The role of law and policy in the professional security of grade R educators

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Thesis submitted for the degree *Doctor Philosophiae* in Education Law at

the Potchefstroom Campus of the North-West University

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September 2014

Acknowledgements

I wish to acknowledge and express my gratitude to:

- the Lord Jesus Christ for granting me the opportunity to do this research;
- my husband, family and friends for their support, patience and encouragement;
- Yvonne Dikeledi Rampete for assistance in housekeeping while I was busy with the research;
- my promoters, Prof Willem van Vollenhoven and Dr Audrey Klopper for good supervision;
- all who helped in the execution of this task, especially:
    - The Canadian Commonwealth which enabled me to conduct the empirical research in Ontario, Canada, 2011;
    - Prof Mary-Louise Vanderlee, who invited me to take part in a mentoring programme at Brock University in St Catherines, 2011;
    - Prof Robert Balfour, Dean of the Faculty of Education Sciences of the North-West University, Potchefstroom campus for a bursary, which enabled me to travel to Sweden and Denmark; and to complete the empirical work in Canada, 2012;
    - Professor Casper Lessing for marking the list of references; and
- to all the others, such as colleagues who encouraged and assisted me. I sincerely thank you.

Abstract

In South Africa, the expansion of early childhood development was projected in White Paper 5 and Grade R was determined as the reception year. One condition for the achievement of objectives in Grade R is quality education, in which the teacher plays an irreplaceable role. How effective the Grade R teacher is in the performance of her work, however, depends amongst others on how she experiences her work-life and the extent of her security as a professional in the workplace. The paucity in research on the labour law position of the Grade R educator is due to the relative low status of employees in the early childhood development sector. Professional security was approached from a labour law perspective to start filling the knowledge gap in Education Law on the labour law position of the Grade R teacher with this modest contribution. The execution of policy forms an integral part of the Grade R teacher's employment conditions and determines to a great extent her daily task. This research answers the central research question: which roles do law and policy play regarding the professional security of the grade R educator?

The research approach was qualitative-interpretivistic in nature and included observation of Grade R teachers' workplaces, as well as semi-structured interviews. A group of Grade R educators in the Matlosana and Tlokwe areas in the North West Province as well as principals and heads of department in the Foundation Phase were also interviewed. Other stakeholders such as parents as members of school governing bodies, members of teachers' unions and university lecturers were also participants in the research. Data generation on a smaller scale took place in Ontario, Canada, where the respective roles of law and policy regarding the Full-Day Early Learning Kindergarten programmes in professional security was investigated. All the data was used to understand and describe professional security of Grade R educators better, and generalisation was not the goal.

The conclusion was reached that the theoretical underpinnings of the five legal disciplines that were used in creating a legal framework for professional security, were particularly relevant for the work-life of the Grade R participants in the study. Two psychologically oriented theories have also contributed to a deeper understanding of professional security.

Although legislation, in principle, supports professional security, the extent to which participants had knowledge of relevant legislation or could apply legal principles to the workplace affected their professional security. Ignorance amongst policy-makers and employers about the nature and purpose of Grade R education leads to the underestimation of the Grade R domain, which negatively affects appointments, remuneration, conditions of service and policy implementation. Ignorance of the law also led to educator misconduct, and issues related to delictual liability emerged. Moreover, participants, due to ignorance, took the law into their own hands to create their own security in the workplace. Professional security emerged as a key issue in both ECD policy implementation and quality teaching. Finally a number of propositions were derived from the conclusions.

Key words: ‘employment relationships’, ‘labour law’, ‘early childhood education policy’, ‘early childhood education policy implementation’, ‘policy dialogue’, ‘early childhood education curriculum’, ‘security’, ‘safety’, ‘working environment’, ‘professional development’, and ‘educator’s work-life’.

Opsomming

In Suid-Afrika is die uitbreiding van Vroeëkinderontwikkeling in Witskrif 5 voorsien en Graad R is as ontvangsjaar vasgestel. Een voorwaarde vir die bereiking van doelstellings met Graad R is kwaliteit-onderrig, waarin die opvoeder ‘n onvervangbare rol speel. Hoe effektief die Graad R-opvoeder in die uitvoering van haar taak is, hang egter onder andere af van hoe sy haar werklewe ervaar en hoe veilig sy as professionele persoon in die werkplek is. Die gebrek aan navorsing oor die arbeidsregtelike posisie van die Graad R-opvoeder is deels toe te skryf aan die relatief lae status van werknemers in die vroeëkinderontwikkelingsektor. Professionele sekuriteit is vanuit ‘n arbeidsregtelike perspektief beskou om die kennisgaping in Onderwysreg oor die arbeidsregtelike posisie van die Graad R-opvoeder met hierdie beskeie bydrae aan te vul. Die uitvoering van beleid vorm ‘n integrale deel van die Graad R-opvoeder se diensvoorwaardes en bepaal grootliks haar dagtaak. Hierdie navorsing beantwoord die oorkoepelende navorsingsvraag: watter rol speel wetgewing en beleid in die professionele sekuriteit van die Graad R-opvoeder?

Die navorsingsbenadering was kwalitatief-interpretivisties van aard en het observasie van Graad R-opvoeders se werkplekke asook semi-gestruktureerde onderhoude ingesluit. ‘n Groep Graad R-opvoeders in die Matlosana- en Tlokwe-areas in die Noordwes-Provinsie sowel as skoolhoofde en departementshoofde van die Grondslagfase is ook betrek by onderhoude. Ander rolspelers soos ouers as lede van skoolbeheerliggame, lede van onderwysvakbonde en universiteitsdosente was ook deelnemers aan die navorsing. Datagenerering het op ‘n kleiner skaal in Ontario, Kanada plaasgevind, waar die rol van wetgewing en beleid rakende die Full-Day Early Learning Kindergarten Programme in professionele sekuriteit ondersoek is. Al die data is gebruik om professionele sekuriteit by Graad R-opvoeders beter te verstaan en te beskryf en veralgemening was nie die doel nie.

Een gevolgtrekking was dat die teoretiese begronding van die vyf regsdissiplines wat in die skep van ‘n regsraamwerk vir professionele sekuriteit gebruik is, spesifiek relevant was vir die werkslewe van die Graad R-deelnemers aan die studie. Twee

psigologies-georiënteerde teorieë het eweneens bygedra tot ‘n dieper begrip van professionele sekuriteit.

Hoewel wetgewing in beginsel professionele sekuriteit ondersteun, raak die mate waarin deelnemers kennis van toepaslike wetgewing dra en regsbeginsels op die werksituasie kan toepas, hulle professionele sekuriteit. Onkunde onder werkgewers oor die aard en doel van Graad R-onderwys lei tot onderskatting van die vakgebied van Graad R en aanstellings, vergoeding, diensvoorwaardes en beleidsimplementering word negatief beïnvloed. Onkunde oor wetgewing kan tot opvoederwangedrag lei en die studie het aanspreeklikheidsaangeleenthede na vore gebring. Sommige deelnemers het ook, weens onkunde, die wet in eie hande geneem ten einde vir hulleself sekuriteit in die werkplek te skep. Professionele sekuriteit blyk ‘n belangrike aangeleentheid in beide beleidimplementering in vroeëkinderontwikkeling en kwaliteit-onderrig te wees. Ter afsluiting is ‘n aantal aanbevelings vanuit die gevolgtrekkings geformuleer.

Sleutelwoorde: ‘indiensnemingverhoudings‘, ‘arbeidswetgewing’, ‘vroeëkinder-ontwikkelingsbeleid’, ‘vroeëkinderontwikkeling-beleidsimplementering’, ‘beleids-dialoog', ‘vroeëkinderontwikkelingskurrikulum', 'veiligheid', 'sekuriteit’, 'werks-omgewing’, ‘professionele ontwikkeling’ en ‘opvoeder se werkslewe’.

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Yours sincerely

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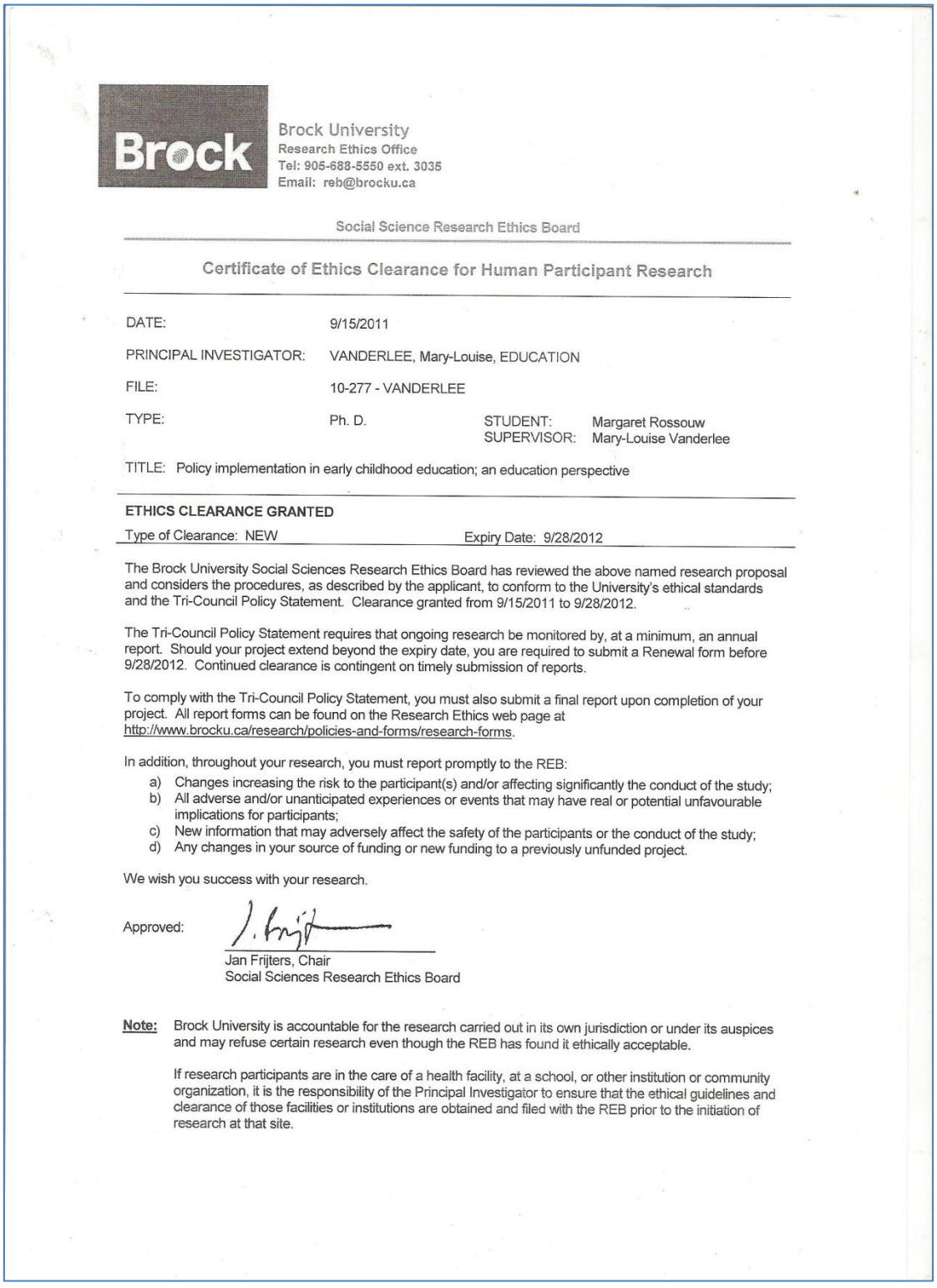

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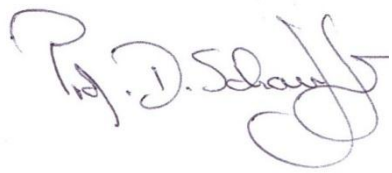

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Director: Prof. Dennis Schauffer, M.A. Leeds, PhD, KwaZulu Natal, TEFL, TITC Business English, Emeritus Professor UKZN.

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The role of law and policy in the professional security of grade R educators

Chapter 1: Orientation, problem statement and research design

1.1 Introduction

The influential Mckinsey report, *How the world's best performing school systems came out on top* (Barber & Mourshed, 2009) states that any school system can only be as effective as its educators[1]. In turn, one prominent factor which influences educators' effectiveness is their experience of security and psychological safety in the working environment (Bergh, 2006:433; Jaruszewicz & White, 2009:171-172). This working environment, and by implication, the educators' entire work-life, is regulated through applicable legislation and policy. These two elements of the legal system of any country will therefore most probably influence the educators' experiences and perceptions, directly or indirectly, regarding their security.

A thorough inquiry into the role of relevant legislation and current policy changes is of dire importance, and for the purpose of this study, it will be done against the backdrop of the new worldwide awareness and appreciation of early childhood education[2] (Bennett 2005:21). Educators working in this sector of education are currently being experiencing fundamental changes in their work-lives.

In the process of fulfilling the universal duty of the State to provide education, governments worldwide initiate reform, and a large proportion of state funding is invested in *Early Childhood Development* (*ECD*) in an attempt to ensure higher standards of teaching and learning (Barnett, 2008). The rationale for these reforms is the acknowledgment of the important influence that the early years of life have on further development, learning and health (Barnett, 2008:1; Shipley, 2008:3). If a strong foundation is laid at this stage of life, productivity and responsible citizenship in later years can promote a progressive economy. A weak foundation in the early

[1] Used as a general term for individuals employed in the teaching profession.

[2] Early childhood is a term internationally defined as the period between birth and eight years before compulsory schooling begins. In South Africa early childhood education and care refers to services provided to children between birth and nine years (SA, 2001).

years, on the other hand, can erode the social and economic prospects of a nation (Knudsen, Heckman, Cameron & Shonkoff, 2006; McCain, Mustard & Shanker, 2007:135). Any government's provision of education and care made for young children should be planned and implemented wisely, while new policies should take into account the country's context and the vision for education.

In South Africa the vision for ECD includes, amongst others, an expanded access to ECD, higher quality of education in the early years and poverty reduction in the long term. The Education White Paper 5 on Early Childhood Education (SA, 2001) was promulgated to give access to ECD to all five-year-olds by accommodating them in public primary schools in grade R, the reception year in education, by 2010. The implementation date had to be changed from 2010 to 2014 because of capacity problems and financial constraints at the provincial level of the Department of Education. By 2010 the Department of Basic Education announced that significant progress had been made regarding access to ECD, but admitted that the quality of teaching was still poor (SA, 2010c). A new Curriculum and Assessment Policy Statement (hereinafter CAPS) (SA, 2010a), was developed to replace the former curriculum which failed, and CAPS was effected in 2012. These historic facts, mostly related to drastic policy changes, reflect the prevailing South African education climate in which grade R educators have to work in the best interests of the child.

On the one hand, positive initiatives prevail, such as legislation to promote ECD. However, on the other hand the State, as employer, experiences constraints or limitations in the implementation of policy, probably impacting negatively on the security of the educator. This study argues that the effectiveness of the educator specifically, and the quality of ECD in general, are *inter alia* determined by the level of professional security the educator experiences in the workplace. Fundamentally, professional security can be regarded as the physical and psychological safety an employee experiences in the school as a workplace, within Grade R as a profession. Educators' professional security will further be elucidated in the paragraphs that follow.

1.2 Problem statement and research questions

Educators' experiences of their work lives as professionals are closely related to their security in the workplace (Rutherford, 2009:124). Security is linked to the German concept of *geborgenheit*, which refers to the physical and psychological safety an individual experiences (Oosthuizen, 2009:16). Abraham Maslow's theory pertaining to the hierarchy of human needs (Maslow, Frager & Cox, 1970) puts emphasis on fulfilling basic safety needs as a prerequisite for fulfilling higher order needs such as belongingness, respect and self-reflection as well as the highest needs, such as self-actualisation and motivation in the workplace. The employee does not only need a physically safe working environment, which is provided for in labour legislation such as the South African Labour Relations Act 66 of 1995 (SA, 1995) but also psychological security. The economic security, which depends upon fair remuneration, involves adequate finances to meet basic physical needs such as housing, food, and clothing. Educators' salaries should impact positively on their professional security. In research conducted by Rossouw (2011) in the North West Province of South Africa it was found that Grade R educators employed by the public schools in terms of section 20(4) of the South African Schools Act 84 of 1996 (SA, 1996c) are usually paid less than their colleagues in official departmental posts, which could lead to insecurity and a lack of professional status. A low status in turn, gives rise to a lack of trust amongst some parents, who seem not to accept professional advice given by the grade R educator about their child. This limits the educator's effectiveness as a professional and might cause psychological insecurity.

Bergh (2006:433) contends that work has meaning on the social level as well. A sense of belonging to a social group and meaningful interaction in the workplace is needed for employee wellness, productivity and quality of work. The grade R educator does not only find herself[3] in a workplace where the underlying philosophic underpinning of her work is not fully understood by colleagues (Goldstein, 2008), but the principal and head of department might also demand work which challenges her own beliefs of what is in the best interest of the child (Nason & Whitty, 2007:275).

[3] For the purpose of this study educators will be referred to as females since the majority of grade R educators are female. The fact that male educators also teach grade R is nevertheless acknowledged.

Rossouw (2011) found that some principals, due to ignorance about the nature of grade R, take discriminatory managerial decisions that can affect the educator's psychological security and thereby negatively influence her effectiveness within the school context.

1.2.1 Educator professional security and the law

Legislation plays a regulatory role in every society to provide structure, order and harmony for its citizens (Bray & Tladi, 2008:10). In South African society currently well known for numerous elements of uncertainty due to the worldwide economic instability and political instability preceding elections in the country, the rule of law should be regarded as a stabilising factor (Viljoen, s.a.). According to Currie and De Waal (2005:10-13) the rule of law implies that nobody is above the law and that the state is permitted to make decisions based on known and general principles of law only. The rule of law is closely related to the principle of legality, which means that there must be an empowering provision in a statute which provides authority to any public servant to act or make decisions. “The most important application of the rule of law is the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws adopted and enforced in accordance with established procedural steps that are referred to as due process” (LexisNexis, s.a.). In principle the rule of law as well as the principle of legality ensures security. However, arbitrary decision-making by the Department of Education’s officials is not uncommon in South Africa and has led to several court cases, such as *Governing Body, Mikro Primary School, and another v Minister of Education, Western Cape, and others* 2005 (3) SA 504 (C) and *Simela v MEC for Education, Eastern Cape* 2001(9) BLLR 1085 (LC). Lawless conduct by the State as employer or individuals in the education sphere will necessarily cause insecurity.

Despite the existence of legislation which should in principle support educator security a variety of Education Law studies found that many educators experience insecure working environments in schools (Rutherford, 2009; Rossouw, 2011; Keating, 2011). Some schools as employers, through their governing bodies, show ignorance in implementing the relevant labour laws applicable to educators employed by them and thereby create insecure employment relationships. It could

be argued that if the governing body has insufficient legal knowledge, policy on school level will be influenced and educators might be treated unfairly. Educators themselves are placed in professionally vulnerable positions through their own lack of basic legal knowledge, specifically regarding labour issues (Rossouw, 2011). Many grade R educators neither know how to negotiate fair contracts, nor to protect themselves against exploitation by employers. Over and above labour laws, other legislation was also promulgated to regulate citizens' and therefore educators' lives.

South Africa is a constitutional state and the Constitution of South Africa 108 of 1996 (SA, 1996a) is supreme, as provided for under the Founding Provisions in section 2 of the Constitution. Like all legal rules, legislation and policy that might influence the educator's work-life should always be consistent with the values as entrenched in the Constitution. In addition to Constitutional provisions, other legislation has been promulgated that improves the security of employees, including that of educators. In education, the Employment of Educators Act 76 of 1998 (SA, 1998a) and the South African Council for Educators Act 31 of 2000 (SA, 2000) enhances educator security, underpinned by general labour legislation, of which the Labour Relations Act 66 of 1995 (SA, 1995) is the most prominent. The in-depth analysis of these legal determinants and the role they play in educators' security is central to this study.

1.2.2 Educator professional security and the need for scientific research on ECD

On-going scientific research on matters such as policy implementation and legal developments is needed to inform education in any country. During education reform, such as the implementation of new programmes and policies, it is necessary to communicate expectations and to evaluate practice through research. Educators may feel professionally insecure and therefore they may be less effective if they are not certain about the nature of their work task. In South Africa the teaching practice in ECD and the implementation of related new policies do not only show certain deficiencies (Van der Berg *et al.,* 2011; Kruger, 2011:13; Atmore, 2010:25) but a scarcity in scientific research in this field by subject specialists (Rodd, 2006:198) is also witnessed. The South African government prioritises quality teaching in grade R (SA, 2010b), yet the Department of Basic Education stated in the Action Plan 2014 Delivery Agreement document of Schooling 2025 (SA, 2010c) that "…there is only a

limited understanding of what teaching methodologies work best in particular contexts" and that more research is needed. Deficiencies might therefore partly be ascribed to widespread uncertainty about how policy outcomes for grade R should be reached. Uncertainty about the core issue of their work task may lead to low morale and may result in poor practice in the classroom. There is not only a need for research related to teaching grade R, but also to the legal framework which should form the basis of and support for professional security needs scientific research.

Bray and Tladi (2008:41) state that no legislation with the specific aim of regulating grade R education has been passed to formalise ECD policy. After more than a decade the National Education White Paper 5 on Early Childhood Development (SA, 2001) only constitutes preliminary legislation and is the guiding document for the sector. Since law informs policy, it is important to research the possible formalisation and codification of the White Paper into legislation and thereby create security.

