quality service delivery will be evident in every day’s teaching.

The overview and brief analysis of statutes relevant to the educator, and more specifically to the grade R educator, now moves away from education specific legislation to legislation that has wider application. The first to be discussed is the Labour Relations Act 66 of 1995 which provides principles for the employment sphere in general, but part of this Act also directly or indirectly applies to the employment of the grade R educator.

2.4.5 Labour Relations Act 66 of 1995 (LRA)

As discussed in paragraph 2.4.1.3 several fundamental rights are entrenched in the Constitution and have implications for labour relations. Rossouw (2010:25) states that a wide range of fundamental rights have an impact on the workplace. When labour relations in education are developed, working conditions as well as educators’ capabilities improve (Rossouw 2010:17). He emphasises that human dignity is

inherent to every person, and should be respected and protected and adds that an individual will experience equality as provided in the Constitution when treated with fairness, when no discrimination takes place, and when diversity is acknowledged.

According to Beckmann and Bray (2006:431) all labour legislation must be consistent with the Constitution, and they add that “legislation is regarded as the primary source of educator employment relations and government departments, their officials, educators, teacher unions, bargaining councils and other organs of State”. Rossouw (2010:1-2) adds that employment relationships in education are primarily between the educator (employee) and the Department of Education (employer) and continues to describe two types of relationship, namely “individual labour relationships (employees and employers) and collective relationships (trade unions and employers’ organisations)”.

Bray and Beckmann (2001:113) maintain that “[t]he individual employment relationship between the educator and the provincial HOD does not entail individual bargaining and its content is determined through the process of collective bargaining.” This collective bargaining is part of labour law, and in combination with the Constitution, forms part of the educator employment relationship, especially related to the terms and conditions of employment. Rossouw (2010:15) says: “[A]n important body in labour relations in education is the Education Labour Relations Council (ELRC)” and he specifies their function as “promoting peaceful labour conditions”.

Educators appointed in additional posts at public schools via a SGB can negotiate the terms and conditions of their contracts, since the school is the employer and not the Head of Department (Rossouw 2010:65). The Basic Conditions of Employment Act of 1997 applies to educators in SGB posts (Beckmann & Bray 2006:438).

The Labour Relations Act (SA 1995a) is also applicable to educators in school governing positions, and regulates issues such as unions, union activities, and fair administrative procedures. Rossouw (2010:24) summarize section 23 as follows:

- the right to strike
- the right of employees to form or join a union, and to participate in its activities

- the right of employers to form or join employers' organisations and to participate in their activities
- the right of unions and employers' organisations to organise, form, and join a federation
- the right of unions and employers' organisations to engage in collective bargaining

Deacon (2014:2) refers to the Constitution (SA 1996) in which both educators' and children's rights are protected. Conflict arises between the educators' right to strike and the learners' right to basic education. Section 69(1) of the LRA (SA 1995a) indicates that picketing (to strike) should be a peaceful demonstration. He points out that strike actions in education are often violent with disruption of classes and intimidation of non-striking educators and learners travelling to school. He argues that "South Africa's current labour legislation (especially regarding strike action) is good in theory, but poorly applied and enforced in the country, despite the provisions contained in the Labour Relations Act". He adds that section 64 of the Labour Relations Act compels parties to comply with legislation, but when they reached a deadlock in negotiations, and the matter is referred to the bargaining council for reconciliation without success, the council will issue a certificate, and unions can give the employer seven days' notice of intention to strike.

At public primary schools where grade R is phased in, the grade R educator's fundamental rights impact on her in the workplace. Rossouw (2012b) highlights the work fulfilment of the grade R educator, signifying the importance of educators' well-being at school. Dignity (see par. 2.4.1.2) and equality (see par. 2.4.1.1) in the workplace are of essential value; when these are absent the educator's work is affected. This can mean that if an educator experiences that she is valued and that her well-being is attended to, her duty to perform quality service delivery will increase. Her positive attitude will have a direct influence on quality education and the learners in turn benefit.

Previously grade R classes were not situated at public primary schools, but at ECD centres or sites, or at other pre-primary locations, and the impact of labour activities on learners was not noted. The grade R educator has recently become much more involved in strike actions as classes are now incorporated in the formal school

environment. Deacon (2014:8) mentions that the “distributing factors are the disruption of teaching and, perhaps more importantly, learners’ safety”. The safety of grade R learners is cause for concern because the learners are very young and exposed to actions characterised by violence. The grade R educator’s duty to ensure a safe environment, and section 28 of the Constitution where the child’s best interests are of paramount in every matter concerning the child, “should tip the scale in favour of the learners and the school where protest action on the school grounds is concerned” (Deacon 2014:8).

2.4.6 The Children’s Act 38 of 2005

The Children’s Act 38 of 2005 (as amended by Act 41 of 2007) highlights the rights of children already stated in the South African Constitution. The Children’s Act no 38 of 2005 came into effect in 2010 and regulates the provision of programmes and service for young children up to school going age”. This Act provides a legal framework to promote children’s rights and well-being, and prescribes ECD programmes and care services by setting norms and standards (Berry *et al.* 2011:10-12). In terms of the Children’s Act section 91(1), ECD is defined as “the process of emotional, cognitive, sensory, spiritual, moral, physical, social and communication development of children from birth to school-going age”. Berry *et al.* (2011:12) state that “it is important to see the Children’s Act as a living document that will change over time in order to best meet children’s needs”.

When analysing the Children’s Act (SA 2005) it is noted that a broad definition is used for ECD. The Act calls for the guidance of quality service delivery via norms and standards. The Act also allocates a clear role to local municipalities in providing ECD programmes, and assigns clear functions from provincial to local government (Berry *et al.* 2013:37). According to the Act, the duties and responsibilities of ECD practitioners are clear. Unfortunately the State is under no obligation to provide or fund ECD services; this is up to provincial government. “This Act provides for a range of social services that are primarily aimed at strengthening and supporting families and communities to care for and protect children” (Proudlock & Jamieson 2007:35-36) and each chapter relates to service delivery via strategy, provisioning, norms, and standards.

As previously stated, ECD is a very broad umbrella term used for children from the ages 0-9 years, which can be subdivided in children services for 0-4 years, grade R (5 – 6 years), and Grades 1-3. When the term ECD is used, one should ensure that the information gathered is applicable for the correct age group. This study focuses on grade R. The Children's Act provides services that include partial care (crèches and nursery schools), support programmes for child-headed households, drop-in centres which provide basic services, primary prevention and early intervention programmes, and early childhood development programmes (Proudlock & Jamieson 2007:36) which focus on families and communities. The Act addresses the social welfare service for children and provides a strong legislative foundation to enable action on behalf of vulnerable children. An analysis of children services for 0-4 years is not analysed as the demographics are totally different and therefore falls outside the scope of this study. Only information regarding grade R classes at primary schools with their own unique circumstances are the concern of this study.

2.4.7 Common Law

Common law is one basic source of South African Law and arises from custom and historical developments (Joubert & Prinsloo 2001:8). Rossouw (2010:29) defines common law in South Africa as “the uncodified legal tradition as derived from the Roman-Dutch and English law of the 17th century”. Building on and improving the principles of common law, legislation has made the duties of educators precise and exact. Squelch (1999:15) describes common law duties as follows: to render the services agreed on, to fulfil tasks with competence and efficiency, to act in good faith, to carry out lawful instructions of the employer, and to be respectful and obedient. Service delivery can be acknowledged as rendering services agreed upon as well as fulfilling tasks with competence and efficiency. The focus of this study is the quality of service delivery by educators, more specifically grade R educators. The service delivery agreed on and the efficiency and competence in fulfilling tasks will therefore be closely studied as indicators which indicate quality service delivery.

The educator has a duty regarding the safety of the learner because learners spend a great deal of time at school. Magolego (2003:66) states as a general rule “whether the children are in class or on the playing field, they should always be supervised by a responsible person so as to prevent accidents and injuries from occurring” (see

paragraph 2.4.1.4, 3.4, 3.6 and 5.3.1). She further indicates that all the equipment which the children use for educational or play purposes must be safe. It is important that the educator ensures the well-being of the learner. According to Joubert and Prinsloo (2001:97) the educator needs to take responsibility for the safety and well-being of the learners as long as they are in her care. “An educator has a legal duty to ensure the safety of learners under her supervision and control” (Joubert & Prinsloo 2001:98). This duty of care applies to the learners’ physical as well as emotional well-being. The Bill of Rights, section 24, (see par. 2.4.1.4) protects the rights of a person at school, as the environment may be harmful to their health or well-being.

As parents are obliged to send their children to school to comply with the terms of compulsory school attendance in section 3 of the South African Schools Act (SA 1996b), they delegate their authority to the educator. The principle of *in loco parentis* (in the place of the parent) is applicable at school. The parent is not replaced by the educator but remains the primary educator of the child. De Wet and Oosthuizen (2001:163) confirm “that educators are responsible for the safety of the children in their care for the duration of school activities” and add that it is the educator’s duty to ensure a safe atmosphere which contributes to teaching and learning.

The grade R educator's responsibility and accountability are of significant importance. She is responsible for the safety of learners during all school activities whether it is during outdoor play or during informal teaching time inside the class. As grade R learners are so young this responsibility should be of great importance to the educator. The grade R educator should also acknowledge that she is accountable for all the tasks (school activities) delegated to her, and for the quality thereof. Terms such as responsibility and accountability are associated with liability.

Joubert and Prinsloo (2001:97) define the terms as follows:

Responsibility refers to the obligations attached to a specific post or task - it carries with it the authority and the responsibility necessary for execution. Accountability means that a person must be able to give account of (explain) his or her actions to whoever initially delegated a task to him or her.

Liability refers to damages caused via unlawful acts, neglect, or an intentional act. “In South African law, the principles of the law of delict regulate liability for damages

caused by unlawful act and through the fault of a wrongdoer” (Rossouw 2010:188). He continues to state that to be held delictually liable, all of the following have to apply:

- a) there is damage in the form of property or infringement of personal rights
- b) an act was committed in the form of wilful human conduct or an omission
- c) the act was unlawful in the sense that it infringes a legal interest and such infringement must be reasonable according to the legal convictions of the community
- d) the damage must be causally linked to the act, and
- e) the act must be committed with fault via intent or negligence.

When considering faulty actions committed by an educator, two key concepts, namely *intention* and *negligence* are applicable and need to be discussed. Intent means that a person is doing something on purpose or intentionally, while negligence refers to the behaviour of a person who did not fulfil the standards of care or attention required. When an educator is found negligent, it means that certain responsibilities or duties are not performed (Joubert & Prinsloo 2001:100). An educator is required to know and abide by the legal rules which govern education and can never plead not knowing about the responsibility of duty of care. According to Magolego (2003:64) “some educators view their responsibilities as confined solely to teaching. They will still consider themselves unaccountable when it comes to accidents and injuries at school”.

Beckmann (2006:184) makes an interesting argument when stating that, as more power is given to schools via governing bodies, the liability of the State might be reduced. Section 60 of the South African Schools Act (SA 1996b) regulates the liability of the State, stipulating that “the State is liable for any delictual or contractual damage or loss caused as a result of any act or omission in connection with any school activity conducted by a public school”.

In the Ficksburg court case (*MEC for Education and Culture, Free State v Louw and Another* 2004 JOL 12856 (0)) it was found that the Education Department was liable for damage or loss caused by the act or omission of a staff member of a public

school where a learner nearly drowned and suffered severe brain damage. The department argued that as staff members on duty were not employed by the State they should not be held liable. The court ruling was that the negligent acts of staff members employed by public schools in terms of section 20 (4) of the South African Schools Act (SA 1996b), do not exclude the State's liability for damages. Beckmann (2006:184) states that section 15 and 16 of the South African Schools Act (SA 1996b) created a possibility that the State's liability for damages and losses suffered at a public school may be reduced and argues that by creating the South African Schools Act (SA 1996b) some "financial responsibilities and liabilities regarding the provision of public education" were shed.

Grade R classes are established at public primary school and various individuals are selected to "teach" these classes. Educators (qualified, under-qualified, and not appropriately trained) as well as child minders are responsible for grade R learners. "The Department of Education has contracted 423 child minders for 2015/2016 financial year" as a job creation initiative (SA 2015). Although child minders have no educational training, they assist in classes and sometimes take primary responsibility for the young learners. Section 60 of the South African Schools Act (SA 1996b) states:

1) (a) Subject to paragraph (b), the State is liable for any delictual or contractual damage or loss caused as a result of any act or omission in connection with any school activity conducted by a public school and for which such public school would have been liable but for the provisions of this section,

and therefore the State is also liable for child minders or any other individual who assumes responsibility for grade R learners.

School Governing Bodies which contribute to the provisioning of quality education at public schools and support principals and staff in their professional duties via the South African Schools Act (SA 1996b), may cause an increase in the liability of the State through neglectful or wilful acts, or omissions (Beckmann 2006:184). Beckmann (2006:184) further argues that liability according to the Employment of Educators Act 76 of 1998 can contribute to the State's liability since two employers are now legally responsible on the same premises. Beckmann (2006:184) inquires how a legislator can create legislation if the possibility exists that an "employee of

one employer [can] create problems for another employer regarding damages or losses emanating from negligent actions or omissions”. If the State is still liable, the question arises if the State as employer will make more demands on the employment and conduct of educators (Beckmann 2006:184).

The discussion so far has focused on education-specific and general legislation, but now turns to a number of policies which have direct bearing on grade R education provision in public schools.

2.4.8 General policies

Professor Kader Asmal introduced the National Policy on Whole-School Evaluation (NPWSE) (SA 2001c) in July 2001 with several key objectives. The one most applicable to this study is the evaluation of teaching quality and educator development in schools where all the members should take responsibility for their own quality performance. The evaluation of quality performance includes the grade R educator. Although NPWSE may have been introduced as a method to regulate or evaluate teaching quality, the question can be asked if the results were successful.

2.4.9 Education legislation regarding ECD and more specific grade R

As my study focuses on grade R as part of the broader ECD umbrella term, it is important to understand the detailed background regarding ECD and grade R, and to view the major events and legislation that took place in history. Excell (2011:24-28) compiled the table (pp. 45-49) which indicates how far ECD has come. She captured ECD or grade R events and legislation up to 2011. As researcher I added some remarks to the historical events and added events between 2011 and 2015.

Table 2.1 Early 19th century development of Early Childhood Development continuing to the 20th century

DATE	EVENT	IMPLICATIONS	REMARK
1832	Missionaries open a preschool for slave children in Cape Town	Didactic model aligned with that of formal schooling. Preschools short lived due to a perceived lack of demand	<p>Although these events took place in 1800 – 1900, the importance of early child development was already then acknowledged</p> <p>The importance of play-based learning was already acknowledged in 1839</p>
1833	Preschool classes opened for poor European children		
1839	Fröbel introduces the kindergarten, a play-based model which is influential in Europe	This model was never truly accepted by the South African colonial government. The lasting impact on South African preschool practice is probably the name (interchangeable with grade R)	
1861	British Infant School model introduced in Great Britain	It becomes a formal, authoritarian model which is adopted more readily by colonialists in South Africa	
1919	McMillan sisters introduce the open-air nursery school in England	The nursery school model upon which the traditional South African model is based	
1930	First “health classes” opened in Vrededorp and Fordsburg by the Johannesburg (JHB) Local Health Department	<p>Provision of preschool services for “poor whites”</p> <p>Based on the nursery school model</p> <p>Emphasis on hygiene and nutrition</p>	
Early 1930's	<p>Day nurseries and crèches for blacks opened countrywide</p> <p>No qualified teachers</p>	<p>Controlling bodies were Welfare and Church organizations</p> <p>Registered with the Department of Bantu Administration – no educational influence</p>	

Table 2.2 20th century continued with major impact: Republic of South Africa is established in 1961

1931 onwards	Preschools opened in Pretoria, Durban and Cape Town. Services extended to other cities and town	<p>“White only” schools</p> <p>Schools established through various organisations or privately owned</p> <p>Quality of service variable</p> <p>Demand for better qualified teachers</p>	<p>As early as 1931 quality regarding teachers were called for</p> <p>Quality through time has been a issue</p>
1937	Witwatersrand Technical College begins training white nursery school teachers. Higher Educational Institutions (HEIs) reluctant to become involved in the training of preschool teachers	<p>Syllabus stressed cooking, housecraft, and cleaning</p> <p>The intention was for students to work in a variety of institutions caring for young children, not just teaching in nursery schools</p>	
1939	Nursery School Association of South Africa established	Aims to ensure quality service and to improve training of teachers	
Between 1938 & 1958	Training courses for blacks initiated in Sophiatown (JHB) by the Anglican Mission. Various other courses offered throughout the country	Department of Education and training recognised these certificates. Training sporadic and not able to meet needs of country. Qualifications not on par with white counterparts	
1948	Nationalist Government comes to power	Decrees care and education for preschool children is the responsibility of parents, NOT the State	
1962	Department of National Education assumes responsibility for preschool teacher training for whites	A three year diploma in nursery school education is introduced	
1970's	The South African Association for Early Childhood Education (SAAECE) replaces the Nursery School Association	<p>Affiliation with OMEP (an international preschool organisation)</p> <p>Establishes accreditation guidelines is an attempt to ensure quality preschool services and training for all citizens</p>	

Table 2.3 Development during the 1970s and 1980s

1970	Provincial Colleges of Education accept responsibility for training for whites	A three-year joint pre-primary/junior primary diploma is offered. Training continuous to be offered by the Department of National Education	Most recently an urgent request is made to re-open teacher training colleges as Universities are not delivering enough teachers
1973	First provincial preschool for whites open in the Transvaal	Transvaal Education Department (TED) schools are fully subsidised	
	Soweto uprising	Far reaching implications for education in general	
1974	First preschool opens for Indians in Lenasia in the Transvaal. Number of preschools for Indian children increase from 1980 onwards	Opened by the Lenasia Muslim Association for middle and upper middle class children. Indian preschools often run by religious and welfare organisations	
From late 1980's	Preschool training comes under threat because of the imminent closure of many teacher training colleges	Formal training opportunities for preschool teachers are decreased. In 2001 when all teacher training colleges were closed, only a handful of universities continued to offer a formal preschool qualification	
1980	Provincial Education Departments extend qualifications for whites to comply with national criteria (M+4)	Pre-primary qualifications for white teachers now on a par with those for other teachers	
1982	Homeland preschool training commences in, for example, Bophuthatswana's teacher training colleges	The various South African Departments of Education slowly withdraw their meagre support for preschool training	
1983	The De Lange Commission	A bridging year for disadvantaged children is recommended	
1985	Department of National Education terminates its pre-primary training	Training now sole responsibility of the Provincial Education Departments and certain HEIs	
1986	Variety of preschool options available to white children. Services for other racial groups limited to welfare and religious organisations.	Both subsidised and private preschools available. Many different types of service delivery, especially for whites. Quality is variable for all racial groups	

Table 2.4 Major development after 1994 elections: African National Congress (ANC) as the new Government

From early 1990's	Move to close all provincial pre-primary schools in the Transvaal, even though these were becoming multiracial	Provincial supported preschools were finally closed in the early 2000s	<p>↔</p> <p>The court case <i>Federation of governing bodies of South African Schools (Gauteng) v MEC for Education, Gauteng 2002 (1) SA 660</i>. Gauteng Province took steps to close some pre-primary schools. The ruling was granted as policy - Schools Education Act (Gauteng) 6 of 1995 wanted to achieve equality for all children in Gauteng. This act came into operation on 6 April 1996. "The Gauteng Department of Education was planning to restructure the inherited, fragmented and inequitable system of ECD provisioning and to align the redress in the public pre-primary school sector with the general rightsizing and rationalisation of posts in the department". No new permanent appointments would be made in a public pre-primary school in 1999.</p>
1993	SAAECE is disbanded in favour of multiracial South African Congress for Early Childhood Development (SA Congress for ECD)	The intention is that this body will take over the work of SAACE and ensure educational redress and equity for teachers and children	
1994	African National Congress becomes the new democratic Government	Far-reaching educational changes and new-found optimism for significant changes to preschool education	
1995	A curriculum Framework for Further Education and Training	This was an important informing document for Curriculum 2005 (which was to become the new curriculum framework for South Africa)	
	White Paper 1 on Education and Training	The introduction of the term ECD and new educational vision. The intention to introduce in 2010 one compulsory preschool year to be called the reception year (grade R) Grade R is to be the first year of Foundation Phase	
1996	The South African Schools Act	The introduction of immense educational change, example: an Outcome- based Education (OBE) system	
	Curriculum 2005: Lifelong Learning through a National Curriculum Framework	The initial outline of the new curriculum is published. In reality, very little focus on grade R	The question of grade R: -access or compulsory
	The Interim Policy Document for ECD	Advocates an informal approach to ECD. Informs White Paper 5 on ECD	
	The South African Constitution	The democratic underpinning for all other Acts	

Table 2.5 21st century development

2001	The National Pilot Project	Informs White Paper 5: Findings suggest the most economic model is to locate grade R at existing primary schools	South African Schools Act (SA 1996b) Government Gazette no 30679 18 January 2008 National Norms and Standards for grade R funding amends the Government Notice no 890, Government Gazette no 29179 of 31 August 2006 of National Norms and Standards for School Funding
	The ECD Audit	Presents an overview of the current state of ECD in the country	
	White Paper 5 on ECD	80% of grade R learners are to be located at primary schools	
	White Paper 6 Special Needs Education	Guidelines for building an inclusive education system	
2002	Revised National Curriculum Statement (RNCS) is released	Grade R is firmly entrenched in the Foundation Phase Intended integration of Learning Areas into three learning programmes. Learning Outcomes (LOs) and Assessment Standards (ASs) clarified	
2003	Revised National Curriculum Statements: Teacher guides for the Development of Learning Programmes	Initially grade R was not mentioned. However, interpretation of document reinforces a prescriptive approach towards teaching and learning in grade R	
2007	National Curriculum Statement Assessment Guidelines for Foundation Phase Grades R-3	Official interpretation has reinforced performance-orientated approach. Specific LOs and ASs are assessed to the exclusion of the other Learning Areas	
2008	Foundations of Learning Campaign grade R guidelines are published 2010	Focus on improving reading, writing, and numeracy skills (DoE 2008) Little is actually mentioned in relation to grade R but the focus on assessment has been sharpened resulting in a more formal approach to grade R	
2009	Department of Government Communications and Information Systems	It is announced that grade R will not become compulsory by 2010 but that the programme of action for the medium term strategy is to set up the early childhood development programme to ensure universal access to grade R by 2014 (Government Communications 2009)	
2010	The draft Curriculum and Assessment Policy Statement (CAPS) is published	The NCS is to be replaced by this document. Four subjects comprise the Foundation Phase. A performance-driven discourse is prioritised	

Table 2.6 Events updated since 2010 with a significant impact on ECD

As researcher I would like to add a few entries which took place after 2010; subsequent to the publication of the Excell (2011) paper

Events and legislation in ECD / grade R from 2010 up to 2015	<p>2011 - Policy Framework: Universal Access to Quality grade R – indicating universal access to grade R not necessarily compulsory education for grade R (Government Gazette no 36752, Government notice no 578: 13 August 2013)</p> <p>2012 – CAPS Policy introduced in Foundation Phase (grade R included) The curriculum for grade R is clearly set out in this policy documents for all three subjects Final Draft September 2012: National Curriculum Framework Birth to Four (Comprehensive Draft One)</p> <p>2013 – Government Gazette no 36751: Approval to call for written submissions from stakeholder bodies and members of the public on the draft curriculum framework for children from birth to four years of age : 15 August 2013, Government Notice no 616</p> <p>2015 – Department of Basic Education plan on training officials ECD services 0-4 year training</p> <p>Pressure is on public primary schools to add grade R classes from 2009. The Department of Basic Education encourages access to quality ECD. “The five-year strategic plan 2014/15 – 2018/19” addresses both issues of access and quality in a medium term strategic framework (MTSF) (SA 2014:12)</p> <p>The grade R Research Project: 30 March 2010 a very detailed document is released by the South African Institute for Distance Education (SAIDE), and reports on the total grade R spectrum (http://www.SAIDE.org.za)</p> <p>Other researchers in South Africa also concerned about the quality in ECD:</p> <ul style="list-style-type: none"> • Improving Education Quality in South Africa (Van der Berg <i>et al.</i> 2011) • Building strong foundations: Improving the quality of early education (Ursula Hoadley: 2013)
--	--

Atmore *et al.* (2012:11) state that “the main ECD policy priority of government is the establishment of a national system of provision for the Reception Year, called grade R, for children aged 5 – 6 years”. It is however clear that the government’s initial universal target for 2010 was not reached. It was amended by President Zuma to 2014, also not reached, but the hope exists that every child can be admitted in grade R before they have to enrol for grade 1, by 2019.

2.4.9.1 Policy Framework: Universal Access to grade R

“The purpose of this document is to provide the policy framework for the full realisation of universal access to grade R, identify existing policy relating to grade R and identify gaps in policy and make proposals” (SA 2011b:3). This document states that there is a clear lack of legislation regarding the provisioning of grade R. The document states major challenges. It seems that in the process of providing universal access, parents will always have a choice whether to admit their children to grade R or not, the assumption being that grade R will never become compulsory (SA 2011b:3). This is a prominent implication, as it places no obligation on the State to offer grade R. Although grade R is part of the Foundation Phase it faces serious challenges regarding curriculum implementation and support. Grey areas such as funding (SA 2008), monitoring and the payment of subsidies are thus still evident especially as in terms of where the responsibility lies (SA 2011b:3)

The focus of this document is to increase access to grade R as well as improving quality teaching. Diverse support structures are needed to universalise grade R by means of legislation and policies, curricula, teacher employment and training, funding, monitoring, and evaluation (SA 2011b).

2.4.9.2 National Norms and Standards for grade R funding

The National Norms and Standards for Funding grade R (SA 2008) became active in 2009 and regulates funding by means of subsidising the cost per learner in grade R as well as the norms for the implementation of grade R. Learner costs must cover the full “package” which includes the cost of the ECD educator, learner support materials, and other costs.

The National Norms and Standards (SA 2008) address areas such as practitioner-learner ratio, targeted provisioning, admission age, and standards. Appointments of

educator positions in grade R differ from Province to Province. In some Provinces no practitioners are appointed in grade R classrooms as only qualified educators must be teaching grade R by 2020. The “Department of Higher Education has introduced the National Diploma in grade R as an interim upgrading measure and by 2020 all educators will need a professional qualification” (Viviers *et al.* 2013:39).

According to this document the recommended ratio is 30:1, but the reality is that many grade R classes have more than 40 learners per practitioner (SA 2008). The document also states that the most disadvantaged children in society are targeted first, but to educate poor learners is costly. The admission age is receiving attention because of amended laws in the South African Schools Act (SA 1996b). Paragraph 3.3 discusses the admission age and the impact thereof. According to the National Norms and Standards for grade R funding (SA 2008), “standards for grade R classes were developed to provide for minimum quality” which includes areas such as:

Facilities, Indoor and Outdoor spaces, Environment, Curriculum, Activities, Qualification and professional development of teachers, Teacher-child ratio, Parents/Caregivers and families, Programme and staff evaluation, Legislation and regulations, Special Needs, and Administration (SA 2008).

These standards are important in addressing and ensuring that at least the minimum elements are provided for, to guarantee a quality grade R programme. In Chapter 3 several of these areas were discussed as factors having an influence on quality service delivery in grade R.

2.4.9.3 Education White Paper 5 on Early Childhood Development

The government has committed themselves in White Paper 5 (SA 2001a) to provide ten years of free and compulsory schooling starting with the reception year for 5 year olds (Biersteker & Vally 2013:8). Berry *et al.* (2013:72) agree that “the Education White Paper 5 set the explicit target of achieving universal access to a reception year (grade R) for five-year-olds by 2010”.

The National Education Policy Act 27 of 1996 (SA 1996d) proposed a universal grade R instead of the compulsory grade R that the White Paper of 1995 planned. These two different commitments have a huge impact on the provisioning of grade R. Since the White Paper intended that grade R should become compulsory, all five

year olds have to be enrolled, making attendance a right. On the other hand universal access to grade R (proposed by the National Education Act) does not force parents to enrol their children at a school. The Department of Education is then not obliged to provide for grade R, and it therefore cannot be regarded as a right. If grade R is made compulsory the DBE should be able to provide classrooms and resources for all 5 year olds regardless of their socio-economic status as well as location (Reddy *et al.* s.a.:9).

White Paper 5 on Early Childhood Development (SA 2001a) states that grade R can be located at both schools and community-based sites. The emphasis is on the phasing in of grade R into the school system. The objective is that all primary schools with grade 1 will eventually offer grade R.

According to Reddy *et al.* (s.a.:10), this paper on ECD “also proposed a development of a qualification framework and career path for grade R practitioners”. Attention was only given to this proposal in 2011 in the Gazette Notice 583, specifying minimum requirements for teacher education. An appropriate qualification for grade R teaching is a Diploma in grade R or a Bachelor of Education in the Foundation Phase.

2.4.9.4 The National Integrated Plan of ECD 2005 – 2010

The main focus of the Integrated Plan was to increase access to ECD centres and to improve their quality (Biersteker & Vally 2013:10). Biersteker (2012:54) also states that although grade R access has increased, quality remains a challenge. After the Minister of Social Development held a National ECD stakeholder conference in March 2012 (SA 2012c), a draft Integrated Programme of Action for ECD 2013-2018 was compiled and submitted to cabinet. The measures to improve educational quality in ECD are a high priority as the plan stated, and recommendations were made to increase State funding to support two years of ECD exposure before admission to grade 1.

2.4.9.5 Impact of the introduction of grade R on Learning Outcomes

In December 2012 the Department of Basic Education (DBE) in partnership with the Department of Performance Monitoring and Evaluation (DPME), commissioned an Impact Evaluation of the grade R programme. One of the key findings of this report

according to Van der Berg *et al.* (2011:3) was the “poor quality in many ECD and grade R centres”, where practitioners lacked understanding of their roles in childhood development. It further stated that more attention should be paid to the quality of grade R teaching by means of teacher training and support which include qualifications and knowledge of how children learn. Teacher understanding of the curriculum is part and parcel of the quality that needs to be addressed. A bold statement from this report sums it up: “Quality is the key: a quality curriculum, a quality teacher and a quality response to developmental needs”. Added to this, class size and children per teacher is most important.

In practice many grade R learners are however reduced to passive recipients instead of active participants who learn by doing, use 3D objects, participate in structured play, and are exposed to language in every situation to ensure that development is taking place (Kennedy *et al.* 2012)

2.5 Conclusion

In this chapter a legal framework was presented by means of capturing the South African Constitution (SA 1996), plus a choice of South African Acts and policies that regulate and impact the education system, especially grade R in the ECD range. Particular attention was given to the educator as major stakeholder in the education environment, and to the rights and duties she needs to perform as required by her employer. The core duty of quality service delivery performed by the grade R educator was discussed. Within this legal framework ECD policies were also examined to determine if they contribute to quality education.

ECD is regarded as an umbrella term for children’s development from 0-9 years of age, but to a large extent as the literature indicates, the definition is still not clear. For example: DBE reports identify the grade R learner as five to six years old, although the South African Schools Act (SA 1996b) states four and a half years of age. The Children’s Act refers to ECD as birth to school-going age. Provinces differ from each other, creating discrepancies in several ECD concerns such as the appointments of educators and practitioners and different salaries in terms of their qualifications. There is an urgent need for DBE, as the highest level of education, to universalise grade R terminology, regulations, and implementation. Hoadley (2013:77) states that grade R needs to be clearly conceptualised to distinguish

between grade R, prior learning (0-4 years) and formal schooling (Grades 1-3). This should be understood and managed at all levels in the system.

The above concerns point to the fact that more understandable and clear terminology needs to be used to define “grade R”, not the general term “ECD”. Since access to this grade was an important goal for the DBE, urgent attention should now be given to quality. The next chapter explores the factors which influence quality service delivery by the grade R educator, and emphasises the above mentioned urgent matters in the education environment.

Chapter 3: Factors that influence grade R educators' quality service delivery

3.1 Introduction

In this chapter it should be noted that although the ECD/ECE term is broadly used, three “divisions” can be identified for the South African context. ECD services firstly the young child of 0-4 years, secondly grade R mostly aged 5-6 years, and thirdly formal schooling in the Foundation Phase starting the year in which the child turns 7 (Berry *et al.* 2013:28). Although many studies use the term ECD or ECE, on many occasions such previous research only included services for children from age 0-4 years, but excluded 5-9 years old children. The Department of Education is in the process of taking responsibility for the 0-4 year curriculum and a roll-out plan is in motion for practitioner training for the next three years starting in 2015 (SA 2012a & b). It involves daily programmes per age group, developmental areas to attend to, as well as planning and assessment. The curriculum for 0-4 years is captured in the National Curriculum Framework (NCF) and is based on Early Learning Development Areas (ELDA). This is different from CAPS which is the curriculum for grade R, and the will be not included in my research as I focus on the service delivery of grade R educators at primary schools.

Berry *et al.* (2013:74 & 77), state “[t]eachers are pivotal in providing good quality instruction to children”, and emphasise the fact that serious attention should be given to developing teachers on “how to teach” concepts. They add that factors such as “infrastructure, resources, support, inspection and management all play a role in the quality of children’s learning”, and argue that what happens in the classroom makes an enormous difference. They report on research done in the Eastern Cape (SA 2008a) where access to grade R or the reception year, was increased but the quality of the classroom and programme may have been harmful to the well-being of the children. The report also indicates that classroom stimulation was nearly non-existent., and the programme functioned as a “watered-down” grade 1. The possibility of harm rather than benefit also receives attention in this empirical study.

Albino and Berry (2013:78) maintain that when a nation invests in young children, a promising future can be assured and add that “South Africa needs political

commitment in effective ECD programmes and services”. Atmore *et al.* (2012:26) state:

Quality teaching and learning is essential for effective early development to take place. Regardless of the situation or the facility in which a child is placed, a quality teacher can provide a learning environment in which a child can develop in a holistic manner.

Viviers *et al.* (2013:34) claim that there is a noteworthy gap between the vision and policies and reality with regard to access and quality of ECD (see par. 2.4.9.1). Their research focused on ECD service delivery by addressing the systematic challenges. As stated in their research, it is essential that an ECD system delivers on constitutional and legislative obligations to the young citizens of a country.

The Norms and Standards which guide quality service delivery from the South African Schools Act (SA 1996b), the National Norms and Standards of grade R funding (SA 2008), and the Children’s Act 38 of 2005 (SA 2005), are important as these provide an legal framework and establish ECD programme standards. However Van der Berg *et al.* (2011:3) argues that grade R classes have almost a zero effect on the future performance of learners in South African schools, as the quality thereof needs attention, it confirms the gap between policies and reality therefore; identifying a necessary field of study.

Although many service delivery “models” are available “to improve” or “to address” service delivery in ECD, three divisions in ECD/ECE were mentioned at the beginning of this chapter, and specific attention should be given to which division needs improvement. Albino and Berry (2013:80) indicate that nutrition, health, caregiver support, parenting, early learning, and early schooling are actions which can improve service delivery. These actions can address the targets set for ECD service, access, and quality.

3.2 Quality in ECD /ECE

Many researchers define quality in different contexts of ECD and ECE, differently. Kostelnik *et al.* (2004:8) use quality to refer to programmes at ECD/ECE centres. Moss and Pence (1996) maintain that society’s cultural values and diversity reflect quality. Katz (1993) identifies five different viewpoints, namely top-down (setting,

equipment); bottom-up (experience of child); outside-inside (family experiences), inside (staff experiences), and outside (community related programmes). Ebbeck and Waniganayake (2003:109) provide four categories of stakeholders which contribute to quality: individual (for example the child); organisational (for example the programme); the communal (for example local community), and international (for example global alliances).

Beckmann and Füssel (2013:558) state that “the concern about the quality of education has overtaken concerns about access to education and can be accompanied by questions about the status, rights, responsibilities and behaviour of teachers”. They further add that teachers are very important with regard to quality of education and the role of the educator has to be observed carefully.

I agree with Beckmann and Füssel as well as Dahlberg *et al.* (2002:93) who indicate that only by specific criteria a generalised standard can be achieved. Some “structure quality” criteria identified by Ishimine *et al.* (2010:68) were selected for my study, namely resources, facility, staff ratio, and staff qualifications. I added admission age, appointments of educators in grade R, teaching approach (curriculum or programme), and parent involvement in a selected setting /area/facility in grade R classes at primary schools. The environment - in this case primary schools - play a critical role as it affects the moods, ability to form relationships, work, play, and health of humans (Bullard 2010:3).

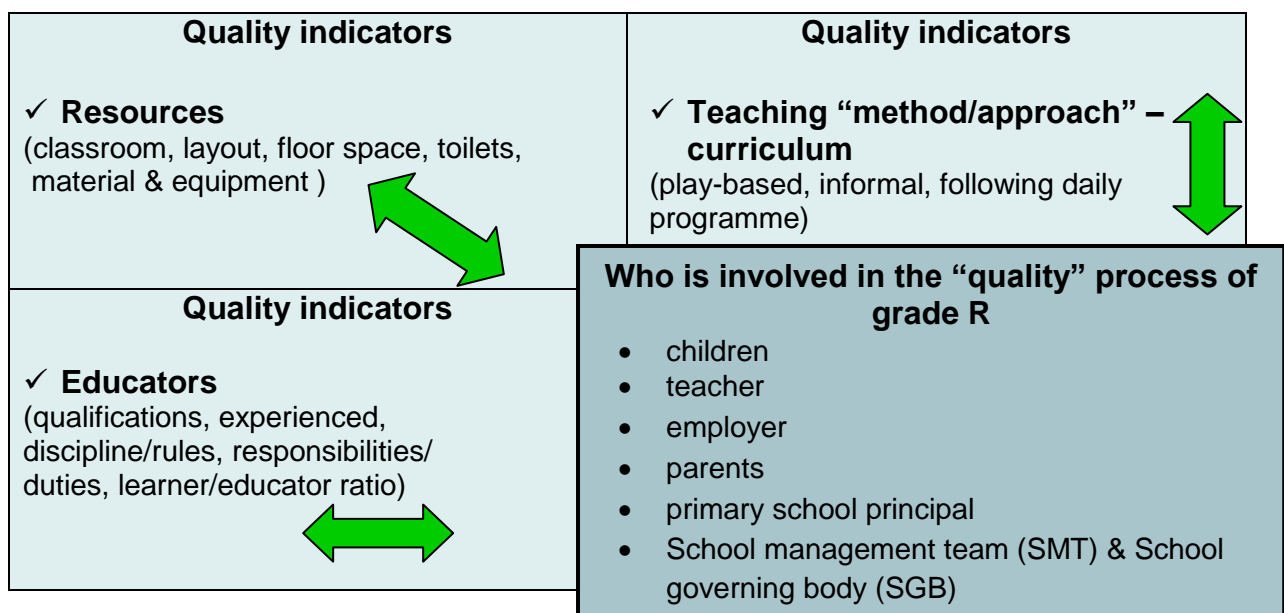


Figure 3.1 Process of quality

3.3 Admission age

Berry *et al.* (2013:32) state that ECD service should be age-appropriate and consider the changing needs of children as they develop and grow. In the court case of *Harris v Minister of Education 2000* (case 30218/2000) (T), (see par. 2.4.2) the “child’s best interests” was argued in terms of the Constitution section 28(2). At that time the departmental policy stated:

A learner must be admitted to grade 1 if he or she turns seven in the course of the calendar year. A learner who is younger than this age may not be admitted to grade 1.

Mrs Harris (applicant) filed the case on the grounds of unfair discrimination regarding her daughter’s age. According to her the educational psychologist report stated that her daughter was ready for school, and by not admitting her to grade 1 it would not have been “in the best interests” of the child. The Minister of Education (respondent) argued that learners under the age of seven are inclined to obstruct the educational system, resulting in elevated failure and repetition rates with huge financial complications. The Transvaal High Court ruled in favour of Mrs Harris.

Since, and as a result of this court case, the admission age has been altered by legislation and learners can be admitted in grade 1 in terms of section 5(4)(a)(ii) of the South African Schools Act 84 of 1996 provided the child is “five turning six by 30 June in the year of admission”. Although this court case had merits, it represented one individual who had a valid report that this particular learner was ready for school. The alteration in the legislation however had a huge impact on grade R as well. In terms of section 5(4)(a)(i) of the South African Schools Act 84 of 1996 “grade R is age four turning five by 30 June in the year of admission”.

The focus of this study is on grade R. The admission age can be acknowledged as a factor influencing service delivery. Amendments to the legislation after one court case had a significant effect on grade R classrooms. Since grade R learners can be four and a half years of age when admitted, age appropriate development for these young children is a challenge. In the spectrum of development skills at this age, a timeframe of 6 months is noticeable. The Government Gazette 36041, Circular 1 of 2010, regarding progression and promotion, gives clear guidance that grade R cannot be repeated and that learners must progress to grade 1. The Department

circular 32 of 2004 regarding application for temporary/permanent exemption from compulsory school attendance conflicts with the above statement by stating that “in accordance with the School African Schools Act 84 of 1996, section 4(1), a Head of Department may exempt a learner entirely, partially or conditionally from compulsory school attendance if it is in the best interests of the learner.” Admission age requirements are also published according to the South African Schools Act (SA 1996b) where the requirement for grade R is stipulated as 4 years turning 5 by 30 June in the year of admission, with the implication that a learner can be admitted to grade R at the age of four and a half. As the Departmental circular 20 of 2014 states, admission of learners takes place on a first-come-first-serve basis for all learners who meet the admission requirements as set out in the South African Schools Act (SA 1996b), and schools cannot admit “older” grade R’s first and if more space is available, “younger” grade R’s. Overcrowding (see par. 5.5.4) confirms that every grade R applicant is in fact accommodated at schools.

Since the court case and where grade R classes are situated at public primary schools, learners are being admitted to grade 1 very young but not necessary ready for a “formal school surrounding”. The arguments the Minister of Education put forward during the court case in 2000, the case of *Harris v Minister of Education 2000* (case 30218/2000) (T), that high repetitions will happen, is now evident in schools.

Schools, generally speaking, have more grade 1 than grade 2 and 3 classes, as is evident in school visits by subject advisors and surveys conducted by Area Offices, District and Corporate in the North West Province. Surveys as well as statistics on the progression of learners are a priority (SA 2015c) even as early as Foundation Phase. Learners who did not meet the promotion requirements as stipulated in the National Policy pertaining to the Programme and Promotion Requirements of the National Curriculum Statement Grade R – 12 (SA 2011e) are progressed to the next phase. While promotion as term specifies the “movement of a learner from one grade to the next when the learner meets the minimum required level of achievement per subject in a particular grade” (SA 2011e), a progressed learner is a learner who is advancing from one grade to the next, excluding grade R, in spite of not having complied with the promotion requirements. This prevents that a learner can be retained in a phase for a period exceeding four years as also stipulated in the Admission Policy of Ordinary Public Schools (SA 1998c).

3.4 Appointment and qualifications of educators

The South African Constitution (SA 1996), Chapter 2 section 29(1), assures everyone of the right to education. Reddy *et al.* (2010:2) state that educators are expected to be in school, in class, teaching and providing quality education as mentioned in section 29(1). Grade R classes are implemented but it seems as if legislation and guidelines are still in the development phase (SA 2005, SA 2001b). The question thus arises what kind of education is taking place in the classroom without guidance regarding the appointments of educators.

For the purposes of this study it needs to be clarified that some Provinces use both 'practitioners' and 'educators' for grade R classes. Both these terms are therefore acknowledged when referring to the person teaching a grade R class. According to Biersteker (2010) practitioners and educators are terms used in Department of Education documents for those involved in facilitating the learning of young children. She adds that the term practitioner was introduced to avoid referring to formally qualified personnel as teachers and others as caregivers. She concludes by stating that with regard to grade R personnel, the terminology of educator is applied because it is part of the schooling system. The Department of Basic Education Policy Framework for Universal Access to grade R (SA 2011b:8) states:

“There is no legislation that governs the employment of Grade R practitioners. The employment needs to take into account three main areas: Qualifications of Grade R practitioners, Employment modalities for the employment of Grade R practitioners and Learner: Teacher Ratio.

At this stage practitioners in the North West Province have been substituted by educators (post Level 1) who teach grade R classes at public primary schools. Early childhood development centres, though, still employ practitioners for their grade R learners. According to Reddy *et al.* (s.a) grade R practitioner qualifications were amended in the Government Notice 583 (SA 2011d), stipulating minimum requirements to be a Diploma in grade R (NQF level 6), and a Bachelor of Education in Foundation Phase. In a recent media release (SA 2015), the Department of Basic Education stated that “half of the teachers in grade R do not have the minimum qualification to teach in that grade”, confirming that unqualified and under-qualified teachers are teaching in grade R. The Department is currently assisting all

Provinces to ensure that teachers complete at least a NQF Level 4 qualification. Four thousand teachers are also receiving the necessary support to complete a B.Ed. or grade R Diploma.

The North West Province has made arrangements for child minders to be allocated at certain grade R classes to assist the grade R educator. Most child minders have no training or any qualification in education. Training provides insight into the nature of a grade R learner as well as age appropriate development skills (see paragraph 5.3.2). White Paper 5 (SA 2001a) as well as the National Norms and Standards for grade R funding (SA 2008) are vague when addressing the factor regarding the appointment of grade R educators. “Many educators have little training and even qualified teachers may not have been trained to work with grade R children” (Biersteker & Vally 2013:15). Manyike (2012:600) states that most grade R teachers are redeployed school teachers and have no ECD training. According to Bredekamp (2011:14)

... well-qualified teachers are needed to plan and implement an engaging curriculum and teach effectively. Similarly, positive relationships between teachers and children are more likely to be established when the size of the group and the ratio of adult to children is relatively small. An age appropriate, well- equipped, and organized physical environment is needed to protect children’s health and safety to promote active learning.

Berry *et al.* (2013:19) argue that “the purpose of regulating professions is to ensure that service is delivered by appropriately trained and skilled people who are bound by a code of conduct and ethics”. They add that ECD services depend on the human resources and indicate that in general there is a shortage of appropriately trained staff to ensure delivery.

Excell’s (2011:43) research found that there are “unresolved issues inherited from the past” and still “continue to plague grade R delivery, especially in the public schooling sector”; in short the grade R educator is often poorly qualified. The findings commissioned by the DoE further indicate that only 42% of educators at schools in grade R classes have a professional teaching qualification.

Richter *et al.* (2012) and Viviers *et al.* (2013:39) concur that many grade R educators are undertrained and not yet fully integrated into the education post and

remuneration structure. Richter *et al.* (2012) further point out that “the Department of Higher Education has introduced the National Diploma in grade R as an interim upgrading measure and by 2020 all educators will need a professional qualification”.

According to the Children’s Act (SA 2005) specific requirements regarding qualifications of staff working in ECD programmes are necessary. In addition to a National Certificate in ECD at National Qualification Framework (NQF) Level 1-6 of the South African Qualifications Authority, or an appropriate ECD qualification, or a minimum of three years’ experience in an ECD programme, the individual should also show appropriate knowledge of ECD (Berry, Jamieson & James 2011:32). They emphasise that ECD educators in grade R classes play a major role in supporting young children’s total development.

Rossouw and Van Vollenhoven (2011:51) make the statement that what is not in the interest of the educator is also not in the best interests of the child. This statement acknowledges the educator as a major stakeholder in education. If the educator is not qualified with regard to grade R, it is not in her best interests; equally the learners do not benefit from a situation which is not in the best interests of the child. Rousseau (2014:168) expresses the hope that the new qualification, the Diploma in grade R Teaching, will address the situation of unqualified and under-qualified grade R teachers who do not have pedagogical content knowledge. The Government Gazette (SA 2011c) states that the purpose of the new grade R diploma in teaching is

to develop teachers who can demonstrate general principles, as well as focused knowledge and skills appropriate for Grade R teaching. This qualification requires a depth of specialisation of knowledge, together with practical skills and experience in a Grade R classroom teaching context.

By means of this diploma qualification the teacher will hopefully gain sufficient knowledge and skills to apply in their classrooms. As government and universities are investing a huge amount of money in quality assurance, this new qualification is a way in which universities take accountability (Rousseau 2014:169).

The aim of the Department of Higher Education is that all educators will acquire professional qualifications. Upgrading the qualifications of existing staff who teach grade R is also envisioned.

Berry *et al.* (2013:71) state that, to accomplish high quality early education, teacher motivation and qualifications are critically important for effective learning experiences. The National Qualification Framework (NQF) for practitioners, Levels four and five, is available to improve their qualifications, and stresses the importance for practitioners to improve their qualifications. The South Africa Child Gauge Report (Berry *et al.* 2013:71) further states that grade R teachers are overwhelming under-qualified indicating that the majority only have matriculation passes without exemption. With appropriate grade R training and qualifications, a grade R teacher should understand why the cognitive and physical development of young children as well as the reason for structured play is important. This knowledge can only better the quality of education.

The decision to close teacher training colleges in the mid-1990s was made by government believing that universities could provide a better standard of teaching. But universities have not yet been able to produce teachers in sufficient numbers (Modisaotsile 2012:4). Both provisioning and quality are at stake. Referring to the closure of the country's colleges of education, Mathew Prew (as cited by Modisaotsile 2012:4) claims that there is no teacher development system empowering teachers to use their techniques. It seems by reopening colleges of education, more teachers may be trained and better the standard of teaching.