Other factors which could be contributory to the current unsatisfactory results in schools were highlighted by Spreen and Vally (2010), who reviewed post-apartheid education policy research in South Africa. These scholars identified specific lacunae in existing research. Important lacunae in research that should inform education policy are *inter alia* the effect of the unique South African context on proper policy implementation as well as the "over-reliance by local actors on global policy ideals and analytic tools" (Spreen & Vally, 2010) to define the most important problems and challenges regarding education policy in South Africa.

1.2.3 Educator professional security and educators' voices on policy and practice

Spreen and Vally (2010:431) conclude that the voices of the educators, on whom legislation and new policies have the greatest impact, are not adequately heard. Berlach (2011) confirms this viewpoint and states that effective management during change in education, such as during the implementation of new programmes, policies or curricula, will only be successful if stakeholders communicate well. In South Africa educators were invited to contribute to the formulation of CAPS. However, Niebuhr, curriculum expert of the Suid-Afrikaanse Onderwysersunie (South African Teachers' Union) (SAOU), expressed his concern regarding their

voices as well as that of other stakeholders in the revision process of the document (Potgieter, 2010). The educators' voices in policy formulation and implementation are often neglected and may lead to the eroding of autonomy and a challenge to identities in educators (Day & Smethem, 2009:142). Educators' identities are central to commitment, motivation, efficacy and security in the workplace.

Not only are the educators' voices to be heard on policy as such, but their perceptions of and experiences in the workplace in general should also be made known. Delaney (2002:57) is of the opinion that the accomplishment of all educational visions is tested by the success of policy implementation. Educators execute policy at ground level. To distinguish this type of involvement with policy from the actions on higher levels, the term 'execute' will be used in this study to refer to the actions of educators in the classroom. Educators stand central to fulfilling the ideal of improved quality education for all (SA, 2001; Futernick, 2010:60). However, educators' perceptions of their work-life will determine the degree to which they will be able to execute policy effectively (Ransford, Greenberg, Domitrovich, Small & Jacobson, 2009:510). If their perceptions are negative, they might be inhibited in their efforts, while positive perceptions might bring about higher levels of productivity and therefore more successful endeavours (Smit, Rossouw & Malherbe, 2009:207). In a qualitative study on early childhood educator work fulfilment in the North West Province of South Africa (Rossouw, 2011:150-151) it was found that ECD educators were motivated to work towards the best interests of the child. However, if their own interests as employees were not valued and respected, it was found that their work fulfilment declined and quality education suffered.

1.2.4 Educator professional security and teaching in diverse contexts

Early childhood education policy is implemented within a specific context. Context-related demands made on the educator could influence her professional security. In rural areas multi-grade education is used in public farm schools, which represents unique working environments for educators. Little (2005:2) defines a multi-grade class as a group of learners in different grades, taught by one educator simultaneously. Grade R could be part of this kind of setup. Private early childhood community centres in townships may pose yet another kind of working environment.

Therefore, the daily realities of schooling in South Africa constitute unique workplaces which should be described as seen through the eyes of educators as employees. If, amongst others, the voices of educators working in low-performing, rural schools could be heard, a broader understanding of educators' work lives could be formed. A clear image of educators' workplace culture (Jaruszewicz & White, 2009:171) could contribute to the understanding of their needs for professional security, which is an integral part of empowerment during policy implementation (Durlak & DuPre, 2008:329).

Although it is of paramount importance to take into account the local context when the effect of policy changes on the Grade R educator is studied, the experience of educators in the same sector, but in a different country, can contribute to a better understanding of a construct or phenomenon that is not limited to one country. Furthermore, professional security does not involve only educators in the early childhood sector, but all educators.

1.3 Background to the study: An international comparative approach

According to Wolhuter (2011:37) a comparison of education systems facilitates better understanding of the own system as well as of the culture and society in which the system is situated. Two countries where new policies regarding ECD are being implemented are South Africa (2012) and Canada (2011). In a poll undertaken by the *American Newsweek* newspaper about education systems, Canada was ranked third out of one hundred countries and South Africa was ranked 97th (Peyper, 2010:5). The poll was conducted before the implementation of the new Full-Day Early Learning Kindergarten Program policy in Canada and before the implementation of the new curriculum in South Africa. Despite the vast differences between these countries, certain similarities and worthwhile comparisons have been identified. While both countries are currently implementing new ECD policies, international benchmarks represented by a very effective education system could bring system-related perspectives concerning educator security to the fore. Furthermore, both these countries are characterised by economic, political and social diversity which opens up possibilities of worthwhile inquiry into deeper dimensions of professional security experienced by educators. However, a full comparative study will not be conducted. Canadian early childhood professionals' experiences during policy

change will, however, serve as a backdrop for an in-depth study of professional security in South Africa. The Canadian legal system will therefore not be analysed, but the relationship between law and policy will be made clear in the chapter on policy, when ECD policy in both countries will be discussed.

As stated above (§ 1.1), the Education White Paper 5 on Early Childhood Education (SA, 2001) provides for the education of five-year-olds in South African public primary schools in grade R (reception year), which would have been be regarded as compulsory education as from 2014, had it realised. Policy amendments in the form of curriculum reform are also part of the early childhood educational landscape and were effected as from 2012 (SA, 2010a). In Canada, where education is a provincial government responsibility, legislation in Ontario was also recently amended (Bill 242, Full-Day Early Learning Statute Law Amendment Act, 2010) to give school boards the legal responsibility and authority to implement a full-day programme for four- and five-year-olds in public primary schools.

In Canada early childhood educators (ECEs)[4] and early childhood teachers[5] are per definition not equivalent. Although these professionals are employed by the same employer and may work in the same classroom, their duties are defined differently in legislation; the nature and duration of their training is different, as well as their remuneration. These differences could pose potential stressful relationships in the workplace. The goal of this policy, the Full-Day Early Learning Kindergarten Program, is to apply different skills in the best interest of the child and to fulfil the vision of a seamless quality early childhood education programme (Pascal, 2009:2).

In both South Africa and Ontario, similar to international tendencies, there is much pressure on early childhood teaching professionals to contribute to successful policy implementation (Goldstein, 2008:449). In South Africa, where it is a well-known fact that Curriculum 2005 was in many respects not a success (Van der Berg, 2011:13) and was therefore abandoned, early childhood teaching professionals have the

[4] Individuals employed in Canada in the Full-Day Early Learning Kindergarten Program and responsible for child development.

[5] Individuals, specifically called teachers, employed in Canada in the Full-Day Early Learning Kindergarten Program and responsible for the more formal instruction.

daunting task to prove that the new curriculum (CAPS), which was effected in 2012, will be more effective. Early childhood teaching professionals[6] should be instrumental in reaching the goals of the Ministry of Basic Education as set out in the *Action Plan to 2014: Towards the realization of Schooling 2025* (Government Notice 752 of 2010) (SA, 2010c), which emphasises improved quality of learning outcomes. The onus rests on early childhood teaching professionals to ensure, through effective pedagogy and practice, that quality education is provided. Only quality education can ensure the potential long-term advantages of early childhood education (SA, 2010a; Berlinski, Galiani & Gertler, 2009:230-231). These pressures could lead to stress and an empirical investigation needs to be undertaken to determine the impact of this duty on professional security.

Likewise, in Ontario, early childhood educators are now, for the first time, given the opportunity to work alongside teachers in public primary schools to ensure improved quality of education. Early childhood educators' training is focused on child development and play-based education, while teachers are trained towards the more formal instruction (Ontario Ministry of Education, 2010). Educators have to prove that they are worth the privilege of working in tandem with the teachers, and that they have a unique and indispensable contribution to make towards holistic education. In the Full-Day Early Learning Kindergarten Program early childhood educators (ECEs) are employed by school boards and have to work in a new setup of labour relations. The differences between these two groups could lead to uncertainty regarding their respective roles and status in the workplace and may thereby create insecurity. Furthermore, early childhood educators' labour rights are, as yet, not clearly defined.

In both countries the public primary school as educational setting and workplace is new for the early childhood teaching professionals. Since the context in which policy implementation takes place is essential for success (Penuel, Fishman, Gallagher & Lopez-Prado, 2008:658), school-related factors which might influence the workplace psychological safety should be inquired into. Many public primary schools in South Africa were not specifically designed to accommodate grade R and may not provide enabling working environments for grade R educators. Principals become key role-

[6] The term refers to individuals, both in Canada and South Africa, who teach kindergarten children.

players in grade R educators' workplaces, because they play an important role in creating safe environments for policy implementation (Goldstein, 2008:469). Likewise, in the Ontario Full-Day early Learning Kindergarten Program (FDELKP) principals organise and regulate tasks such as shared planning time, which is crucial for team teaching. It is therefore crucial that principals in both countries have knowledge of child development and the nature of learning in the early years.

Early childhood professionals themselves eventually are the people who have to put government policy into practice in the classrooms. Goldstein (2008:460) emphasises that "regardless of the intentions of state policy, what children have the opportunity to learn depends ultimately on what teachers make of them". Educators interpret the range of policies on state, district and school level through the lens of their training background, personal experience in the field, how they view the young child and the influence on their work lives.

Based on the similarities between Canada and South Africa with regards to the implementation of new early childhood education policies, this study intends to provide a comparative perspective on the two currently implemented policies. The study is not primarily interested in the content of the different policies *per se,* but rather seeks to research the effect these policies, including the implementation process, might have on educators' work lives as perceived by the educators themselves. Falling within the study field of education law, the research will therefore include a study based on the legal comparative research method. Both Canada and South Africa being Commonwealth countries, the respective legal frameworks are comparable, based on a similar set of common law principles. The labour law component of Education Law will be the central perspective and focus.

1.4 The role of law and policy in the professional security of grade R educators

It is clear that both law and policy have a prominent role to play in new ECD initiatives in South Africa and Canada. Since the new policies directly influence the work lives, the study will focus on these aspects. The objective of the study is to understand the role law and policy play with regard to the professional security of grade R educators. The purpose of the following paragraphs is to pinpoint what is

already known within the narrow topic of educator security from a labour law perspective and to identify which gaps there might still be in completed scholarly work. The researcher will also indicate why and how she intends to fill these gaps.

Through a review of the research on educator security in the workplace from a labour law perspective specific themes emerged, such as the negative impact of learner discipline and work overload (Rutherford, 2007). A creativity model to help educators cope with psychological insecurities was developed (Rutherford, 2009); and a Foundation Phase specific study (Keating, 2011) highlighted factors which were relevant for this group of educators. The latter study, however, did not include grade R educators. Numerous grade R educators are, unlike other educators, employed by the school in terms of White Paper 5 (SA, 2001) and section 20(4) of the South African Schools Act 84 of 1996 (SA, 1996c) in so-called Governing Body posts. The role of their employment relationships should be carefully researched, parallel to that of their state employed colleagues, to understand the role these might have in professional security. From an Education Law perspective, this is important because different sets of legislative provisions regulate their respective employment positions, which have serious implications for the various employment relations.

In a study on the work fulfilment of grade R educators (Rossouw, 2011) it was found that grade R educators are often professionally vulnerable because of their ignorance of the legal requirements for their jobs. The educators who participated in that study were very committed and prepared to suffer insecurity in the workplace in order to act in the best interests of the child. Although such an altruistic approach is praiseworthy, the educators were not able to reach their full potential as educators because their work fulfilment suffered in a working environment where insecurity was experienced.

Rossouw (2011) examined the South African policy on inclusive education as an example of how educators experience policy implementation in their work lives. An in-depth qualitative study on a broader scope of policy domains such as an early childhood programme (Canada) and curriculum change (South Africa) will lead to a better understanding of early childhood educators' professional security. A comparison to international benchmarks and experiences in another Commonwealth

country could benefit the understanding of early childhood educators' employment relationships and this could contribute to the literature on labour relations in education.

The above-mentioned research projects by Keating, Rutherford and Rossouw indicated that educators' experience of security in the workplace will influence their physical and psychological well-being, work performance, productivity and efficiency. Security was defined broadly to include both physical and psychological safety and scholars all indicated the extent to which legislation succeeds in protecting educators in their school environments. Several lacunae were identified through these projects, which warrant further inquiry (Rutherford, 2009; Rossouw, 2011). Although physical safety was provided for sufficiently in legislation, psychological safety seems not to be of equal importance to legislators. Psychological safety seems to be neglected in the Employment of Educators Act 76 of 1998 (SA, 1998a), the Regulations for safety measures at public schools (SA, 1996d) and the Occupational Health and Safety Act 85 of 1993 (SA, 1993a) (Rutherford, 2009:45).

The literature on the broader topic of early childhood educators' work lives includes a variety of themes and disciplines such as burnout and job satisfaction (Skaalvik & Skaalvik, 2009), the employment relationship (Bray & Tladi, 2008), professional development (Helmer, Bartlett, Wolgemuth & Lea, 2011) and policy implementation in various contexts such as Finland (Onnismaa & Kalliala, 2010), China (Rau & Li, 2009), the USA (Kagan & Kauerz, 2011) and Canada (Katz & Dack, 2011). Although one study researched grade R educators' responses to curriculum change in South Africa (Clasquin-Johnson, 2011) a labour law perspective was not included.

1.5 Research questions

Emerging from the problem statement, the following overall research question will be addressed in this study: Which roles do law and policy play regarding the professional security of the grade R educator?

In order to answer this question, the following sub-questions should be answered:

- What is the nature of the legal framework which influences the work-life of the grade R educator?

- Which roles do the content and implementation of policies play in the professional security of the grade R educator?
- How do early childhood teaching professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district perceive professional security in the work context?
- How do the early childhood teaching professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district interpret legal guidelines and early childhood education policy in terms of its impact and demands on their work-lives?
- How do early childhood teaching professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district experience the role of their employers in professional security?

1.6 Objectives

In the light of the above research questions, the overarching objective is to determine what roles law and policy play, regarding the professional security of the grade R educator.

In order to reach this objective, the following additional objectives are proposed to determine:

- the nature of the legal framework which influences the professional security of the grade R educator by means of a literature review;
- which roles the content and implementation of policy play in the professional security of the grade R educator by means of a literature review and empirical research;
- how early childhood teaching professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district perceive professional security in the work context by means of empirical research;
- how early childhood professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district interpret legal guidelines and early childhood education policy in terms of its impact and demands on their work-life by means of empirical research; and

- how early childhood professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district experience the role of their employers in professional security by means of empirical research.

1.7 Theoretical perspective

For the purpose of this study, professional security is linked to two types of theories, namely the theoretical aspects of five legal disciplines and two psychological theories. The South African law consists of multiple disciplines, several of which can have an impact on the focus of the study. The five legal disciplines that emerged during my review to create a legal framework are the labour law, the law of contract, fundamental rights, administrative law and the law of delict. In my opinion these five legal disciplines have the most prominent influence on the specific focus of the study. Fundamental rights form the core of the Constitution, while labour law regulates the working life of the teacher. The law of contract involves the employment position and terms and conditions of the educator as employee, while the law of delict was selected because the teacher stands in a special relationship with the Grade R learner, and may act in an unlawful and culpable way if she does not look after their best interests. Administrative law regulates policy implementation where a person's rights may be adversely affected. The administrative law also regulates decisions and actions against the employee or any person in the public, for example, the parents of learners. Each of these five legal disciplines includes its distinctive theoretical underpinnings, and together they form the legal framework for professional security in this study.

Because there are also psychological elements involved in professional security Maslow’s hierarchy of needs is included. The geborgenheit theory, which also forms the philosophical foundation of Education Law, also refers to the psychological element of security. The legal-theoretical approach and the psychological theories play an interchanging role in any discussion of issues that are addressed. Greater emphasis is placed on the theoretical aspects of the legal disciplines, since it is an Education Law study.

Figure 1.1 illustrates the relationship between the law disciplines and the psychological theories.

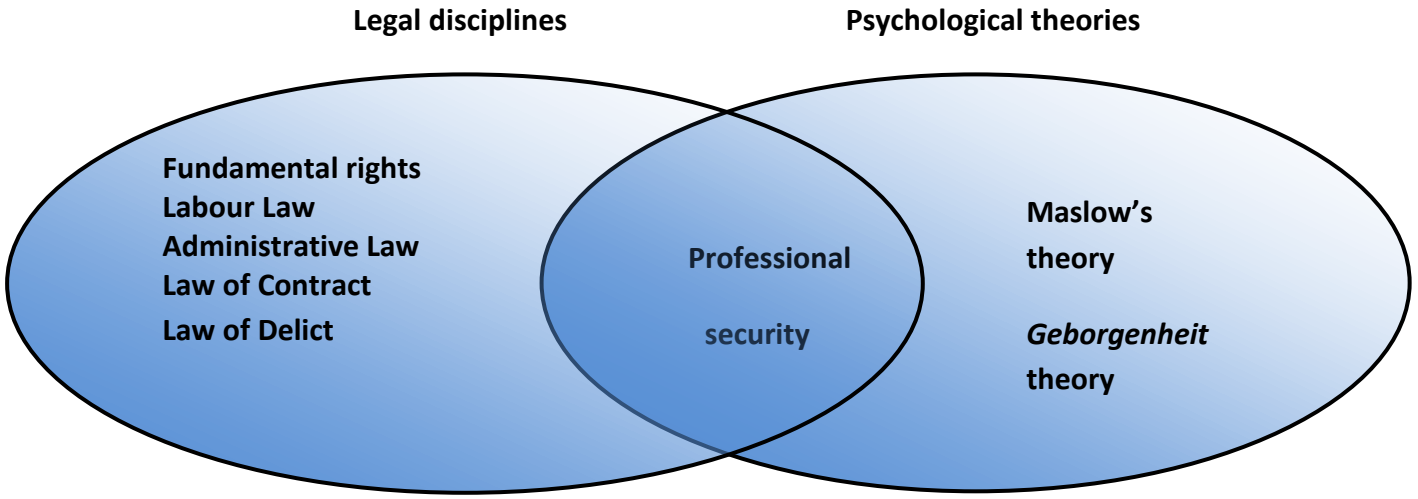

Figure 1.1 Legal disciplines, psychological theories and professional security

Focussing on the legal theories first, the South African law consists of several branches, which are briefly touched upon. Fundamental rights as a discipline are grounded in the Constitution, to which all other laws are subject. The substantive law provides for the legal principles that regulate how people should behave and regulate rights (Joubert & Prinsloo, 2009:7-8). The substantive law is divided into public law and private law.

Public law regulates the relationship between the state and the people in the country. Public education, for example, is controlled by public law. Public law is further divided into, amongst others, administrative law, criminal law and labour law. According to Hoexter (2002:2-4) the administrative actions of the government through the government departments, including the Department of Basic Education, are regulated by administrative law. Administrative law describes the powers of administration and the ways in which those powers may be exercised. Administrative action related to education policy, education legislation and departmental regulations are for example all regulated by administrative law. Labour law regulates the employer-employee relationship and is of specific significance in this research on the work-life of the Grade R educator.

Private law involves the rights of individuals towards each other. Two branches of private law relevant to this study are the law of contract and the law of delict, which are both embedded in the common law. The former affects the terms and conditions of educators while the law of delict deals with a wrongful, negligent act committed by a person through which another person suffers damage.

In the following paragraphs, the two psychological theories to which the study is linked will now be briefly discussed. Figure 1.2 illustrates the relationship between the theories, namely Geborgenheit and Maslow's hierarchy of needs, as well as several markers of each theory.

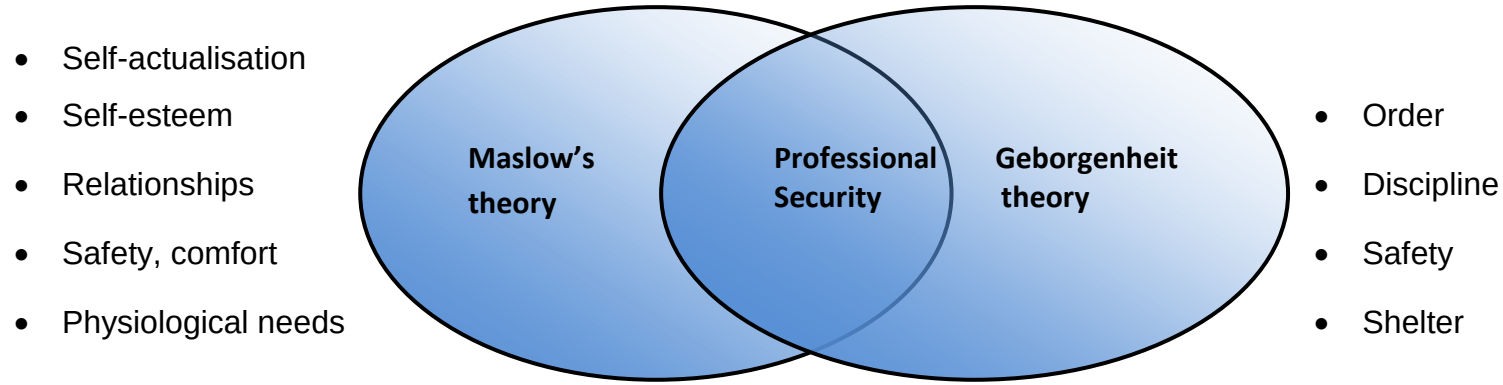

Figure 1.2 The relationship between Geborgenheit and Maslow's hierarchy of needs

The theoretical foundation of this study, as far as it pertains to the psychological aspect of professional security, is taken from two theories. First, since the study was undertaken in Education Law, the philosophical underpinning of this field of research, namely the German educational concept of *geborgenheit*, is utilised. Oosthuizen (2009:16) states that the semantic root of the term includes order, discipline, and safety and he supports Heidegger's (1960:80) view of the term to mean "the existence of a sheltered presence". In this study the broadest possible meaning of the term is used to include security in the workplace of grade R educators.