3.5 Teaching approach through knowledge of Curriculum

The following quote was reduced from the CAPS policy – Home Language. (SA 2011a: 20-21). This part of the policy, may be seen as the “core” and heart of grade R.

The Grade R is based on principles of integration and play-based learning. Grade R should not be a ‘watered down’ Grade One. It has its own unique characteristics based on how children in this age group make sense of their world and acquire the knowledge, skills, values and attitudes that will allow them to maximise the opportunities afforded in the formal learning years. Focus is on informal and spontaneous learning. In the Grade R year the

daily programme is followed and it comprises three main components, namely teacher-guided activities, routines and child-initiated activities or free play. Specific teacher-guided learning opportunities are offered during the morning language ring (for example, theme/topic discussion/language ring; daily weather discussions; telling 'news'; show and tell rings and story time).

The above quote gives clear guidance to the integrated teaching approach and curriculum of grade R. The CAPS policy further captures the significant impact of outdoor and indoor play:

Outdoor free play such as climbing on a wooden climbing frame or riding on the cycle track might promote spatial awareness behaviours such as crossing the midline (one of the important perceptual-motor behaviours for acquiring both reading and writing skills). Indoor free play activities should provide similar learning opportunities. Important principles underpinning early learning are reinforced, namely, that young children learn best through movement (kinaesthetically) and then through interacting with concrete materials (three dimensional learning) before engaging with table top and paper and pencil activities (two dimensional representational activities) (SA 2012).

Essa (2011:237) with regard to ECD, states that the curriculum is viewed as an integrated holistic programme. It is important to clarify the concepts, 'curriculum' and 'programme'. As previously mentioned, in the field of ECD many concepts of grade R exist and confusion is still experienced. Since the term ECD refers to the young child's development from birth to 9 years, the literature uses ECD for programmes which offer activities to develop the child in the first nine years of his or her life. Other services relate to nutrition, and parent and community programmes at ECD centres. Berry *et al.* (2013:25) define an ECD programme within ECD service as planned activities to ensure the development of children. As grade R is now offered at public primary schools and form part of the Foundation Phase, a clear curriculum has been formulated in the CAPS policy document that indicates the skills learners are meant to master; skills which attend to the holistic development of the grade R learner. The Department of Basic Education regulates the curriculum of grade R as indicated by the CAPS documents. A daily programme for grade R has been

developed by the DBE. It is published in the Home Language (grade R-3) and Mathematics (grade R) CAPS document. This daily programme needs to be followed in grade R as the regular time table of the public primary school is not suitable or correct for grade R.

According to Rousseau (2014:172) many factors influence the formulation of the grade R school curriculum such as learner's age, socio-economic background, home language, learning environment, parenting, and teacher's age and qualifications. It is further stated that the Foundation Phase teacher, including the grade R teacher, should have academic knowledge of *why*, *what*, and *how* (Rousseau 2014:173). ECD (grade R) is rooted in informal and structured play for social, emotional, physical, intellectual, aesthetic, and moral development. Attention is also given to gross and fine motor skills (Berry *et al.* 2013:74).

Excell and Linington (2011:8) make the reader aware that when young children are learning, three phases can be defined. The first is kinaesthetic, during which a child learns through movement (using his/her body). During the second phase the child explores concrete objects, or experiences three-dimensionality. The last stage consists of paper and pen activities. Many of the above stages are skipped and only pen and paper is used. Play is most important for learning and teaching. To ensure that children learn through movement of their bodies, outdoor play is an integral part of any high-quality ECE curriculum. Taylor and Morris (1996:155) indicate the importance of safe and developmentally appropriate equipment. They state that a safe adult-child ratio should also be upheld to prevent unnecessary accidents. They also stress the importance of teachers with first aid training to assist with emergency situations (see par. 2.4.7 and 5.3.1).

As frequently stated, CAPS provides a programme which should be followed for grade R. The daily programme clearly indicates outdoor play. Educators are responsible for learners during all school activities (see par. 2.4.7) and grade R educators should supervise outdoor play to ensure that younger learners (grade R) are safe and not exposed to older learners in the public primary school. A request is therefore made to principals that learners should not share the same timeframes for playing outside.

Manyike (2012:598) maintains that there is no consensus in regard to a good, developmentally appropriate ECD programme. It should however be clarified which age group is indicated under the umbrella term ECD which covers the ages from 0-9 years. Grade R as well as grades 1-3, have a specific programme regulated by the CAPS policy (SA 2011a) and assumption is made that term applies to the age group 0-4 years. Being clear on which age group is referred to under the ECD term, is important when it comes to addressing gaps in the education system.

Biersteker and Vally (2013:12-16) state that many children are still exposed to poor quality programmes, and recommend that parents get involved in their children's education by making sure that the standards of a good quality programme and educational activities are met. According to Atmore *et al.* (2012:7) coverage regarding ECD programmes fluctuates between Provinces. Biersteker and Vally (2013:16) want parents and ECD educators on board to acknowledge the fact that the young child learns through play, and that "play is children's work". Through play all areas of development benefit: they exercise their muscles, stimulate their senses, gain new skills, and develop the ability to make decisions.

Fox (s.a.:1) refer to the research which indicates that children learn best when they play, explore, and discover. Redleaf (2009:1) as well as Santrock (2008:301) agree that because are playful and curious, they learn when they explore, are physically active, and use their senses. "Play is an important part of a developmentally appropriate child care program". Play impacts on the development of cognitive, social-emotional, and physical behaviours. "The early childhood teacher is the facilitator of play in the classroom", by providing appropriate indoor and outdoor environments (Fox s.a.:4). Santrock (2008:308) warns against young children spending a lot of time sitting passively, listening and watching only, as it is in their nature to explore by themselves. Hirsk-Pasek *et al.* (2009:67) strongly advise against ECD programmes that eliminate spontaneous and guided play to be replaced by formal academic training that discourage children to learn. Play needs to be the main focus of a developmentally appropriate curriculum. Trawick-Smith (2003:53) mentions that via the act of playing, those who play become intellectually advanced and develop cognitively. Manyike (2012:600) shares the opinion of other researchers (Richter *et al.* 2010 ; Biersteker & Dawes 2008) that the creativity of the grade R learner is diminished because learners are not playing and exploring but

seated at tables and chairs. Playful learning develops cognitive development with the added value of thinking and creativity (Hirsh-Pasek *et al.* 2009:6).

3.6 Educator-learner ratio

Biersteker and Vally (2013:15) state that eight out of ten children now attend a grade R class before going to grade 1. “Children in grade R classes at public schools serving poor areas also benefit from the primary school nutrition programme”, but this can also lead to overcrowded classes according to the Public Expenditure Tracking Study which indicates that there are more than 30 children per educator (Reddy *et al.* 2010). Berry *et al.* (2011:33) state that the national norms and standards applicable for ECD programmes require staff- to-children ratios of 1 - 30 children per class for five to six year olds. They add that this ratio applies only to teaching staff and through the norms and standards for ECD programmes and centres (Berry *et al.* 2011:41), and indicate that teaching staff should also have assistance in class. Manyike (2012:600) states that the attempts made by the government do more harm than good when five-year-olds are put in overcrowded classrooms with limited resources because “children learn more when they are actively involved in their own learning and this is only possible when there are few learners in the classroom”. Overcrowding seems to significantly influence the quality of education.

Richter *et al.* (2010) indicate that in a class where the educator/learner ratio is low, educators can spend more time with individuals in quieter environments where activities can reach desired outcomes as planned. Modisaotsile (2012:3) indicate that although it is difficult to admit, if the ratio of learners to teacher is too high “learners simply fall through the cracks of the system”. FEDSAS also raised their concern when the Gauteng Education Department started forcing schools to take in more learners which are resulting in overcrowding.

Although not stated from the start, but arising from dealing with the ratio of learners in a class, discipline is a prominent factor to consider. Oosthuizen *et al.* (2009:155) state that “in an orderly environment discipline protects a learner against the unruly and undisciplined behaviour of his fellow learner. It also protects a learner against his own waywardness”. In the code of conduct guidelines for learners, part of the South African Schools Act 84 of 1996, school and classroom rules are discussed.

Section 7 stipulates that “discipline must be maintained in the school and the classroom to ensure that the education of learners proceeds without disruptive behaviour and offences. Its goal is to teach and lead learners to self discipline”.

Educators have the legal duty and obligation to ensure that they protect learners against hazards and possible damage to prevent from being held liable. Aspects related to educator-learner ratios call for careful scrutiny and investigation during an empirical study.

3.7 Resources

According to the National Association for the Education of Young Children (NAEYC 2009) the role of the teacher is important to facilitate the learning process of the learner through an active learning environment. Manyike (2012:600) states that “[a]n attempt by government to put five year olds in an overcrowded classroom with limited resources might be doing more harm to the children than good”.

According to Atmore *et al.* (2012:42), “[f]or optimal learning to take place at the ECD centre, it is necessary that sufficient age-appropriate education equipment be available for use by children. Age-appropriate education equipment at the ECD centre must be durable, safe to play with and fun”. An educator who is well trained in how to utilise the equipment can stimulate early learning experiences to focus on language, mathematics, and life skills.

Berry *et al.* (2013:18) indicate that “most public schools in South Africa lack the necessary resources and facilities to provide learners with quality education”. In 2007 the Minister of Basic Education was empowered via parliament to add section 5A to the South African Schools Act (SA 1996b) “to adopt regulations prescribing national minimum norms and standards for school infrastructure”.

3.8 Parent involvement

De Waal and Serfontein (2015) emphasize the role of the law in prompting parents as partners in education by participation and accountability. The factors that influence parental involvement are multidimensional (Mmotlane *et al.* 2009:529). Parent involvement can benefit a child’s learning, but children’s whose parents are not directly or actively involved, can also succeed (Hoover-Dempsey & Sandler

1995:311). They further state that family status can also influence parent involvement and specify types of involvement that is skill and knowledge related. Lee and Bowen (2006) draw attention to different kinds of parent involvement, the levels thereof, and the influences of culture, race, and ethnicity. The results captured from Mmotlane *et al.* (2009:536) indicate that social class gives an indication of parent involvement. Lower social class parents were not very involved. “Parents’ participation in activities of their children’s school is one of the most important facets of successful education” (Mmotlane *et al.* 2009:527). They add that parents involve themselves in school activities by volunteering for school activities or attending school events. A major part of parent involvement can take place within the South African Schools Act (SA 1996b) where school governance and representation is required of parents. “Parental participation implies that parents fulfil the mandate of being responsible for their children and participating in activities of their children’s schools” (Mmotlane *et al.* 2009:529).

As the very young child does not yet have maturity or judgement, they are vulnerable and need educators and parents involved in their care (Singh 2005:90). Within the ECD spectrum, Becker and Becker (2009:ix) state that many young children spend most of their day being taken care of, not by a parent, but by someone else. They continue to say that parents have expectations that quality preparations through ECD /ECE services are achieved before their children enter school but Mmotlane *et al.* (2009:537) conclude that this preparation can improve through increased parent participation.

3.9 Conclusion

A very strong opinion from Berry *et al.* (2013:71) is noted, namely that to attract and retain ECD teachers, attention should be given to salaries to ensure stability in the sector. This document further states that when considering strategies in the implementation of grade R, quality should be the main priority, and that the contributions made by grade R should be addressed before introducing an additional year of preschool education. The quality of this educational experience will make the necessary difference in the child’s later life.

In this study the age group development of children 0-4 years old, grade R, and grades 1-3 are distinguished in the South African education environment to make

age specific recommendations where gaps may exist. Berry *et al.* (2013:77) agree and recommend that grade R needs to be re-conceptualised to clarify the relationship between grade R, prior early learning (0-4 years), and formal schooling (7-9 years) to understand the different levels of management.

Although schools receive resources from the Department in three plastic containers for “Literacy, Numeracy and Life Skills,” it is imperative that educators know how to use these resources. Active learning can take place through play. Through using the resources, the learners explore, discover, and master the necessary skills required for grade 1.

The NAEYC (NAEYC 2009) indicated the importance of Developmentally Appropriate Practice (DAP) which the following three pillars are based on. First of all, “[w]hat is known about child development and learning, secondly, what is known about the strengths, interests and needs of each individual child, and lastly, knowledge of the social and cultural contexts in which children live”.

It is clear that the grade R educator plays a key role in the learning process of the young child. She should therefore be appropriately trained and have the knowledge regarding children’s developmental phases to ensure age appropriated development. Knowledge about the DBE curriculum via the CAPS policy must be mastered to ensure that each and every learner develops the necessary skills for grade 1 by using the available resources. The grade R educator should also motivate parents to get involved in their children’s school and other activities.

The educator has been identified as a key stakeholder to ensure quality education. When an educator is dedicated, she can create great learning experiences for the grade R learner. Through play all the skills required for grade 1 can be mastered using an enjoyable and age appropriate approach. She as educator can make the difference to ensure future quality education.

Chapter 4: Research design and methodology

4.1 Introduction

In Chapter 2 the relevant legislative provisions were analysed, while Chapter 3 offered a discussion of the factors required for quality service delivery specifically for grade R as a literature overview of the study. In this chapter the underlying theory of empirical research is discussed. The purpose of empirical research is effectively summed up by Marshall and Rossman (2010:21), who declare that empirical research is done “...to gain a better understanding of the complexities of human experience[s]”. The research design and methodology is also discussed in this chapter.

Mackenzie and Knipe (2006:2) claim that the choice of paradigm for a study gives a clear indication of the intent, motivation, and expectations of the research. For making informed choices regarding methodology, methods, literature, and research design, a paradigm offers a foundation and a place to start. Defining the term “paradigm” is not easy since authors differ from one another. According to De Vos *et al.* (2005:262) “paradigms are fundamental orientations, perspectives or world-views”, which offer different views and influence the structure of concepts for the rest of the research process. Cohen and Manion (1994:38) describe it as “the philosophical intent or motivation for a study”, while Bogdan and Biklen (1998:22) refer to it as “a loose collection of logically related assumptions, concepts, or propositions that orient thinking and research”. Mackenzie and Knipe (2006:2) state that some authors prefer not to use the “paradigm” as term at all, but rather talk of research methodologies, epistemology, ontology, or knowledge claims.

Creswell (2009:176) states that when researchers use the interpretive inquiry method, they interpret what they see, hear, and understand. Nieuwenhuis (2010:58) describes interpretivism as a study of the theory and practice of interpretation. “The aim of the interpretivist research is to offer a perspective of a situation and to analyse the situation under study to provide insight in the way in which a particular group of people make sense of their situation or the phenomena they encounter” (Nieuwenhuis 2005:60). This approach can be defined a way to: “understand and interpret the meaning that subjects give to their everyday lives” (De Vos *et al.*

2005:64), and an attempt to understand people's perceptions or understanding of a specific situation. My research is informed by an interpretivistic paradigm approach, and therefore I use a qualitative method of design. My emphasis is on the quality and depth of information shared, which is then interpreted and made meaning of. As the qualitative research method indicates, I interacted and observed selected participants in their own surroundings.

Through various strategies the researcher collects information regarding actions and interactions and reflects on the meaning of this information gathered. The whole process of evaluating, reaching conclusions, and interpreting data is captured on paper (Marshall & Rossman 2010:21). "The research proposal is a plan for engaging in systematic inquiry to bring about a better understanding of the phenomenon and, increasingly, to change problematic social circumstances". (Marshall & Rossman 2010:22). Marshall and Rossman (2010:28) state that in certain fields, for example education, a strong autobiographical element motivates the researcher's interest. In Chapter 1 gaps in the literature were identified which led to a need for this study. I discussed in paragraph 1.6, the theoretical framework, research design, and the methods used to gather the appropriate data to address the research questions. This study aims to fill some of the lacunae in the existing literature pertaining to grade R by means of this empirical research and the underlying literature analysis.

"The qualitative approach to research is uniquely suited to uncovering the unexpected and exploring new avenues" (Marshall & Rossman 2010:38). "Qualitative research also allows for the generation of rich data and the exploration of 'real life' behaviour, enabling research participants to speak for themselves" (Kuper *et al.* 2008:404). Freeman *et al.* (2007:27) draw the conclusion that "qualitative data and information are always already interpretations made by participants as they answer questions or by researchers as they write up their observations" therefore stating that neither participant nor researcher can be neutral. As stated above, I explored and uncovered new and unexpected opportunities in conducting my research in a variety of grade R settings. I aimed to understand the participants' interpretations of the nature of quality service delivery in grade R at primary schools. Primary schools have only recently been given the opportunity to

add grade R classes to meet the demand for universal access, and this initiative plus the challenges it represents for many of the stakeholders was worth investigating.

4.2 Designs and methodology within the qualitative research approach

Nieuwenhuis (2010:48) states that qualitative research is an “umbrella term” which covers many research approaches as well as methodologies. The approach or design is how a researcher selects to study a particular phenomenon. According to Nieuwenhuis (2010:55) qualitative researchers “believe that the world is made up of people with their own assumptions, intentions, attitudes, beliefs, and values, and that the way of knowing reality is by exploring the experiences of others regarding a specific phenomenon”. My study investigated the specific phenomenon of quality service delivery of the grade R educator, as determined by their attitudes, beliefs and values.

4.3 Selection of site

According to Merriam (2009:76) a study has many components to consider in the sampling process such as sites, events, activities, interviews, and documents. She adds that the researcher needs to select the what, where, when, and who so that interviews and observations can be planned, and that most qualitative researchers use a non-probability purposive sampling approach. I aligned myself with this approach. Purposive sampling calls for unique sampling; atypical and rare attributes of the phenomenon of interest studied. In this study I attempted to discover, understand, and gain insight of participants' interpretations of the nature of quality service delivery in grade R.

I selected grade R classes located at public primary schools because the Department started to phase in grade R classes at public primary schools in 2009. The schools are not required to phase in these classes but are encouraged to do so. This was the method employed by the Department of Basic Education to increase access to grade R. Pre-primary schools have included grade R for more than thirty years, and referred to it as the senior group. As my study focuses on quality service delivery of the grade R educator, recent transformation in the Department makes grade R classes at public primary school a phenomenon to be studied. I included pre-primary school participants as well as a higher education lecturer in the focus groups to also

obtain their beliefs, values, and attitudes regarding quality service delivery. Merriam (2009:80) indicates that the qualitative researcher struggles to identify the “correct” number of sites and persons to interview but should be led by the original purpose of study.

The Chief Director of the Dr Kenneth Kaunda District in the North West Province gave written consent for my research. I wanted to gather information from all three Area Offices in the district namely Potchefstroom (Tlokwe), Matlosana (Klerksdorp), and Maquassi Hills (Wolmaransstad). Although it seems that only three “towns” were included, each Area Office (AO) covers a vast geographic area. Tlokwe AO has 65 primary schools which include schools in the Ventersdorp area and beyond (Coligny Road, Swartruggens Road and Klerksdorp Road) and also schools on the Parys Road. Matlosana is also responsible for Stilfontein and Orkney and has a total of 77 primary schools in their AO. The Maquassi Hills AO services schools in towns such as Ottosdal, Wolmaransstad, and Sannieshof with a total of 45 primary schools. Fifteen public primary schools were selected, indicating that all the participants represented different schools. No small or farm schools were selected because many of these schools accommodate multi-grade classes and visiting the schools for observation and interviews would have been disruptive to the other learners. The Chief Director of the Dr Kenneth Kaunda District is a firm believer of not interrupting teaching and learning time.

4.4 Selection of participants for individual interviews

Participants – principals, HODs, and grade R educators - were selected per criteria as indicated in paragraph 1.6.2.2. The important selection criteria for this study were the following:

- only educators in grade R where classes at primary schools
- educators in grade R classes with either training for grade R or no training, and
- educators in grade R classes with a number of years’ experience.

The number of years’ experience was selected according to three groupings. Group 1 included zero to three years’ work experience in grade R, defined as “inexperienced”. Group 2 was defined as “experienced” with four to eight years’

experience, and Group 3 as “expert” with nine or more years’ experience in grade R. The abovementioned criteria were used to concentrate on the research question related to the quality service delivery of the grade R educator. Although my criteria for selecting participants stipulated qualifications and number of years of experience, this was a challenge when principals had to identify and nominate educators for the study.

Creswell (2009:179) indicates that if the researcher has first-hand experience of participants it is regarded as an advantage during observations. As I am employed in the Tlokwe Area Office I believe that the educators trusted me and shared information spontaneously. Public primary schools have been encouraged to establish grade R classes, but the challenge of filling education posts remains, hence my concern regarding the criteria for selecting participants. At present the Department of Education and Sport Development in the North West Province is under administration and no vacant posts are filled. The educators revealed their qualifications during the interview ice breaker and it was clear that grade R educators did not have the qualifications mentioned in paragraph 1.6.2.2, indicating that they worked in grade R classes with or without training. There were also grade R educators with a number of years’ experience. A diversity of individuals were found teaching grade R classes such as: educators, child minders and previous grade 12 learners. Paragraph 1.2.6 mentioned the significant role which educators play in the education system. When a variety of individuals are found in grade R classes, the quality of education is questioned.

4.5 Data generation

Creswell (2009:175) mentions that multiple methods of data gathering can be used when conducting research using a qualitative method. Data generation for my study was done via face-to-face interviews, observations, and focus group discussions, which can be summarised as follows:

Table 4.1: Multi forms that were used during this study

Multiple forms of qualitative data gathering methods	
Observation	According to Creswell (2009:181) I am a qualitative observer as the researcher takes field notes on the behaviour and activities of individuals at the research site. As researcher I observed without participating.
Interviews	Face-to-face semi-structured interviews were conducted through open-ended questions to give the participants time to give their points of view.
Focus group	Interactive discussion with a group of individuals reflecting their points of view or perspectives on a topic.

I selected several forms of data gathering methods as it is better than to rely on a single data source alone, as affirmed by Creswell (2009:175).

4.5.1 Face-to-face interviews

According to Gray (2009:233) the advantage of face-to-face interviews is that the response rates are higher than in telephonic interviews. During the semi-structured face-to-face interviews, open-ended questions can be asked to ensure detailed responses from participants (Hittleman & Simon 2006:27). Teddlie and Tashakkori (2009:239) make it clear that in-depth information can be shared, sensitive questions can be asked, and participants' attitudes can be determined. Creswell (2009:183) suggests that an interview protocol should be followed during questioning and recording of data. He explains the components of the protocol as follows: make use of a heading (date, place, interviewer, interviewee), list instructions to the interviewer to ensure standard procedures are followed during all interviews conducted, ice-breaker questions and questions with sub-questions followed by a concluding statement or question, by means of giving enough time to individuals to elaborate, time for recording and acknowledge interviewee for their time spent during the interview. Seidmann (2006:8), cited Heron (1981) mentions that language on its own is a symbol of participants' experiences in interviews. If a researcher wants to understand the meaning of these experiences, "interviewing provides a necessity" Seidmann's (2006:14) concludes that the interview method of inquiry, "is most consistent with people's ability to make meaning through language" and that it is genuinely rewarding if a researcher is interested in the stories of others. Most interviews were conducted in English and not in the participants' mother tongues.

For this reason some of the questions had to be explained or elaborated on by the researcher. Since some participants may feel that face-to-face interviews are not anonymous (McMillan & Schumacher 2006:211) and may not be keen to share information, they were reassured that all the collected data would be handled, even though not anonymously, in a confidential manner. All the data gathered for subsequent exploration and analysis would be anonymous and the participants' identities would be protected.

The interviews were conducted at their schools where the participants felt most comfortable. I kept in mind that during the interactive process of information sharing, I needed to be flexible and to adjust to the emergent information. This flexibility which is typical of semi-structured interviews allows for "spontaneity and adaptation of the interaction between the researcher and the study participant" (Mack *et al.* 2005:4). The participants thus influence the "how" and "which" question the researcher asks next (Mack *et al.* 2005:3). Although components such as headings and clear instructions are essential to ensure that the same procedure is followed with every interview, flexibility is accommodated in a qualitative design and allows for meaningful comparisons of responses across participants and sites. For this reason all the data collected is not used in silos but in conjunction and with respect to the participants' culture, backgrounds, and individual situations.

To put participants at ease two ice breaker questions were asked. These were followed by questions about legislation as well as quality service delivery in grade R. New and unexpected data could be explored and the participants could elaborate. Towards the end of each interview the participants were given time to include anything else they wanted to add. Enough time was allocated to record responses thoroughly and accurately. As many participants only gave permission for me to take notes during the interview process, I verified their answers by asking: "This is your response, have I captured it correctly?" Freeman *et al.* (2007:28) state that qualitative methodologists support member checks by asking participants: "Have I got it right?" Harper and Cole (2012:510) comment that "member checking continues to be an important quality control process in qualitative research as during the course of conducting a study, participants receive the opportunity to review their statements for accuracy". The participants were thanked for the time they spent in the interview. I agree with Rabiee (2004:657) when he states that the "process of

data analysis begins during the data collection, by skilfully facilitating the discussion and generating rich data from the interviews”. I followed the above procedure during all my interviews by taking notes as mentioned previously, as well as making digital recordings of the interview if the participant agreed.

4.5.2 Focus groups

Focus groups are a qualitative data collecting technique engaging a small number of individuals in informal group conversation (Wilkinson 2004:177). Williams and Katz (2001:1) state that “focus groups are also a useful way for promoting an empowering, action-oriented form of research in education”, and because of these specific advantages, I included this method in my study.

My focus groups consisted of grade R educators from pre-primary schools who could discuss their viewpoints of quality education with others. This dialogue gave me more insight into my research. I included focus groups so that the information gathered during the face-to-face semi-structured interviews and observations could be validated through triangulation. These specialised, pre-primary school participants were not strangers to each other, but acquaintances. Some literature suggests that groups should only consist of strangers; individuals that do not know each other. Morgan (2006:10) disagrees and states that “the basic criterion [is] whether a particular group of participants can comfortably discuss the topic that are useful to the researcher”. Morgan (2006:3) also shares his concern about ethical issues regarding focus groups and adds that it is not productive to ask people to talk if they are not comfortable in the group. These issues were addressed when the two focus groups were set up to ensure that the participants were protected and that the discussion belonged to the shared milieu. During the focus group setting I ensured that no individual unnecessarily influenced other members of the group.

As researcher I familiarised myself with the recommendations suggested by Krueger *et al.* (2001:12) by recording the focus group interviews, and using “small talk” as the participants arrived to put them at ease. I continued with the interaction and used a “smooth and short” introduction. By using pauses and probes I managed to draw out more responses from the participants. I heeded the advice of Krueger *et al.* (2001:12) not to react to participants’ responses by showing approval or disapproval or using verbal or non-verbal clues. Responses shared by participants should not be

corrected, or make the researcher defensive. Unplanned questions can be left to the end, and then discussed. This ensures that group members do not get side-tracked and lose focus (Krueger *et al.* 2001:12).

4.5.3 Observation

Mack *et al.* (2005:13) state that “what people say they believe and say that they do are often contradicted by their behaviour”, and adds that “given the frequency of this very human inconsistency, observation can be a powerful check against what people report about themselves during interviews and focus groups”. Creswell (2009:181) states that a researcher can make use of an observation protocol for recording information during observations. He explains the protocol of observation as capturing: 1) descriptive notes (descriptions of the participants, physical setting, notes of certain events or activities), 2) reflective notes (personal thoughts of researcher such as: feelings, problems, ideas, hunches, impressions, speculations, and prejudices) and add 3) demographic information (time, place and date). Mack *et al.* (2005:14) state that by means of observation the researcher gets to know the cultural milieu of the participants and I agree that this was very valuable in regard to my study project. During my research cultural impacts on the participants could not be ignored and I gained insight of this important factor previously not mentioned. As researcher I observed behaviour as well as non-verbal gestures during interviews to confirm what I already knew or did not know, as well as to discover unanticipated truths (Mack *et al.* 2005:23). Chapter 5 address the observation analysis made during my visits to the schools and how the unanticipated truth of culture influences quality service delivery.

4.6 Researcher’s role

I am a subject advisor in the Foundation Phase in Tlokwe AO, which give me valuable insight when I applied purposive sampling in Tlokwe since I knew the schools as well as the educators. I took care that my identity, personal values, and beliefs did not influence the research I conducted. I have passion and heart for grade R, therefore the interest in this study. The participants needed only to recognise our connection in education and “the best interests of the child” slogan. The two Area Offices, namely Matlosana and Maquassi Hills in the Dr Kenneth Kaunda District were included in my sampling process. This preventative measure

was undertaken to ensure accuracy and validation of the findings since there may have been doubts that the participants in my own Area Office would not share confidential data, or share only information which I wished to hear. I am unknown to the participants from the other two Area Offices which gave the participants courage to share information anonymously.

4.7 Data analysis

Nieuwenhuis (2010:99) captures the qualitative data analysis as to “establish how participants make meaning of a specific phenomenon by analysing their perceptions, attitudes, understanding, knowledge, values, feelings and experiences in an attempt to approximate their construction of the phenomenon”. Merriam (2009:16) adds that “the product of a qualitative inquiry is rich description of words and pictures rather than numbers” and that these words or pictures convey what the researcher has learned about the phenomenon. Rabiee (2004:657) agrees that the analysis process gives meaning to the phenomenon and adds although the major source of information is the interview, the following also adds value to the data analysis process: reflection on the interviews, site, and non-verbal communication. She suggests five stages in data analysis: “familiarization, identifying a thematic framework, indexing, charting, mapping and interpretation” and also argues that this allows for themes to develop from interview schedule questions as well as from the participants. In the literature analysis of this study in Chapters 2 and 3, questions emerged which were used during the interviews. This led to the articulation of definite themes but I was also sensitive to the possibility of themes emerging from the data analysing process.

Braun and Clarke (2006:85) indicate that “[a] theme captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set”, and adds that this is a foundational method for qualitative analysis. Braun and Clarke (2006:80-81) also state that flexibility is a benefit of thematic analysis, which can “reflect the reality” or “unravel the surface of reality” (Braun & Clarke 2006:84). Braun and Clarke (2006:90) suggest that “thematic analysis involves the searching across a set of data to find patterns of meaning”.

Using the data collected from the interviews as well as non-verbal communication clues, I searched for recurring words or themes, made sense of these, and organised them into categories, as suggested by Creswell (2009:175). According to Patton (2005:463), a classification or coding scheme must be created for the analysis process which is complex. Patton (2005:452) argues that it requires underlying abilities and competencies to do thematic analysis. To ensure that I mastered the skill to analyse this data by themes I followed the suggestion of Rabiee (2004:657), to familiarise myself with the data by listening and reading the entire transcript several times. The aim was to absorb all the details as a whole before breaking it up into parts. The results of this process will be discussed in Chapter 5.

I analysed the semi-structured face-to-face interviews and notes which were made during my observations and the focus groups interviews. During the interview process the participants decided which method they would be most comfortable with; recordings or note-taking. Only three participants were comfortable and agreed to being recorded. I did not pressure the participants as I felt they should be at ease and relaxed in the interview process. The focus groups gave their perceptions of quality education in grade R. Descriptive and accurate field notes were captured during all the interviews. I captured most interviews on paper only as it was the preference of the participants, and I frequently re-read the responses to them to make sure that the information was correctly captured. I implemented member checking after all the interviews were transcribed and the participants confirmed their responses. I agree with Ary *et al.* (2002:425) when they state that the collected data represents the perspectives of the participants which gave me insight into the quality of education currently taking place in grade R classes in public primary schools.

I enhanced the rigour and trustworthiness of my findings by means of triangulation as I used multi-source data collection (Leech & Onwuegbuzie 2007:558). Semi-structured individual interviews, focus group interviews as well as one participant involved as lecturer in the field of grade R were conducted. Observation was also used as method for data gathering during my studies. Observation notes confirmed or contradicted statements made by participants during the individual interviews. The focus group participants agreed with some of the responses made in the individual interviews, but in some cases they held opposing views.

4.8 Ethical aspects

An important aspect of the research process was to obtain ethical clearance as stipulated by the North West University, Potchefstroom campus. Permission was granted via the ethics committee before proceeding with any interactions with the participants under the number NWU-00018-11-A2 (see Addendum C).

Authorisation was given by other Department of Basic Education for the Dr Kenneth Kaunda District as interviews were scheduled in the Area Offices of Maquassi Hills, Matlosana, and Tlokwe. The principals, HODs and grade R educators agreed to participate in the activities without intimidation or pressure, as Goldenberg and Goldenberg recommend (2008:142). Mouton (2001:239) states that through interaction with other people, the environment, and other beings, critical ethical issues can rise in situations where conflicts of interest exist. He adds that ethical choices involve a compromise of some kind between the interest and rights of the participants. A researcher, for example, has the right to collect information by means of interviewing participants, but not at the expense of any participant's privacy.

When a researcher commits to the process of searching for truth and knowledge, a kind of moral contract is agreed upon. This moral contract is referred to as an "epistemic imperative", and regulates and guides scientists (Mouton 2001:239). "Researchers should at all times strive to maintain objectivity and integrity in their conduct of scientific research" and under no condition may data or observations be changed (Mouton 2001:240).

We (participants and researcher) committed to a mutual trust "relationship", where the participants were aware of the fact that they could refuse to participate in the research, that their anonymity would be guaranteed, and that the information rendered would be confidential. They were assured that they would have full disclosure regarding the research and would not be harmed in any way. When using recording devices and face-to-face interviews, anonymity would still be guaranteed. The participants could object to the use of recording devices, and the researcher used pen and paper as a second option. In the analysis and report of the findings, no names of the participants or their schools would be used, but simply descriptions, for example "Participant", to safeguard confidentiality. I agree with Seale *et al.* (2004:25) that using a variety of role players, and by means of interviews, previously

unheard voices can now be heard, especially regarding grade R educators at primary schools.

According to Thomas and Walker (2010:144) “researchers are ultimately responsible for the knowledge they produce, and how they produce it, therefore reflexivity contributes to making better knowledge and better research practice”. During the research process, by means of self-reflexivity, researchers are aware of their own positions, interests and the impact thereof (McMillan & Schumacher 2006:328). This truth cannot be denied by me, as the researcher. I am not objective but subjectively involved. I therefore need to keep asking self-reflective questions such as: “What do I know? How do I know what I know? What shapes and has shaped my perspective? What do I do with what I have found?” (Patton 2005:66). Ferreira (2006:159) confirms that during any qualitative study researchers are biased as their values influence the way they interpret data during the analysis process. I approached the schools as a scientific researcher, and to prevent any bias during the interpretation of data, I detached myself from my current appointment in the Department and clinically focused on the data generated through the interviews and observations.

Although Terra Blanche and Durrheim (1999:63) affirm that credibility can be achieved by using a variety of research methodologies, I found that using individual and group interviews and observations in this qualitative research increased trustworthiness.

4.9 Conclusion

This chapter reflects on the research design and methodology with regard to my study. The phenomenon enquired into the quality service delivery of the grade R educator, as determined by her attitudes, beliefs and values. I applied the interpretivistic paradigm approach and thus followed qualitative research methods. After purposive selecting twenty six participants from the Dr Kenneth Kaunda District, information was gathered through individual and focus group interviews and observation.

An analysis of empirical data generated during the study led to themes. Ethical aspects such as objectivity, integrity, anonymity, confidential, credibility and

trustworthy were applied during the time frame were participants shared information and during the analysing process. This chapter gave a theoretical background on the research design and methodology. Chapter 5 reports the findings and recommendation from the practical component of the empirical research.

Chapter 5: Analysis of the findings of empirical research

5.1 Introduction

Cohen *et al.* (2001:107) argue that the findings of a researched phenomenon should be truthfully described. The data collected from the participants' about the complex phenomenon of the quality of service delivery by the grade R educator, will now be analysed. A total of twenty six interviews were conducted. Fifteen individual interviews took place at different public schools throughout the Dr Kenneth Kaunda district of the North West Province in South Africa. Two focus groups with five participants each as well as a lecturer were also included in interviews conducted. In paragraph 1.6.2.2 of the criteria for the selection of participants was, teaching experience in grade R.

Public primary schools offering grade R were selected, but during the selection process a variety of grade R provision was found. Multi-grade small farm schools, for example, were not selected since one educator tries to accommodate, in one classroom, a foundation phase grade which is characterised by formal teaching, as well as a grade R group which needs an informal approach. This does not constitute an ideal site for the purposes of data collection in this research.

In other situations educators appointed to teach grade R also teach grades because of a serious shortage of qualified educators in the Foundation Phase. Information confidently shared with me, was that schools experience pressure on many levels, especially learner results, for example the ANA results. Because classes cannot function without an educator, educators are expected to address the most urgent challenges and grade R is not considered to be of crucial importance. I found that many grade R classrooms had a diversity of "persons" in their classes ranging from educators, child minders, practitioners, to volunteers from the community.

For this analysis the following terms are important: educator: a person with educational training at an institution; practitioner: a person with different levels (1-5) of training in ECD via a college or a course; child minder: a person from the community with no certified or official qualifications or educational training. Even though some grade R classes had an educator, the educators were trained in different phases, for example intermediate (grades 4-6), or FET (Further Education

and Training) (Grades 10-12). Not all “trained” individuals are appropriately qualified in the education framework, since some have a BA or Music degree.

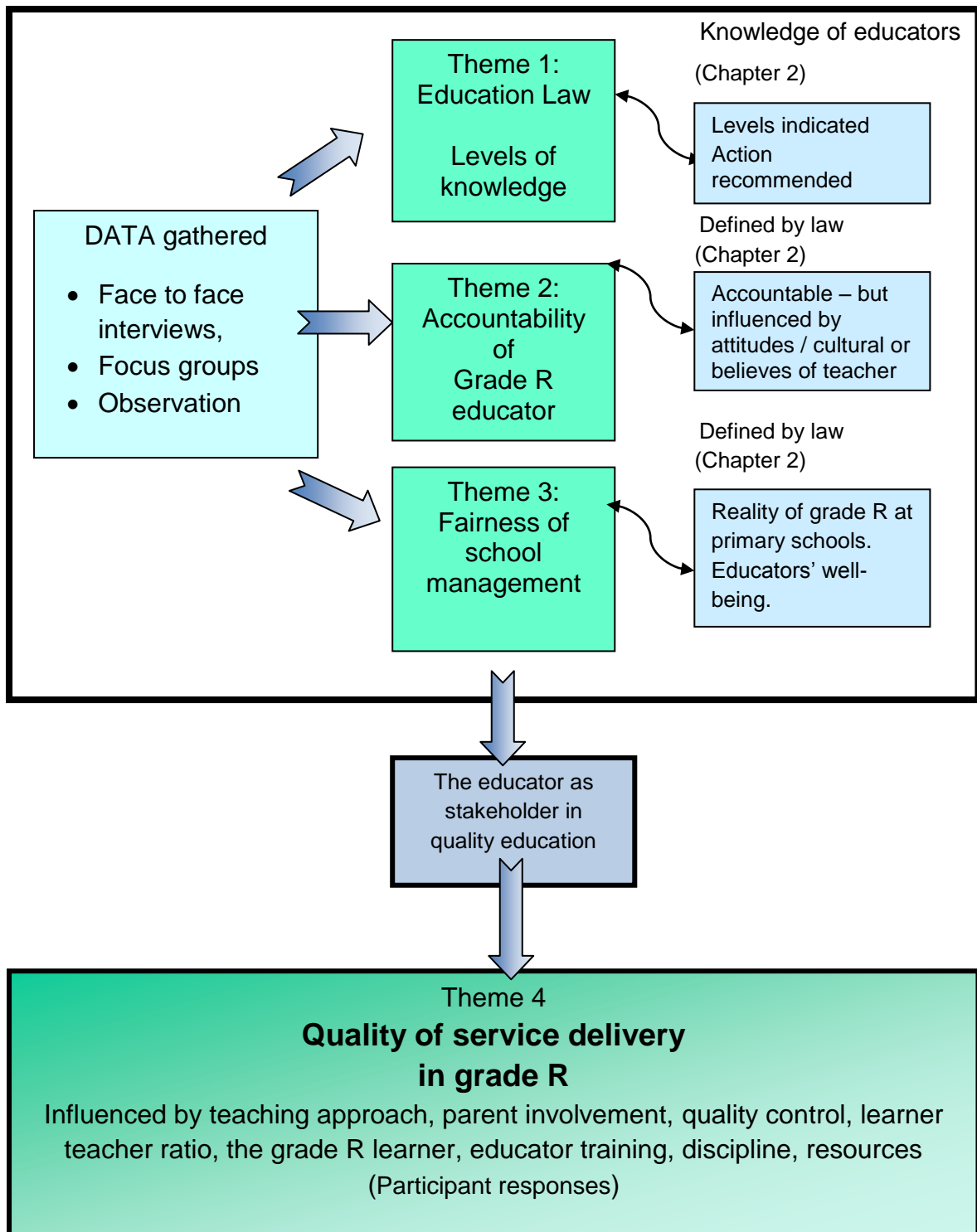


Figure 5.1: Process of analysing the data

The data collected by means of semi-structured interviews and focus group discussions as well as observations, led to four main themes: (1) Education Law mainly referring to the level of legal knowledge; (2) accountability of the grade R educator, and (3) the fairness of the school management. The first theme revealed the participants' knowledge regarding Education Law. Levels were declared and recommendations suggested. The second theme: accountability of the grade R educator is also captured in common law. The educators acknowledged their "duty of care", however their beliefs influence "how" it should be interpreted. With regards to theme three: what is found at primary schools in grade R classrooms and how this influence the educators' well-being, is a reality that has to be taken into account. The educator's role in the process of quality education is emphasised, but the delivery of quality education (theme 4) is influenced by several factors which were identified during the interviews.

Interviews were conducted at the participants' schools and they were given the option to either be recorded or have the researcher take notes. As already stated it is unfortunate that only three participants felt comfortable to be recorded. I wanted participants to share information unreservedly, feeling at ease and free of anxiety. Detailed notes were however taken during the interviews. Observation and focus group interviews added data for analysis. As stated in paragraph 4.7 the data gathered was read and listened to several times to ensure that I familiarised myself with and absorbed all the detail before breaking it down into parts. I identified recurring words and started to organise them into themes.

5.2 Education Law: Levels of knowledge

Semi-structured and focus group interview questions captured different dimensions of knowledge of Education Law. During the interviews, questions related to policies and law were asked, but the real implementation of these policies became evident during the observations. Since many interviews with grade R educators took place in their classrooms, non-verbal information was also noted.

Analysing the participants' perspectives with regard to their knowledge of policies and legislation, it was found that only a few participants had knowledge or could recite any law or policy relating to education. A number of participants eagerly mentioned that everyone has a right to education. These responses show some

knowledge of the fact that the Constitution of South Africa promises the right to education in section 29 (see par. 2.4.1). According to them however, they have a good or general knowledge relating to policies for grade R. One participant proudly declared, “*As I am now part of the SMT of the school I had to get to know some policies*”. Other participants who only recently became members of the SMT (school management team) confirmed that because of this position, they had become aware of the policies applicable to the education system. Although the South African Schools Act (SA 1996b) is known to some of the participants, details of the Act could not be accounted for.

Quite a few participants reluctantly responded that they were not exposed to any information with regard to policies or law during their training. I had serious concerns with regard to the possibility of these participants having any knowledge of the Personnel Administration Measures (PAM) addressed in paragraph 2.4.3. Further enquiry revealed that workshops offered by the Department also do not address this matter at all. Most participants indicated that workshops which the Department presented were “*content related*”.

The majority of the participants in the individual and focus group interviews confirmed they use the CAPS policy document. This document guides the grade R educator to “how” and “what” should be done in the reception year (see par. 3.5). All the participants eagerly stated they make use of the daily programme for grade R but situations were observed where the programme was definitely not followed. The class layouts reflected a “watered-down” grade 1 model where tables and chairs dominated the space. The teacher table took up more space and learners were squeezed in at tables during the observation. The activities observed could not be identified from the daily programme as prescribed by the CAPS policy. The CAPS policy regulates activities that should take place in grade R such as song, rhyme, storytelling, and physical education which cannot take place at tables and chairs.

Chapter 2 analysed the legislation regulating quality service delivery of grade R educators. The term “service delivery” was not a familiar word choice and I had to explain how this relates to the core duties of an educator. Many participants responded more spontaneously when asked what the rights or duties of an educator were. The majority of the participants responded hesitantly with a single answer to

what they understand within the duty or responsibility of an educator, namely “*to teach*” with no further explanation even when they were asked to elaborate. One participant added that as an educator you have to honour school hours, be on time as well as “*work as expected of you*”, giving an indication she was aware of some of the duties of the educator.

The educators were hesitant to respond to the question about what they understood the rights of an educator to be. One cautious response was “*to feel safe and get paid*”, while another indicated “*...should be treated the same as an ordinary educator*” or “*...a right to teach how I want within the policy*”. Another participant stated that she has a right to ask questions regarding the education system. The fundamental rights of employees (educators) are summarised in paragraph 2.4.1. A number of participants, although hesitant, did state some of the rights mentioned. I realised that most of their responses were work related, as no mention was made for example about fair salaries or being union members. As my questions during the interviews were duty related, I concluded that their answers were guided in that direction.

I conclude that the participants in the semi-structured and focus group interviews may not have sufficient theoretical knowledge about education law. Although answers were provided, the majority of the participants in the focus groups felt they should know more about the law. Most participants in the individual interviews felt that they had a good general knowledge, but this was contradicted by some of their answers or during observations in the classroom. If I interpret the educators’ awareness and knowledge of the legal framework for education as offered in Chapter 2, I come to the conclusion that there is a serious lack of knowledge amongst educators.

5.3 Accountability of the grade R educator

Paragraph 2.3 noted that the fundamental nature of education law is *geborgenheit* – feeling safe. The educator has to ensure a safe and educational environment for teaching and learning.

5.3.1 Supervision to ensure a safe environment

It was obvious that the participants were aware of this responsibility; they all stated they knew it was their duty to assist injured learners. Most participants however were of the opinion that they have a “right to eat” during breaks and were “not responsible” for the learners who were not present during this time. This contradicts and challenges the fact that “educators are responsible for the safety of the learners for the duration of school activities” as already stated (De Wet & Oosthuizen 2001:163) (see par 2.4.7). Break-time or outdoor play (grade R) is one of various school activities that contain elements of risk and should never be without supervision. Joubert and Prinsloo, point out (see paragraph 2.4.7) that an educator’s legal duty is to ensure the safety of learners under his or her supervision and control. It seems that grade R educators do not understand this legal duty in the same way legislation intended it; their attitudes, beliefs, or cultural influence determine the way they acknowledge their responsibilities. Joubert and Prinsloo (2001) state that “responsibility refers to the obligations attached to a specific post or task”, and accountability specifies that a person must explain his or her actions. A majority of the participants confirmed Magolego’s (2003:64) statement referred to in paragraph 2.4.7 that some educators link their responsibilities solely to teaching and do not consider themselves accountable when accidents or injuries happen at school. This unfortunately portrays a very narrow view of what an educator’s duties entail.

In the process of triangulation, the focus group participants’ views and perceptions were compared to those in the individual interviews. The members of the focus group regularly disagreed with the statements made during individual interviews. The focus group participants mentioned that they were fully aware of their duty to oversee supervision during the entire school day as well as outdoor play, ensuring care at all times, and added that they were frequently reminded by the principal during meetings that they needed to supervise every moment of the school day. The participants in the focus group stated that if a learner was injured and it could be established that an educator was not present or on duty as she should have been, the educator would be held accountable. Although they could not explain exactly why they were responsible, in legal terms, they nevertheless knew that they were. They also added that they take this duty very seriously.

First aid kits are placed in all the classes. Although educators are made aware of their responsibilities, they admit that they do not have enough legal knowledge about care, accountability, or neglect. They all agreed that they should be trained in this regard. Some participants mentioned that it was not always possible to prevent an accident, and questioned whether they would be held accountable in such situations. Interaction during these interviews led me to believe that some educators acknowledge their duties of care but others do not recognise this responsibility.

The responsibility to “take care”, and the legal position of “*in loco parentis*” are not part of the participants’ terminology. As researcher I draw the conclusion that some of the terminology used in Education Law is not familiar or known to participants. Several participants indicated what action needs to be taken when a learner is injured at school. During the interviews they stated that they had to report injuries and accidents to the HOD or principal. Incidents were recorded in a book, and parents were contacted and informed about what happened. The interview question addressing responsibility when a learner gets hurt was predominantly answered in more or less the same way, as one participant said: “*When a learner gets injured I attend to the learner as I am the responsible person*”. The participants indicated that “*we call or contact the parents*”. Two participants stressed that a grade R learner should never be without supervision (see par. 2.4.7). A concerned participant indicated that their outdoor play area is unsafe. A very serious accident took place a few years ago, and although she has requested that repairs should be made numerous times, the play area is still not maintained or improved. According to section 21 (1)(a) of the South African Schools Act 84 of 1996 (SA 1996b), the governing body has to maintain and improve the school’s property, buildings, and grounds as one of their allocated functions. The grounds (including the outdoor play area for grade R) should be maintained by the SGB. The SGB of the school will be held accountable for injuries if they do not fulfil these responsibilities.

Although the participants indicated that they were responsible for the grade R learners, my impression was that the practical repercussion are not truly realised. It seemed as if educators were not aware of the actual impact of their duties as educators according to common law. As a rule when I arrived at the schools to conduct interviews and to observe, the grade R learners were playing outside and the educator was in her class, offering no supervision during their outdoor activities.