The term 'geborgenheit' involves different nuances of meaning, such as 'safe and caring' (Odendal & Gouws, 2005:262), protection against threats, having few worries, and certainty (Cambridge International Dictionary of English, 1995:1282). Oosthuizen (2013:4) identifies several levels linked to geborgenheit: a place of security, a state of security, an inner experience of security and an expectation of security.

Applied to the working life of the Grade R teacher would be realistic to postulate that a physically safe workplace as well as psychologically safe working environment (Edmondson, 1999:354) can be part of the expectations of the teacher at employment. The state of security could be ensured through the order, discipline and regulatory function of legislation, while the inner experience of security could be fostered through positive collegial relationships in the workplace and support in the interpretation of policy in the school context.

The second theory is Maslow's hierarchy of needs (1970) which maintains that a lower need such as safety should be fulfilled before the individual is able to move to higher needs such as self-actualisation. While the first level in Maslow's hierarchy of needs is physiological (food, water) the second level represents safety needs. According to Zalenski and Raspa (2006:1121) this second level also includes aspects such as law and order. In this study Maslow's theory will serve to better understand the educator's security as an employee.

Maslow's hierarchy of needs is defined over a range of five levels. Table 1.1 illustrates the five levels, core elements of each level and the possible application to professional security.

Table 1.1 Maslow's theory and possible relevance to professional security

Maslow's five levels	Major trends	Relevance to professional security
Level 5: Self-actualisation	Self-fulfilment	Achieving potential as a professional, sharing expertise
Level 4: Self-esteem	Acceptance, recognition, growth	Opportunities for professional and personal growth
Level 3: Relationships	Belonging to a group	A sense of belonging to a work group, or professional union; employee involvement
Level 2: Safety, comfort	Protection from harm, orderly environment	A physically and psychologically safe working environment
Level 1: Physiological needs	Food, shelter, air	Remuneration to pay for food, housing and health

Professional security is embedded in the fulfilling of needs. Maslow's hierarchy of needs is used here to shed light on the Grade R educator's needs as employee. According to Stum (2001:7-8) the first two levels involve remuneration to provide for physiological needs, as well as job security, workplace safety and a working environment free of fear. Fairness and equity play according to this scholar an important role on the first two levels. Schneider, Macey, Barbera and Young (2010:165) state that if the employee experiences equity, confidence would develop, and the employee would be willing to fully engage at work. This happens because the employee experiences safety and security.

Applied to the working life, the third level is linked to sound working relationships, the desire to belong to a work group, and to make a meaningful contribution towards the

organisation. In the Geborgenheit theory discipline is also related to relationships, which may include relationships with employers, colleagues, and the system. On the fourth level, there are needs to be recognised, and needs to grow on personal and professional levels, a higher level of performance, productivity and efficiency. Opportunities for professional development and participation in learning communities can satisfy these needs. On the fifth level there is a need for personal fulfilment and reaching the individual's potential as an employee.

Maslow's theory establishes that lower needs such as safety should be fulfilled before the individual will be able to move to higher needs such as self-actualisation. The educator will for example probably not be interested in professional development and improving skills when she does not feel psychologically safe. Some needs can be fulfilled by the educator herself, others by the employer, principal or district level management of policy implementation. In this study the sequence of fulfilling of needs will not be as important as the specific elements mentioned in Maslow's theory.

The outline of these theories leads to questions such as how Grade R educators experience professional security in practice, and what perceptions they have regarding their security as employees.

1.8 Concept clarification

For the purpose of this study 'professional security' stands central and has been defined in the introduction and problem statement. Other concepts which will be used throughout the thesis and might need brief clarification are 'early childhood education', 'education policy' and 'labour law'.

1.8.1 Early childhood education

Bennett (2005:18) states that early childhood can internationally be defined as the period between birth and eight years before compulsory schooling begins. In South Africa early childhood education and care refers to services provided to children between birth and nine years (SA, 2001). For the purposes of this research the emphasis will be exclusively on four- to six-year-olds in kindergarten or pre-primary education, since this is where the respective new policies are being implemented. In

South African education these children are provided for in grade R classes, referring to the reception year of schooling in public primary schools. In Ontario, Canada, four- to five-year-olds are the focus of, and are included in, the new policy regarding a Full-Day Early Learning Kindergarten Program (FDELKP) which is run in both the public and Catholic primary schools' systems. The educational goal for early childhood education in both countries is the holistic development of the child through a play-based programme.

1.8.2 Education policy

In this section the term 'policy' will briefly be analysed first and the relationship between law and policy will be described. According to Colditz (2011), policy can be seen, in its political sense, as a declaration of intent by a political party before an election. When the party is elected as government, they implement their policy by making laws and regulations to put their policy into practice and to make the policy enforceable to citizens of the country. All forms of policy are not enforceable, though, and do not have the legal power that the law has.

In education there is a close relationship between education laws and education policy. In South Africa, the National Education Policy Act 27 of 1996 (SA, 1996b) provides for the determination of national policy for education. The Minister of Education is granted policy-making powers through this act and as soon as such policy is issued, it is enforceable, provided that the prescribed process was followed. Such policy has the same legal power as subordinate legislation. However, policy which is issued in this way is applicable to the education sector only. General regulations are applicable to all citizens.

Education policy is further subordinate to general legislation such as the Canadian Constitution, which applies to all provinces in Canada, and the Constitution of South Africa 108 of 1996 (SA, 1996a), which is the supreme law, which all other legislation should be consistent with (section 2). In Canada, education is under the jurisdiction of the provincial governments (Kitchen & Dean, 2010:10) and in Ontario the Minister of Education oversees education through the Education Act. In South Africa

education policy should be consistent with the South African Schools Act 84 of 1996 (SA, 1996c), which regulates education on a countrywide basis.

In early childhood education specific programmes can be referred to as policy (Barnett, 2008:16) and could include the Full-Day Early Learning Kindergarten Program followed in Ontario. A curriculum can also be regarded as a policy domain (Cochran, 2011:65) and in South Africa the term is in accordance with the term 'policy document' when the curriculum is referred to. According to section 6A of the South African Schools Act 84 of 1996 (SA, 1996c) the Minister of Education has the authority to determine the minimum standards of the national curriculum statement and the national process and procedures for the assessment of learner achievement. However, specific, prescriptive content in the curriculum does not form part of this statute.

In addition to the relationship between policy and legislation, it should also be kept in mind that there are different layers of policy in any organisation (Delaney, 2002). In this research the working definition of policy is "any authoritative communication about how individuals in certain positions should behave under specified conditions" (Sergiovanni, Burlingame, Coombs & Thurston, 1999:230). The definition implies that both school-based memoranda which can be issued by the principal as well as widely applicable measures such as regulations of the State can fall under the concept of policy. The focus in this thesis is on education policy which impacts on the early childhood teaching professional's security in the workplace.

1.8.3 A labour law perspective

The study falls within the sphere of labour law and labour relations, as one area of Education Law. According to Rossouw (2010:1-4) there is a close link between labour law and labour relations. The state promulgates labour law to regulate the legal relationships between employees and employers on an individual as well as a collective level. Van Jaarsveld and Van Eck (2006:52) describe individual labour law as referring to the contract of employment while Rossouw (2010:4) indicates that the individual employment relationship refers to the legal relationship between a specific employer and employee in a specific workplace. Collective labour law has to do with

the legal principles which regulate groups of employers and employees, typically in the sphere of trade unionism. For the purpose of this study the focus was specifically but not exclusively, on the individual employment relationship, since the professional security of individuals was inquired into.

The approach in this research was to regard educators as employees bound by a contract, with one prominent obligation, which is to implement a specific policy of the employer. Fairness in the employment relationship is emphasised, and educational employees' terms and conditions were inquired into. Other aspects include possible disciplinary measures against educators in their professional capacity, vicarious liability, participation in union activities and collective bargaining. Reference was also made to delictual liability for injury to learners in so far as it relates to educator security in the workplace. Since educators in South Africa can be employed either by the state or the school, the different employment relationships were analysed. Therefore, a dual approach in the analysis was followed throughout. In the case where the public school employs the educator, the school as a juristic person, with legal capacity to perform its functions in terms of the South African Schools Act 84 of 1996 (SA, 1996c), becomes the employer. The school governing body acts on behalf of the school and stands in a position of trust towards the school in terms of section 16(2) of this act.

1.9 Knowledge claim

I see science as a quest for understanding reality through the meanings persons such as grade R educators (for the purpose of this study), assign to reality. Following the interpretivist paradigm, I acknowledge the existence of multiple, context-bound realities (Merriam, 1998:4) and believe that no single, absolute truth (Jansen, 2007:21) can be researched objectively. I assumed that individuals, groups and societies construct their understanding of professional security on the basis of the meaning they give to their experiences in the workplace. Therefore, professional security should be studied from the perspective of the employee as they interpret and perceive it.

1.10 Researcher's role

The researcher is a qualified ECD educator with experience of grade R teaching. She left teaching and is currently employed by a university as research assistant for the subject Education Law. Her role in this research has been that of a primary research instrument (Maree, 2007:79), interviewer and complete observer.

1.11 Research design

In this research, a literature review as well as an empirical study has been included.

1.11.1 The review of literature

Literature was obtained by utilising primary as well as secondary literature sources. Applicable internet searches were conducted mainly through Google Scholar and EBSCOhost. Key words and phrases for data searches included: 'employment relationships', 'labour law', 'early childhood education policy', 'early childhood education policy implementation', 'policy dialogue', 'early childhood education curriculum', 'security', 'safety', 'working environment', 'professional development', and 'educator's work-life'.

1.11.2 Research paradigm

The study was based on the interpretivist paradigm with a qualitative approach. This choice linked up with the aim of the research, namely for a deeper understanding of professional security in the early childhood work context. Interpretivists believe that reality can be understood by inquiring into the meaning people give to experiences within a specific context (Maree, 2007:59) such as the school where grade R educators are employed. A phenomenological study was conducted to focus on the essence of lived experiences and perceptions (Creswell, 2003:8). According to McMillan and Schumacher (2001:36) a phenomenological study can be used to improve the understanding of the meaning that individuals assign to experiences. This qualitative inquiry aimed at an in-depth understanding of the complex phenomenon (Ivankova, Creswell & Stick, 2006:14) of professional security amongst grade R educators.

1.11.3 Qualitative research

According to Patton (2002: 234) more can be learnt through the intensive study of a relatively small group of participants' experiences (i.c. of professional security) than through quantitative strategies. Furthermore, qualitative research enabled the researcher to describe the different work contexts in detail (Hatch, 2002:48) so that readers can compare these to the contexts that they know. Interviews were used as a primary data collecting strategy while observation was supplementary.

1.11.3.1 Selection of research sites and participants

Gall, Gall and Borg (2007:496) show that the main criteria for the selection of participants in a phenomenological study are their current personal experience of the phenomenon as well as a shared interest in the nature and meaning of it. The participants for this study were purposefully selected (Patton, 2002:242) and consisted of people who could potentially generate the richest sources of information on the phenomenon (McMillan & Schumacher, 2010:326).

In the North-West Province in South Africa where the researcher lives, two areas in the Kenneth Kaunda District, namely the Tlokwe and Matlosana areas were included to perform the empirical study. Educators who were Grade R educators as well as their Heads of Department in the Foundation Phase and their principals were selected since these people have direct experience of Grade R. In Ontario Canada, early childhood kindergarten teachers and early childhood educators were likewise selected. The main criterion was that these participants would work in schools where the Full-Day Early Learning Kindergarten Program was followed, or would be followed soon.

In South Africa, another participant selection criterion was the nature of the employment relationship. Educators employed by the state, the public school and private schools were included. Participants who were not working in schools, but were directly or indirectly involved in Grade R, were selected as well. These individuals included members of school governing bodies, university lecturers, teacher union members, a departmental official and school governing body

organisation members. In Ontario two Full-day Early Learning Kindergarten Program consultants were interviewed as well.

1.11.3.2 Individual and group interviews

According to Babbie and Mouton (2007:289) the qualitative interview is an interactive discussion with a goal. Semi-structured individual interviews were focused on specific themes of interest to the study (Kvale & Brinkman, 2009:28-29) regarding educator professional security. Differentiated interview schedules were developed for the various groups of participants in South Africa and Ontario. These are included as Addenda A to D.

Two group interviews were conducted. One group interview was conducted for triangulation purposes (Patton, 2002:247). The background of participants in the group interviews represented different school contexts as well as different levels of employment. More detail of the nature and theory of individual and group interviewing will be given in paragraph 5.9.

In addition to interviews, observation was used as a data generation strategy, as will be discussed next.

1.11.3.3 Observation

Observation is a careful, systematic process in which the researcher witnesses phenomena on a first-hand basis (Merriam, 2002:13). In this study, observation enabled me not to be entirely dependent upon the participants' own accounts of the nature and situations in the workplace (McMillan & Schumacher, 2010:208). Observations made possible the broader understanding of the natural school contexts and also yielded discussion points for interviews.

The observation of the working environments of the participants who were interviewed in schools was used to generate data in South Africa as well as in Ontario. The purpose of observation was to directly observe how participants functioned in their working environments and which elements in the workplace played a role in professional security. As secondary data gathering strategy for the

purpose of this study, observation effectively supplemented interviews, seeing that perspectives emerged that could only be obtained through observation.

1.11.4 Data analysis

Interviews were audio recorded and transcribed verbatim. The researcher undertook a content analysis of interviews and notes on observations. During the process of analysis, the researcher herself became a research instrument (Patton, 2002). Irrelevant parts were first removed from the data. Thereafter the data was coded and themes were identified (Merriam, 1998:183) before category construction commenced. The categories represented different aspects of the phenomenon of educator professional security. Member checking was used to verify interpretations (Creswell, 2003).

1.11.5 Trustworthiness

Trustworthiness implies that the researcher's interpretation of the data should be a true reflection of the experiences and perceptions of participants. In this study the phenomenological research design contributed to the revelation of the truth. I consciously attempted to "put myself in brackets" (McMillan & Schumacher, 2001:36) while I was involved in interviewing and analysing observations. The validity of the interview schedule was tested and a pilot interview was conducted to determine the clarity of questions.

After data generation the raw data in the form of transcriptions (see Addendum H) was member-checked to advance credibility. Educator professional security was described in full detail (Leedy & Ormrod, 2005:100), in terms of the specific context of workplaces, training and experiences of participants. In this way individual opinions were viewed in context.

Insights gained from the data collected through the different strategies, namely interviews and observations, as analysed and interpreted, were compared. This process of verification is described as triangulation (McMillan & Schumacher, 2001:408). In this study 'crystallisation', an alternative term, is used. The term implies that every data source reveals another facet of the phenomenon researched (Gall *et al.*, 2007:475; McMillan & Schumacher, 2001:463).

1.12 Ethical aspects

In accordance with standard, accepted principles of ethical research procedures, all relevant authorities were contacted and the research took place with all participants' informed consent (Addendum F). All participants took part in the research voluntarily and the individual's right to privacy was respected. Confidentiality was maintained at all times and anonymity was assured. The researcher obtained ethical clearance from the Ethical Committees of both the North-West University and Brock University before commencement. The researcher visited Brock University by invitation, as part of a university mentorship programme in 2011, funded by the Canadian Commonwealth.

1.13 Chapter division

Chapter 1: Orientation, problem statement and research design

Chapter 2: A Constitutional framework for grade R educator professional security

Chapter 3: Grade R educator professional security: an education-specific, labour legislation and common law framework

Chapter 4: Early Childhood Development Policy as a determinant for the professional security of the Grade R educator

Chapter 5: Research design and methodology

Chapter 6: Data analysis

Chapter 7: Discussion of conclusions and propositions

1.14 Concluding remarks

In order to present a rationale for the study this chapter has described the orientation and problem statement. After stating the research questions and objectives, the qualitative research design was discussed. In the next chapter a Constitutional framework for grade R educator professional security will be developed.

Chapter 2: A Constitutional framework for grade R educator professional security

2.1 Introduction

In this chapter, the Constitution of South Africa 108 of 1996 (SA, 1996a) as the supreme law, to which all other laws are subject, is analysed in order to establish the determinants for educators' professional security. A legal framework will initially be created to provide a legal-theoretical foundation for the study.

The purpose of a legal framework, according to Nieuwenhuis (2007:84), is to show what action or policy within a specific area, such as the workplace of an educator, is acceptable or unacceptable before the law. A legal framework therefore determines the parameters within which individuals can act within the law on the State level and on a personal level, respectively. This creates a secure space with law as the basis.

The law as such plays the role of creating order in society (Oosthuizen, 2003:7) by harmonising relationships, including those between employer and employee, and by defining and regulating activities of such employment (Van Jaarsveld & Van Eck, 2006:25). The legal system assigns rights to citizens and sometimes limits those rights for the sake of fairness and equity. The law protects citizens by enforcing legal redress when injustice occurs so that justice can be done. Everyone is subject to the law and laws of a country are binding. Dworkin (1991) summarises the relationship between citizens and the law: “It (the law) is a sword, shield, and menace ... We are subjects of law's empire ...”

Every citizen in his personal and professional capacity is entitled to the protection of rights through various forms of legislation. The Constitution of South Africa 108 of 1996 (SA, 1996a) as supreme law of the country (section 2), enshrines not only a variety of rights for each citizen, but is also based on founding values that may indicate the spirit and intent of all legislation in South Africa. For this reason, the discussion of a legal framework for professional security will be introduced by an analysis of the founding values of the Constitution of South Africa: human dignity, equality and freedom, as found in both section 1 and section 7 of the Constitution. Section 7(1) of the Constitution indicates that the Bill of Rights is the cornerstone of

democracy in South Africa and that the democratic values of human dignity, equality and freedom are confirmed by the Bill of Rights.

The existence of legislation and the underlying values alone cannot serve as a legal framework. The way the Constitution is interpreted, is of paramount importance and this will briefly be discussed.

2.2 Interpretation of the South African Constitution

Kleyn and Viljoen (1998:264) state that, although a literal interpretation of the obvious meaning of the text cannot be ignored, the implementation of the interpretation requirements of section 39(1) of the Constitution of South Africa 108 of 1996 (SA, 1996a) should lead the way. An important guideline for the interpretation of the Constitution is to take the fundamental values of human dignity, freedom and equality into account. Courts must therefore express objective value judgments when determining the intent of a specific right, and should establish the extent or scope thereof. Furthermore, the interpretation should be efficient and should aim at not repeating the mistakes of the past. In addition, the intent of the Constitution as a whole should be taken into account in the interpretation of a particular provision of the Bill of Rights (Currie & De Waal, 2005:149). Currie and De Waal (2005:148) refer in this regard to the Supreme Court of Canada decision in *R v Big M Drug Mart Ltd*., which is also accepted by the South African Constitutional Court, namely

> [*t]he meaning of a right or freedom guaranteed by the Charter was to be ascertained by an analysis of the purpose of such a guarantee; it was to be understood, in other words, in the light of the interests it was meant to protect. In my view, … the purpose of the right or freedom in question is to be sought, by reference to the character of the Charter [of Rights and Freedoms] itself, to the language chosen to articulate the specific right or freedom, to the historical origins of the concepts enshrined, and where applicable, to the meaning and purpose of other specific rights and freedoms with which it is associated within the text of the Charter.*

From above discussion it is clear that values are important criteria in the interpretation of the Constitution. The role of Constitutional values will now be discussed.

2.3 The role of Constitutional values

A country's constitution is the most important legal document of that country's legal system that "determines the form of government of the state, the functions of state organs and the rights and obligations of citizens" (Odendal & Gouws, 2005:343). When constitutions are compared, it is clear that people's ideals and the basic principles of the existence of the state are also embodied in it. Constructs that can be described as social values (Venter, 2001:64), form part of the fundamental anchors included in, amongst others, the constitutions of the United States (liberty), Morocco (peace) and Canada (dignity). Constitutional values are often found in the preamble or introductory provision in a constitution to give it some prominence. In South Africa the Constitution was described as being "value-laden" in the early Constitutional Court judgment of *S v Makwanyane* 1995 3 SA 391 (CC). In this case value judgments led to the abolition of the death penalty. Constitutional values appear in different chapters of the Constitution, and are applicable to various aspects of the regulation of the functioning of the State.

In chapter one of the Constitution, under 'basic provisions', section 1 reads as follows:

> *The Republic of South Africa is one, sovereign, democratic state founded on the following values:*
>
> *(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms…*

In terms of section 143 (2) provincial constitutions must comply with the conditions in section 1 and section 195 (1) determines that public administration should be managed by democratic values and principles as enshrined in section 7 of the Constitution. In addition, intergovernmental relations, provided for in chapter three of the Constitution, must meet a set of constitutional values and principles. Provision is made for the promotion of fundamental values in the interpretation of the Constitution

(section 39 (1)), the limitation of rights in section 36 (1), and for the confirmation of values in section 7 (1) of the Bill of Rights, chapter three of the Constitution.

The relationship between constitutional values and rights as contained in the Bill of Rights deserves to be highlighted. Venter (2001:72) believes that constitutional values indicate universal ideals that influence the thinking in law. Values characterise the pursuit of the kind of society that a country envisages and is useful in the interpretation and application of the Constitution by the courts in judging new circumstances. A constitutional value also explains why a particular right forms part of the Bill of Rights, seeing that rights and justice are supported by values. A substantive constitutional right, however, is enforceable.

Reyneke (2010:73) refers to a "value crisis" in the South African society as a whole and argues that the poor state of education, among other things, can be attributed to a lack of respect for values, and more specifically for the fundamental value of human dignity. The actions of various stakeholders, including the Department of Basic Education and parents, shows an ignorance of and insensitivity to the effect that their actions may have on other players' right to dignity. A value crisis is experienced when the application of law and the associated decisions are not consistent with the values that underpin the Constitution and a democratic system.