This confirms the situation where the daily programme of the grade R learners and the “break” of the time table of the primary school is at the same time. During the time that educators are in class many irregularities can happen in outdoor play. An incident was observed where a much older learner was fighting with a young learner but no attention was given as no educator was in sight. This fighting happened directly in front of the classroom while the educator was in her room busy with something else as I entered.

5.3.2 Responsibilities of child minders

Some public primary schools in the North West Province have child minders who assist the grade R educator. A child minder is a person from the community without any qualifications or training in education, should only assist educators and is not responsible for activities. Training gives insight into the nature of the grade R learner who is impulsive and active, confirming that a grade R learner should never be without supervision. A few participants indicated that because of complex situations at their school they as child minders are single-handedly responsible for the grade R class. There is no teacher, and they are left on their own. During other interviews I got the feeling that the grade R educators simply delegate many of their duties to the child minders.

Although ECD services are regulated by different departments as stated in paragraph 2.1 the implementation thereof is the responsibility of the provincial department. North West Province appointed child minders on a temporary basis as part of an Expanded Public Works Programme (EPWP) project. These child minders did not receive any training but their job descriptions summarised the responsibilities and duties expected of them. One duty is “to provide a safe environment on both indoor and outdoor activities and teach children safe practices”. It thus seems that the responsibilities of the child minder were formulated without the knowledge that they have no training. The responsibility “to provide a safe indoor and outdoor environment” lies within the SGB, and not the child minder.

SACE (see par. 2.4.4) regulates the teaching profession and guides how professional tasks should be executed. The PAM (see par. 2.4.3) clearly states the duties and responsibilities of educators. The child minder is not a member of any previous mentioned professional bodies. She “acts” as educator and this creates a

serious concern regarding the quality of teaching and the implication of “duty of care”.

5.3.3 Appropriate teaching methods from CAPS policy for the grade R learner

The participants from the individual and focus groups acknowledged that a grade R learner is impulsive, spontaneous, and “very busy”. The focus group participants added that for this reason a grade R class should never be without supervision. They again linked this to their responsibilities as educators. The participants from both the focus group and individual interviews acknowledge that grade R learners are not the same as grade 1 when they are compared not only by age, but by the different ways they learn. Most participants mentioned that grade R learners learn through informal play, and that the classroom should not be structured or arranged like a grade 1 class. The majority added that there should be various activities in different corners.

During the observations various situations were noted. As already mentioned, the class layouts resembled a “watered-down” grade 1 classroom, where learners’ table and chairs faced the chalkboard. Rarely any artwork or drawings by learners were in view, and very few educators had a theme table in their classes. The correct “written” learner name and surnames were not visible. In some classes the words “literacy” and “numeracy” were still used from the previous OBE (Outcomes Based Education) curriculum. Nearly all the classrooms had a mat but it was under the tables and chairs and not used for activities that could take place in an open space. These activities may involve music, physical activities, rhymes, songs, and storytelling as prescribed in the CAPS policy for grade R. Paragraph 2.2 states that stronger accountability should be taken to ensure the implementation of policies. Based on my classroom observations I agree with the above statement by Berry *et al.* (2013).

5.3.4 Conclusion

I draw the conclusion that although some participants are aware of their duties regarding the safety of grade R learners during all school activities, some do not realise either the impact or the extent of their responsibilities. The majority of the participants could comment on what should be done after an incident or injury, (help

the learner, report to the HOD and principal, call parents, record it in the incident book) but this is where their accountability seems to stop. They do not seem to realise that an educator is liable when a learner is injured while there was no supervision. In paragraph 2.4.7 liability refers to the damage caused via an unlawful act, either due to negligence or intent. An inquiry process determines whether an educator was negligent because some duties were not performed or the required standard of care was not implemented. Most of the participants are not aware that such a process is initiated after a serious injury or accident.

5.4 Fairness of school management

The challenges experienced by some participants indicated that although they know how a grade R class should function, the SMT expects something different. This challenge related to the fairness of the school management and emerged as a theme in the analysis; it has huge impact on quality service delivery as the core duty of the grade R educator.

Some participants verbalised the frustration they experienced at school level in their classrooms. During the interviews they were asked whether the principal, therefore the SMT, support them as educators in grade R. *“Principals must be trained to get them on board regarding grade R”*. This participant felt strongly that principals seldom have the appropriate information about grade R, and then pressurise educators to do “the wrong thing”. Another participant expressed this strongly: *“I know what to do but am not allowed to”*.

Appropriately trained means that educators have Foundation Phase training or educator specific training for grade R. The participants with appropriate training revealed that although they were trained to follow a daily programme they were following a *“more structured”* time frame. During the interviews some stressed the importance of an informal approach in grade R. At some public primary schools, school managements support grade R educator and do have knowledge about grade R.

During the interviews unforeseen data emerged. The participants indicated that they experienced pressure from the grade 1 educators as well as from parents which has led to them *“start[ing] to write”* against the policy regulations from CAPS. Many

worksheets and workbook pages are completed instead of exploring and discovering through activities. Some participants believed they should be presenting grade R more formally as the grade R classroom is situated in a public primary school.

Most of the participants revealed that their learners cannot play outdoors as grade R learners tend to make a noise and distract the rest of the school. Outdoor play time is therefore scheduled to coincide with the primary school's break time. To ensure that grade R learners are safe during outdoor play, supervision is very important and educators need to realise this is their responsibility (see par. 2.4.2 and 2.4.7).

The principal has to follow the rules and regulations as stipulated by The National School Nutrition Programme (NSNP). This programme "aims to enhance the learning capacity of learners through the provision of a healthy meal at schools". (www.education.gov.za). The participants indicated that according to the programme learners should have this meal no later than 10:00 am, principals therefore rule that "break time" (primary school) and outdoor play (grade R) take place in the same time frame. Continuous supervision is then of utmost importance as irregularities can occur during "break time". The face-to-face semi-structured interviews gave insight into grade R educators' quality service delivery as core duty. Triangulation was applied during the interviews with two focus groups and a lecturer, to further explore the quality of education in grade R.

5.5 Quality of education

The main goal of the focus group interviews (see Addendum H) was to gather data via addressing questions related to quality education as the fourth theme. In analysing the focus group results the researcher looked for "core insights, common phrases and words, a specific mood or tone to group interaction, and non-verbal clues" (Williams & Katz 2001:7). The authors further conclude:

Focus groups may also generate rich data that can facilitate decision-making and provide useful information for the development, evaluation and modification of curriculum, learning tools, and programs - information that might not be accessible from other research methods.

During the process of analysing the collected data, it became clear that most of the participants had no or barely any theoretical knowledge of educational law even though they felt they had good knowledge. Increased confidence was noted after the explanation of concepts such as duty, right, responsibility, and service delivery, and policies contained in the CAPS document. Questions asked during the interviews confirmed this confidence.

Consideration should also be given to the “practical” knowledge of educators which forms a major part of the study. Such knowledge directly implicates the perspectives of legal duty which educators hold towards quality education. One of the most important responsibilities or duties of the educator in the labour relationship between employer and employee is the delivery of service. How do grade R educators see their responsibilities? How do they define and ensure quality education? Which factors or elements influence the quality of education in classrooms? I attempted to address these questions during the discovery and analysis process of the data collected during the interviews conducted at school, as well as the observations and focus group interactions. Triangulation was used to confirm or contradict the data thus gathered.

Is it possible to define quality when so many researchers have different criteria to evaluate quality in ECD? (see par. 3.2). When participants in the focus groups were asked to define quality education in grade R “to prepare them for grade 1” through skills development they responded that the grade R learner should be prepared for formal schooling through a holistic approach, developing and engaging the whole person. This includes emotional, cognitive, and physical development by means of informal teaching through play. One participant stated with passion she believes that to define or describe quality grade R education you need to acknowledge a framework which involves place, people (parents, principal, and educators), programme (curricula), and policies. This confirms many of the elements already stated that influence quality service delivery in Chapter 3. She added that sustainable quality in grade R can only be guaranteed when addressing the well-being of the educator, also mentioned by Rossouw (2012b). Benchmarks should be available for each element of the framework she stipulated (place, people, programme and policies). She emphasised that the “hit and run” concept where investment of any kind in grade R is not followed through, cannot be successful.

She suggested that monitoring, support, and hands-on development for educators are critical in the process of quality delivery in grade R. Various participants from the focus groups and individual interviews mentioned additional factors that influence their quality of teaching, and presented below.

5.5.1 Teaching approach

The participants emphasised the fact that the grade R learner should be allowed to explore their surroundings (environment) by using his/her body (kinaesthetically), and then by using and manipulating 3D objects (see par. 3.5). The one group of participants had very strong feelings about “no paperwork!” They do not receive workbooks and are very grateful since the CAPS policy does not indicate that grade R learners should write. Members of the group stipulated that many educators interpret the CAPS policy as they wish. It seems that educators get pressurised into using the departmental grade R workbook distributed at public primary schools. Some participants indicated that they are compelled to work in this book since officials visiting the school may ask why they not using the books. I came to the conclusion that the participants in the group do not agree with the grade R workbooks but are too scared they will get into trouble if they do not use them. This creates a dilemma for them.

During observations I saw many workbooks being used. The participants indicated that they use the workbooks to prepare the learners for grade 1. These books were used during different time slots and I wondered if the daily programme was followed at all. I concluded that many of the activities which are prescribed in the CAPS policy document are not followed at all.

Some participants indicated that they follow the daily programme but the opposite was observed as learners were always sitting at their plastic tables and chairs. As researcher I took it into account that the CAPS daily programme can be adjusted. Seasons, therefore temperatures can influence changes in the sequence of the daily programme. I nevertheless came to the conclusion that some participants are not implementing the play-based method in their class as stipulated in the CAPS document. Grade R learners are confined to tables and chairs while they should be moving and exploring their surroundings. This was confirmed in my observation notes.

5.5.2 Parent involvement

Some participants in the focus group mentioned parent involvement during the face-to-face interviews, and other participants added rich data which was captured. They mentioned discussing developmental gaps with parents; “Some parents want a kind of document indicating step by step on how to improve but will not do research on their own.... it all needs to come from the teacher”. Other participants agreed and stated that parents can be very demanding. They further added that parents believe since the child is at school the educator needs to assist with everything, “*it is your job*”. I also felt the frustration of participants in the group who indicated that some parents are over-involved.

The focus group participants revealed that several parents enquire about “homework” for grade R, or “when will my child start to write?” Parents (see par. 3.8) seem to have certain expectations for their grade R child, although these expectations are not realistic according to the children’s developmental stages. Unfortunately not all parents are aware of what the correct teaching method for grade R is, so they demand “written” evidence in the form of worksheets or completion of the grade R work book. These were heartfelt complaints from the focus groups participants. Parents, mostly mothers, complain about their child’s lack of academic performance without any knowledge of what grade R learners should be achieving in grade R. The participants agreed that some parents demand a lot from their children and that this kind of pressure is unhealthy.

Parents can influence the quality of education in a negative way, for example in cases where they pressurise the educator to follow the wrong method of learning in grade R. In doing so they cause play to be replaced by a formal approach in which the child’s premature ability to write seems to be very important. The pressure caused by parents on educators cascades onto the learner. The parents’ unhealthy and damaging striving for the child’s performance has the opposite ironic result. The expertise of the well trained grade R educators should be trusted. The frustration experienced by the participants is understandable and parent training could avoid misconceptions in parents in the future. Recommendations in Chapter 6 attend to this matter.

The participants at public primary school level made opposite statements to the ones made by the focus group participants regarding parent involvement. They revealed that most parents are uninvolved. Some indicated that when parents were asked to contribute to an activity, they did not respond or give any support. An example was given of when parents were requested to send small empty boxes not used at home to school and there was no reaction.

5.5.3 Quality control via Department officials and policies

One participant from the focus groups strongly felt that quality in grade R would not improve as there was no “quality control”. She gave the following example: previously, officials visited sites and did “inspections”, which ensured that everyone did the “correct thing”. Follow-up visits were scheduled to see if the problems were addressed. There were consequences if suggestions made for improvement were not met. Other participants in the group concurred that nowadays everyone is doing what they want and gets away with it. Some participants added that there is no existing support from the Department which means that quality will not improve. The participants strongly felt that policies cannot guarantee quality service delivery in grade R as there are no standards set or monitored. Whether following the daily programme or not, or following CAPS or not, there are no consequences. It seems that the Department is so concerned about providing access to grade R that nothing else matters. Quality is simply not a priority.

5.5.4 Educator-learner ratio

“A smaller group will help me to reach everyone” was one focus group participant’s response. She said she struggles to reach every child in the way she wants to, that the quality of her education is compromised. Many participants concurred with the above statement indicating that big and overcrowded classes create many challenges (see par. 3.6). The lecturer as participant said that her students do *“crowd control”* because and remarked that it was impossible to follow the daily programme for this reason.

Many participants mentioned the large number of learners in their classes, but I got the impression that they were so used to this situation that they no longer reacted or complained. *“My principal keep on admitting learners, what can I do?”* was the

response of one frustrated participant. *“I heard that principals salaries increase with more children in the school”*, another said. Although the Department’s goal and vision is that learners should have access to grade R, quality does not seem important.

5.5.5 The grade R learner

Paragraph 3.5 mentioned the uniqueness of the grade R learner. During the focus group interviews the participants shared the fact that different cultural groups also make a difference in the quality of education presented in the classroom. Participants agreed to the following remark made by a participant: *“Learners come from different background, beliefs, values and therefore I need to use various methods to introduce new concepts”*. She added that if she tries a *“one fits all”* method, *“quality education will certainly not be happening in my class”*. One participant strongly stated that a learner needs to be happy since a happy child can learn. A holistic approach was emphasised: *“we cannot only focus on the intellectual development but a learner’s social and home environment have to be conducive to learning”*.

The participants felt that even if they can ensure and “guarantee” quality teaching in their classes, what the learners “take in or absorb” they cannot be responsible for. *“Each year your class is unique as learners differ from each other”*. This participant indicated that although the curriculum stays the same, the method of teaching differs, and other members of the group agreed. One participant added, *“A good teacher adapts every year to her learners as they have new abilities and needs”*. The grade R educator needs to acknowledge the characteristics of the grade R learner; only then can quality education be delivered in grade R. These characteristics include being unique and individual, impulsive, and inclined to learn through active play.

5.5.6 The educator and training

Many participants from the group interviews agreed to the following statements *“The commitment from an educator can make all the difference”* and *“...the educator that wants to be in grade R”*, otherwise interpreted as having a passion for grade R, *“will make most extreme situations work”*. The participants agreed that the educator

plays a major role in the quality of service delivery in grade R (see par. 3.4). The educator, according to the group, needs to be thoroughly prepared for every day by good planning and having applicable supporting materials (resources) to ensure colourful learning. She needs to know the “correct way” of teaching as these learners absorb and learn the best through play. The participants strongly agreed with this remark; it was made by various members of the group. The participants also suggested that educators need to attend workshops and implement new technology since learners are exposed to a technology enriched era. Members of the groups agreed that they can learn from each other: “*We share ideas with each other*” but some participants revealed that there is a competitiveness between schools which should not be there.

One group mentioned that they communicate with the primary school educators to ensure they get feedback on grade R learners who have moved on to grade 1. Grade 1 educators identify areas which need improvement, for example gross motor activities which can be achieved if learners skip more using skipping ropes. They strongly advise against grade R learners starting to write since incorrect methods applied in grade R are very difficult to undo. CAPS also do not stipulate that grade R learners should write. Through this communication grade R educators ensure that the grade R learners are ready for grade 1.

The participants stated that they need various workshops to refresh ideas, especially methods involving technology as learners grow up in this new technology era. The workshops can be conducted by professional persons in the field, or Department officials, to assist with the curriculum. As previously stated by a participant, the Department does not support grade R. They also expressed a need to be informed about legal issues but with a hands-on approach and not an academic legal approach. Many participant from the focus groups revealed that courses at various institutions need to be adjusted since students are not properly equipped when they start their teaching careers.

Once again the participants argued that institution only focus on an academic qualifications and that practical know-how is very limited. The participants in the focus groups agreed that teacher training colleges need to be reinstated because their approaches were practical. Students knew “how to” present information to

learners at appropriate levels, keeping in mind the nature of the grade R learner and therefore applying the correct play-based method. Many participants did not feel positive about “long distance training”. A few participants with many years’ experience suggested that grade R should be specialised since not every Foundation Phase educator is suitably for grade R. These interactive interviews show that the educator and the university training she undergoes to prepare her for the classroom play a significant part in quality service delivery.

5.5.7 Discipline

One participant in an individual interview indicated that she starts an activity to get the learners’ attention because yelling is not effective in large groups. Another participant mentioned that she sets the example as educator, believing that she has a positive influence on the learners. One participant established a system of rewards to encourage positive behaviour. All the participants in the focus groups agreed that time was wasted trying to deal with learners’ behaviour problems. Some participants shared the view that children’s rights are more important than their own, as educators. A frustrated participant asked, “*Who is protecting the educators?*” who have to deal with learner behaviours. “*Parents need to assist the teacher if their child’s behaviour is disturbing other learners in class – that is not fair*”, an emotional participant added. The overall feeling conveyed by the participants was that they were frustrated. They did not mention any class rules or code of conduct applicable to learners even as young as grade R to ensure a safe environment for learning (see par. 5.3.1).

Participants from individual interviews complained that learners are very naughty and busy; they do not want to sit still and listen. They once more indicated that parents do not give their support, and that they have to deal with these kinds of situations every day. I conclude that since learners are not as active as they should be according to CAPS, and “sitting” rather than interesting and interactive activities takes place, this leads to some of the discipline issues stated. Behaviour problems in learners – even as young as grade R - experienced by educators seems to increase and educators are resigning because they cannot cope. Discipline as a factor which influences quality service delivery was not mentioned in Chapter 3 – but is a very important element to consider. The participants’ responses were stated

and interpreted in this chapter. Recommendations on discipline are addressed in Chapter 6.

5.5.8 Resources and class layout

Paragraph 3.7 indicated the necessity of age-appropriate educational equipment and how a lack of resources can influence quality education. The participants from the focus groups were of the opinion that if you have the resources, *“teaching is easier”*. *“The teacher is the best resource”* was a passionate response from one participant. She further indicated that learning and teaching can take place even with the bare essentials. Improvised resources can be used, for example bottle tops or leaves, and small pebbles can be used as counters. Other members of the group added that many resources are now available to buy, but in the past it all had to be made by student themselves at the training colleges. *“Our school try to provide resources what are needed”* stated a participant.

During the observations I noted that some schools had the three plastic crates which the Department provided; labelled “literacy”, “numeracy” and “life skills”. These colourful crates contained various educational toys. The life skills chest contained plastic dolls, cups and saucers, plastic balls, beanbags, tennis balls, dough shapes, and many more toys. The other two crates were also full of toys or apparatus relating to maths and language. It seemed that some of these resources had never been used as they were still in plastic covers.

Many books were also stacked behind the teachers table indicating that the learners did not have the right to use to them. In the majority of classes visited, no book corners were observed. I noticed the lack of fantasy corners, theme tables, and block corners in classes, but saw big teacher tables where the educators sit, taking up space. Many classrooms were untidy and stacked with boxes taking up space where learners could have played. I doubt if these grade R classes are functioning as policy indicates, and whether the Department of Performance Monitoring and Evaluation (DPME) has evaluated the grade R programme since its inception in 2012 (see par. 2.4.9.5).

5.5.9 Age of the grade R learner

“Learners are too young”, a participant strongly and passionately stated. She pointed out that the school admits learners at four and a half; too young to cope in the class. She said the learners cry a lot at the beginning and fall asleep during the day. Another participant stated, *“the younger learners are not ready”*. Some participants suggested that principals should only admit learners of five turning six years old to ensure that they can cope with the environment in which the grade R class is situated at public primary schools since they are exposed to much older learners during break times. A few participants mentioned that the grade 1 educators complain a lot about the younger grade R learner now moving to grade 1 and also struggles in this grade because of being too young. Because of the younger age and resulting lack of necessary development they cannot cope with the social and intellectual demands of grade 1.

All the participants in the focus groups indicated grade R learners need to be five turning six, and that no four and a half year old learners were allowed in grade R at their school. Although the South African Schools Act 84 of 1996 (SA 1996b) states that grade R learners can be four turning five by 30 June, their school admission policy states that they have to admit older grade R learners first, and if there is still space available, younger grade Rs will be considered. They sincerely believe this is in the best interests of the child.

During observations a new situation was noted. There are also younger learners, seemingly three year olds, in the grade R classes. When queried, the participants told me that some parents send these young children to school with older brothers and sisters, or just drop them off. When the school tries to phone the parents they cannot be reached and the learners remain at the school. The parents simply take advantage of this situation as no crèche fees need to be paid and then children are taken care of. A participant indicated that in extreme cases a child may be taken to the police station in an attempt to reunite them with their parents.

5.6 Conclusion

When grade R classes were added to public primary schools it caused many problems. I question whether the Department considered these outcomes when the

goal was to ensure access to grade R. The data analysis revealed that educators' knowledge of Education Law is unacceptably low from focus groups at well-established grade R classes as well as participants from grade R classes at public primary schools. Educators from grade R classes at public primary schools are not aware of their responsibilities or accountability in terms of ensuring safe environments for grade R learners, achieved by supervising the learners during all school activities. The fact and reality is that various persons – qualified, under-qualified, and not appropriately qualified- are teaching grade R learners at some public primary schools. The CAPS policy is not followed at most primary schools, as borne out by the class layouts. The nature of grade R learners is ignored at most primary schools, evidence of which can be observed from the fact that the learners are sitting passively in classes. Most parents are either over-involved (at well-established grade R classes) or not involved at all (at primary schools). The age of the learners in grade R impacts hugely on the quality of education; four and a half year olds simply struggle to cope. Some resources are available but are not effectively used because of the lack of understanding how to apply them. The workbook ruins the essence of grade R as no exploring or discovering is taking place. The workbook strengthens the “watered-down” grade 1 to which the CAPS policy warns against. Overcrowding is the worst factors hindering quality education. The data analysed in this chapter indicates that not only is access to grade R important, but that quality teaching in grade R should be a serious goal to be achieved.

Chapter 6: Findings, recommendations and conclusions

6.1 Introduction

In Chapter one I formulated the research aims of my study. These aims were based on a number of questions that surfaced after gaps in the literature and a number of matters worth investigating with regard to the practice of grade R in schools were identified. The overarching research objective for the study was formulated as follows: to determine the nature of quality service delivery by the grade R educator from a legal perspective. Four objectives were identified for this study, namely to establish:

- how legislation regulates and influences the grade R educator's quality service delivery
- how specific factors influence the grade R educator's role in quality service delivery
- the perceptions of the grade R educator regarding quality service delivery, and
- whether and how quality service can take place regardless of the factors which influence educators in grade R at schools.

One of the purposes of this chapter is to declare in which way these aims have been reached. Chapter two addressed to a great extent the first objective regarding the way in which legislation regulates and influences the grade R educator's quality service delivery. This chapter analysed the legislation of acts and policies which give insight into the law which regulates education in general, but more specifically grade R, as my study focuses on grade R and not the entire ECD spectrum. For the empirical part of my study, interviews and observations were conducted to give me insight into the knowledge or awareness of the grade R educator regarding the legislation which regulates grade R.

Specific factors which influence the grade R educators' quality service delivery – the second objective - were thoroughly covered in the literature review presented in chapter three. This chapter identified factors which influence quality service delivery; a core duty of the grade R educator. Interviews provided insight into additional factors and were captured and analysed, as reported in Chapter 5.

The third objective, namely to establish the perceptions of grade R educators regarding quality service delivery, were achieved by means of the data gathering techniques of semi-structured individual interviews, observations, and focus group participation as described in Chapter 5. Triangulation was used where the focus groups confirmed or contradicted data gathered during the individual interviews. The focus group questions were specifically aimed at the quality of grade R education, and the legal perspective was discussed in depth during individual interviews and observations. To ensure the trustworthiness and validity of the data gathered, member checking was applied after completion of the transcriptions. To ensure that I acquired the necessary skills to analyse the data gathered from the qualitative research method accurately, the data was carefully, meticulously, and systematically read several times, to ensure that I captured every detail. Through the process of coding four main themes which influence quality education, emerged.

The last objective of my study - whether and how quality service can take place regardless of the factors which influence educators in grade R at schools - was achieved in Chapter 3 as well as during the interviews and observation. The focus groups and some of the individual interview contributions made a significant impact on the findings and recommendations presented in this chapter.

I do not make the assumption that this study can be generalised and made to fit every other situation where grade R classes are situated in public primary schools. My findings and recommendations are applicable to those settings where the interviews and observations in classrooms were conducted, namely in the Dr Kenneth Kaunda District, North West Province. My research may however contribute value and insight to other similar situations where grade R classes are situated in public primary schools in other districts or Provinces.

6.2 Findings and recommendations per theme

The data captured in the interviews was generated by participants from rural as well as urban settings with different infrastructures, varying grade R educator proficiencies, and diverse resource levels. Some classrooms at public primary schools were the same as the classes used for learners in higher grades, while in other situations new classrooms were specially built and designed grade R learners. Each theme is individually discussed as per the findings, and followed by

recommendations. The sequence is consistent with the structure as presented in Chapter 5.

6.2.1 Education Law: Levels of knowledge

6.2.1.1 Findings

The findings regarding levels of knowledge were formulated as follows. Chapter 2 offered a literature overview regarding the fundamental nature of Education Law (see par. 2.3), and sources of South African law (see par. 2.4). The South African Constitution (SA 1996) is our supreme law and provides the legal foundation which regulates the duties and rights of people and defines the structure of government (see par. 2.4.1). The Bill of Rights, Chapter 2, in the Constitution states the different provisions in which the rights of people are protected and defined (see par. 2.4.1). The PAM (see par. 2.4.3) captured in chapter H of the Employment of Educators Act (SA 1998b) stipulates the duties and responsibilities of the educator. The South African Council for Educators Act 33 of 2000 (SA 2000) (see par. 2.4.4) provides a code of professional ethics for educators. Educators should have knowledge of their duties as stipulated by legislation because they are legally bound by these acts. Common law (see par. 2.4.7) outlines their duties as the delivery of services, and the performance of responsibilities with skill, ability, and competence. Quality service delivery is a core duty of the educator in grade R. Adding to this responsibility, the grade R learner should be safe during all school activities, under her supervision.

The findings generated by the individual interviews indicate that the participants are under the impression that they have good knowledge of legal principles, but this perception is not an accurate reflection of their real legal knowledge. The participants in the focus groups admitted that they were not well informed about the legal aspects which regulate teaching. It seems that although participants have access to information about the law, it is not “common knowledge”, they do not feel a “need to know”, and some believe it is “too complicated to understand as it is not written to understand easily”.

6.2.1.2 Recommendations

Since this research reveals that the levels of knowledge of Education Law is unacceptably low among the participants who were interviewed, the first

recommendation is to hold compulsory practical courses and workshops about Education Law. These courses and workshops should not be implemented on a “once off” design but presented on an annual basis in collaboration with higher education institutions (colleges and universities). Lecturers can present a hands-on user friendly and practical version of education law principles which educators are required to know and understand. A basic knowledge is essential to give educators, HODs and principals critical information with regard to law, policies, and court cases to raise awareness of their duties and responsibilities during all school activities. Workshops which aim at improving the knowledge of educators and the SMT, can be expected to benefit the quality of education. These courses and workshops can also be registered so that educators can receive some benefits for attending by accumulating points in the three year cycle according to CPTD (Continuing Professional Teacher Development) (see par. 2.4.4).

6.2.2 Accountability of the grade R educator

Educators need to fully understand the concept of accountability and legal liability so that they are able to give account of tasks allocated to them as grade R educators. In other words, educators need to take responsibility irrespective of whether learners are inside or outside their classrooms. Educator supervision should prevent accidents and injuries from occurring. It is essential that educators realise their responsibilities are not confined to teaching alone.

6.2.2.1 Findings

The participants from the two focus groups are employed at well-functioning schools, and are well qualified, working under strict control and positive management in the school settings. The focus group participants positively confirmed that they were well aware of the fact that they should be with their learners at all times.

The participants of the individual interviews responses indicated that they rely on not being asked why learners are without supervision. They are accustomed to the fact that repercussion from injuries sustained by learners, are not their concern or worry. This indicates that the principal does not apply legal principles properly.

Child minders appointed at public primary schools create concerns with regard to accountability. As mentioned in paragraph 5.3.2, these child minders unfortunately

receive no training whatsoever before assisting in grade R classes. They are not made aware of the vast and complex situation they are appointed in as supervisors of grade R learners. Their job descriptions are not properly communicated as is clear from the fact that they are not sure what their responsibilities are and what is expected from them (see Addendum I). When individual interviews were conducted at the schools, child minders were found on their own in grade R classes.

Incapacity leave and posts not filled within the Department create situations where educators from grade R are moved to Foundation Phase classes, creating a huge challenge. Child minders as well as some educators merely use the workbook for grade R and discard the daily programme which results in failure to address the skills which a grade R learner should master. The focus groups strongly indicated that forcing grade R learners to learn on paper is doing them more harm than good.

6.2.2.2 Recommendations

Urgent attention should be given to grade R classes at primary schools by appointing officials who clearly know and have practical classroom experience (not merely academic knowledge) about how grade R should function. Workshops and training should be compulsory to establish and re-establish the correct teaching approaches prescribed by policy. Workshops and training should be presented by experts in the field of grade R. Persons with some years' practical experience in grade R are essential in this regard. Content-specific workshops should be held to enhance educators' knowledge of grade R. Grade R specialist should be appointed and do unannounced class visits to monitor, support, control, and improve quality in grade R. Clear guidance should be given to make the grade R educator aware that non-performance of duties as required by policies and Acts will have consequences. These consequences or process of disciplining educators must be fair as provided for in Schedule 2 of the Employment of Educators Act (SA 1998b). Incapacity because of poor work performance indicates that an educator does not meet the required standards. After appropriate training or counselling programmes provided to support the educator in question, transfer, demotion, or dismissal can be applied (Rossouw 2010:158) as provided for in both the Employment of Educators Act (SA 1998b) and Labour Relations Act (SA 1995a). In my opinion this route is seldom followed as there is already a shortage of educators at school. The practice seems

to be to have anybody (even an incompetent educator) rather than no educator at all, in front of the class. This approach should be carefully reconsidered, due to the lack of quality associated with it.

6.2.3 Fairness of school management

6.2.3.1 Findings

I found that some participants are very frustrated in their current positions as grade R educators (see par. 5.4). The source and levels of frustration differ from participant to participant. One reason for this frustration is SMTs demanding application of the incorrect way to conduct grade R. I found that some participants from grade R classes at public primary schools prefer the more 'formal' programme that is 'forced' on them because of where they are situated. They favour a situation where learners are approached in a more 'structured' way, sitting behind tables and chairs (sometimes these tables and chairs are too big for grade R learners). I found that in many of the classes I visited, those grade R classes functioned as a 'watered-down' grade 1.

6.2.3.2 Recommendations

My recommendations are that a mandatory training course on the fundamental nature of grade R should be attended especially by principals and HODs as part of the schools' SMT. Such courses or training should be the first steps before any public primary school is allowed to establish a grade R class. HODs appointed for the Foundation Phase should also attend all workshops scheduled by the department where the grade R curriculum (content) is addressed. It is crucial that HODs are well informed and know the correct teaching approach in grade R as they monitor, support, advice, and moderate grade R educators' work. SGBs should also know that they are responsible and accountable to keep outdoor play areas safe for grade R and to keep up all maintenance (see paragraph 2.4.2).

Various participants from the focus groups displayed common characteristics and challenges to the educators who took part in the individual interviews. The findings and recommendations with regard to these challenges relating to quality education follow.

6.2.4 Quality of education

As previously stated (see par. 2.4.9.1) policy indicates that the Department of Basic Education strives to provide universal access to grade R, giving parents a choice whether or not to send their children to grade R. The bigger challenge now is to address the quality of grade R teaching. As Chapter 3 gave a literature overview of factors influencing quality service delivery, findings from interviews and observations, and the associated recommendations are now offered.

6.2.4.1 Teaching approach and class layout

6.2.4.1.1 Findings

The focus groups emphasised the informal “learn through play, integrated and skill development” teaching approach by means of a daily programme. During the interviews and observations I found different scenarios at public primary schools where semi-structured interviews were conducted (see paragraph 5.5.1). Chapter 3 described the ideal teaching approach to grade R (see par. 3.5), as well as the curriculum (CAPS). A certain class layout needs to be followed as nearly eighty percent of the activities in grade R ought to take place on a mat and only twenty percent at tables and chairs. I got the clear impression during observations and interviews the grade R learners are spending most of their school days at tables and chairs. I truly believe that the teaching approach and classroom layout set the tone and form the basis of grade R.

6.2.4.1.2 Recommendations

As recommended in paragraph 6.2.1.2, 6.2.2.2 and 6.2.3.2 the existing low levels of Education Law knowledge should be addressed with ongoing training for all at school level, from the educator or child minder up to the principal. Content training workshops and courses regarding grade R are most important, as recommended in paragraph 6.2.2.2. Context should be regarded as the solution. Grade R is totally different from Grades 1, 2, and 3 regarding teaching method, and learner and educator skills, and need specialised support, information, and monitoring. Having access to grade R is simply not enough; quality service delivery should also take place.

6.2.4.2 Parent involvement

Parent involvement was stated as a challenge or factor during the literature overview in Chapter 3 (see par. 3.8), and also mentioned during the focus groups and individual interviews. As parents are also stakeholders in education, the findings regarding their involvement are important.

6.2.4.2.1 Findings

Totally different views were captured from participants in the individual interviews regarding the general non-involvement of parents. Many participants indicated that requests to contribute to the grade R class were ignored. Parents feel that since their child is at school, they no longer have any responsibility, and the educator has a job to do.

“Parents are over involved”, a participant from a focus group said with frustration. She and others indicated that many parents pressurise them to give their children ‘homework’ or teach them to start reading and writing (see paragraph 5.5.2). I realised that parents are not aware of the teaching method prescribed by the CAPS policy and therefore interfere in school structures. I also discovered that although parents are eager for learners to perform well academically, the learners still struggle with gross motor skills and are frequently referred to receive occupational therapy.

6.2.4.2.2 Recommendations

I would recommend that since parents complete the school’s application forms for admission of their children, clear information regarding the school’s teaching approach and policy should be communicated. These kind of pamphlets need to be signed by parents to acknowledge that they have read, understood, committed to, and agreed to the stipulations. Parents can be strongly encouraged to attend meetings that inform them of the benefits of the approach or programme the school is committed to. Conflicts between educators, principals, and parents can be prevented in this way. Unfortunately some parents will not be able to attend meetings because of other commitments. Another arrangement has to be made to ensure that essential information reaches all parents and guardians.

Educators should also be trained to detect early developmental gaps in grade R learners. These gaps can be emotional, physical, as well as cognitive in nature. Early detection of developmental shortcomings should be addressed as soon as possible, preventing intervention from specialised therapists only at a much later stage. This immediate remedial intervention, detected and addressed by the grade R educator, will significantly impact on quality service delivery.

6.2.4.3 Quality control via Department officials and policies

6.2.4.3.1 Findings

I found that participants from the focus groups felt strongly that quality education in grade R will not improve as 'quality control' is not done (see paragraph 5.5.3). They further stated that even though grade R policies exist, many of these policies are not monitored, implemented, or executed with different interpretations because of various factors such as beliefs, culture, and ignorance.

6.2.4.3.2 Recommendations

My recommendations correlate with paragraph 6.2.2.2, which indicates that grade R specialists should be appointed to take responsibility for this grade. These knowledgeable officials should both write the content and present workshops to ensure grade R educators are knowledgeable in their field. Additionally, monitoring and support should be conducted to guarantee quality service delivery from grade R educators.

Educators should also attend annual workshops which offer hands-on, practical legal information applicable to educators and they should be made aware of their duties and rights. The accountability of educators' with regard to supervision and safety of learners needs urgent attention and can be addressed in these workshops.

6.2.4.4 Learners teacher ratio

6.2.4.4.1 Findings

In Chapter 3 (see paragraph 3.1) I captured certain factors found in the literature that have been recognised to influence quality education. The literature overview (see par 3.6.) and National Norms and Standards for grade R funding (see par 2.4.9.2) state that a maximum of 30 children should be the ratio per class for five to six year

olds. The focus group participants' classes did not exceed more than 30 learners, making quality service delivery a real possibility. The participants' responses during the individual interviews indicated that the learner teacher ratio exceeded the recommended 30:1. Overcrowded classes, with so many learners in a class do more harm than good and does not guarantee quality education.

6.2.4.4.2 Recommendations

My recommendations are for radical and extreme interventions from officials of the Department of Basic Education. If the department feels satisfied just because access to grade R has been achieved, the grade R situation is truly in for the worst. Principals should be held accountable if they continue to admit more than 30 learners per grade R class. The Department should take a decision and release a formal statement indicating the maximum number of learners in a grade R class. This will put pressure on themselves as the Department then needs to provide enough classrooms or space for every grade R learner who applies for admittance. As long as this is not possible, overcrowding will continue.

6.2.4.5 Grade R learner

The literature overview in Chapter 3 indicated that a grade R learner is impulsive, spontaneous, and most importantly, active. Because of these characteristics it is important to acknowledge that the grade R child learns best when at play, exploring and discovering, which is confirmed by the CAPS policy under teaching approaches (see par. 3.5).

6.2.4.5.1 Findings

The focus groups participants stressed the importance of grade R learners to be actively involved in class activities through play, movement, and exploration. Unfortunately most of the classrooms I visited during observations and individual interviews painted a very depressing picture as grade R learners were inactive, sitting, or rather 'hanging' onto the tables in the class.

6.2.4.5.2 Recommendations

The Department should release a formal statement indicating the maximum number of learners which should be in a grade R class. Whether this will be done, is

questionable because it will pressurise the Department to provide enough classrooms or space for all grade R learners. If overcrowding is addressed more space will be available for learners to explore and play; the way grade R should function.

6.2.4.6 The educator and training

In the literature chapter it was stated that quality education can take place if there is a dedicated educator. Educators need to have a deep insight about the grade R learner's uniqueness as well as age appropriate development. Paragraph 3.1 mentions that a quality teacher can provide quality teaching and learning regardless of the situation. The fact that the teacher can make a difference is emphasised and acknowledged.

6.2.4.6.1 Findings

I encountered diverse, problematic, and complex situations in grade R classes at public primary schools during interviews. Unqualified, under-qualified and not appropriately trained educators or individuals were working in the schools in grade R classes. It was earlier noted that the educator can make a difference regardless of the circumstances, but in these extreme situations no evidence of quality delivery could be observed.

The focus group participants were well and appropriately trained for grade R and had good knowledge on of age appropriate development in grade R. These educators definitely deliver quality service.

6.2.4.6.2 Recommendations

It is critically important to appoint appropriately trained educators in grade R classes. These educators will know the characteristics of a grade R learner, and enforce the CAPS policy teaching approach which stipulates that learners need to be active, exploring, and playing. Applying correct methods will also determine appropriate classroom layouts according to policy requirements.

Previous teacher training colleges have to be reinstated. It is crucial that upcoming educators be equipped with more appropriate hands-on and practical training.

Unfortunately current university training lacks practical enforcement of the academic knowledge obtained.

Grade R educators on pension should be recruited and time invested in hands-on training because many students complain that as beginner educators they have no idea what to do. University training seems to be inadequate to prepare students for classroom situations.

Lastly, universities need to adapt and change Foundation Phase training by giving students a choice to pursue an interest in grade R or not. All students in the Foundation Phase currently have no choice and are forced to also master grade R knowledge. To become a grade R educator should be a choice of passion and certainly not enforced.. No quality service delivery can take place if an educator is unhappy in her post.

6.2.4.7 Discipline

Educators need to establish a safe and conducive environment in class to ensure that quality education can take place. Participants felt the behaviour of learners in grade R is a concern. Teaching time is compromised since the disciplining of learners is time consuming.

6.2.4.7.1 Findings

Some of the focus group participants made use of a reward system to change negative behaviours. Many participants in the focus groups indicated that parents are not always involved in matters of discipline and feel that they as educators need to address this at school level. The participants also conveyed frustration regarding discipline in school.

6.2.4.7.2 Recommendations

All schools must adopt a code of conduct. Although grade R learners are young, they need to understand that actions have consequences. Rules should describe what acceptable behaviour is, and which steps will be taken to address unacceptable behaviour. Parents should be involved in every step to address unacceptable behaviour.

All educators as well as SGB members should attend workshops about disciplinary methods to address unacceptable behaviour especially with regard to young learners. These workshops should be presented by experts in the field of discipline in the education sphere. Good discipline ensures a safe environment for learning that can influence quality service delivery from the grade R educator.

6.2.4.8 Age of grade R learner

6.2.4.8.1 Findings

Nearly all participants in the individual interviews indicated that the learners who are admitted to grade R are too young. Many little ones cry on a daily basis for nearly three months after coming to school. This far too young learner also struggles with skills to be mastered. CAPS were planned and intended for 5 year old learners. The court case discussed in par. 3.3 had a significantly negative impact on grade R. Since the South African Schools Act (SA 1996b) has been amended learners as young as four and a half can now be admitted to grade R.

6.2.4.8.2 Recommendations

The South African Schools Act (SA 1996b) should be revisited and amended as suggested by the lecturer who took part in this research. Learners admitted too young cannot cope, especially as grade R classes are situated at public primary schools. SGBs should be encouraged to amend their admission policies and admit 'older' grade R learners first. If space is still available, 'younger' (four and a half year olds) learners should then be admitted. Parents should be informed that younger learners will not benefit in an environment where grade R classes are situated in public primary schools. The 'best interests of the child' is not achieved if too young learners are put into class situations.

6.2.4.9 Resources

6.2.4.9.1 Findings

Although the fundamental nature of grade R is not to write, but to develop the skills required for grade 1, the DBE has distributed workbooks which contradict the basic principles of grade R learning. This creates enormous and huge confusion in primary schools as they believe the workbook is compulsory. It was observed that a variety

of other resources were available in some classes, but stacked in a corner. The workbooks for grade R have however been observed in most of the participants' classes. In general the focus groups participants and lecturer indicated that the use of the workbook sets a wrong example.

6.2.4.9.2 Recommendations

To ensure that resources are used for maximum impact on the grade R learner, workshops should be conducted on how to use them. The distributed resources must be approved by grade R specialists, as their expertise could be useful to ensure that the resources are suitable and durable. Resources like mats in classrooms are urgently needed in grade R classes instead of big teacher tables which take up learner space. LTSM stationery should also be approved by specialists since the current packs are a waste of money. The current packs provide grade R learners with books to write in, pencils, glue, scissors, ruler and sharpener - nearly the equivalent of a grade 1 pack. The quality of the packs is questionable.

6.3 Recommendations for future research

This study indicated that the service delivery of grade R educators is very important to ensure quality education. Grade R classes at public primary schools quality education is questionable at present. Gaps had been identified and many factors influence quality.

Future research can focus on:

- specific interventions to address quality education in grade R
- the impact of exposing the too young learner to an absence of age appropriate development techniques and approaches in grade R
- overcrowding as a hampering factor in quality service delivery, and
- The accountability of the Department of Basic Education to ensure quality grade R education.

6.4 Conclusion

Unacceptably low levels of education law knowledge and awareness influence educators' delivery of quality service delivery in the grade R framework. Although educators have gained more rights, the quality of education has not improved.

Looking at the phenomenon of quality service delivery from a legal perspective, I suggest that the focus should shift from the rights to the duties of the educator to see if the factors which influence quality service delivery can be addressed.

As many factors influence quality service delivery, a snowball effect is currently experienced in most of the public primary schools I visited. Starting with incorrect classroom layouts with no mat space, fantasy corner, book corner, or theme table, the layout is hampered by overcrowding. The prescribed teaching method from CAPS which stipulates state informal teaching cannot be followed since learners sit at tables and chairs; as far as some participants were concerned, the learners at least had some space to occupy. Since the learners are not active and busy exploring, they become bored and naughty and discipline is a problem. The Department has succeeded in granting access to grade R but has failed in terms of quality education.

I would recommend that if we invest in grade R educators a turnaround can and will be observed. Firstly it is necessary to acknowledge the educator as person who is unique, comes from a specific culture, and has beliefs and values. Secondly, ensure her well-being. After this has been achieved the educator can become an 'instrument' to ensure quality service delivery by via the implementation of the legal principles of education law. Duties and accountability will have a new meaning to her. She will gain knowledge and understand age appropriate activities which fit the developmental levels of the grade R learner. As she uses the correct teaching approaches in her daily programme, active learners will acquire the skills and knowledge they need for grade 1. She will be creative when a lack of resources is experienced and she will motivate parents to get involved. The grade R educator will be the central and most influential stakeholder who can guarantee quality service delivery in the classroom.

BIBLIOGRAPHY

Abdullah, F. 2006. Measuring service quality in higher education: three instruments compared. *International journal of research & method in education*, 29(1):71-89.

Albino, N. & Berry, L. 2013. Early childhood development services in South Africa: What are the next steps? Part 2: Essential services for young children. Cape Town: South African Child Gauge.

Ary, D., Jacobs, L.C. & Razavieh, A. 2002. Introduction to research in education. 6th ed. Belmont, Calif.: Wadsworth.

Atmore, E., Van Niekerk, L.-J. & Ashley-Cooper, M. 2012. Challenges facing the early childhood development sector in South Africa. A comprehensive research report on Early Childhood Development to the National Development Agency(NDA).

Becker, N. & Becker, P. 2009. Developing quality care for young children. How to turn early care settings into magical places. Thousand Oaks, CA: Corwin Press.

Beckmann, J. 2006. The state's liability for damage or loss in connection with educational activity in public schools: recent minor judgements. *Perspectives in education*, 24(2):181-184.

Beckmann, J. & Bray, E. 2006. The educator employment relationship: a conditional and legislative overview. (In Beckmann, J., ed. Engaging the law and education in a transforming society: a critical chronicle of South African Law and Policy Association. Potchefstroom: South African Law and Policy Association. p. 428-438.)

Beckmann, J. & Füssel, H. 2013. The labour rights of educators in South Africa and Germany and quality education: an exploratory comparison. *De Jure*, 46(2):557-582.

- Begley, M.C. 1996. Using triangulation in nursing research, 24(1):122-128.
- Berry, L., Biersteker, L., Dawes, A., Lake, L. & Smith, C. 2013. The South African child gauge. Cape Town: University of Cape Town.
- Berry, L., Jamieson, L. & James, M. 2011. Children's act guide for early childhood development practitioners. Cape Town: University of Cape Town. Children's Institute of Cape Town and LETCEE.
- Biersteker, L. 2010. Scaling-up early child development in South Africa: introducing a reception year (grade R) for children aged five years as the first year of schooling. Washington, D.C.: Wolfensohn Center for Development at Brookings. (Working paper no 17.)
- Biersteker, L. & Dawes, A. 2008. Children's rights to early childhood development. (In Kraak, A. & Press, K. Human resources development review 2008: education, employment and skills in South Africa. Cape Town: HSRC Press 185-205p.)
- Biersteker, L. & Vally, S., eds. 2013. Children's right to early childhood development. Education rights for learners, parents and educators. Rosa Luxemburg Stiftung. (Education rights project/CERT/ELRU, Book 12.)
- Blok, H., Fukkink, R.G., Gebhardt, E.C. & Leseman, P.M. 2005. The relevance of delivery mode and other programme characteristics for the effectiveness of early childhood intervention. *International journal of behaviour development*, 29(1):35-47.
- Bogdan, R.C. & Biklen, S.K. 1998. Qualitative research for education: an introduction to theory and methods. 3rd ed. Boston: Allyn and Bacon.
- Braun, V. & Clarke, V. 2006. Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2):77-101.
- Bray, E. 2005. Codes of conduct in public schools: a legal perspective. *South African journal of education*, 25(3):33-138.

Bray, E. & Beckmann, J. 2001. The employment relationship of the public-school educator: a constitutional and legislative overview: current issues in education law and policy. *Perspectives in education: education law and policy in South Africa*. 19(4):109-122.

Bredekamp, S. 2011. *Effective practices in early childhood education: building a foundation*. Upper Saddle River, N.J.: Pearson Education.

Britto, P.R., Yoshikawa, H. & Boller, K. 2011. Quality of early childhood development programs in global contexts: rationale for investment, conceptual framework and implications for equity. (Society for Research in Child Development.) *Social policy report*, 25(2):1-31.

Bruder, M.B., Mogro-Wilson, C., Stayton, V.D. & Dietrich, S.L. 2009. The National status of in-service professional development system for early intervention and early childhood special education practitioners. *Infants & young children*, 22(1):13-20.

Bullard, J. 2010. *Creating environments for learning: birth to eight*. Upper Saddle River, N.J.: Pearson Education.

Casey, D. & Murphy, K. 2009. Issues in using methodological triangulation in research. *Nurse researcher*, 16(4):40-55.

Coetzee, S. & Mienie, R. 2014. The “best interests of a child” standard in education: an overview of South African case law. *Southern African public law*, 29(1):90-117.

Cohen, L. & Manion, L. 1994. *Research methods in education*. 4th ed. London: Routledge.