In the sections that follow, two fundamental values of the Constitution are discussed. The values on which the Constitution of South Africa 108 of 1996 (SA, 1996a) is based, according to section 1(a) of the Constitution, are "…human dignity, the achievement of equality and the advancement of human rights and freedoms". Chapter two of the Constitution, the Bill of Rights, confirms these democratic values in section 7 (1). The choice of guiding values for the Constitution could be traced to the history of South Africa, where the dignity and equality of people were denied under the Apartheid government. It is understandable that, in South Africa, dignity as a primary value was identified, unlike in the U.S., where individual liberty was accepted as the guiding value (Currie & De Waal, 2005:272). By specifically embracing the above-mentioned three values, the South African Constitution is consistent with the ancient core values of the African concept of *ubuntu*, such as "humanity, dignity, respect, inclusivity, honesty"(Mokgoro, 1997; Cornell, 2010:383).

Values from international law are also echoed in the constitution, for example, from the Canadian Charter of Rights and Freedoms (Constitution Act, 1982) as well as from the United States Constitution.

2.3.1 Fundamental value: human dignity

Human dignity is one characteristic that each person possesses simply by virtue of his or her humanity and not because of any performance. Human dignity cannot be awarded, earned or lost (Reyneke, 2010:75). It distinguishes people from animals and objects, and points towards the intrinsic value of all people (Currie & De Waal, 2005:273). The recognition of a person's human dignity represents the deepest and most basic form of security. If a person's human dignity is disregarded, that person is fundamentally harmed. If people are insulted in public, their dignity will be affected, but the effect may be short-lived. However, when the insult occurs in the workplace, the person's professional dignity is now also in jeopardy. Educators in a school are in a position of authority over learners, and the effect of the inhumane treatment of educators may have a prolonged effect. As elsewhere, the implication for the workplace is that every person is entitled to respect and humane treatment by any other person, regardless of the specific position in the employment relationship or in the relationship with colleagues.

The meaning of human dignity as a fundamental value in the Constitution is fundamental and comprehensive. According to Liebenberg (2005:1) dignity takes a central place in the Constitution. In *S v Makwanyane* 1995 (3) SA 391 (CC), where the court had to decide on the constitutionality of the death penalty for persons convicted of murder, dignity (together with the right to life) was elevated above all other rights. Chaskalson CJ argued that "[t]hese twin rights are the essential content of all rights under the Constitution. Take them away and all other rights cease."

In the Constitution, human dignity can therefore be regarded as the central value for all legislation and policy. It is established in section 1 as a founding value of the Constitution as well as in section 7 as the value that supports the democratic dispensation. Malherbe (2004:887) argues that human dignity is the foundation on which other rights are built: when other constitutional rights are violated, it usually also represents a violation of human dignity.

As indicated, there is a close relationship between human dignity and other rights. With dignity as a basis, other rights can be put into perspective. Equality, for example (s. 9), and socio-economic rights such as housing, are impossible without the complementary acknowledgement of human dignity. The right to fair labour practice (s 23), in turn, also points back to everyone's right to a dignified professional life. The courts have repeatedly confirmed that the conditions under which people live, should be regarded as a facet of human dignity (see the Grootboom case which focused on housing). Schools with a lack of facilities such as electricity, good sanitation and good maintenance of facilities may restrict learners and prevent them from reaching their potential and from establishing a decent future for themselves. Educators employed under such poor working conditions, may interpret the condition of the working environment as an indication of the employer's respect for the employee's dignity.

This approach, namely to put human dignity in a central position, also prevails in jurisdictions other than in South Africa. In the Canadian case *Law v Canada (Minister of Employment and Immigration)* [1999] 1 SCR 479, 170 DLR (4th) it was pointed out that a person's dignity on an individual basis or as part of a group can potentially be harmed if his or her physical or psychological integrity is harmed.

> *Human dignity is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merits of different individuals, taking into account the context underlying their differences. Human dignity is harmed when individuals and groups are marginalized, ignored, or devalued, and is advanced when laws recognize the full place of all individuals within Canadian society.*

In educational settings in South Africa educators are often subjected to inhumane treatment, as shown in research on workplace bullying (De Wet, 2011). De Wet stated that in several court decisions that impact on education, it was shown that values and legislation do not necessarily ensure human dignity. She found that victims of workplace bullying by principals form a marginalised group and that this

leads to humiliation and professional disempowerment of educators. The scholar adds that other personal characteristics that must be respected in order to promote human dignity, include gender, religion, culture and language. Women in some rural areas feel that they are regarded by society as of lower worth than males. Female Grade R educators may form part of such a group and their professional security, in addition to their dignity, could thus be affected.

Reyneke (2010:80) argues that people's dignity is also linked to the possibility of self-actualisation. Children should be afforded learning opportunities to reach their full potential in order to promote human dignity. Parents have an important responsibility in this regard. When African language speaking parents insist on English as medium of instruction, they deprive their Grade R children of the proven benefits of mother-tongue education (Webb, 2006) and limit their potential for self-actualisation, which is part of human dignity. A Grade R educator not capable of speaking the specific African language, but who teaches children who do not understand the language of instruction, may also find that the school's language policy limits her ability to convey optimal instruction and education.

To illustrate educators' experiences in practice, two court cases concerning unfair employment procedures by a provincial department of education, and disrespect by learners, are now discussed briefly.

- *Head of Western Cape Education Dept. v Governing Body, Point High School* [2008] JOL 21606 (SCA)

Two white male educators from outside the Western Cape Education Department were nominated by the governing body of Point High School for the vacant posts of respectively principal and vice-principal in terms of section 6 (3) and 7 (10) of the Employment of Educators Act 76 of 1998 (SA, 1998a). The governing body strictly followed the prescribed procedure of short-listing and assessment of candidates and conducted their assessment by means of a point system. The Western Cape Department of Education put aside the recommendations of the governing body and appointed two acting white male staff members employed within the staff, but whose performance in the assessment was worse than the other nominees. The determination of the department was that, if people from outside the province are

proposed for appointment, the employees already in the province would still retain their jobs. In this way no space could be created for members of a designated group. A further consideration was that the proposed appointment would contribute to the over-representation of white male employees in the Western Cape Education Department. The court ruled that the decision by the Education Department was not justified and the two candidates with the higher points in the assessment process should be employed rather than the persons appointed by the department. The court ruling confirmed that not only should educators' professional dignity and security be respected through just administrative action in appointments, but also and primarily their human dignity. Experiences of injustice in the workplace inevitably have an impact on people's dignity.

- *Le Roux and others v Dey* (2010), Case CCT 45/10

In this case a learner manipulated photographs by placing the heads of the principal and vice principal onto pictures of the naked bodies of body builders in sexually explicit positions. These pictures were distributed amongst other learners by cell phone and posted on the school notice board. The deputy brought a claim for defamation, which is one way of addressing the violation of human dignity. The Constitutional Court ruled that the deputy, Dr Dey, should be compensated for damage suffered during the incident. This action represents a gross violation of both educators' dignity and their professional security in the workplace.

Individuals' professional security in the workplace is, in addition to their human dignity, also influenced by the recognition of another founding value of the Constitution, namely equality.

2.3.2 Fundamental value: equality

Although it was argued in the previous discussion that human dignity stands out as a guiding value, it should be kept in mind that no right in the Constitution is applied in isolation from other rights (Smit, 2011:110). A close relationship between human dignity and equality, as enshrined in section 9 of the Constitution, can be attested to. All people deserve, by virtue of them being human beings, an equal degree of respect and humane treatment by everyone else. In *Fraser v Children's Court,*

Pretoria North 1997 (2) BCLR153 (CC), the Constitutional Court confirmed the value of equality as a norm as follows:

> *…the guarantee of equality lies at the very heart of the Constitution. It permeates and defines the very* ethos *upon which the Constitution is premised.*

Due to the denial of human equality during the apartheid government, particular emphasis was placed on enhancing equality as a norm in the democratic Constitution of South Africa. Van der Vyver (1997:265) believes that equality can be regarded as a *Grundnorm* for the South African society, but also acknowledges that if any conflict should arise between human dignity and equality, the former is likely to prevail.

In terms of section 9(1) of the Constitution everyone is equal before the law and has the right to equal protection and benefit of the law. Section 9(2) provides for affirmative action, which is especially applied in the workplace, and in section 9(3) unfair discrimination is prohibited on specific grounds. In the fourth subsection, the state is obliged to pass legislation which would prevent unfair discrimination. Section 9(5) prohibits both the state and others to unfairly discriminate on the basis of the list of grounds for discrimination provided in section 9(3). For a professional, such as a Grade R educator, section 9 of the Constitution can provide one of the strongest sources of security in the workplace because it essentially provides protection against unfairness. Fairness is indeed the basis on which modern labour law is built (Rossouw, 2004:15) and without fairness professional security is impossible. Equality is also echoed in other legislation, such as the introduction of the South African Schools Act 84 of 1996 (SA, 1996c) (§ 3.1.1), which will be discussed in more detail later.

Currie and De Waal (2005:232-234) distinguish between formal and substantive equality. Formal equality means that people in comparable positions should be treated alike. Formal equality thus emphasises equal or identical treatment. Applied to the school environment this could imply that a primary school principal, for example, may regard the position of all the educators in the Foundation Phase as being totally equal and, on this basis, would provide them with identical sets of

learning and teaching support material. The Grade R educator responsible for informal education, however, would have different needs from the other educators in the phase that follow more formal instruction methods. To apply formal equality in such a scenario would therefore not be an appropriate approach.

While formal equality emphasises similar treatment, substantive equality dictates similar outcomes as the goal. The differences between people such as Grade R educators and other Foundation Phase educators and their needs are recognised and therefore, to achieve equal outcomes, they are actually treated differently. The objective of equal outcomes in this example, implies empowerment to reach an equal degree of effectiveness in the workplace. Knowledge of the inherent differences between Grade R teaching and that in other grades is obviously necessary for such a distinction to be made. Policy-makers, school governing bodies and principals have an obligation in this area so that effect can be given to the democratic right of equality in schools.

The distinction between people, also called differentiation, must be distinguished from discrimination and it may be fair or unfair in nature. Section 9(3) lists the grounds for unfair discrimination by the state (for example as employer) namely race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. This list of grounds of unfair discrimination is not offered as being a complete list. In section 18(1)(k) of the Employment of Educators Act 76 of 1998 (SA, 1998a) HIV status and family obligations were added as grounds, which is an indication that the grounds specifically mentioned in section 9 (3) are not the only ones that can be classified as forms of unfair discrimination. Each situation must be assessed individually, taking into account the specific conditions. Section 9 (4) includes the promulgation of legislation by the state in order to avoid unfair discrimination, which is an important obligation that rests on the state.

Precedents created in three court cases can serve as guidelines for differentiation and assessment of fair and unfair discrimination. In *Prinsloo v Van der Linde* 1997 (3) SA 1012 (CC), the Constitutional Court defined unfair discrimination as “treating people differently in a way which impairs their fundamental dignity as human beings, who are inherently equal in dignity”. In *Harksen v Lane NO* 1998 (1) SA 300 (CC)

factors that determine unfairness were described. Currie and De Waal (2005:244) summarise these factors as follows. First, the position of the complainants in society is taken into account and one also needs to determine the extent to which they were subject to discrimination in the past. Second, the nature of the discriminatory action or legislation and its purpose should be considered. It is important to determine whether or not the law or conduct was based on a legitimate objective in the society. A further factor is the extent to which the rights of the complainant were affected and whether or not the person's dignity was violated. Finally, it should be decided whether or not the discriminatory action can be justified in terms of the limitation clause (section 36) of the Constitution.

Although these guidelines are often followed in courts, this process is not without criticism. Kruger (2011) argues that, although the Harksen test sets dignity in a central position, it has not shown exactly in which way unfair discrimination influences the dignity of a complainant. She suggests a refinement of the test in the form of pertinent questions that can be asked to determine how human dignity was affected. Firstly, it could be asked whether or not the discriminatory measures were based on or motivated by prejudice or stereotyping. Negative stereotyping can be considered as a public statement of inferiority. Secondly, it could be asked whether or not the discrimination sustains oppressive power relations, and thirdly, and linked to the first two questions, whether or not the discrimination reduces feelings of self-worth within the complainant. The latter consideration should only be regarded as an additional question. The subjective feelings of diminished self-worth, according to Kruger (2011:12), can be an indication of unbalanced power relations, which can confirm the conclusion regarding the unfairness of discrimination. Concerning stereotypes, Rossouw (2011) found that a group of Grade R educators as participants in a research project on job fulfilment, became aware of the following negative stereotyping: Grade R educators work with young children, keep themselves busy with little things and are therefore only entitled to small salaries. It is therefore possible that Grade R educators experience unfair discrimination on the basis of their specific occupation.

In *President of the Republic of South Africa v Hugo* 1997 (4) SA 1 (CC) fair discrimination was illustrated. President Mandela decided to revoke the sentences of

mothers of children under twelve years and to release them. A male prisoner, who was also the father of a child under twelve years, argued that the decision unfairly discriminated against him on the basis of gender. Gender is indeed a ground for unfair discrimination according to section 9(3) of the SA Constitution. The court took the following factors into account when it was decided that the President's decision did not represent unfair discrimination. The factors join the criteria for unfair discrimination in *Harksen v Lane NO* 1998 (1) SA 300 (CC), as discussed. The mothers of children under twelve years represent, in South Africa, a group that, because of the obligation to care for young children, experience inequality in society and can be regarded as a vulnerable group. The effect of the decision to release the mothers did not invade the male prisoner's right to equal treatment, since he was not entitled to early release. Finally, the president's decision represented an important goal in society, namely to assist and benefit persons who have previously been subjected to discrimination. The father did not represent a group of persons who historically experienced discrimination.

It should be pointed out that, if someone is charged with unfair discrimination, the onus is on the person who allegedly committed unfair discrimination (not on the person discriminated against) to prove that the action or actions were reasonable and justifiable (Anon, 2003:1), thus indicating that the discrimination was fair. As in all sectors of society, the principle of equality also applies in education. Several cases suggest that educators in their professional capacity are entitled to the protection of laws and policies that are all subject to the constitutional principle of equality. The lawsuit *Association of Professional Teachers v Minister of Education* [1995] 9 BLLR 29 (IC) brought unfair discrimination in a specific policy to light. The employer, the Minister of Education, refused a housing subsidy to a female principal on the basis of the policy which states that married women were only entitled to housing subsidies if their spouse is permanently unfit for employment. The court ruling has shown that the policy incorporated unfair discrimination based on marital status. This trial took place while the Interim Constitution was in force, and on the basis of this judgment and other similar cases, marital status was added to the list of grounds of unfair discrimination in the final version of the Constitution (Smit, 2011:131).

In the current South African educational context one other aspect of equality should also be noted. 'Positive discrimination' or affirmative action is based on section 9(2) of the Constitution, where mention is made of the law's intention to, for the sake of promoting equality, protect or develop persons or groups of persons previously disadvantaged by unfair discrimination. Such groups of persons generally referred to as 'designated groups', include black people, women and the disabled. Smit (2011:138) believes that both the purpose of affirmative action and the strategies that are used to achieve it, must be reasonable. The Employment Equity Act 55 of 1998 (SA, 1998c) and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (SA, 2000c) were promulgated to address inequalities in employment.

Freedom has been previously mentioned as the third founding value. In paragraph 2.9 freedom as a constitutional value and right will be discussed. In the paragraphs that follow, additional rights in the Constitution will also be analysed to the extent that they apply to the focus of this investigation, namely the professional security of Grade R educators in the workplace.

2.4 Protection from a harmful environment

Section 24(a) of the Constitution determines that:

Everyone has the right to:

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

This provision regarding environment affects two important aspects of the educator's work-life: the environment in which she works and her own well-being. The concept of 'environment', according to Currie and De Waal (2005:525) can broadly be defined as not only the physical environment in which a person acts, but also the relationships between people in that area. It can therefore be argued that it includes a school as a workplace as part of the environment mentioned in section 24. The minimum standard set by the negative phrasing, "not harmful to" instead of a positive right to a healthy environment, possibly stresses the lawmakers' intention to indicate specifically how the environment must not be. The negative form is a stronger indication of what the right implies.

In the workplace the term ‘health’ could for example include the elimination of noise, air pollution and poor ventilation. In a broad understanding of the term ‘welfare’, it could also be interpreted as including the psychological safety of the employee. An enabling workplace with facilities that enhance work performance, may enhance the Grade R educator's psychological well-being. Education policy, including the curriculum, has such a big impact on the school environment that the role of this factor in the health and welfare of the educator cannot be denied and should never be overlooked.

2.5 Labour relations

With the inclusion of rights pertaining to labour relations and specifically concerning the employer-employee relationship, the South African Constitution distinguished itself from other constitutions. According to Currie and De Waal (2005:501) constitutions generally focus on regulating legislation and public powers rather than on the actions of employers.

For the purpose of this study, it is important to determine in which way section 23 protects Grade R educators in the workplace. The meaning of ‘fair labour practices’ should thus be analysed and applied to the primary school as workplace.

Section 23 (1) states: Everyone has the right to fair labour practices. This section can be seen as underpinning all labour legislation and employment relations. In the subsections following this, the rights of each worker, employer and trade union are examined. Certain aspects of the Labour Relations Act 66 of 1995 (SA, 1995), which are discussed in more detail later (§ 3.2.1) are brought into the argument to better analyse section 23. Read with the Constitution, the Labour Relations Act 66 of 1995 (SA, 1995) provides a rigorous definition of unfair labour practices in section 186 (2), according to which the alleged unfair practice or action, classified as unfair labour practice, must take place between an employer and an employee. Further matters listed are largely devoted to actions or omissions committed by the employer. These include unfair conduct relating to promotion, conditional appointments, training of employees (subsection (a)), unfair dismissal or disciplining short of dismissal (b), refusal or disregard of re-employment (c) and the application of disadvantage if an employee discloses information related to such unfairness (d). The definition does

not provide for less-prominent or more employment-specific forms of unfairness. It may however be that these issues are more prevalent in education and have a greater effect on educator security than the issues actually listed. If the insecurity brought about by a non-enabling environment where a grade R educator is not provided with the necessary learning and teaching support material, an unfair workload is imposed by the principal, and the employer offers inadequate training for the new curriculum implementation, a strong case can be made for the violation of her right to fair labour practice in terms of section 23 of the Constitution.

Although it may appear that the provision for fair labour practices in section 23 largely benefits the employee, the choice of the broad term ‘everyone’ makes it clear that both employer and employee benefit through the provisions. To assess the fairness of action in a work context, the objectives of the legislation should be taken into account. Section 1 of the Labour Relations Act 66 of 1995 (SA, 1995) explains these objectives. According to Currie and De Waal (2005:504) the purpose of the law implies that the interests of the employer, employee and those of the general public should be weighed up. It is inferred that a Grade R educator as an employee at a primary school or as an employer, in the case where the educator also acts as the employer at an independent school, is entitled to be subject to fair labour practices. Case law confirms this conclusion. In *National Education Health and Allied Workers Union v University of Cape Town* 2003 (3) SA 1 (CC) (NEHAWU) the court had to decide whether or not the actions of the employer, the University of Cape Town, were fair when they terminated the contract they had with cleaners in their service and outsourced the cleaning service. The new contractor took over the contract with the cleaners, but at a lower salary. Consequently, the union, NEHAWU, brought a case against the university on the basis of the right to fair labour practice in section 23 of the Constitution and the objectives of the Labour Relations Act 66 of 1995 (SA, 1995). NEHAWU also argued that the action of the university amounted to a transfer of business in terms of section 197 of the Labour Relations Act. In such a case an automatic transfer of employees to the contractor should have happened and the employees should have been appointed in the same position as at the previous employer. The judge in the case has shown that fairness to the employee and to the employer must take place. The university's interests as an employer, namely to

outsource cleaning services as well as the employees' interests relating to fair remuneration should be respected in order to express the concept of fair labour practices. The court ruled that the matter in this case was in fact a transfer of business, and that contracts form part of such a transfer.

The implications of the NEHAWU ruling for this study is that, although it may appear that section 23 of the Constitution only provides for fair labour practices for workers, employers are also entitled to fair labour practices. Furthermore, although transfer of business does not usually occur in the public school context, it is important that, when a new governing body is being elected every three years, existing contracts with educators should be honoured. A new governing body cannot arbitrarily change existing contracts.

Other sections in the Constitution are linked to and support the rights enshrined in section 23 of the Constitution (Olivier, 2005), for example, human dignity, equality, privacy and freedom of association. The Labour Relations Act 66 of 1995 (SA, 1995) was promulgated to, *inter alia,* ensure that the legal framework for labour relations is consistent with the Bill of Rights (Currie & De Waal, 2005:499). This law (§ 3.2.1) and the Occupational Safety and Health Act 85 of 1993 (SA, 1993a) will be discussed later as measures for professional security (§ 3.2.3).

2.6 Children's rights

As human beings children generally enjoy the same rights as adults. However, as minors, persons under 18 years are denied certain rights such as the right to vote. Children, however, are afforded specific rights set out in section 28. The fact that minors are denied certain rights stem from the fact that a minor lacks *iudicium* which means that they might take decisions without thinking about the consequences. In the process the child and others around him or her may be put at risk. This distinction that children and adults do not have the same rights, does not mean that children's rights in the Constitution take precedence over others such as educators in a school (Currie & De Waal, 2005:600). In *De Reuck v Director of Public Prosecutions (Witwatersrand Local Division*) 2003 (3) SA 389 (W) it was confirmed that "... constitutional rights are mutually interrelated and interdependent and form a single value system. "The inclusion of section 28 in the Constitution may rather

envisage the entrenchment of clearly contemplated child-specific rights, as well as the establishment of a common standard that can be used when deciding on issues affecting children and their best interests.

Section 28 (2) reads as follows: “A child's best interests are of paramount importance in every matter concerning the child”. This best-interest rule is an important principle endorsed, among others, by sections 7, 8 and 9 of the Children's Act 38 of 2005 (SA, 2005a). The inclusion of section 28 in the Constitution is consistent with international conventions such as section 3 of the United Nations Convention of the Rights of the Child (1989), which reads as follows:

> *In all actions concerning children, whether undertaken by public or private welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.*

The application of a law by the courts, however, determines its actual value. In a case such as *Jooste v Botha* (2) SA 199 (T) it was shown that the provision is meant as a general guideline and not as a legal rule that should be applied horizontally. *In re S v M* 2008 (3) 232 (CC) problems with the best interest rule were raised. Firstly, the wording ‘best interest’ is not an objective standard. Secondly, the different professions that deal with children may have very different views of the concept. The way the measure is interpreted and applied by different countries, is influenced by the specific country’s historical background, cultural, social, political and economic conditions as well as the value system of the person making the decision. It thus appears as if the judgment in *Minister of Welfare and Population Development v Fitzpatrick and Others* 2000 (3) SA 422 (CC) provides a meaningful approach. Judge Goldstone came to the conclusion that:

> *The best interest principle has never been given exhaustive content, but it is necessary that the standard should be flexible as individual circumstances will determine which factors secure the best interests of a particular child.*

One implication of section 28 (2) for the Grade R educator is that she has continuously to make decisions in order to meet this high standard, simultaneously

taking into account all the individual learners in the class, their varying learning styles and levels of development. These choices are based on the educator's training, knowledge and teaching skills. A change of curriculum, as is currently being phased in in South Africa, requires adequate training of educators by the employer. Since there is evidence of poor training for CAPS (Fredericks, 2009:9), the question arises whether or not Grade R educators will adhere to the demands of section 28(2). Incompetence in this area, which could be closely linked to delictual liability, may affect educators' professional security.

2.7 The right to basic education

The right to basic education, as provided for in section 29 of the South African Constitution, is an unqualified right to compel the state to provide basic education and also prohibits the state from interfering in educational rights. This right enjoys general representation in international law, which in terms of section 39(1)(b) must be considered during any interpretation of the South African Constitution. In this way dialogue is established between the South African Constitution and international declarations and conventions. The way in which international law gives meaning to the right to education may contribute to understanding and application of this right within a specific context. The Universal Declaration of Human Rights of 1948 emphasises compulsory and free education for at least the primary school period (Arendse, 2011:99) and it maintains that education should "... be directed to the full development of the human personality and to the strengthening of respect for human fundamental rights and freedoms". In addition, parents' right to choose the kind of education their children receive, is also enshrined in this document.

Christie (2010:6) points to other conventions that are related to the right to education; including the following:

- The International Convention Against Discrimination in Education (1960);
- The International Covenant on Economic, Social and Cultural Rights (1966); and
- The Convention on the Rights of the Child (1989).

There is also an international process underway to use declarations and conventions to support goals and objectives of the Education for All movement. Amongst these are the following:

- The Jomtien Declaration on Education for All (EFA) (1990);
- The Vienna Declaration and Programme of Action (1993);
- The Being Declaration and Platform for Action (1995); and
- The Dakar Framework for Action (2000).

One of the common elements in these declarations and conventions is the provision of access to education as a minimum obligation on the part of the state. If the right to education, however, can be regarded as an empowerment right (McCowan, 2010:510), through which people could ensure for themselves a better life leading to poverty eradication in the long-term, the content of the right should not only mean access to a school building (Motala, Dieltiens & Sayed, 2009:11). The wording of section 29 (1) also stipulates the right to basic education and not merely a right of access to basic education. Woolman and Fleisch (2009:117) argue that education should be of such a nature that citizens can, through education, enjoy access to the realisation of other fundamental rights such as the right to free association. The content of education should empower learners as citizens to participate fully in political, cultural and economic activities in their communities. From this it can be deduced that teaching outcomes, and not mere access, can be considered as an indicator for the realisation of the right to education. Where the Education Department aims to provide all five-year-olds with access to Grade R by 2019, the content of teaching in this programme should be meaningful. It should not be expected from educators to engage learners with watered-down grade 1 activities that are not age appropriate, and therefore not meaningful to them.

The meaning that is given internationally to the right to basic education, is consistent with the recognised framework for the content of education (Christie, 2010:11) presented by four interrelated concepts, namely the so-called four As (availability, accessibility, acceptability, adaptability). Availability of and accessibility to education for learners refers to the access to education, while acceptability and adaptability

could refer to the nature of the right to education. These elements are not always apparent in education practice. In countries where the economy is unable to provide basic education to all, it is impossible to comply with that requirement. Quality teaching is understood in different ways by different groups and learning outcomes according to McCowan (2010) are not an indication of the realisation of the right to education. Christie (2010:5) even believes that the realisation of socio-economic rights (of which the right to education is an example), is elusive: the fact that the provision is part of a statute, does not ensure that citizens in the country can rely on the full achievement of that right. In South Africa's poor performance in international tests (see Chapter 1) is an indication of the lack of the acquisition of basic education outcomes. It can be argued that many children cannot enjoy the right to basic education because at the end of the basic period i.e. Grade 9 or 15 years (section 3 in the Schools Act), they have not mastered the basic skills which they could claim under the law.

Woolman and Fleisch (2009:135) believe that the criterion of 'sufficient or adequate' education is a better indicator of the right to education. Rather than the four As (Christie, 2010:11), a realistic, attainable standard of education can be pursued. McCowan (2010:517) goes further by emphasising that participation in educational processes in which values are applied and taught in schools, are also managed according to human rights and democratic values. For McCowan the participation in the larger process of literacy, for example, is of more importance than the specific level of literacy achieved.

The implications of section 29 (1) for the educator can be seen as follows. The state as employer meets its obligations regarding the right to a basic education through the educator as an employee. The educator should, in her employment relationship with the state, put the right to education into practice for the learner. The learner is the primary client of the school and the educator is the provider of education. The Constitution binds the educator, regarding her contribution, to provision of education of a sufficient standard. It is, however, the duty of the employer to provide the educator with facilities, a realistic curriculum and a competitive salary. The security of the educator is subject to a school management team that functions in a value-

driven way. This will ensure that she will properly facilitate the realisation of the learners' right to education in her class.

2.8 Just administrative action

Administrative decisions, procedures and practices are an inherent part of the work-life of all people and fairness in this regard is entrenched as a fundamental right in the Constitution. It is possibly because of the unfair administrative actions of the apartheid era and its impact on workers that rights in this regard were included in the Constitution. It is of importance that all citizens should be treated fairly by public officials, to the same extent that fairness in the context of labour relations should prevail. Just administrative action with regard to the educator is an essential element of security in the workplace as it is for all employees (Rossouw, 2010:35).

Section 33 enshrines the principle of administrative justice to protect people from unfair, arbitrary administrative decisions and actions by administrative organs (Squelch, 1999:362). Administrative action in accordance with section 33 refers, according to Currie and De Waal (2005:650), broadly to any exercise of public power by state organs except for the following:

- legislators (national, provincial, local) when they perform legislative functions;
- the judiciary in the exercise of their legal functions;
- the president in the exercise of constitutional powers as Head of State; and
- the cabinet and provincial cabinets when they make political decisions.

Beckmann and Bray (2000:437) argue that the administrative actions of all persons of authority that influence the rights of the educator are affected by section 33. It incorporates according to Malherbe (2004:455) all official decisions and actions of Education Departments, school governing bodies at public schools, principals and staff members. He is supported by Squelch (1999:365) showing that governing bodies at both public and independent schools are bound by section 33. While the administrative law is basically focused on the exercise of public power, Hoexter (2012:128) points out that the South African courts also indirectly apply section 33 to private institutions. This was clear in the education related case of *Klein v Dainfern*

College 2006 (3) SA 73 (T). Hoexter (2012:128) adds that the courts' review of private power is not so much the application of section 33, but rather based on either common law principles or the indirect and horizontal application of the Bill of Rights, in which section 39(2) stipulates that the common law or customary law should be developed "to promote the spirit, purport and objects of the Bill of Rights". This suggests that Grade R educators, employed by the state (Department of Education), the public school and an independent school may claim protection in terms of administrative law principles.

The qualifying features for administrative action in terms of section 33 are lawfulness, reasonableness and procedural fairness. Moreover, everyone whose rights have been adversely affected by administrative action is entitled to be given written reasons, and the law also provides for review by the court. Lawfulness is an umbrella term covering all the requirements for just administrative action (Squelch, 1999:362). This means that administrative action must be legally authorised. The body or person that performs the action must also have the authority to execute it and should adhere to statutory as well as common law requirements regarding procedure.

Reasonableness refers to fair and rational decisions or actions based on evidence and information that the decision-maker considered. There must be a rational connection between the decision or action and the reasons cited for such a decision or action.

A third requirement for fair administrative action is procedural fairness. Squelch (1999:363) argues that procedural fairness is about more than the rules of natural justice, which include the *audi alteram partem* rule (hear the other side) and *nemo iudex in sua causa* (nobody can be the judge in his own case). For the purpose of clarity, procedural fairness and substantive fairness should be distinguished here. The latter is about whether or not there are valid reasons for the decision in the labour context based on section 23 of the Constitution, while procedural fairness refers to the nature of the process to be followed, and is based on section 33 (Rossouw, 2010:131). Administrative action must comply with the requirements of both procedural fairness and substantive requirements. Any Department of Basic

Education, governing body or principal should for instance not only follow the correct procedure while the reason for the decision is in question. A court case illustrating the application of section 33, is *Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others* (219/2008) [2009] ZASCA 22, which will be discussed briefly by considering relevant details only.

In this case it had to be determined whether or not the governing body of a school has the autonomous right to decide on a public school's language policy and whether or not the Department of Education could intervene if the policy is not in accordance with the constitutional requirements applicable to school governance regarding the needs of the broader community and to the eradication of inequalities of the past. Ermelo High School, an Afrikaans-medium school, had space available, but the governing body would not give in to a request from the Department of Education to adapt their language policy to accommodate English-speaking learners at overcrowded schools in the community. Their defence was that such action would curtail the school's broader Afrikaans curriculum. The department withdrew the mandate of the governing body because they were of the opinion that the body was dysfunctional and they appointed an interim committee to determine an alternative language policy.

The court ruled that the Head of department's decision to withdraw the mandate of the governing body and to appoint an interim committee, was based on a misinterpretation of sections 25 and 22 (1) of the South African Schools Act 84 of 1996 (SA, 1996c) and that the decision was unlawful. The department had also acted in a manner that was procedurally unfair because they did not afford the governing body an opportunity to put their side of the matter, according to the *audi alteram partem* principle, before deciding that they were dysfunctional. The court pointed out that the department does not have the power to appoint an interim committee and they declared the language policy that the committee had set null and void, because it had not been determined in accordance with the constitutional principle of legality. Further, the court ruled that the school's language policy had to be revised because it was unreasonable. The case highlights the principles of

lawfulness, reasonableness and procedural fairness in administrative action, including their application at school level.

Subsection 33(3) determines that national legislation must be enacted to give effect to the rights contained in section 33. The Promotion of Administrative Justice Act 3 of 2000 (SA, 2000d) has met this requirement.

2.9 Freedom and security of the person

Freedom is enshrined in the Bill of Rights in terms of section 7(1) as a democratic value. Fredman (2007:309) shows the relationship between freedom and security, which is important for this study. Fredman is of the opinion that security (*geborgenheit*) is a prerequisite for the realisation of freedom. Without the experience of physical safety and shelter on the one hand and psychological security on the other hand, the individual is not free to make choices. Freedom of choice on matters which are important to the individual, according to Fredman, forms the core of freedom.

The Constitution enshrines various freedoms: freedom and security of person (section 12), freedom of religion, belief and opinion (section 15), freedom of expression (section 16), freedom of movement and residence (section 21), freedom of trade, occupation and profession (section 22) and freedom of association (section 18). The discussion that follows focuses on the freedom and security of the person to show how professional security is affected:

Section 12 is applicable to the state and individuals and includes protection against all forms of violence, whether from public or private sources in (12(c)) rejection of any form of torture (12(d)), and not to be treated or punished in a cruel, inhuman or degrading way (12(e)). In principle, section 12 enshrines the physical safety of all citizens, which is also related to human dignity (Malherbe 2004:888). By specifically highlighting degrading treatment, psychological integrity is also touched upon (Currie & De Waal, 2005:308). It is, however, not only the individual in person that should experience safety.

In the workplace context Dollard and Bakker (2010:580) distinguish between psychological safety and the safety climate of a workplace. With regard to the latter,

it should be understood that the employees' perceptions of their employer's commitment to creating a safe working environment is a factor to be considered together with the implementation of security policies and security practices. According to Edmondson (1999:354) psychological safety refers to a group or team of employees who feel emotionally so safe that they are willing to take risks on an interpersonal level. This daring attitude is prompted by emotional and social support in the workplace, and leadership that leads the way. For Edmondson, psychological safety is essential for learning in the workplace. In the school as a workplace, the Grade R educator should experience the employer's positive attitude towards physical safety for employees and should experience adequate emotional support and understanding so that she can be free to learn on a professional level, especially when a policy such as a new curriculum has to be executed.

If section 12 is read with section 7(2) which stipulates that the state must respect, protect, promote and fulfil the rights in the Bill of Rights, it is clear that the state as an employer of educators is obliged not only to provide protection should violence occur, but also to take precautionary measures against potential violence and lawlessness as might occur during industrial action near or even within schools.

2.10 The Constitution: a contemporary matter

Although it was indicated that the Constitution, in principle, creates a statutory basis of safety and security for the professional educator, the present state of affairs in South African society should be pointed out. Firstly, there is the contrast between existing, well-formulated legislation on the one hand and on the other hand the often flawed implementation thereof. Smit (2009:271) further states that, although the courts have an important role to play in law enforcement, the court's role is limited to remedies and punitive costs awarded on a case-by-case basis. Court decisions do not prevent all violations of constitutional rights. It is possible that the largest percentage of discriminatory behaviour within the school setting, for example, is never exposed and adjudicated in a court of law. In addition to knowledge of the law, citizens must first accept ethical values before the society will respect human rights. It may be accepted that the Constitution will only fully protect Grade R educators as professionals once the society meets the requirements regarding ethical conduct.

Secondly, prevailing political trends put the Constitution under pressure. The Bill on the Protection of State Information and the proposed media tribunal are the initial steps leading to some limitation of the right to freedom of expression, and possibly other constitutional rights (Latakgomo, 2012:4). Besides this issue, there are other contemporary developments, such as the government's consideration of revision of the Constitutional Court's powers, which creates the perception that there is friction between the courts and the executive (Van Wyk, 2012:24). Legal experts such as judge of appeal Louis Harmse is even of the opinion that the South African Constitution as a document "... is a wonderful constitution, but in our context too ambitious" (Van Wyk, 2012:24). He further believes that the Constitution is based on Northern European and liberal concepts and that such concepts are inconsistent with African belief. The Constitution seems to be under pressure and it can therefore be argued that jurisprudence influencing the education sphere is likewise put under pressure. This state of affairs can have a stifling effect on educator security.

2.11 Concluding remarks

In this chapter a legal framework for educator security was presented, to the extent that it relates to the South African Constitution as the supreme law of the country. The fundamental values of the Constitution were discussed, after which principles regarding the interpretation of the Constitution were stated. Constitutional rights that can be regarded as determinants for the physical safety and psychological security of the Grade R educator in the workplace, were analysed. The relationship between constitutional rights and the way in which such rights have been confirmed through case law, were also discussed. The chapter concluded with a final perspective of the Constitution in a contemporary South African society. In the chapter that follows, education-specific legislation, labour legislation and the common law will be investigated to expand grounds for professional security and to complete the legal framework.

Chapter 3: Grade R educator professional security: an education-specific, labour legislation and common law framework

In Chapter 2 constitutional determinants for the professional security of educators were analysed. In this chapter, I consider education legislation in order to further expand the legal framework (§ 2.1) for educator security. Although general legislation also applies, the study is conducted in the field of education law and education- specific legislation. Labour legislation and the common law are analysed from an employment law perspective. It is nevertheless accepted that education-specific legislation should be consistent with general legislation. In this chapter, both legislation and subordinate legislation such as regulations will be analysed to the extent that they are applicable to the focus and scope of the study.

3.1 Education legislation

General principles and provisions of the labour law, as contained in statutes such as the Labour Relations Act 66 of 1995 (SA, 1995) and the Basic Conditions of Employment Act 75 of 1997 (SA, 1997), serve as the basis for labour relations in education (Rossouw, 2010:4). In education, as in other professions, there are matters of crucial importance for the educator as an employee, for example the employment relationship, the work task, the nature of the workplace, compensation, governance and management in the workplace and his or her relationship with employee organisations. Although the Employment of Educators Act 76 of 1998 (SA, 1998a) and the South African Council for Educators Act 31 of 2000 (SA, 2000a) are prominent as labour legislation for education (Rossouw, 2010:36), other education legislation will also be analysed to show the extent to which provision has been made for professional security. The South African Schools Act 84 of 1996 (SA, 1996c) is analysed first.

3.1.1 The South African Schools Act 84 of 1996

The preamble to the South African Schools Act 84 of 1996 (SA, 1996c) contains the objectives of this legislation, namely the maintenance of uniform standards for the

organisation, management and financing of the education system. This is an indication that statutory regulation of the educator's workplace in South African schools exists.

In terms of section 15, every public school is a legal person, and may participate in legal activities, such as entering into contracts, including employment contracts (Bray & Tladi, 2008:44). Section 20(4) provides that public schools, through their governing bodies, may appoint additional educators. These educators are not employed by the state in terms of the Employment of Educators Act 76 of 1998 (SA, 1998a), but rather by the school as employer. They are therefore subject to general labour legislation such as the Labour Relations Act 66 of 1995 (SA, 1995). Different Grade R educators at the same school may therefore have different employers and be bound by different laws. The fact that such educators have different employers, will influence several aspects of their employment relationships, as outlined in Table 3.1.

Table 3.1 Employment relationships of educators employed by school and state

	Employed by the school	Employed by the State
Employer	School via SGB	State via provincial Education Department
Regulating statute	Labour Relations Act Basic Conditions of Employment Act	Labour Relations Act Basic Conditions of Employment Act Employment of Educators Act South African Council for Educators Act
Disciplinary procedures	Code of Good Practice: Dismissal - Schedule 8 of the Labour Relations Act	Schedule 2 and sections 17, 18 of the Employment of Educators Act Code of Good Practice: Dismissal - Schedule 8 of the Labour Relations Act
Service contract	Individual	According to post level, as contained in the Personnel Administration Measures (PAM)

Professional registration	South African Council for Educators (SACE)	South African Council for Educators (SACE)
Conditions of service, for example remuneration	Negotiation on an individual basis	Bargaining on a collective basis
Grievance procedure	As stipulated in the service contract	As regulated by the South African Council for Educators Act, Chapter H
Core work task	SA Schools Act, section 6A(1), (2) Provided for in CAPS	SA Schools Act, section 6A(1), (2) Provided for in CAPS
Industrial action	May go on strike (Constitution, section 23) No collective bargaining Normally no organised industrial action / strikes due to the localised nature of employment.	May go on strike (Constitution, section 23) Collective bargaining via teacher unions Strike actions normally against the state as employer via the union based on unsuccessful bargaining.

The table shows that the employment relationships of educators employed by the school are similar in some ways to those of educators employed by the state, for example, their core task of execution of policies relating to the Grade R curriculum concerned in terms of section 6A(1) and (2) as well as professional and registration requirements in connection therewith (§ 3.1.5). Expectations of educators, regardless of the nature of their employment relationship, are the same on a professional level. Seeing that remuneration for educators employed by the school often compares poorly with educators employed by the state, and a fair salary forms an important aspect of financial security (§ 1.2) it can be assumed that this aspect can negatively affect professional security. Governing bodies could balance this matter by supplementing compensation packages through, for example, free accommodation in hostels. Section 38A prohibits such practice for educators

employed by the state, but a school can offer extra compensation in various forms in order to treat educators employed by the school fairly (, 2012).

The South African Schools Act 84 of 1996 (SA, 1996c) not only provides for certain aspects of the employment of educators, but also includes provisions that affect the working environment. An enabling working environment in the case of Grade R educators can be regarded as a school equipped with the necessary space for Grade R learners to be taught according to a play-based approach (Smidt, 2009:147; SA, 2010a) as well as sufficient learning and teaching support materials. In terms of section 36 (1) governing bodies are obliged to take reasonable measures to supplement the state's resources in order to provide quality education. Sections 5A (1) (c) and 2 (c) also refer specifically to the norms and standards relating to the provision of equipment and learning and teaching support materials. The principal is a key figure in the promotion of education standards and professional security (§ 1.3). His or her responsibilities include, in terms of section 16A (2) (iii), the management of the use of learning and teaching support material. Set against this obligation, research in a group of rural primary schools (Taole & Mncube, 2012) shows that some equipment that makes the Grade R educator's job task possible, may be missing. Taole and Mncube (2012), in research involving 383 Grade R educators in the North West Province concerning their experience of play-based education, found that limited space in primary schools and limited resources represented the greatest challenges in Grade R classes. Although the South African Schools Act 84 of 1996 (SA, 1996c), in principle, provides for an enabling working environment, educators may find that some school environments cause the professional working task to be problematic.