Cohen, L., Manion, L. & Morrison, K. 2001. *Research methods in education*. 5th ed. London: Routledge Falmer.

Corcoran, T.B. 1995. *Helping teachers teach well: transforming professional development*: 16 June 1995 New Brunswick, N.J.: Rutgers University, State

University of New Jersey. *Consortium for Policy Research in Education, Policy briefs: 1-11.*

Creswell, J.W. 2009. *The research design: qualitative, quantitative, and mixed methods approaches.* Thousand Oaks, Calif.: Sage.

Currie, I. & De Waal, J. 2013. *The bill of rights handbook.* 6th ed. Cape Town: Juta.

De Vos, A.S., Strydom, H., Fouché, C.B., & Delpont, C.S.L. 2005. *Research at grass roots. For the social sciences and human service professions,* 3rd ed. Pretoria: Van Schaik.

Dahlberg, G., Moss, P. & Pence, A. 2002. *Beyond quality in early childhood education and care: postmodern perspectives.* London: Routledge Falmer.

Davin, R.J. 2003. 'n Uitkomsgebaseerde assesseringsmodel vir die ontvangsjaar. Pretoria: Unisa. (Proefskrif - PhD.)

De Waal, E. & Serfontein, E.M. 2015. The role of law in prompting parents to participate accountably with education partners. *PER/PELJ*, 18(6):2328-2364.

De Wet, A. & Oosthuizen, I.J. 2001. The educator's duty to report learner abuse and neglect. *Perspectives in education*, 19(4):163-172.

Deacon, H.J. 2014. The balancing act between the constitutional right to strike and the constitutional right to education. *South African journal of education*, 34(2):1-15.

Ebbeck, M. & Waniganayake, M. 2003. *Early childhood professionals: leading today and tomorrow.* Sydney: MacLennan & Petty.

Ebrahim, H.B. 2010. Dominant discourses of teachers in early childhood education. *Perspectives in education*, 28(4):80-88.

Elliott, A. 2006. Early Childhood Education. Pathways to quality and equity for all children. Australian Education Review. Australian Council for Educational Research. ACER Press.

Essa, E.L. 2011. Introduction to early childhood education. 6th ed. Annotated student's edition. New York: Thomas Delmar Learning.

Excell, L. & Linington, V. 2008. Children of democracy: teaching for democracy in early childhood classrooms in South Africa. *Southern African review of education*, 14(3):55-72.

Excell, L. & Linington, V. 2011. Taking the debate into action: does the current Grade R practice in South Africa meet quality requirements? *SA-eDUC journal*, 8(2):3-12.

Excell, L.A. 2011. Grade R teacher's perceptions of early childhood development and how these impact on classroom practice. Johannesburg: University of the Witwatersrand. (Thesis - PhD.)

Ezzy, D. 2002. Qualitative - analysis practice and innovations. London: Routledge.

Ferreira, R. 2006. The relationship between coping with HIV & AIDS and the asset-based approach. Pretoria: University of Pretoria. (Thesis - PhD.)

Fox, J.E. s.a. Back to basics: play in early childhood. *Early childhood news*. Social and emotional Development. p. 1-7. <http://www.earlychildhoodnews.com> Date of access: 30 November 2014.

Freeman, M., deMarrais, K., Preissle, J., Roulston, K. & St. Pierre, E.A. 2007. Standards of evidence in qualitative research: an incitement to discourse. *Educational Researcher*, 36(1):25-32.

Furlong, N.E., Lovelace, E.A. & Lovelace, K.L. 2000. Research methods and statistics: an integrated approach. Ford Worth, Tex.: Wadsworth/Thompson.

- Goldenberg, H. & Goldenberg, I. 2008. *Family therapy: an overview*. Belmont, Calif.: Thomas Brooks/ Cole.
- Goldhaber, D. & Anthony, E. 2004. *Can teacher quality be effectively assessed?* Seattle, Wash.: University of Washington and the Urban Institute.
- Grant, E. 2006. Human rights, cultural diversity and customary law in South Africa. *Journal of African law*, 50(1):1-23.
- Gray, D.E. 2009. *Doing research in the real world*. 2nd ed. London: Sage.
- Guskey, T.R. 2002. Professional development and teacher change. *Teachers and teaching*, 8(3/4):381-391.
- Harper, M. & Cole, P. 2012. Member checking: can benefits be gained by similar to group therapy? *The qualitative report*, 17(2):510-517.
- Hennink, M., Hutter, I. & Bailey, A. 2011. *Qualitative research methods*. London: Sage.
- Hirsh-Pasek, K., Michnick Golinkoff, R., Berk, L.E. & Singer, D.G. 2009. *A mandate for playful learning in preschool: presenting the evidence*. New York: Oxford University Press.
- Hittleman, D.R. & Simon, A.J. 2006. *Interpreting educational research: an introduction for consumers of research*. 4th ed. Upper Saddle River, NJ: Pearson Education.
- Hoadley, U. 2013. *Building strong foundations: Improving the quality of early education*. (In Berry, L., Biersteker, L., Dawes, A., Lake, L. & Smith, C. *The South African child gauge*. Cape Town: University of Cape Town.)

Hoover-Demsey, K.V. & Sandler, H.M. 1995. Parental involvement in children's education: Why does it make a difference?. *Teacher College Record*, 97(2):310-331.

Ishimine, K., Tayler, C. & Bennett, J. 2010. Quality and early childhood education and care: a policy initiative for the 21st century. *International journal of child care and education policy*, 4(2):67-80.

Jahangiri, L., Mucciolo, T.W., Choi, M. & Spielman, A.I. 2008. Assessment of teaching effectiveness in U.S. dental schools and the value of triangulation. *Journal of Dental Education*, 72(6):707-718.

Janssen, W., Van der Gaag, J. & Tanaka, S. 2001. Arab Republic of Egypt: an economic analysis of early childhood education/development. Washington, D.C.: Academy for Educational Development.

Joubert, H.J. & Prinsloo, I.J. 2001. Education law: a practical guide for educators. Pretoria: Van Schaik Publishers.

Joubert, H.J. & Prinsloo, I.J. 2009. The law of education in South Africa. Pretoria: Van Schaik Publishers.

Katz, L. 1993. Multiple perspectives on quality in early childhood programs. *European early childhood education research journal*, 1(2):5-9.

Keating, J.B. 2011. Security in the workplace of the foundation phase educator: an education law perspective. Potchefstroom: North-West University. Potchefstroom Campus. (Dissertation - MEd.)

Kennedy, E., Dunphy, E., Dwyer, B., Hayes, G., McPhillips, T., March, J., O'Connor, M. & Shiel, G. 2012. Literacy in early childhood and primary education (3-8 years). Dublin: National Council for Curriculum and Assessment. (NCCA research report no. 15.)

Kostelnik, M.J., Soderman, A.K. & Whiren, A.P. 2004. Developmentally appropriate curriculum: best practices in early childhood education. 3rd ed. Upper Saddle River, N.J.: Pearson.

Kraak, A. & Press, K. 2008. Human resources development review 2008: education, employment and skills in South Africa. Cape Town: HSCR Press.

Krueger, R.A., Casey, M.A., Donner, J., Kirsch, S. & Maack, J.N. 2001. Designing and conducting focus group interviews notes. St. Paul, Minn.: University of Minnesota. (Social development papers. Social analysis selected tools and techniques: 4-23.)

Kruger, C.G. 2015. A distance learning programme for the professional development of foundation phase educators. Potchefstroom: North-West University. (Thesis - PhD.)

Kuper, A., Reeves, S. & Levinson, W. 2008. Qualitative research: an introduction to reading and appraising qualitative research. *British Medical Journal*, 337(7666):404-407.

Labuschagne, M. 2015. Promoting quality learning environments at early childhood centres through service learning. Potchefstroom: North-West University. (Dissertation - MEd.)

Landers, C. 1989. Innocent Global Seminar: Early-Child Development: summary report. Florence, Italy: UNICEF International Child Development Centre. (Innocenti Global Seminar, No. inglse90/3.)

Lavy, V. 2007. Using performance-based pay to improve the quality of teachers. *The future of children*, 17(1):87-109.

Lee, J. & Bowen, N.K. 2006. Parent involvement, cultural capital and the achievement gap among elementary school children. *American education research journal*, 43(2):193-218.

Leech, L.N. & Onwuegbuzie, A.J. 2007. An array of qualitative data analysis tools: a call for data analysis triangulation. *School psychology quarterly*, 22(4):557-584.

Lekalakala, M. 2013. Outcome-based assessment: towards progression and promotion in the general education and training band (grades R (1)-9). Potchefstroom: North-West University. (Thesis - PhD.)

Letseka, M. 2010. Early Childhood Development (ECD) trends in the province of the Eastern Cape, South Africa. *Commonwealth youth and development*, 8(1):56-71.

Linington, V., Excell, L. & Murriss, K. 2011. Education for participatory democracy: a grade R perspective. *Perspectives in education*, 29(1):36-45.

LoCasale-Crouch, J., Konold, T., Pianta, R., Howes, C., Burchinal, M., Bryant, D., Clifford, R., Early, D. & Barbarin, O. 2007. Observed classroom quality profiles in state-funded pre-kindergarten programs and associations with teacher, program, and classroom characteristics. *Early Childhood Research Quarterly*, 22(1):3-17.

Mackenzie, N. & Knipe, S. 2006. Research dilemmas: paradigms, methods and methodology. *Issues in educational Research*, 16(2):1-9

Mack, N., Woodsong, C., MacQueen, K.M., Guest, G., & Namely, E. 2005. Qualitative research methods: a data collector's field guide. Family Health International. USAID. www.fhi.org.

Magolego, S. 2003. The legal implications of teachers' and education authorities' duty *in loco parentis*: safety of children at school. *Codicillus*, 44:64-68.

Maithufi, I.P. 2014. The authority to determine admission policy by a school governing body includes the power to determine the capacity of a school but does not inflexibly limit the discretion of the head of department to admit a learner. *Obiter*, 35(3): 740-751.

Manyike, T.V. 2012. Assessment of the norms and standards for day care centres for preschool children in South Africa. *Anthropologist*, 14(6):593-606.

Maphosa, C. & Shumba, A. 2010. Educators' disciplinary capabilities after the banning of corporal punishment in South African schools. *South African journal of education*, 30:387-399.

Maree, K., ed., Creswell, J.W., Ebersöhn, L., Eloff, L., Ferreira, R., Ivankova, N.W., Jansen, J.D., Nieuwenhuis, J., Pietersen, J., Plano Clark, V.L. and Van der Westhuizen, C. 2010. *First steps in research*. Pretoria: Van Schaik Publishers.

Marshall, C. & Rossman, G.B. 2010. *Designing qualitative research*. 5th ed. London: Sage.

Mashburn, A.J., Pianta, R.C., Hamre, K.B., Downer, J.T., Barbarin, O.A., Bryant, D., Burchinal, M., Early, D.M. & Howes, C. 2008. Measures of classroom quality in prekindergarten and children's development of academic, language and social skills. *Child development*, 79(3):732-749.

Maxwell, J. A. 2013. *Qualitative research design: an interactive approach*. 3rd ed. London: Sage.

McMillan, J.H. & Schumacher, S. 2006. *Research in education: evidence-based inquiry*. 6th ed. Boston, Mass.: Pearson Education.

Meier, C. 2014. Windows of opportunity: early childhood development prospects in South Africa. *Journal of social sciences*, 40(2):159-168.

Merriam, S.B. 2009. *Qualitative research: a guide to design and implementation*. San Francisco, Calif.: Jossey-Bass.

Mmotlane, R., Winnaar, L. & Wa Kivilu, M. 2009. Personal characteristics that predict South Africans' participation in activities of their children's schools. *South African journal of education*, 29:527-540.

Modisaotsile, B.M. 2012. The failing standard of basic education in South Africa. Pretoria: Africa Institute of South Africa. (AISA policy brief number 72, March 2012.)

Morgan, D.L. 2006. Focus groups as qualitative research. Newbury Park, Calif.: Sage. (Sage research methods, v. 16.)

Moss, P. & Dahlberg, G. 2008. Beyond quality in early childhood education and care: languages of evaluation. *New Zealand journal off teachers' work*, 5(1):3-12.

Moss, P. & Pence, A. 1994. Valuing quality in early childhood services: new approaches to defining quality. Newbury Park, Calif.: Sage.

Moss, P. & Pence, A. 1996. Defining objectives in early childhood services. *European early childhood educational journal*, 4(1):17-31.

Mouton, J. 2001, How to succeed in your master's and doctoral studies: a South African guide and resource book. Pretoria: Van Schaik.

NAEYC (National Association for the Education of Young Children). 2009. Position statement: Developmentally appropriate practice in early childhood programs serving children from birth through age 8. Washington, D.C.: National Association for the Education of Young Children.

National Board for Professional Teaching Standards (NBPTS). s.a. Spreading NBCT expertise. <http://www.nbpts.org/standars.nbcert.cfm> Date of access: 1 November 2013.

Nieuwenhuis, J. 2010. Qualitative research designs and data gathering techniques. (In Maree, K., ed. First steps in research. Pretoria: Van Schaik Publishers. p. 70-97.

Nieuwenhuis, J., Beckmann, J. & Prinsloo, S. 2007. Growing human rights and values in education. Pretoria: Van Schaik Publishers.

Nuugwedha, L.P.K. 2015. An education law perspective on early childhood development provision in rural Namibia. Potchefstroom: North-West University. (Thesis - PhD.)

Oosthuizen, I.J., Smit, M.H. & Roos, M.C. 2009. The educator and learner discipline. (*In* Oosthuizen, I.J., ed. Aspects of education law. Pretoria: Van Schaik Publishers. p. 154-184).

Oosthuizen, I.J. ed., Botha, P., Roos, M.C., Rossouw & Smit, M.H. 2009. Aspects of education law. 4th ed. Pretoria: Van Schaik Publishers.

Patton, M.Q. 2005. Qualitative research and evaluation methods. 3rd ed. Thousand Oaks, Calif.: Sage.

Pianta, R., Howes, C., Burchinal, M., Bryant, D., Clifford, R., Early, D. & Barbarin, O. 2005. Features of pre-kindergarten programs, classrooms, and teachers: do they predict observed classroom quality and child-teacher. *Applied development science*, 9(3):144-159.

Proudlock, P. & Jamieson, L. 2007. The Children's Act: providing a strong legislative foundation for a developmental approach to child care and protection. (*In* Proudlock, P., Dutschke, M., Jamieson, L., Monson, J. & Smith, C., eds. South African Child Gauge 2007/2008. Part 2: Children and social services. Cape Town: University of Cape Town. Children's Institute. p. 35-40.)

Rabiee, F. 2004. Focus-group interview and data analysis: developing qualitative research method skills. *Proceedings of the Nutrition Society*, 63:655-660.

Rademeyer, A. 2013. Gr 0 dalk teen 2019 amptelike skooljaar. *Beeld*: 11, 5 September.

Reddy, V., Juan, A. & Meyiwa, T., ed. s.a. Towards a 20 year review: basic and post school education. Pretoria: HSRC. (Education and skills development.)

Reddy, V., Prinsloo, C.H., Netshitangani, T., Moletsane, R., Juan, A. & Van Rensburg, D.J. 2010. An investigation into educator leave in the South African ordinary public schooling system. Research commissioned by UNICEF. Pretoria: HSRC. (Study undertaken for the Department of Education.)

Redleaf, R. 2009. Learn and play the green way. St. Paul, Minn.: Redleaf Press

Richter, L., Biersteker, L., Burns, L., Desmond, C., Feza, N., Harrison, D., Martin, P., Saloojee, H. & Slemming, W. 2012. Diagnostic review of early childhood development. Pretoria: Department of Performance Monitoring and Evaluation & Interdepartmental Steering Committee for Early Childhood Development. (Commissioned by the Presidency.) <http://www.info.gov.za> Date of access: 8 August 2014.

Richter, L., Dawes, A. & De Kadt, J. 2010. Early childhood development. Cape Town: HSRC Press.

Roos, M.C., Oosthuizen, I.J. & Smit, M.H. 2009. Common law. (In Oosthuizen, I.J., ed. Aspects of education law. Pretoria: Van Schaik Publishers. p. 105-127.)

Rossouw, J.P. 2010. Labour relations in education: a South African perspective. 2nd ed. Pretoria: Van Schaik Publishers.

Rossouw, J.P. 2012a. The feasibility of localised strike action by educators in cases of learner misconduct. *South African journal of education*, 32:133-143.

Rossouw, M.C. 2012b. 'n Arbeidsregtelike perspektief op die werksvervulling van die graad R-opvoeder. Potchefstroom: North-West University. (Dissertation - MEd.)

Rossouw, J.P. 2013. The security of the professional educator: an education law perspective. Potchefstroom: North-West University. (Inaugural lecture, 10 May 2013.)

Rossouw, M. & Van Vollenhoven, W. 2011. Die werksvervulling van die graad R-opvoeder en die beste belang van die kind: 'n onderwysregtelike perspektief. *SA-eDUC Journal*, 8(2):43-52.

Rossouw, M.C. 2014. The role of law and policy in the professional security of grade R educators. Potchefstroom: North-West University. (Thesis - PhD.)

Rossouw, M.C. & Oosthuizen, I.J. 2013. Learners' misconduct in public schools. *Koers*, 78(3):1-9.

Rousseau, N. 2014. Integrating different forms of knowledge in the teaching qualification diploma in grade R teaching. *South African journal of childhood education*, 4(1):167-186.

Santrock, J.W. 2008. *Children*. 10th ed. New York: McGraw-Hill.

Seale, C., Gobo, G., Gubrium, J.F. & Silverman, D. ed. 2004. *Qualitative Research Practice*. 1st ed. Thousand Oaks, London: Sage.

Seidman, I. 2006. *Interviewing as qualitative research: a guide for researcher in education and the social science*. 3rd ed. New York: Teacher College Press.

Seidman, I. 2012. *Interviewing as qualitative research: a guide for researcher in education and the social science*. 4th ed. New York: Teacher College Press.

Shih, F.J. 1998. Triangulation in nursing research: issues of conceptual clarity and purpose. *Journal of advanced nursing*, 28(3):631-641.

Shultziner, D. 2007. Human dignity: functions and meanings. (In Malpas, J. & Lickiss, N. *Perspectives on human dignity: a conversation*. The Hague: Springer. p. 73-92.)

Singh, P.C. 2005. Extreme parents and sports: problems and possible solutions. *South African journal for research in sport, physical education and recreation*, 27(2):83-99.

Smit, M.H., Oosthuizen, I.J. & Serfontein, E. 2012. Human rights and democracy in education. Vanderbylpark: North-West University. Vaal Triangle Campus, School of Education Sciences. (Study guide for ONWR 625 VEC.)

South Africa. 1996. The Constitution of the Republic of South Africa, Act 108 of 1996. Pretoria: Government Printer.

South Africa. 1995a. Labour Relations Act 66 of 1995. Pretoria: Government Printer

South Africa. 1996b. South African Schools Act, Act 84 of 1996. Pretoria: Government Printer.

South Africa. 1996d. National Education Policy Act 27 of 1996. Pretoria: Government Printer.

South Africa. 1998a. Code of good practice on picketing. Government Notice 765 in *Government Gazette* 18887 of 15 May 1998. Pretoria: Government Printer. http://www.caselaw.co.za/legislation_index.php?legcat=4&legid=9 Date of access: 3 October 2015.

South Africa. 1998b. The Employment of Educators Act, Act 76 of 1998. Pretoria: Government Printer.

South Africa. 1998c. Admission Policy for Ordinary Public Schools. *Government Notice* no 2432, 19 October.

South Africa. 2000. South African Council for Educators Act, Act 31 of 2000. Pretoria: Government Printer.

South Africa. 2005. The Children's Act, Act 38 of 2005. Pretoria: Government Printer.

South Africa. 2007. National Policy Framework on Teacher Education and Development (NPFTED). Pretoria: Government Printer.

South Africa. Eastern Cape. Department of Education. 2008a. Evaluation of the accredited training of early childhood development practitioners. Baseline study: quality of teaching and learning in grade R. Bisho: Department of Education.

South Africa. 2012c. Speech by the Minister of Social Development, Ms Bathabile Dlamini: lead paper of Early Childhood Development, Wednesday 28 March 2012. http://www.dsd.gov.za/index2.php?option=com_content&task=view... Date of access: 15 August 2014.

South Africa. 2012a. The South African national curriculum framework for children from birth to four. Comprehensive draft one by Hasina Ebrahim and Margaret Irvine. <http://www.education.gov.za/LinkClick.aspx?fileticket=yi3uUKwTBzY%3D&tabid=628&mid=2060>. Date of access: 7 October 2015.

South Africa. 2012b. The South African national curriculum framework for children from birth to four. Revised implementation plan. http://www.itec.org.za/wp-content/uploads/2014/10/NCF_birth_to_four_-Revised-plan_October-2014.pdf Date of access: 7 October 2015.

South Africa. Department of Basic Education. 1995. Education and training in a democratic South Africa: first steps to develop a new system (White paper one). Pretoria: Government Printer.

South Africa. Department of Basic Education. 1996a. Interim policy for early childhood development. Pretoria: Government Printer.

South Africa. Department of Basic Education. 2008. National norms and standards for grade R funding. *Government Gazette* no 30679, 18 January.

South Africa. Department of Basic Education. 2011a. Curriculum and assessment policy statement. English Home Language: grade R-3. Pretoria: Government Printer.

South Africa. Department of Basic Education. 2011b. Draft document: Universal access to grade R: policy framework. August.

South Africa. Department of Basic Education. 2011c. National Qualifications Framework Act, Act 67 of 2008. Policy on the minimum requirements for teacher education qualifications. *Government Gazette* no 34467, 15 July.

South Africa. Department of Basic Education. 2011e. National policy pertaining to the programme and promotion requirements of the National Curriculum Statement Grades R-12. *Government Gazette* no 34600, 12 Sept.

South Africa. Department of Basic Education. 2013. Report on the Annual National Assessment of 2013: grades 1 to 6 & 9. December 2013.

South Africa. Department of Basic Education. 2015. Media release: Department of Basic Education working hard to improve qualifications for grade R teachers. 4 August 2015. <http://www.education.gov.za> Date of access: 15 August 2015

South Africa. Department of Basic Education. 2015c. National Assessment Circular No 3 of 2015. 9 October.

South Africa. Department of Basic Education. 2014a. Media release: Department of Basic Education Budget vote speech 2014/2015 by Mrs Angie Motshekga, minister of Basic Education, National Assembly, Cape Town: 5 July 2014. <http://www.education.gov.za> Date of access: 1 August 2014

South Africa. Department of Education. 2001c. The national policy on whole-school evaluation. *Government Gazette*, 433, No 22512. Pretoria: Government Printer.

South Africa. Department of Education. 2001a. Education White Paper 5 on Early childhood development. Pretoria: Government Printer.

South Africa. Department of Education. 2001b. The nationwide audit of ECD provisioning in South Africa. Pretoria: Government Printer.

South Africa. Department of Education. 2004. Departmental circular 32 of 2004: Application for the temporary/permanent exemption from compulsory school attendance. 22 July.

South Africa. Department of Education. 2014. Learner registration, 2015. Departmental circular 20 of 2014, 12 May.

South Africa. Department of Basic Education, Department of Social Development & UNICEF. 2010. Tracking public expenditure and assessing service quality in early childhood. Pretoria: Department of Basic Education, Department of Social Development, South Africa/UNICEF.

South Africa. Department of Higher Education and Training (DHET). 2011d. National Qualifications Framework Act (67/2008): the minimum requirements for teacher education qualification. *Government Gazette*, 38487, *Government Notice* No. 583. <http://www.info.gov.za> Date of access: 8 January 2015.

South Africa. Department of Social Development. 2006. Guidelines for early childhood development services. Pretoria: Government Printer.

South Africa. 2015a. North West Province. Department of Education and Sport Development. Subject: Request for meeting with child minders. Chief Directorate, Institutional Policy Development Services. 30 July

South African Council for Educators (SACE). 2012. CPTD orientation and sign-up workshop programme handout. August 2014.

Suid-Afrikaanse Onderwysersunie. 2008. Curriculum news. Phasing in of grade R. SAOU curriculum services 35/2008. 5 September.

Steyn, H. 2015. A professional development programme for grade R teachers: a focus on phonological awareness. Potchefstroom: North-West University.
(Dissertation - MEd.)

Squelch, J. 1999. An educator's guide to labour law. Centre for education law and education policy.

Sylva, K., Siraj-Blatchford, I., Taggart, B., Simmons, P., Melhuish, E., Elliot, K. & Totsika, V. 2006. Capturing quality in early childhood through environmental rating scales. *Early childhood research quarterly*, 21(1):76-92.

Taylor, S.I. & Morris, V.G. 1996. Outdoor play in early childhood education settings: is it safe and healthy for children? *Early childhood education journal*, 23(3):153-158.