Professional security is influenced by the physical safety of the workplace. The South African Schools Act 84 of 1996 (SA, 1996c) aims at a physically safe working and learning place for educators and learners respectively. To this end, a ban on drugs and dangerous objects (section 8A) and political activities (section 33A), now form part of the provisions of the South African Schools Act 84 of 1996 (SA, 1996c)

after amendments to the Act in 2009 and 2011. The Regulations for safety measures at public schools were specifically promulgated in support of school safety.

3.1.2 Regulations for safety measures at public schools

The experience of physical security is a fundamental requirement for security (*geborgenheit*) (§ 1.2). The Regulations for safety measures at public schools (SA, 1996d) (hereinafter Regulations) were promulgated as subordinate legislation to promote safety in public schools and essentially to make provision for a safe learning environment for learners.

In a country where violence and crime in society is reflected in schools (Le Roux & Mokhele, 2011:327), safety legislation is essential to ensure safety and to protect the learners' right to education. The Regulations also imply the regulation of the safety of the educator's working environment, which corresponds to the provisions of the Occupational Health and Safety Act 85 of 1993 (SA, 1993a), which specifically provides for safety of employees in the workplace (§ 3.2.3). Section 4 of the Regulations declares public schools as violence and drug free zones. Section 5 implements measures to control access to the school premises and to protect the educator against threats from the school environment. Section 7 and 8 regulate visits by public and political officials and visits by parents. Section 8F provides procedures for evacuation in emergency situations. In all these cases, the role of the principal and department head as representatives of the employer is clearly spelled out. This emphasises the need for the prompt implementation of safety measures at school level. Although the Regulations provide adequate protection against physical threats in the workplace, they unfortunately lack specific measures that protect or promote the psychological safety of the educator. This is also the case with the Occupational Health and Safety Act 85 of 1993 (SA, 1993a).

3.1.3 The National Education Policy Act 27 of 1996

Similar to other aspects of the education system, education policy is also regulated by legislation. It aims to bring order and certainty to policy and values. Norms and rules are laid down which facilitate interaction between role players (Bray & Tladi,

2008:44). The purpose of the National Education Policy Act 27 of 1996 (SA, 1996b) is to provide for the determination of policy by the Minister of Basic Education based on constitutional principles, consultations (which precede policy), the publication and implementation of policy and monitoring as well as the evaluation of education.

Of particular importance for Grade R is the provision for policies in section 3 (f) regarding the professional training and accreditation of educators. International research on policies and programmes for young children (Center on the Developing Child at Harvard, 2007:22, 27) has identified skilled educators as one of the key elements of successful programmes. It was also found that to employ persons with less training in order to cut costs, in fact means a waste of money, as the outcomes of the whole programme are negatively affected. Training can influence educators' professional status and thereby influence their professional security. A further characteristic of successful programmes worldwide is the requirement for monitoring and evaluation of policies in order to pursue accountability and continuous improvement of policies. This element is also present in sections 2 (d), 3 (4) and 8 of the National Education Policy Act 27 of 1996 (SA, 1996b), which prescribes detailed procedures of reporting. The provision for public participation in policy development in terms of section 4 (m), as well as provision for specific consultation procedures and advising on multiple levels, ensures dialogue.

The provision for policies regarding the curriculum and teaching standards in section 3 (l) is consistent with section 6A(1) and (2) of the South African Schools Act 84 of 1996 (SA, 1996c), where the Minister's obligation to determine minimum outcomes and processes and procedures for learner assessment, are set out. When changes in the curriculum and programme occur, as in the case of both South Africa and Canada, the changes may serve as stimuli for new strategies, and may lead to greater commitment, improved job satisfaction and enhanced security. On the other hand, frequent changes to the curriculum and requirements regarding administration, recording and assessment may impair psychological security (Rutherford, 2009:148-162; Bertram, 2011:39). The curriculum determines the core of the Grade R educator's task. The way in which educators are trained initially and then guided and

mentored in the execution of a new curriculum is therefore of vital importance, not only for quality education but also for a psychologically safe workplace.

For the purpose of a study on professional security, the National Education Policy Act is of specific importance. Education policy can give substance to the employer's expectations of the Grade R educator and also forms part of a mandate for action by departmental officials when policies in schools have to be executed. Education policy can thus be regarded as an important determinant of professional security. If the employer is willing to listen to practical recommendations from stakeholders such as governing body organisations, teacher unions and individual educators, psychological security can be promoted. The opposite is also true: lack of attention to such input regarding policies can harm confidence within the employer-employee relationship.

3.1.4 The Employment of Educators Act 76 of 1998

According to Smit, Rossouw and Malherbe (2009:192), the Employment of Educators Act 76 of 1998 (SA, 1998a) is the main statutory instrument regulating the teaching profession in terms of labour law. This law applies to all public school educators who are employed by the state. Detailed provisions are included for fair and equitable employment procedures, conditions of employment such as salaries, duties and tenure, the transfer of educators to other schools or other positions of employment, discipline as well as the termination of employment by retirement, resignation or dismissal. This suggests that the law aims to protect employee rights within the teaching profession and that the constitutional standard of fairness in employment (section 23) can be maintained through the implementation of the Employment of Educators Act 76 of 1998 (SA, 1998a).

Employee rights regarding physical safety are entrenched in the Employment of Educators Act, as evidenced by the following stipulations. Section 17 (d) protects educators against serious misconduct by colleagues such as assault with intent to cause bodily harm. Section 18 defines misconduct as a breach of the employment relationship with the employer and also identifies various forms of misconduct that

may impact on fellow employees. Section 18 (e) provides that an educator commits misconduct if he or she, while performing duties, puts others' lives at risk or ignores the safety rules of the school. Section 18 (r) protects educators against assault or threats of assault by colleagues and section 18 (x) prohibits the carrying of firearms without permission of the employer.

Professional security includes, but involves more than mere physical safety. Rutherford (2009) and Rossouw (2011) argue that the apparent absence of stipulations that protect psychological security in the Employment of Educators Act represents a lacuna in the law. If this statute is placed within the larger picture of legislation in South Africa and it is carefully noted which stipulations provide for equity and fairness, it can be argued that there are indirect provisions for psychological security. Educators can insist on the proper application of the rule of law (§ 1.2.1). For example, they can call for fair employment procedures (section 6-9) and fair administrative action in disciplinary actions against them (section 18-25). These provisions can be interpreted as enforceable by law and therefore as protection measures for their professional security. Consistent court rulings on the basis of stipulations in this statute are a further proof that the Employment of Educators Act can be regarded as a solid instrument for the promotion of psychological security in education. Examples of court decisions following section 6 (3) (f) on the recommendation of candidates by the governing body are *Douglas High School and another v Premier, Northern Cape, and others* 1999 (4) SA 1131 (NC); *Settlers Agricultural High School & Another v Head of Department: Department of Education, Limpopo Province & others* [2002] JOL 10167 (T) and *Kimberley Junior School and Another v Head, Northern Cape Education Department and Others* 2010 (1) SA 217 (SCA). In all these cases, the court upheld the stipulations in the Employment of Educators Act (Smit, 2011:152).

Although this statute, in terms of its long title, specifically applies to educators employed by the state, and by implication not to educators employed by the school in terms of section 20(4) of the South African Schools Act 84 of 1996 (SA, 1996c), the provisions contain implications for all educators, including Grade R educators. A

governing body for example may include from this statute sections 17 and 18 (misconduct), as well as provisions for disciplinary procedures (schedule 2) as part of the contract of employment of educators employed by the school, provided that both parties support such an arrangement. The Employment of Educators Act 76 of 1998 (SA, 1998a) sets a creditable standard of employment in the education context and provides the type of regulation that promotes professional security.

3.1.5 South African Council for Educators Act 31 of 2000

According to Van Staden, Clasquin-Johnson and Marais (2007:83) the establishment of the South African Council for Educators is one of the most important outcomes of negotiations by the Education Labour Relations Council (ELRC), a council aiming at harmony in employment relations (Rossouw, 2010:15). The South African Council for Educators is a statutory body, which was established by Government Notice 16037 in the Government Gazette of 17 October 1994.

The purpose of the South African Council for Educators Act 31 of 2000 (SA, 2000a) (hereinafter SACE Act), as stipulated in section 2, is to provide for the registration of educators by the Council, to promote professional development and to establish, maintain and protect ethical and professional standards for educators. This purpose should be realised through the effective functioning of the Council. Chapter two of the Act provides for the powers, duties, composition and management of the Council.

In terms of section 3 and section 21, the SACE Act 31 of 2000 (SA, 2000a), applies to and binds all educators, regardless of whether they are appointed by the state or the school. All Grade R educators must therefore be registered at the South African Council for Educators (hereinafter SACE) in order to be eligible for employment as an educator by any employer and therefore be regarded as part of the profession. In the case of serious professional misconduct, SACE is authorised to remove the name of an educator from the register, which bars the educator from teaching at a public school in South Africa.

Two aspects of the duties of SACE, that deserve to be touched upon in the context of professional security, are the promotion of educator professionalism (section 5 (dd)) and the establishment, maintenance and review of a code of professional ethics (section 5 (c) (i)). Professional decisions and actions protect the educator against mistrust and loss of status in the eyes of both the parents and the broader community. The teaching profession as a whole is also demanding professional conduct from each educator. For this reason it is of importance, as stated by Warnick and Silverman (2011:273), that initial educator education should be orientated towards ethical conduct in practice, and that practicing educators should not only be informed about the content of the Code of Professional Ethics, but that practical strategies for moral-ethical decision-making should regularly be discussed in staff meetings. It is only when legislation such as the SACE Act 31 of 2000 (SA, 2000a) becomes tangible and real at ground level that the legislation has its full intended impact on educators and education in general. It must further be pointed out that, if educators do not act according to the Code of Professional Ethics, they will make themselves guilty of misconduct.

The SACE Act 31 of 2000 (SA, 2000a) was amended in the Basic Education Laws Amendment Act 15 of 2011 (SA, 2011) to provide for the empowerment of SACE to establish and manage a system for the continuing professional development of all educators (section 5 (b)(iv)). Continuing professional development in the form of training and follow-up support after CAPS training, for example, can contribute to the Grade R educator's ability to execute new policy and to apply professional skills effectively.

3.1.6 Personnel Administration Measures (PAM)

In contrast to educators appointed by the school and who negotiate individually for fair employment conditions, educators appointed by the state can rely on the Personnel Administration Measures (SA, 1998a) (hereinafter PAM). This subordinate legislation statutorily defines educators' service conditions. The measures should be read with the regulations included in the Employment of Educators Act 76 of 1998 (SA, 1998a) which is applicable to all educators in terms of this Act (item 1.1). It is

important that all educators, but especially novice educators employed by the state, should be made aware of the fact that the PAM (SA, 1998a) for all practical purposes can be viewed as an essential part of their conditions of service. They should realise that stipulations contained therein are binding. Ignorance of these terms and conditions can adversely affect psychological security, seeing that employer expectations, for example, are specified. Educators seeking to demonstrate professional conduct can use the PAM as a benchmark against which their performance can be measured.

A clear explanation of any employee's duties and responsibilities forms an important part of fair employment conditions. The employee should be aware of employer expectations, as outlined in a job description, in order to comply. Items 3 and 4 in chapter A determine to a great extent the content of the educator's daily task, because issues regarding education, extra-curricular and co-curricular activities, administrative responsibilities, interaction with other stakeholders in the workplace and communication are described in detail.

Although the above-mentioned employment aspects are important, teaching remains the core issue of all educators' work. During the curriculum changes currently taking place in South Africa, educators are specifically dependent on communication with those colleagues teaching in other grades (item 4.5 (e)) so that adjustments to and a greater understanding of the broad objectives of the curriculum can be facilitated. Higgins, Ishimaru, Holcombe & Fowler (2012:76) believe that schools should be workplaces where educators feel safe enough to talk with colleagues about their teaching, based on the curriculum as a guideline, asking questions, learning from their mistakes without being punished and to test creative strategies to facilitate professional development. Such educators will experience security, feel nurtured and show courage, which will enable them to experiment for the benefit of the broader educational goal.

PAM (SA, 1998a) emphasises the improvement of teaching skills and professional development in chapter C, item 2.2, and thus enhances the principle of lifelong learning. Chapter C is entirely devoted to developmental appraisal and includes

information on criteria for such appraisal, a staff development plan for schools, an individual professional development plan and procedures for evaluation by a panel as well as by individuals. These measures provide ample opportunities for the Grade R educator to refine her teaching skills and to improve her professional functioning.

A basic expectation of all employees is equity and fairness in the employment relationship with the state (Rossouw, 2004:20) and the PAM (SA, 1998a) provides this. Examples of provisions for fair labour practice are equal and fair distribution of workload among staff at different levels (PAM, Chapter A, item 3.1 (d)), the procedure for educator appointments (Chapter B, item 3 (iii)), which must be non-discriminatory in accordance with section 9 of the Constitution of South Africa 108 of 1996 (SA, 1996a), the Employment of Educators Act 76 of 1998 (SA, 1998a) the South African Schools Act 84 of 1996 (SA, 1996c) and the Labour Relations Act 66 of 1995 (SA, 1995). Other examples of fair labour practices are a fair allocation of leave (PAM, Chapter G item 1.2 -1.3), and the essential elements of openness, accountability and representation during a grievance procedure (Chapter H). The PAM provides fair employment conditions for the Grade R educator employed by the state, which as such can contribute to a professional working environment created by the security.

3.2 General labour legislation

The purpose of the labour legislation in South Africa, according to Pons and Deale (2001:14-3) is to promote economic development, social justice and labour peace in a competitive global economy. These scholars argue that such broad objectives distinguish labour laws from other legislation, which normally merely provides for the establishment of a limited set of principles, the provision of specific rights, obligations and sanctions for non-compliance with the provisions. The challenge for employers, employees and unions is to create a win-win situation from which all the parties in the labour field gain and in which the ideal of economic development is promoted.

Specific, applicable provisions in general labour legislation that will be analysed next, have been selected to display legal determinants impacting on professional security. The Labour Relations Act 66 of 1995 (SA, 1995), the Basic Conditions of

Employment Act 75 of 1997 (SA, 1997) and the Occupational Health and Safety Act 85 of 1993 (SA, 1993a) will be discussed in order to establish a labour law framework based on general labour legislation.

3.2.1 The Labour Relations Act 66 of 1995

The purpose of the Labour Relations Act 66 of 1995 (SA, 1995) is to give effect to provisions relating to fair labour practices in section 23 of the Constitution of South Africa 108 of 1996 (SA, 1996a) by regulating labour issues, for example the functioning of trade unions and employer organisations (Chapter 6), collective bargaining (Chapter 3), strikes and lock-outs (Chapter 4), worker participation in decision-making through workplace forums (Chapter 5), mechanisms for dispute resolution (Chapter 7), unfair dismissal and unfair labour practice (Chapter 8) and freedom of association and the protection of employees and employers (Chapter 2). Bray and Tladi (2008:54) rightly state that this law in particular promotes the constitutional rights of freedom of association (section 18), equality (section 9) and just administrative action (section 33).

From the definition in section 213 (a) and (b) given to the term 'employee' it may be concluded that the Labour Relations Act 66 of 1995 (SA, 1995) is the broad, general labour statute binding all employees in South Africa. These two subsections define an employee as (a) any person, other than a person who is an independent contractor, who works for a person or the state and receives compensation or is entitled to receive compensation, and (b) any person who in any manner promotes the business of an employer. It can therefore be concluded that both Grade R educators appointed by the state and those appointed by the school are protected and bound by this statute. The Labour Relations Act can serve as a regulatory mechanism for labour issues such as the procedures for the legalisation of strikes, in which educators employed by the state under certain circumstances may participate. The Employment of Educators Act 76 of 1998 (SA, 1998a) does not provide for strike actions. The Code of Good Practice: Dismissal (Schedule 8) of the Labour Relations Act 66 of 1995 (SA, 1995) contains stipulations that need to be considered in the disciplinary procedure for dismissal and protection against unfair dismissal (section

186) and automatic unfair dismissal (section 187). These measures apply to all employees, while the disciplinary processes in the education sector are provided for in sections 17 and 18 of the Employment of Educators Act 76 of 1998 (SA, 1998a) as well as Schedule 2: Disciplinary Code and Procedures for Educators.

In practice, school principals and governing bodies may benefit from taking note of the provisions of both laws to ensure that the employment contracts of Grade R educators employed by the school are legal, valid (§ 3.3.1) and fair. The contract of an educator employed by the school, who is subject to the Labour Relations Act 66 of 1995 (SA, 1995), may for example include aspects regarding disciplinary measures contained in Schedule 2 of the Employment of Educators Act 76 of 1998 (SA, 1998a) (rather than the general schedule 8 procedures of the Labour Relations Act) provided that both parties agree, and it is stipulated in the service contract as such. It is already pointed out that educators appointed by the school have individually to negotiate for a contract, while educators employed by the state are subject to collective bargaining on a national level regarding service conditions (§ 3.1.6 and Table 3.1). Whereas Grade R educators employed by the state have a clearly defined job description in, among others, Chapter A, item 3 and 4 of the PAM, their colleagues in the service of the school depend on their ability to negotiate with the school for specific conditions of employment. Grade R educators employed by the school can be professionally vulnerable if they have to rely on their knowledge (which may be limited) regarding contracts, fair employment conditions and negotiation skills. The nature of fair conditions of employment will be discussed in more detail in paragraph 3.3.1 and in the next section under the Basic Conditions of Employment Act 75 of 1997 (SA, 1997).

3.2.2 Basic Conditions of Employment Act 75 of 1997

Legislation to regulate employment conditions serves as protection to employees, since these laws describe the least favourable conditions that employers may apply in determining conditions of employment (Pons & Deale, 2001:14-3). Such laws regulate aspects such as maximum working hours, overtime and compensation for

overtime pay, annual leave, sick leave and provisions for the termination of the employment contract.

The Basic Conditions of Employment Act 75 of 1997 (SA, 1997) (hereinafter BCEA) in terms of section 3 applies to all workers and employers, but in the educational settings education-specific legislation exists, namely the PAM (§ 3.1.6) and the Employment of Educators Act 76 of 1998 (SA, 1998a) (§ 3.1.4). These statutes determine conditions of service of educators employed by the state. The BCEA is specifically applicable to educators employed by the school. This Act provides for a minimum standard of service conditions for Grade R educators appointed by the school. Grogan (2009:11) warns that agreements to conditions of service that accept a lesser standard, contrary to this law, represent a criminal offense. What is allowed, however, is that educators may negotiate with a governing body more favourable conditions of employment than the minimum standard if both parties are in agreement and such conditions of service are described in the contract of employment. The principle is that the employee should be protected when it comes to conditions of service.

The law aims in terms of section 2 to promote economic development and social justice by giving effect to the constitutional requirement for fair labour practices as stipulated in section 23 of the Constitution of South Africa 108 of 1996 (SA, 1996a). Furthermore, the law regulates basic conditions of employment as well as other variations in employment.

Of specific interest to this study is the reference regarding the regulation of working time in section 7 and "normal working hours" in section 9. Working time shall *inter alia* take into account employees' health, safety and family obligations and should be arranged in accordance with the provisions of the Code of Good Practice on the Regulation of Working Time issued in terms of section 87 (1)(a) of the Act. Hours of work in terms of section 9 (1) (b) are limited to nine hours per day in a five day week, which, in the case of Grade R educators, might include after school hours devoted to coaching. It is important to note that adequate preparation is part of the nine hours of

work per day and individuals should determine how much time is needed for quality preparation.

Work on Saturdays, for example during sporting events, and work after six o'clock at night, when staff or parent meetings are often held, would, strictly speaking, be regarded as overtime if the stipulations of sections 10 and 17 respectively are taken into account. Normally the regulations for overtime are, however, balanced by annual leave, which in the case of educators are more days than the 21 days allocated in terms of section 20 (2) (a). The determination of working time and leave are examples of conditions of service that should be agreed to in order to promote professional security. The same applies to an aspect such as continuing professional development in educational settings, which is of paramount importance, but for which this law does not provide. Educators employed by the state have extensive provisions regarding this matter, which is statutorily established in the PAM (§ 3.1.6).

Further stipulations in the BCEA 75 of 1997 (SA, 1997) which promote professional security, exist. Section 28 and 29 require that the employer (such as the school) that has more than five persons employed, must provide certain information concerning the employment relationship to the employee. According to Grogan (2009:31) this constitutes a service contract once the information is described. Pons and Deale (2001:11-3) also point out that employees must receive an appointment letter and that any changes to the conditions of employment should be in writing. In educational settings, a written contract will positively impact upon the employer-employee relationship, because it provides certainty to both parties and facilitates the solution of problems that may arise between employer and employee. Though not advisable, a verbal contract is, however, also valid (Grogan, 2009:30). Section 78 and 79 provide for and protect employee rights, including the right to approach a union representative or labour inspector if stipulations of the law are not met by the employer, in terms of section 78 (1) (a).

Two regulations promulgated in terms of the BCEA 75 of 1997 (SA, 1997), which further establish guidelines for physical and psychological security, are firstly the Code of Good Practice on the regulation of working time (Government Notice R1440

in Government Gazette 19453 of 13 November 1998). For example, item 9 provides for a working environment with good lighting and heating. In some rural schools mud wall and prefabricated asbestos classrooms will most probably not meet these requirements. Secondly, in the Code of Good Practice on the Protection of Employees during Pregnancy and after the birth of a child (Government Notice R1441 in Government Gazette 19453 of 13 November 1998), a list of potential physical hazards are identified, such as exposure to noise and ergonomic hazards such as regular bending down at work during interaction with small children, against which employees should enjoy protection.

3.2.3 Occupational Health and Safety Act 85 of 1993

The central focus of the Occupational Health and Safety Act 85 of 1993 (SA, 1993a) (hereinafter OHSA), namely the creation of a healthy and safe workplace, is so important for South African lawmakers that this matter is included in various statutes. Some of these Acts were analysed, such as the Constitution, specifically section 24 and 29 (§ 2.4 and 2.9), the Regulations for safety measures at schools (§ 3.1.2), the Employment of Educators Act, sections 17 and 18 (§ 3.1.4) and the BCEA (§ 3.2.2). The fact that so many laws and regulations exist aiming at the protection of safety and health in the workplace, highlights the lawmakers' belief that the effectiveness of work may amongst others be dependent on a safe and healthy working environment. Maslow (1970) also indicates that the need for physical security can be seen as a prerequisite for the satisfaction of other needs in the workplace. A study in Singapore highlighted the importance of safety in the workplace when employees indicated that their employer should rather pay them less, but should not reduce the safeguarding of their safety (Royalty, 2008:108).

The OHSA 85 of 1993 (SA, 1993a) provides, in terms of its preamble, for the safety and health of employees in the performance of their work tasks, working with dangerous machinery and materials, as well as for people who are not part of the workforce, but whose health and safety may be threatened by work activities. The OHSA 85 of 1993 (SA, 1993a) further provides for the establishment of an advisory council on workplace health and safety.

The OHSA 85 of 1993 (SA, 1993a) holds both employer and employee accountable for health and safety in the workplace. This responsibility is based on the principle of communication and cooperation between employer and employee. In public schools it would be the principal as representative of the employer who could be tasked with the responsibilities of the employer. Section 8 states that employers are required to establish and maintain a safe workplace, one without risk to the health of employees. Precautions against injury and illness must be taken (section 8 (d)), employees must be informed of potential hazards in the workplace and on the safe use of materials and equipment (section 8 (e)) and safety measures should be enforced (section 8 (h)).

Employees are in turn obliged in terms of section 14 to take, to whatever extent possible, responsibility for their own health and safety as well as that of others in the workplace. Grade R educators and the principal should work together to adhere to safety measures, and to report on unsafe or unhealthy conditions.

Section 9 also places an obligation on the employer to operate the business in such a way that persons not in his employment, but directly affected by the business activities, are not exposed to a threat to their safety and health. It is clear that the principal and staff share responsibility for all who visit the school. It can be concluded that parents who visit the school, are protected by this provision. In practice, the principal must ensure that the overall safety throughout the school grounds is guaranteed. As was illustrated in the case of *High School Ermelo and Another v Head of Department, Mpumalanga Department of Education and others.* Unreported Case no. 30627/07 (TPD), the principal has an important duty regarding safety. If building waste from asbestos classrooms is stored on the school premises, as in the Ermelo case, the principal should call an inspector to decide whether this causes a dangerous situation for the employees and learners in terms of section 9 of the OHSA 85 of 1993 (SA, 1993a).

3.3 Common law

The work-life of the Grade R educator is so intertwined with both statutory and common law principles that a legal framework for security of these professionals

should include, in addition to relevant legislation, an analysis of the common law. The South African common law is defined as un-codified in terms of the legal principles and traditions inherited from both the Roman-Dutch and English law (Roos, Oosthuizen & Smit, 2009:103). These legal principles have been developed over centuries to fit in with the South African legal background and culture. According to Kleyn and Viljoen (1998:90) the common law forms the basis of the South African law and still has binding power. Common law principles are recognised in the Constitution. In this regard, section 173 determines that the Constitutional Court, the Supreme Court of Appeal and the High Courts should contribute to the development of the common law. Section 39 also confirms the status of the common law in the new constitutional dispensation. Common law principles serve the courts with guidelines for the interpretation of law in cases where legislation does not give clear guidance. The common law is, according to Roos *et al.* (2009:103), the main source of law on contract law, the law of delict and property law. Certain principles of the Grade R educator's contract as well as other elements of her work therefore also have their roots in the common law, as will be discussed in the paragraphs that follow.

3.3.1 Service contracts

A service contract is established when both parties agree that the employee is to be employed by the employer, and will provide services to the employer, for which he or she will be compensated (Bendix, 2010:109). After the contract is signed, there are expectations regarding the obligations of the respective contractors as parties to the contract. Common law duties of the employer involve, according to Bendix (2010:109), the following:

- To remunerate the employee;
- To provide a safe and healthy working environment;
- To present work for the employee;

- Not to expect work of the employee to be of a lesser status than the work for which he or she is employed; and
- Not to contract an employee to another employer without his or her consent.

Under the common law, the employee should:

- Perform the work diligently and faithfully;
- Complete reasonable tasks given in the normal course of employment;
- Not cheat in dealing with the employer's property; and
- Not compete in his / her private capacity with the business of the employer.

According to Rossouw (2010:58), these common law principles have not changed in principle, but are continuously being refined in modern legislation and made more specific. In education law certain stipulations have been outlined in statutes such as The Employment of Educators Act 76 of 1998 (SA, 1998a), the PAM (SA, 1998a) and the South African Council for Educators Act in which common law principles have been adapted and applied. These statutes are particularly relevant to those educators employed by the state.

Educators employed by the school, in terms of section 20 of the South African Schools Act 84 of 1996 (SA, 1996c), are also subject to the common law and their service contracts also include principles of common law. A modern contract, such as agreed upon between a school and a Grade R educator, should reflect elements of the common law. Table 3.2 offers a comparison of some duties of the educator in the guideline conditions of service of the Federation of South African School Governing Bodies (FEDSAS) (www.fedsas.org.za) (as an example of a modern contract) compared to the common law duties of the employee as described above.

Table 3.2 Common law principles in modern terms and conditions

Common law duties of the employee	Example of modern conditions of service of an employee
The employee should perform the work diligently and faithfully.	It is expected of every educator to maintain at all times a satisfactory standard of work in the performance of his / her duties.
The employee should not cheat in dealing with the employer's property.	The employee should handle the employer's property with respect.
The employee should not compete in his / her private capacity with the business of the employer.	The employee may not use the employer's property for unauthorised personal gain. Any product that an employee constructs, develops and / or designs in the performance of his duties, is the sole property of the employer; it may not be used for private purposes, in competition with the employer, or in service of any other employer.
The employee should complete reasonable tasks given in the normal course of employment.	The employee should carry out reasonable instructions.

The similarity between the duties of the employee under the common law and those that the governing body organisation FEDSAS presents for members are evident in the table. The likeness confirms that common law principles set out in the contract (Grogan, 2009:12) still form the basis of the modern employment contract. Of significance for Grade R education is the entry in the table which refers to the

potential competition with the employer and a restriction on the use of materials that the educator designed. The limitations of including such a contract provision will be discussed next.

3.3.2 Restraint of trade in the service contract

Van der Merwe, Van Huyssteen, Reinecke and Lubbe (2004:209) point out that employers often add restrictions to their employees' contracts in that an employee, during employment with the employer and after leaving the service, is forbidden to compete with the former employer and to disclose confidential information to a subsequent employer. This limitation is usually aimed at the protection of the business interests of the employer by a contract provision that the employee may not operate a similar business within a specified geographic area and for a specified period. The protection of confidential information, such as trade secrets, is contemplated in such a clause in the contract. In *Alum-Phos (Proprietary) Limited and Another v Spatz* [1997] 1 All SA 616 (W), the criteria for confidentiality were determined as: information which can be abused by the opponents of an employer, information only known to a small number of persons employed by the employer, and information which is of economic importance to the employer. In this case the employee accepted employment with a firm that was in direct opposition to the employer and the court ruled that the employee was barred for two years from accepting such employment, on the basis of such a provision in the employment contract.

The inclusion of the restrictive clause in the contract of employment of workers of a company that has a product to deliver and profit from, is reasonably justified. The distinctiveness of the intention of teaching as a profession might be relevant here. The education of children and to give effect to their right to education of a specific quality (§ 2.7) distinguish educators' work from that of other types of employees. In practice, educators across the broad spectrum of early childhood pedagogy, generally share their programmes and research results to serve the best interests of the child. 'Teaching secrets', similar to trade secrets in the case of companies, are not important to preserve in the teaching profession.

Grade R (and teaching to children younger than Grade R) represents a kind of education that could be duplicated elsewhere, since anyone may register an independent school as an early childhood centre or nursery if certain conditions are met. In this respect Grades R differs from other grades in the primary school. Since there is such a shortage of early childhood development centres in South Africa, and the need among children is so high, the restriction of trade clauses in educators' employment contracts are hard to justify. It is therefore not in the public interest.

The potential impact of restrictive contract provisions may negatively impact on the professional security of Grade R educators. Limiting her freedom to operate in the location where she prefers to work, could appear as unfair and even unconstitutional, if section 22 of the Constitution is considered. Whereas the restraint of trade can reasonably be applied in other spheres of the labour field, the inclusion of such a clause in the contract of Grade R educators can be questioned.

3.3.3 Two contract law principles impacting upon the service contract

A common law principle of importance to the Grade R educator is that of *caveat subscriptor*, which means that someone who signs a document with the knowledge that the signing is an expression of a legal action, should be bound by the appearance of consent which is created through such a signature (Van der Merwe *et al*. 2004:49). Any alteration to or deviation from the agreed service contract would therefore be unlawful, if made unilaterally (i.e. by one party), for example by the employer. Amendments to the service contract should be agreed upon between the parties, and should only take place after proper consultation.

An important principle of contract law derived from the common law, according to Van der Merwe *et al.* (2004:18) is that of *pacta servanda sunt*, which means that agreements, such as service contracts, are binding and that it is necessary for parties to the contract to perform according to the agreement.

3.3.4 A valid service contract

A valid, well formulated service contract that prevents possible exploitation by the employer can promote professional security. The basis of a valid employment contract is agreement or consensus between the parties (Van der Merwe *et al.,* 2004:19-21). Consensus implies that:

- contractors need to be in accord on the outcomes they aim at, to have clarity about the persons between whom the contract is established as a legally binding agreement, and what obligations to performance have been established. The Grade R educator and her employer should be clear on the nature and extent of the services she must deliver and the salary to be paid;
- contractors seriously intend to bind themselves legally to the agreement of the contract; and
- both parties are aware of their consensus.

In addition to consensus requirements, the following requirements for a valid contract are of importance.

- Both parties must have the capacity to contract. This means that the school and the educator must be competent to enter into contracts. The specific performance, i.e. the fulfilment of the agreement should be objectively possible. A primary school, as a legal person having the capacity to contract, for example, may in terms of section 20 (4) of the South African Schools Act 84 of 1996 (SA, 1996c) enter into contracts with educators (Rossouw, 2010:58).
- Formalities like the formulation and signing of the contract should be determined and honoured by both parties.
- Physical feasibility must exist. The school governing body, for example, has to make sure that they are financially able to reimburse the educator and the

educator, at the time of entering into such service contract, must be able to perform the expected work.

- Juridical feasibility should also exist. This means that the contract should not be in conflict with the law, education policy or good morals. Registration with SACE in terms of section 20 (7) of the South African Schools Act 84 of 1996 (SA, 1996c), for example, is a requirement for all educators, also supported by White Paper 5 (SA, 2001), and all Grade R educators are bound by this provision.

- The content of the contract should be objectively determinable or determined. According to De la Harpe (2006:9-10) an outsider should be able to ascertain exactly what each contract party's rights and obligations are without needing a further agreement on any of the aspects.

A valid contract paves the way for a contractually secure employment relationship. The terms and conditions should be clear from the contract, leading to positive outcomes for the security of the professional educator. The fixed-term contract will next be discussed, as this type of contract is the more typical contract in the context of Grade R educators' employment, but it seems to create problems in practice.

3.3.5 Fixed-term contracts

Generally speaking appointments may be part-time, such as when an educator is only responsible for a specific activity in the Grade R programme or a fixed-term employment (fixed-term contract) or permanent appointment. Schools often decide on fixed-term appointments, for example for one school year, when the governing body cannot guarantee the future availability of finance. Such contracts can, however, negatively affect professional security. The annual negotiations regarding the contract renewal and uncertainty over an income may negatively impinge on educators' morale and loyalty. The loss, in case the contract is not renewed, is more severe where a governing body links pension and medical benefits to the appointment. The uncertainty regarding her psychological safety may even have an impact on her teaching in the classroom.

A legitimate expectation of contract renewal may be created when an educator's contract has automatically been renewed annually for a number of years. This practice, as well as promises of reappointment reinforces such expectations. If the contract is not renewed, or renewed with less favourable benefits, it amounts to dismissal in terms of section 186 of the Labour Relations Act. In *Mthembu / Trans Caledon Tunnel Authority* (2009) 18 CCMA the employer linked a condition to the renewal of a five-year fixed-term contract: that the employee's work must be satisfactory. Just before the term expired, the council offered her a six-month extension, which she accepted. After this, the relationship between employer and employee deteriorated. It was decided at a board meeting that the extension would be withdrawn. The employee appealed to the CCMA and argued that she had a legitimate expectation of contract renewal. She demanded compensation.

Since documentation confirmed that the employee's performance was satisfactory, the commissioner ruled that the employee had a legitimate expectation. It also came to light that the dismissal was in fact due to a grievance lodged by the employee which offended the board. On the basis of this grievance, the decision on termination of the employment was announced. In addition it was found that the dismissal was also procedurally unfair because the employee was granted no hearing. The claim for compensation was therefore granted.

Joubert and Bray (2007:111) warn that governing bodies may enjoy service from educators over long periods without ensuring better benefits. Educators should be alert against such exploitation. Adequate knowledge of legal matters, such as relevant contract law information, can protect educators against such wrongdoing. Governing bodies can create professional security for employees by indicating on the monthly pay slip when the contract expires. They should guard, even in informal conversations, against creating an expectation of contract renewal with educators.

As educators have obligations regarding their service contracts there is accountability that can lawfully be claimed regarding the children under their supervision. Grade R educators continuously supervising about 25 learners are

aware of such high demands. The delictual liability of the Grade R educator will now be discussed.

3.3.6 Delictual liability

The premise of the law is that loss or damage suffered by a person should be carried by themselves (Neethling, Potgieter & Visser, 2010:3). Yet the law recognises the principle that a person who has suffered damage, may be compensated if the damage was caused by the wrongful act, or delict, of another person. For this study, the question arises under what circumstances the Grade R educator can be held liable for damage that a learner might suffer, for example when an injury occurs. It goes without saying that potential liability can have implications for professional security, especially seen in the light of Grade R learners learning through active play. Play definitely includes a risk to the Grade R learners' safety (Thomson, 2002:98).

Botha, Smit and Oosthuizen (2009:190) point to the fact that an educator is held liable when a legal duty rests on her. The service contract establishes a special relationship and thus a legal duty. She breaches such a duty when a learner suffers damage in the form of an injury or illness. Such legal duty firstly implies that the educator is statutorily obliged to act according to law and regulations. In the case of *S v Blom* 1977 (3) SA 513 A it was decided that no one, and thus also not the Grade R educator, can use ignorance of the law as justification for improper conduct. This is based on the common law principle *ignorantia legis neminem excusat* which means that ignorance of the law excuses no one. Even Grade R practitioners who, compared with fully trained educators, may only have a lesser degree of knowledge about child development or have not reached the required training standard, will not be exempted if they transgress any stipulation of legislation. Of interest here is the *imperitia culpae adnumerator* principle, which is, as originally applied, based on the premise that ignorance or incompetence may lead to findings of negligence. The matter of inexperience was also confirmed in an English court in *Nettleship v Weston* [1971] 2 QB 691. In this case, the lack of knowledge and inexperience of a learner driver who caused an accident did not serve as a defence and the same standard was demanded of him as of an experienced driver. No person working with Grade R

children may knowingly or unknowingly ignore legislation, regulations or legal principles related to, for example, delictual liability.

Examples of legislation relevant in this context to Grade R educators are the Domestic Violence Act 116 of 1998 (SA, 1998b) and the Children's Act 38 of 2005 (SA, 2005a) that among others oblige educators to report child abuse and domestic violence. Educators will be held accountable if they deviate from these stipulations without justification and children would suffer damage because of such omission to act. This legal duty places accountability on the Grade R educator and certainly this will have an influence on her experience of security in her career (more so the untrained Grade R educator or practitioner).

In the context of education a legal duty is normally referred to as a ‘duty of care’ (Oosthuizen, Rossouw & De Wet, 2011:93). According to this principle a duty rests upon the educator to carefully supervise and look after the physical and mental well-being of the child in her care. The basis of such duty is the special relationship between educator and child (Neethling *et al*., 2010:73). The existence of such a special relationship is one of the tests in delict to determine wrongfulness. The educator stands in an authoritative and responsible position with regard to the Grade R child, who can be between four-and-a-half and six years old, and therefore may be very dependent on adult guidance. Accordingly, the educator may never leave the class without supervision, for example to escort a parent to the office to pay school fees. She is obliged to support learners physically during exercises with an element of risk.

The educator's control of potentially dangerous objects like scissors in the Grade R class represents a commitment to learners' safety. Precautions that can be taken include the use of round nose scissors, good instruction before the use and direct supervision during the use thereof.

Supervision and training are not the only ways to protect children's safety. In Grade R more time is devoted to active play than in other grades in primary school where a more formal approach is followed. The preparation of the outside play area to

stimulate specific skills during play imposes an obligation on the educator, for example, not to erect an obstacle course near swings. The maintenance of all teaching and learning support material (and not just the outdoor equipment) requires regular inspection and good observation in order to prevent injuries.

The fact that the Grade R educator causes a child's injury is, however, on its own not sufficient grounds to establish liability. According to Neethling *et al*. (2010:4) a delict can be defined as “an act of a person who wrongfully and in a faulty way causes injury or damage to another". The purpose of litigation in a delictual action is, in contrast to the retributional nature of criminal litigation, compensation for damage suffered (Rossouw, 2010:67). All five fundamental elements, namely an act, wrongfulness, fault, causation and damage, must be present before liability can be proven. In cases of alleged intentional harm to a person, intent to harm must be proved. More relevant to education is the element of negligence. To establish fault in the form of negligence, the reasonable person test is applied. It involves the determination of reasonable foreseeability and reasonable preventability by a reasonable person under the circumstances. If an incident in the Grade R class takes place in which a learner experiences harm, injury or damage, the following questions will be asked: would the reasonable Grade R educator foresee the possible harm and, if so, did she take reasonable steps to prevent it? It is clear that decisive action is necessary to prevent injuries. A higher level of care is also expected from a trained expert such as a Grade R educator, as compared to the untrained person. Bray and Tladi (2008:61) define negligence as “the failure to exercise an acceptable degree of care for the safety and wellbeing of others placed under care". The level of care expected of educators who work with young children is even higher as illustrated in two cases that will be discussed next.

In *Wynkwart v Minister of Education* 2002 (Cape of Good Hope, 4168/1999) 195, 256 and the subsequent appeal court case *Minister of Education v Wynkwart NO* 2004 (3) SA 577 (C) a grade 3 boy sustained serious injuries on school property while he was heading home. On the day of the incident, the class educator guided her class to a safe exit at the end of the school day. One learner decided to leave

through the unmanned school gate 4, slipped unnoticed from the supervised queue and climbed over the gate. The gate was locked, as learners were repeatedly warned not to use that gate. The learner slipped, landed on his head, and spinal injuries have since deprived him of the use of his limbs. This led to a civil claim and the court *a quo* held the school liable. It was held that the incident was foreseeable and preventable. On appeal, the court, however, indicated that unreasonable demands should not be put on educators. An example of such unreasonable demand is to expect the supervision of each child every moment of the day. The level of supervision depends nonetheless on the risk that learners are exposed to and educators must realise that mere warnings are not adequate (Joubert, 2009:146). This applies especially to small children who are irresponsible, impulsive, and exploratory by nature. Seeing that educators, due to the nature of their training, know young children's physical and intellectual abilities as well as their impulsivity, they should more easily recognise potentially dangerous activities and will therefore be better prepared to prevent damage. It can therefore be argued that appropriate training represents a source of professional security for the educator.

The requirement of reasonable preventability is illustrated in *Hawekwa Youth Camp v. Byrne (615/2008)* [2009] ZASCA. A Grade 3 boy suffered brain injuries when he fell off a bunk bed at a camping site during a supervised school excursion. The upper level of the bunk bed did not have a barrier high enough to prevent the child from falling during the night. The court ruled that the supervising educators should have recognised this risk and let them sleep for example on mattresses on the floor. Unlike in the *Wynkwart case*, this appeal was unsuccessful and the supervising educators, the school and the Minister of Education were held accountable.

In addition to physical and psychological damage, there are other forms of damage that a learner may suffer. The terms ‘educational negligence’ and ‘educational malpractice’ occur in the literature (Teh, 2008:150; Berliner Cohen, 2010) and are acknowledged in this study. Visser (2005:218) argues that, as a learner can suffer physical or psychological injury because of the wrongful act of another person, the learner can also suffer intellectual damage due to negligent or ineffective teaching by

the educator. He also argues that poor teaching ability might represent wasteful expenditure and eventual loss of earning capacity. The educator is not only responsible for the learners' physical and psychological well-being, but also for their academic progress. South Africa does not have lawsuits regarding educational negligence, but Teh (2008:139) refers to such examples in England. He also points to the global trend towards demands regarding accountability for teaching at school. As an example, he refers to a case where a learner's IQ was calculated incorrectly and the authorities failed to repeat the test. On the basis of the test results the learner was placed in a school for children with learning disabilities, which caused emotional and intellectual damage. The level of teaching in this school also later hampered his chances of a good occupation. The court ruled that this is an example of educational negligence. The potential impact of this additional form of accountability on the Grade R educator is evident.

In the preceding paragraphs the accountability and liability of educators as employees were discussed, to the extent that these impact on professional security. The liability of the state as the primary provider of public education will now be analysed, since the South African Schools Act 84 of 1996 (SA, 1996c) stipulates that the educator is not the only party who is involved in case of damage or injury to learners.