Teddlie, C. & Tashakkori, A., eds. 2009. Foundations of mixed methods research. Integrating quantitative and qualitative approaches in the social and behavioural sciences. Los Angeles, Calif.: Sage.

Terra Blanche, M. & Durrheim, K., eds. 1999. Research in practice: applied methods for the social sciences. Cape Town: University of Cape Town Press.

Thomas, P. & Walker, M. 2010. The Routledge doctoral student's companion: getting to grips with research in education and the social sciences. New York: Routledge.

Trawick-Smith, J. 2003. Early childhood development: a multicultural perspective. 3rd ed. Upper Saddle River, N.J.: Merrill Prentice Hall.

Trochim, W.M.K. & Donnelly, J.P. 2008. The research methods knowledge base. 3rd ed. Cincinnati, Oh.: Atomic Dog.

Udombana, N.J. 2005. Interpreting rights globally: courts and constitutional rights in emerging democracies. *African human rights law journal*, 5:47-69.

UNESCO. International Bureau of Education. 2006. South African Early Childhood Care and Education (ECCE) programmes. Paris: UNESCO.

United Nations. 2015. 17 development goals. <http://www.un.org/sustainable=development/sustainable-development-goals>. Date of access: 30 September 2015.

Van der Berg, S., Taylor, S., Gustafsson, M., Spaul, N. & Armstrong, P. 2011. Improving education quality in South Africa. Report for the National planning commission.

Van Wyk, N. 2004. School governing bodies: the experiences of South African educators. *South African journal of education*, 24(1):49-54.

Vanderstoep, S.W. & Johnston, D.D. 2009. Research methods of everyday life: blending qualitative and quantitative approaches. San Francisco, Calif.: Jossey-Bass.

Viviers, A., Biersteker, L. & Moruane, S. 2013. Strengthening ECD service delivery: addressing systematic challenges. Essential services for young children, part 2:34-43. (South African Child Gauge.)

Wilkinson, S. 2004. 10 focus group research. (In Silverman, D. Qualitative research theory: method and practice. 2nd ed. London: Sage. p. 177-180.)

Williams, A. & Katz, L. 2001. The use of focus group methodology in education: some theoretical and practical considerations. *International electronic journal for leadership in learning*, 5(3):1-10.

Woolman, S. & Fleisch, B. 2009. The constitution in the classroom: law and education in South Africa 1994-2008. Pretoria: Pretoria University Law Press.

Case law

Louw and another v MEC, Education & Culture, Free State 2004 JOL 12856 (0)

Harris v Minister of Education 2000 (case 30218/2000) (T)

Federation of governing bodies of South African schools (Gauteng) v MEC for Education, Gauteng 2002 (1) SA 660 (T)

Member of the Executive Council for Education in Gauteng Province v Governing Body of the Rivonia Primary School Case CCT 135/12 [2013]ZACC 34

Addendum A: Letter to Department



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY[®]
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

LETTER TO THE DEPARTMENT

Student

Aquilla Otte

SES: Foundation Phase

VYFHOEK Area Office

POTCHEFSTROOM

2531

Cell 082 712 6294

E-mail: aquillaotte@gmail.com

Project leader & Supervisor

Prof J P Rossouw

Faculty of Education Science

North West University

Private Bag X6001

POTCHEFSTROOM

2520

E-mail: jp.rossouw@nwu.ac.za

FOR ATTENTION:

Mr H. Motara

District Director: Dr Kenneth Kaunda District

email: hmotara@nwpg.gov.za

North West Department of Education and Sport Development

Teemane Building

Private Bag X 1256

POTCHEFSTROOM

2520

Dear Mr Motara

Re: PERMISSION FOR RESEARCH

I am currently enrolled as student for the M.Ed. degree in Education Law at the North West University. My research is one sub-project within the NRF funded project under the title *Educator Rights and Educator Security*, of which professor JP Rossouw is the project leader as well as my supervisor. Ethics clearance for the overarching project has been granted by the North West University under the number NWU-00018-11-A2.

The main objective of the overarching project is to gain, through empirical investigation and comprehensive literature and legal analyses, insight into selected elements of educator security. This insight will guide the researchers involved to a better understanding of the phenomenon of educator security in a variety of educational settings. A further aim is to provide service to a number of schools and groups of educators, focused on empowerment and based on the findings of the research project.

I hereby apply to your office to conduct the research in five primary schools in the Tlokwe area, six primary schools in the Matlosana area as well as 4 primary schools in the Maquassi Hills area within the Dr Kenneth Kaunda district. The topic of my research is: *An Education Law perspective on quality service delivery of grade R educators*. The main objective of my research is to obtain the grade R educator's legal perspective on quality service delivery.

The following specific aims are set to achieve the main objective:

- how legislation regulates and influences the grade R educators' quality service delivery;
- how specific factors influence grade R educators' role in quality service delivery;
- the perceptions of the grade R educators regarding quality service delivery; and

- whether and how quality service can take place regardless of factors influencing the educators in grade R at schools

I would like to involve principals, Heads of Departments and educators, on post levels ranging from PL 1 to PL 4. I would also like to involve two Departmental Officials. I intend to conduct short interviews, approximately 30 minutes per person, as well as an observation session in their classes. I will only be observing and will not take part in or initiate any activities. I undertake not to disrupt the programs or interfere with the regular duties of any staff member. If necessary, staff members will be involved after regular teaching hours. I will gain the official permission of the respective school principals before proceeding actively with any data collection. Furthermore, I undertake to give you feedback of the result of the studies.

I would like to assure you of the following ethical considerations:

- The participants will not feel threatened or intimidated and will not be pressurised to answer any specific question on a matter that they might regard as confidential, for example their feelings about their relationship with their principals or employer.
- Participation is voluntary and optional. Participants will be informed beforehand that they may withdraw at any stage during the discussions. Precautionary measures will be taken to ensure that participants will not feel upset or uncomfortable and that their rights to privacy or dignity will not be infringed during the interviews.

Due to the specific research design and methods of data collection the project can be regarded as one where the element of risk is low. All participants and schools will remain anonymous in the analysis and the reports arising from the research. The data gathered will only be used for scientific purposes.

Yours sincerely

Aquilla Otte

Addendum B: Letter to Participant



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY[®]
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

LETTER TO PARTICIPANTS

Student

Aquilla Otte

SES: Foundation Phase

TLOKWE Area Office

POTCHEFSTROOM

2531

Cell 082 712 6294

E-mail: aquillaotte@gmail.com

Project leader & Supervisor

Prof J P Rossouw

Faculty of Education Science

North West University

Private Bag X6001

POTCHEFSTROOM

2520

E-mail: jp.rossouw@nwu.ac.za

Dear PARTICIPANT

Re: CONSENT FOR PARTICIPATION IN RESEARCH

I am currently enrolled as student for the M.Ed. degree in Education Law at the North West University. My research is one sub-project within the NRF funded project under the title *Educator Rights and Educator Security*, of which professor JP Rossouw is the project leader as well as my supervisor. Ethics clearance for the overarching project has been granted by the North West University under the number NWU-00018-11-A2.

The main objective of the overarching project is to gain, through empirical investigation and comprehensive literature and legal analyses, insight into service delivery in grade R. This insight will guide the researchers involved to a better understanding of the phenomenon of educator security in a variety of educational settings. A further aim is to provide service to a

number of schools and groups of educators, focused on empowerment and based on the findings of the research project.

I hereby invite you to take part in the research. The topic of my research is: *An Education Law Perspective on quality service delivery of grade R educators*. The main objective of my research is to obtain the grade R educator's legal perspective on quality service delivery.

The following specific aims are set to achieve the main objective:

- how legislation regulates and influences the grade R educators' quality service delivery;
- how specific factors influence grade R educators' role in quality service delivery;
- the perceptions of the grade R educators regarding quality service delivery; and
- whether and how quality service can take place regardless of factors influencing the educators in grade R at schools.

I would like to select principals, HOD's and educators who are directly and indirectly involved in grade R service delivery. I intend to conduct a short interview of approximately 30 minutes with you, as well as an observation session in your class. I will only be observing and will not take part in any activities. I also undertake not to disrupt your program or interfere with your regular duties. If necessary, I will visit you after regular teaching hours. I have gained the official permission of the North West Department of education and your school principal.

I would like to assure you of the following ethical considerations:

- The participants will not feel threatened or intimidated and will not be pressurised to answer any specific question on a matter that they might regard as confidential, for example their feelings about their relationship with their principals or employer.

- Participation is voluntary and optional. Participants will be informed beforehand that they may withdraw at any stage during the discussions. Precautionary measures will be taken to ensure that participants will not feel upset or uncomfortable and that their rights to privacy or dignity will not be infringed during the interviews.

Due to the specific research design and methods of data collection the project can be regarded as one where the element of risk is low. You and your school will remain anonymous in the analysis and the reports arising from the research. The data gathered will only be used for scientific purposes.

If you are satisfied, willing to participate and adequately informed about the objectives and nature of the research, please read and sign the attached "Form for informed consent" attached.

Yours sincerely

Aquilla Otte

Addendum C: Departmental permission



Education and Sport Development

Department of Education and Sport Development
Departement van Onderwys en Sport Ontwikkeling
Lefapha la Thuto le Tihabololo ya Metshameko
NORTH WEST PROVINCE

Temane Building
8 O.R. Tambo Street, Potchefstroom
Private Bag X1256,
Potchefstroom 2520
Tel.: (018) 299-8216
Fax: (018) 294-8234
Enquiries: Mr H. Motara
e-mail: hmotara@nwpg.gov.za

DR KENNETH KAUNDA DISTRICT OFFICE OF THE DISTRICT DIRECTOR

27 May 2015

Ms A Otte
North West University – Potchefstroom Campus

PERMISSION TO CONDUCT RESEARCH “AN EDUCATION LAW PERSPECTIVE ON QUALITY SERVICE DELIVERY OF GRADE R EDUCATORS” AT SCHOOLS IN DR KENNETH KAUNDA DISTRICT

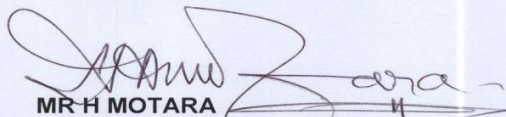
The above matter refers.

Permission is hereby granted to you to conduct your research at schools in Dr Kenneth Kaunda District under the following provisions:

- > **The activity you undertake at the schools should not tamper with the normal process of learning and teaching; and will take place after school hours.**
- > **You inform the principals of your identified schools of your impending visit and activity;**
- > **You must please ensure that your research does not impede your normal working hours or compromise your core functions in any way;**
- > **You provide my office with a report in respect of your findings from the research; and**
- > **You obtain prior permission from this office before availing your findings for public or media consumption.**

Wishing you well in your endeavour.

Thanking you


MR H MOTARA
DISTRICT DIRECTOR
DR KENNETH KAUNDA DISTRICT

Addendum D: Interview schedule



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

INTERVIEW SCHEDULE

1. **ICE BREAKER / INTRODUCTION** (5 min maximum)

- a. Tell me about yourself and the reason why you wanted to become an educator.
- b. Where do you see yourself in 5 years' time?

2. **LAW AND POLICY**

My research includes education law - legislation and policies. I would like to determine whether educators possess practical knowledge regarding legislation, as well as the levels thereof.

- a. During your training as educator, were you exposed to education law and policies in general? Tell me about it. If not during training, at any other stage? Please elaborate.
- b. If you had to rate yourself – would you say you have a good/general/poor knowledge regarding education law, as applicable to grade R? Why do you say this?
- c. Educators have rights as well as responsibilities and duties. Can you name any right, duty or responsibility of an educator?
- d. Which one, duty or right weighs the most to you as educator? Please elaborate.
- e. In your opinion who takes responsibility when a learner gets injured at school?
- f. Could you elaborate on how you maintain discipline in your class?
- g. In what way do you think grade R teaching should be regulated?

3. **FACTORS TO CONSIDER THAT CAN INFLUENCE SERVICE DELIVERY**

A specific aspect in my research is quality service delivery as legal duty of the grade R educator.

- a. When we only focus on duties, and considering that you are an educator too, what is your opinion regarding service delivery as legal duty of a grade R educator?
- b. The education department focuses a lot of attention on grade twelve results. Do you think grade R teaching is also important? Can you explain?
- c. You might have experience challenges, if so, how can one ensure it does not influence negatively on your service delivery?
- d. Do you think that the specific needs of the grade R learner might have an effect on the service delivery of the grade R educator? Why?
- e. You might have identified challenges or factors that affect service delivery. Please tell me how you can overcome these challenges to ensure quality service delivery as educator in your grade R class?

Thank you for being a wonderful participant!

Addendum E: Form for informed consent



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

Ethics application – Addendum

Form for Informed Consent

Every human participant in any project for the purpose of research or education must be fully informed about the project and must sign a form for informed consent, before any participation may take place.

NWU Ethics number:

The overarching ethics number granted by the North West University is NWU-00018-11-A2.

General Project Information

The part below provides you – as participant in the project – with more information, so that you can make an informed decision about your voluntary participation or not.

1. Title of the Project:

An Education Law perspective on quality service delivery of grade R educators

2. Institution / School / Subject group / Institute:

North-West University, Potchefstroom

3. Names & contact details of project leader:

Project leader & Supervisor

Prof JP Rossouw

Faculty of Education Sciences

North-West University

Potchefstroom

Tel: 018-299 1851

4. You are approached to take part in this project and may now have the following questions:

4.1. What is the purpose of this project?

The project is undertaken to gain insight into service delivery of the grade R educator.

4.2. What will be expected of me as participant? What exactly will it involve?

An individual interview will be conducted with you. During the interview it will be expected from each participant to answer questions pertaining to:

INTERVIEW SCHEDULE

1. ICE BREAKER / INTRODUCTION (5 min maximum)

- Tell me about yourself and the reason why you wanted to become an educator.
- Where do you see yourself in 5 years' time?

2. LAW AND POLICY

My research includes education law - legislation and policies. I would like to determine whether educators possess practical knowledge regarding legislation, as well as the levels thereof.

- During your training as educator, were you exposed to education law and policies in general? Tell me about it. If not during training, at any other stage? Please elaborate.
- If you had to rate yourself – would you say you have a good/general/poor knowledge regarding education law, as applicable to grade R? Why do you say this?
- Educators have rights as well as responsibilities and duties. Can you name any right, duty or responsibility of an educator?
- Which one, duty or right weighs the most to you as educator? Please elaborate.
- In your opinion who takes responsibility when a learner gets injured at school?
- Could you elaborate on how you maintain discipline in your class?
- In what way do you think grade R teaching should be regulated?

3. FACTORS TO CONSIDER THAT CAN INFLUENCE SERVICE DELIVERY

A specific aspect in my research is quality service delivery as legal duty of the grade R educator.

- When we only focus on duties, and considering that you are an educator too, what is your opinion regarding service delivery as legal duty of a grade R educator?
- The education department focuses a lot of attention on grade twelve results. Do you think grade R teaching is also important? Can you explain?
- You might have experienced challenges, if so, how can one ensure it does not influence negatively on your service delivery?
- Do you think that the specific needs of the grade R learner might have an effect on the service delivery of the grade R educator? Why?
- You might have identified challenges or factors that affect service delivery. Please tell me how you can overcome these challenges to ensure quality service delivery as educator in your grade R class?

4.3 How will the findings of the project (general results, as well as individual about me) be made available or conveyed to me?

After the analysis and writing of the report, a summary of the findings will be presented to your school. Your individual inputs will not be made available to the school or any person outside the researcher group. The school will receive a copy of any academic article after it has been published.

4.4 What measures have been taken to handle and store my data confidentially?

All data is for scientific purposes only. Confidentiality is guaranteed for individual participants and their respective schools – no person or school will be disclosed in the final report. Sound recordings will be handled with confidentiality, and will be stored for a certain period of time, as prescribed by the ethics committee of the NWU.

As project leader, I confirm to participants that the above information is complete and correct.

Signature of Project Leader

Date

Signed at

Initials of participant:

PART 2: General Principles

To the signatory of the consent contained in Part 3 of this document:

You are invited to take part in the research project as described in Part 1 of this informed consent form. It is important that you also read and understand the following general principles, which are applicable to all participants in our research projects:

1. Participation in the project is completely voluntary and no pressure, however subtle, may be placed on you to take part.
2. It is possible that you may not derive any benefit personally from your participation in the project, although the knowledge that may be gained by means of the project may benefit other persons or communities.
3. You are free to withdraw from the project at any time, without stating reasons, and you will in no way be harmed by so doing. You may also request that your data no longer be used in the project.
4. By agreeing to take part in the project, you are also giving consent for the data that will be generated to be used by the researchers for scientific purposes as they see fit, with the qualification that it will be confidential and that your name will not be linked to any of the data without your consent.
5. You will be given access to your own data upon request, unless the Ethics Committee has approved temporary non-disclosure (in the latter case, the reasons in Part 1 will be explained to you).
6. A summary of the nature of the project, the potential risks, factors that may cause you possible inconvenience or discomfort, the benefits that can be expected and the known and/or probable permanent consequences that your participation in the project may have for you as participant, are set out for you in Part 1 hereof.

7. You are encouraged to ask the project leader or co-investigators any questions you may have regarding the project and the related procedures at any stage. They will gladly answer your queries. They will also discuss the project with you in detail, if requested.
8. If you are a minor, the written consent of your parent or legal guardian is required before you participate in this project, as well as (in writing if possible) your voluntary assent to take part – no coercion may be placed on you.
9. The project objectives are always secondary to your well-being and actions taken will always place your interests above those of the project.
10. No project may be commenced before it is approved by the Ethics Committee. Furthermore, the project leader must report any detrimental effects experienced during the implementation of the project in full and without delay to the chairman of the Ethics Committee. If any unforeseen serious detrimental effects are observed during the project, it may be necessary to terminate the project immediately.

Initials of participant:

PART 3: Consent

Title of the Project:

An Education Law perspective on quality service delivery of grade R educators.

I, the undersigned

Full names & Surname

have read the preceding premises in connection with the project, as discussed in **Part 1** and **Part 2** of this informed consent form, and have also heard the oral version thereof and I declare that I understand it.

I have also initialled every page of **Part 1** and **Part 2**. I was given the opportunity to discuss relevant aspects of the project with the project leader and I hereby declare that I am taking part in the project voluntarily.

2	0			-			-		
c	c	y	y		m	m		d	d

Signature of Participant

Signed at

Place of Signature

WITNESSES

2	0			-			-		
c	c	y	y		m	m		d	d

Signature of Witness 1

Signed at

Place of Signature

2	0			-			-		
c	c	y	y		m	m		d	d

Signature of Witness 2

Signed at

Place of Signature

Addendum F: Interview with lecturer

Key: Interviewer: I Participant: P

- I: How would you define or describe quality education in grade R?
- P: I would say, there should be a framework, that can be used to define quality **Place**, where the grade R class is situated, the location **People**, parents, principals, grade R learner and the educator **Programme**, this is the prescribed curriculum and assessment for grade R **Policies**, those in general for education but more specific for grade R

(she draws a picture to illustrate, describe and explain her response)

- I: How can you ensure quality in grade R?
- P: There should be a benchmark to all of the four I mentioned. Secondly we need to look into the well being of the **teacher**, the educator also needs to **accept responsibility for their actions**, then sustainable quality can be ensured. We must abandoned these fly by night **courses** or the “hit and run” effect where we scoop in – want to change everything, and be gone.
- I: Can policies and legislation assist with quality?
- P: Policies are there but not monitored, attention should be given to **admission policy in the SASA** again. Learners are too young!!!
- I: What will you do to improve the situation with regard to quality?
- P: I will try to address three projects: 1) **Teacher well being** as already stated. We need to understand what is going on in their lives first. 2) **Monitoring and continuous support** 3) **teacher development**, but not academic, knowledge but practical. Special attention must be given to areas where educators struggle.
- I: Which factors in your opinion influence quality education?
- P: Once again, if we give attention to the **well being of the educator** things will change. **We need to help change the hearts of our educators**. Huge challenges are **overcrowding** in classes and the teacher learner ratio is not applied. Most of my students indicate they are doing “crowd control” and I think, how can the **daily programme** be followed? Maybe another kind of strategy needs to be looked into, so that learners still get the education they deserve. I also believe that **culture** makes a difference with regard to how educators see quality education. The same kind or **method of teaching** will differ from an urban and rural place. Therefore I state that place is one of the frameworks.

Key:

Knowledge of education law, **Factors influencing quality education in grade R** / **Quality indicator**, **Accountability of educators**

Addendum G: Observation schedule



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

OBSERVATION SCHEDULE:

- To observe different factors, present or absent in the classroom, that have an influence on the grade R educator in the process of service delivery.
- To observe if the educator is aware of legal implications during utilization of outdoor play area as well as inside the classroom.

1. Indoor : Classroom

- a. Layout of the classroom: Different corners, for example: book corner, fantasy corner, blocks, creative art, theme table, space for suitcases.
- b. General neatness of room, well organised.
- c. Print-enriched classroom: colour and shape posters, daily programme via pictures, symbol to identify each learner etc.

2. Outdoor play area

- a. Equipment: used, its maintenance and appearance.
- b. General appearance: neatness – ready for learners to use, grass or other suitable surface, secure or fenced off from rest of school.

3. Other

- a. Following of the daily programme for grade R as prescribed by CAPS
- b. Ratio of learners per educator.
- c. Communication with learners; interaction; care

Addendum H: Focus group interview



EDUCATION AND
HUMAN RIGHTS
IN DIVERSITY



NORTH-WEST UNIVERSITY
YUNIBESITI YA BOKONE-BOPHIRIMA
NOORDWES-UNIVERSITEIT
POTCHEFSTROOM CAMPUS

Focus group: Interview schedule

1. Hoe sal jy kwaliteit onderrig in graad R beskryf/definieer. Of wat verstaan jy ten opsigte van kwaliteit? How will you define or describe quality education in grade R? Or what is your understanding of quality education?
2. Can quality education in grade R be guaranteed? Elaborate on yes or no please. Kan kwaliteit onderrig in graad R gewaarborg/verseker word? Indien wel, hoe? Indien nie, hoekom nie?
3. Can you as grade R educator guarantee quality education? How, please use examples to state your answer. Hoe kan jy as graad R juffrou, kwaliteit onderrig in graad R verseker? Kan jy voorbeelde noem?
4. Would you say that legislation and policy have a influence in the process to guarantee quality education? Het wetgewing 'n invloed om kwaliteit te verseker? of Is wetgewing genoeg ?
5. Do you think there are factors that influence your quality service delivery? Please indicate the nature thereof: if positive or negative. Is daar faktore/elemente volgens jou wat 'n invloed het op kwaliteit onderrig? Positief of negatief van aard?
6. a) Can you state your responsibilities as grade R educator and b) Your responsibilities within legislation and policies regulation grade R.
7. a)Wat is volgens jou, jou verantwoordelikheid as graad R juffrou b) binne die wette en regulasies wat graad R reguleer ?

8. According to you, how would you describe a quality grade R class lay out?
Hoe sal jy 'n kwaliteit-graad R klas beskryf?
9. In your opinion, what does the law state when injuries happen during school activities? Wat bepaal die reg ten opsigte van beserings by die skool?
10. If you neglected your duty, will the law protect you? Beskerm die reg jou in die geval van nalatigheid?
11. Hoe hanteer jy dissipline in jou klas? How do maintain or handle discipline in your class or during outdoor play?

Addendum I: Job description of child minder



education

Lefapha la Thuto la Bokone Bophirima
Noordwes Departement van Onderwys
North West Department of Education
NORTH WEST PROVINCE

Block C,
Mmabatho High School Hostels,
1305 Albert Luthuli Drive, Mmabatho
Private Bag X2044, Mmabatho 2735
Tel.: (018) 389-8114
Fax: (018) 384-0221
e:mail: LNelson@nwpg.gov.za

DIRECTORATE: INSTITUTIONAL POLICY DEVELOPMENT SERVICES

CHILD MINDERS JOB DESCRIPTION

RESPONSIBILITIES & DUTIES

- ❖ To provide a safe environment on both indoor & outdoor activities and teach children safe practices.
- ❖ To maintain discipline in the classrooms and encourage positive behaviour from children.
- ❖ To provide a healthy environment and attend to the personal hygiene of each child under one's care including (changing soiled clothing & washing hands).
- ❖ To listen to parents as experts on their own children and respect families' tradition and childcare practices.
- ❖ To provide a varied, nutritional menu with due regard to dietary requirements of each child.
- ❖ To be aware of the signs and symptoms which indicate the possibility of abuse and to be aware of current procedure for reporting
- ❖ To assist in the creation of a classroom environment conducive to teaching and learning.
- ❖ To work cooperatively and effectively as a team member by communicating information on continuous basis.