3.3.7 State liability

Section 60 (1) of the South African Schools Act 84 of 1996 (SA, 1996c) reads as follows:

> (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 a public school would have been liable but for the provisions of this section.

The purpose of this legislation is to protect the school as a juristic person through the assurance of state liability in the widest sense of the word in case of damage or loss during school activities (Colditz, 2003:21). The liability referred to here,

emanates not from the employer-employee relationship, as in the case of vicarious liability, but from the fact that the state is responsible for the provision of public education.

Colditz (2003:22) maintains: “There is only one liable party and that is the state.” Therefore a parent whose child is injured due to the negligence of the educator, should institute a claim against the Member of the Executive Council in terms of section 60 (3), and not against the school. The claim is sometimes brought, as in *Hawekwa*, against the provincial Minister of Education. If the school has taken out insurance for protection against claims, the state in terms of section 60 (2) shall be liable for that part of the claim that is not covered by the insurance.

Rossouw (2010:84) points to a requirement linked to state accountability assigned in the case of an educator who is held delictually liable for a wrongful act. Extracurricular activities such as sporting events, concerts and outings falls among the duties of the educator and she will be held liable for any wrongful act or omission that can be linked to such activities.

The extent of the state's liability is further qualified in section 20 (10) of the South African Schools Act 84 of 1996 (SA, 1996c). It determines the following: “Despite section 60, the State is not liable for any act or omission by the public school relating to its contractual responsibility as the employer in respect of staff employed in terms of subsections (4) and (5).”

The case of *MEC for Education and Culture, Free State v Louw and another 2006* (1) SA 192 (SCA) shed some light on this stipulation. The important question to which an answer had to be obtained in this case, was whether or not the state can be held liable for damages caused by an educator who is not employed by the state. The educator employed by the school was held negligent during a swimming exercise as part of the Life Orientation programme. A young learner nearly drowned, resulting in brain damage. Section 20 (10) was raised by the State to show that the State is not liable and the school is liable, based on the employment contract with the educator: the school was the employer and not the State. The appeals court, however, ruled that the liability of the state in this case was not

excluded. The reason was that the educator's act or omission did not result from the contractual responsibility of the school to her, as required in this subsection. In terms of section 20 (10) the state is not liable in respect of the contract between the educator and the school, for example, in terms of her salary. As regards claims for negligence, however, the state remains liable. Of interest to the Grade R educator is the state's power to recover a portion or the entire amount of damage over a period from the educator after the plaintiff was compensated. This can occur irrespective of whether the educator was employed by the state or the school, through the process known as recourse (Neethling *et al*., 2010:404). While this legislation protects the public school, the individual educator may still be held personally liable for the repayment of claims to the state. The possible exercise of recourse by the government puts pressure on Grade R educators, which may affect professional security.

3.4 Concluding remarks

To begin with, the legal framework for educator security was outlined in Chapter 2 by way of an analysis of the Constitution. In Chapter 3, this was further enhanced by an analysis of general legislation relevant to this study. Education-specific legislation and subordinate legislation, including the South African Schools Act 84 of 1996 (SA, 1996c), the Regulations for safety measures at public schools (SA, 1996d), the National Education Policy Act 27 of 1996 (SA, 1996b), the Employment of Educators Act 76 of 1998 (SA, 1998a), the South African Council for Educators Act 31 of 2000 (SA, 2000a) and the PAM (SA, 1998a) were first discussed. Then followed labour legislation such as the Labour Relations Act 66 of 1995 (SA, 1995), the BCEA 75 of 1997 (SA, 1997) and the Occupational Health and Safety Act 85 of 1993 (SA, 1993a) were analysed to the extent that they impact on the professional security of the Grade R educator.

The chapter concluded with a discussion of the common law as a determinant for educator security. In this section, attention was given to the employment contract as a most important document in the employment of educators appointed by either the state or the school. It was shown that contractual security can be regarded as a key issue in professional life. During these discussions and analysis the potential

implications of liability for Grade R educators' professional security were highlighted. In the chapter that follows, the policy on early childhood development is discussed.

Chapter 4: Early Childhood Development policy as a determinant for the professional security of the Grade R educator

4.1 Introduction

In the previous two chapters the focus was on a legal framework for professional security through an analysis of constitutional provisions (Chapter 2) and other legislation (Chapter 3). Along with these legal determinants, this chapter focuses on education policy, and more specifically on its role in the work-life of the Grade R educator. By way of introduction, the chapter will take a brief look at the relationship between law and policy first. Thereafter, the background to ECD policy will be sketched by explaining the nature and goals of ECD as a domain within education. Since policy is developed for a specific domain as well as a profession in which the Grade R educator should experience security as an employee, the first part of the chapter is intended as opening remarks leading up to the analysis of several policy documents and their potential impact on the Grade R educator.

Contextual factors which could influence professional security are of specific importance in this research since these will, amongst others, determine the impact of policy on the Grade R educator.

Although the relationship between law and policy has been outlined (§ 1.8.2), it is once again touched upon in Figure 4.1, where the embedded nature of professional security is illustrated.

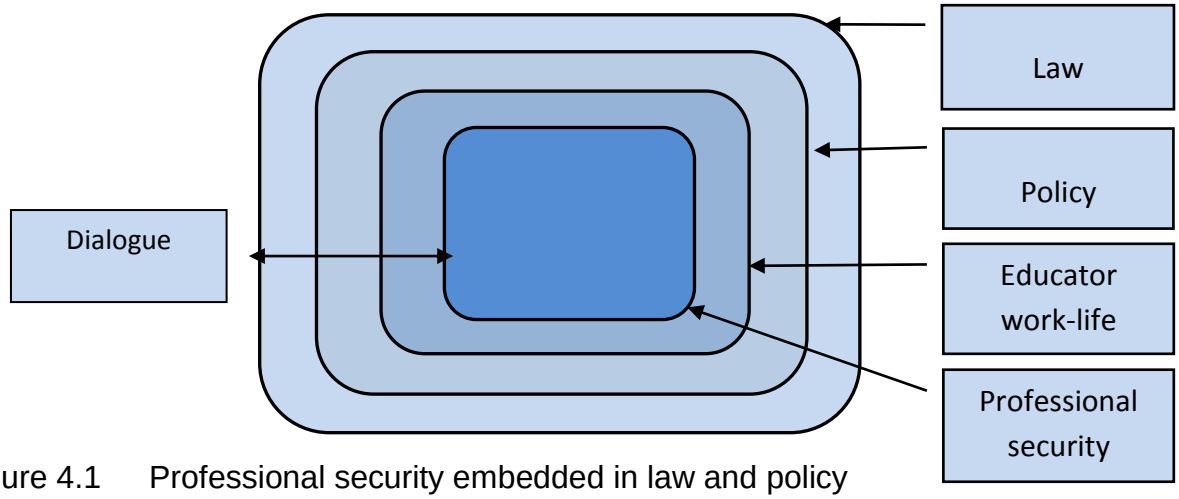

Figure 4.1 Professional security embedded in law and policy

All policy is embedded in the law and must be consistent with the law. School policy and even internal rules applicable to staff should be subject to legal regulation. The educator's work-life is regulated by policy, which has a more direct influence on professional security than law, as policy is the vehicle to apply legislation in practice. The Grade R educator's professional security in the workplace is the focus of this study and is embedded in both law and policy.

Figure 4.1 also shows the importance of dialogue (Bakhtin & Holquist, 1981; Bakhtin, 1986), which this study is linked to. In Chapter 2 (§ 2.7), it was mentioned that there is dialogue between international declarations and South African legislation. In this chapter dialogue also occurs between policy, research, practice and theory. Dialogue between all the stakeholders that contemplate education reform or improvement through policy and legislation (Rosekrans, 2006:2) contributes to the nature of the working environment of the educator. Developing a shared understanding of policy issues, openness and trust as well as becoming jointly responsible for policy are some of the positive aspects of dialogue. According to Pieczka and Escobar (2010:10), the advantages of dialogue are, among others, the promotion of democracy and better decision making for the benefit of persons who are affected by policy. Dialogue should also serve as the catalyst between processes, groups and individuals.

4.2 Education policy and the South African context

Ball (1994:10) defines policy as "both text and action, words and deeds, it is what is enacted as well as what is intended". The national education policy does not only exist in documents that give an indication of what a government envisages with a sector such as ECD, but it is also the product of the point in time during which it is developed and enacted (Spreen & Vally, 2010:429). The place in which policies are developed and implemented, such as a specific country with distinctive characteristics, is also reflected in such policies. To put policies that are discussed in this chapter into perspective, a few comments on the historical, economic and social context of South African education policy on ECD are offered.

The contextual background to the current ECD policy in South Africa is the post-apartheid era with burning political issues such as equality, human rights and

democracy. Social issues such as poverty, the impact of HIV and AIDS on families, unemployment and a highly divided education sector in terms of multiple departments and separate funding structures have contributed to the policy climate.

After the transition to democracy, policy-makers had to create a balance between the strong drive towards transformation and towards redressing inequalities on the one hand and international standards regarding accountability as well as an emphasis on skills and human resource development on the other. In addition to global demands, policy had to be used urgently to align teaching as a whole with needs within the local economy.

Britto, Boller and Yoshikawa (2011:1) consider equity or fairness as one central motivation for ECD policy within the international context. This sentiment is echoed in South Africa. Motivated by a desire for justice and equity and a human rights approach, South Africa adopted influential international policy guidelines such as the UNESCO World Declaration on Education for All (EFA) and the Millennium Development Goals (MDGs). The former recommends that countries should strive to provide for the learning needs of all children by 2015 (UNESCO, 2000). The MDGs, ratified in 2000 by 191 countries, focus on poverty alleviation, gender equality and health promotion. Whereas these two policies, together with the provisions of the Convention on the Rights of the Child (CRC), form the main policy instruments for change in ECD policy worldwide (Britto *et al*., 2011:7), section 28 of the Constitution (§ 2.6) and the Children's Act 38 of 2005 (SA, 2005a), as amended, have given impetus to ECD policy development in South Africa (Biersteker, 2010:8). The influence of these national and international policies is evident in ECD policy, for example that poor people should enjoy priority as a target group in Grade R provision (see White Paper 5, National Norms and Standards).

While many policy-makers were highly motivated to ensure equal access to Grade R education, the quality of teaching in Grade R seemingly did not enjoy the same priority initially (Biersteker, 2010; Motala, Dieltiens, Carrim, Kgobe, Moyo & Rembe, 2007). Perhaps it was assumed that when ECD was expanded so that everyone had access to education, quality teaching would be included. Several researchers, however, agree that fairness and equality imply that all children have equal access to

the same quality of teaching in order to ensure better outcomes (Britto *et al*., 2011:8; Sayed & Ahmed, 2011:107). The discourses related to the dimensions of quality programmes and instruction in *kindergarten* or Grade R will be discussed in more detail later (§ 4.4). The motivation for initial policy development or the subsequent adjustment thereof should, essentially, always be improved developmental outcomes for children. The role of those people who must realise quality teaching in the classroom should, however, not be underestimated.

The image of ECD workers amongst policy-makers in the period before and after democracy deserves to be touched upon. The long absence of established qualification requirements for educators of five-year-olds and a lack of a specific curriculum for the Grade R learner until the development of the Curriculum and Assessment Policy Statement in 2010 do not only reflect the low status of the discipline worldwide (Dinham & Scott, 2000:391) but could possibly also be an indication of South African policy-makers' view of those that have to execute the policy in this profession. Despite views of people in the profession, it can be assumed that the rationale for ECD policy internationally has convinced South Africa of the potential benefits of ECD programmes within the local context.

4.3 The rationale for Early Childhood Development policy

The global objectives of early childhood development contained in policy, and proposed and supported by organisations such as the World Bank and the National Association for the Education of Young Children (NAEYC), are among others based on research that confirms the relationship between brain development in early childhood and later learning and development (Schonkhoff, 2010). This research indicates that it is not only children's cognitive abilities that are promoted through timely and appropriate intervention (such as Grade R) but also their physical and socio-emotional health. Research conducted within the last ten years, that included an evaluation of the short and long-term effects of a variety of programmes, emphasises the importance of the nature of intervention programmes as well as the potential impact such programmes can have on children within different contexts (Reynolds, Temple, Ou, Arteaga & White, 2011; Berlinski, Galiani & Gertler, 2009; Barnett, 2011:978-979; Nores & Barnett, 2010; Schweinhart, 2005). Burger (2010)

provides a comprehensive review of research findings regarding programmes in 56 countries (including the Perry Preschool program, the Abecedarian study, Head Start, Early Head Start and Chicago Child-Parent Center). This researcher came to the conclusion that Early Childhood Development programmes have a positive effect on cognition, socio-emotional development, progress at school and anti-social behaviour and that these programmes can, thus, counteract later delinquency among juveniles. The long-term effects of major public programmes can increase employability in low-income countries and facilitate poverty alleviation (Sargent & Hannum, 2005:173). Based on the long-term impact of ECD programmes, it could be argued that investment in these programmes in a newly industrialised country (NIC) (IMF, 2011) such as South Africa is justified. Nores and Barnett (2010:280) showed that ECD programmes have the potential to benefit all children in countries with less as well as more developed economies.

On a political-strategic level, universal ECD programmes offer governments the opportunity to promote equality by giving boys and girls the same educational opportunities and to level the playing field between children with more educational opportunities and those without. Equal opportunities for parents in the labour market are also made possible by ECD programmes because their children can be cared for outside the home. The potential positive outcomes of ECD are well documented, but the specific nature of the programmes varies greatly. It is, therefore, necessary to focus on the quality of ECD programmes, which will be discussed next.

4.4 Quality as a condition for effective ECD programmes

The quality of programmes, which include quality teaching, is crucial to their effectiveness (LoCasale-Crouch, Konold, Piata, Howes, Burcinal, Bryant, Clifford, Early & Barabarin, 2007:4). Only well-designed quality programmes have a positive impact, while poor programmes do not even recover their input costs (Barnett & Masse, 2007).

Bredekamp (2011:14) distinguishes between structural and process quality. The former includes educator qualifications, educator-learner ratios and maximum group sizes, which are all easily measurable. Process quality, which forms the core of learners' experiences and which is difficult to determine, encompasses the

interaction and relationship between educator and learner, the appropriateness of teaching support materials, learning experiences and teaching strategies in a specific context. The world's largest organisation concerned with standards and criteria for training of ECD educators and ECD programmes, the National Association for the Education of Young Children (NAEYC) (Bredekamp, 2011:12), provides broad guidelines for the quality of programmes. International measures such as the Early Childhood Environment Rating Scale (ECERS-R) (Harms, Clifford & Cryer, 2005) and the Classroom Assessment Scoring System (CLASS) (Pianta, LaParo & Hamre, 2007) also provide such guidelines.

Taking all the research and guidelines into account, it should be pointed out that "... what educators actually do with children is the most important determinant of the quality of children's experiences and their learning outcomes" (Lo Cascale *et al*., 2007). The role of the educator can, therefore, be regarded as being of key importance to the success and quality of the programme in a specific country, school and class. How the educator experiences her work-life, in turn, determines to a great extent how effective she is in her professional role (Leithwood, 2006:9). As already shown, the experience of professional security in the workplace is a factor that cannot be ignored when the full utilisation of the educator's potential as an employee is taken into consideration.

Although more research is needed to determine the exact nature of quality within a specific context (Barnett 2011:978; SA, 2010), the following characteristics of quality prevail in broad policy objectives for ECD:

- A holistic approach: ECD should not just focus on language and mathematics skills but also on life skills that promote the cognitive, social-emotional, moral and physical development of children (Gordon & Browne, 2011:230). The curriculum is consistent with these objectives;

- More than education: A holistic approach could also include comprehensive care, which implies that ECD programmes could also comprise support regarding nutrition, healthcare, mental health, parenting and general care (Bredekamp, 2011:64);

- Universal access: Although vulnerable children from poor, disadvantaged communities benefit the most from ECD programmes (Melhuish, Sylva, Sammons, Siraj-Blatchford, Taggard, Phan & Malin, 2008:116), such programmes should be available to all children (Barnett, 2011:977) in order to promote educational and gender equality (Dhuey, 2011) and because all children potentially could benefit from such programmes;

- Adequate funding: Affordable or free access to ECD and supporting resources for teaching should be established. Adequate resources can be ensured through multi-sectoral collaboration, in which ECD should be an integral part of macro-planning and national budgeting (*Save the Children*, 2012);

- Well-trained educators (Bredekamp, 2011:13), a limited class size (Essa, 2011:20) and a limited educator-learner ratio can lead to quality interaction between student and educator in a type of education in which individualisation is important (Barnett, 2011);

- Education, according to Copple and Bredekamp (2009:33-36), makes use of developmentally appropriate, culturally acceptable and linguistically appropriate approaches effectively to contribute to the child's learning and development within the context of the programme's curriculum objectives. Educators should consciously utilise a variety of teaching approaches to optimise learning (NAEYC, 2005);

- Respect for educators: An enabling working environment and appropriate remuneration demonstrate respect for the educator as an employee (Essa, 2011:22);

- Supporting the values of and participation by the local community: In South Africa, school governing bodies of public schools should fulfil this role;

- A learning environment that is safe, healthy and child-oriented is required (Gordon & Browne, 2011:282-300);

- High standards for teaching and learning, monitoring and evaluation are needed; and
- A continuous improvement cycle in the professional development of educators, which includes critical reflection and planning, is required (*Save the Children*, 2012).

Several elements of the broad policy objectives that feature internationally are also evident in the South African and Canadian policies regarding ECD that are discussed in this study. In the discussion of specific policies (§ 4.3), this will be expanded upon to provide more detail.

In order to illustrate the field of ECD within which the Grade R educator performs her daily duties, a few philosophical issues will now be touched upon. In the discussions that follow, the essence of Grade R teaching and the exact nature of an educator's professional responsibility will be elucidated.

4.5 Some philosophical issues that influence ECD

Several key elements of ECD embodied in policy, for example play-based teaching approaches, have their origins in the philosophies and theories of people who influenced theory and practice over the centuries. Although a variety of philosophies serve as broad theoretical bases for thinking regarding ECD, only a few are highlighted here to illustrate the impact on the Grade R educator's task.

According to Erik Erikson's (1977) theory of psychosocial development, a human being moves through eight stages in his or her development, each representing a critical period for the development of an important skill or power. Each phase is characterised by an emotional 'task' or challenge which forms the basis for the next phase. Three- to six-year-olds fall into Erikson's third stage, namely Initiative vs. Guilt, during which initiative rather than guilt should develop, as well as the fourth stage, Industry vs. Inferiority.

The theory provides an important perspective on the concept 'whole child development', and it stresses the fact that it is mainly through imaginative play that children develop initiative and autonomy and give meaning to their world. The

educator is the basic emotional basis and social mediator of the child (Gordon & Browne, 2011:144). She supports the development of initiative by connecting expectations to the individual's ability; by focusing on independence, on successes and on effort rather than shortcomings; and by making use of a curriculum based on actual first-hand experiences rather than mere listening (Bredekamp, 2011:111).

Jean Piaget (1896-1980) developed a cognitive theory that, despite criticism about his stages of cognitive development, had a major impact on the discipline. In his constructivist theory, Piaget believed that young children are sensory-motor learners who construct their knowledge of the world through exploration and discovery (Donald, Lazarus & Lolwana, 2006). According to Piaget's stages of cognitive development, the Grade R child finds himself or herself in the pre-operational phase, characterised by concrete thinking, egocentric behaviour and decision-making on the basis of what can be seen, rather than on adult logic. By two processes, namely assimilation and accommodation (Piaget, 1994), information is adjusted based on existing knowledge or replaced with new knowledge so that equilibration can be achieved. Due to their existing knowledge, three-year-olds may refer to all men in overalls as ‘builders’. When new meanings are given to men in overalls, there will be a balance between what the child knew previously and a higher level of understanding that has developed.

Educators should provide a learning environment that has meaning for children and should create situations with questions that challenge children to make decisions (Gordon & Browne, 2011:122) and to share their views with peers. Games with rules that promote social interaction and self-regulation should be facilitated.

Lev Vygotsky (1896-1934) believed that knowledge is constructed on a social level and it is not static or absolute. Since knowledge is socially constructed, meanings would differ according to cultural, historical and social contexts (Donald *et al*., 2006). Language is a powerful carrier of values and cultural content and is an integral part of cognitive development. Vygotsky's zone of proximal development represents the difference between the current level of understanding and what children can achieve through scaffolding or support from peers and the educator. The educator's job is, therefore, to understand individual children's current level of understanding, to

choose appropriate tasks and to provide guided assistance (Shipley, 2008:27) so that a new level of understanding can be achieved. This support includes active questioning, modelling and teaching. Vygotsky regarded play as the leading factor in child development. Educators should facilitate different play opportunities that link up with a child's ethnic and cultural background. While a Grade R educator in South Africa could hold the European middle class's view of play, she should take into account local realities such as race, gender and social class, while affording all children equal opportunities to develop cognitively. Children who are confined to small spaces in small apartments and houses, for example, should be given the opportunity to spend much time outside playing on a large jungle gym and running around freely. Ethnic dolls can be provided in the home corner, and games that are specific to local cultures can be encouraged.

For the sake of a balanced view, critique of developmental theories is now touched upon. Since such theories focus mainly on the development of the individual, the idea of a universal child, considered independently of the context in which the child lives, is created (Mac Naughton, 2003). Excell (2011:68) believes that, in contrast to this idea, the understanding of children and childhood is socially constructed by members of a particular society at a particular time and on the basis of shared perceptions or assumptions. In a diverse South Africa, the Grade R educator should not engage uncritically with developmental theories, or any theory or belief. She should remain aware of changing trends and views that are communicated through research. It can prevent educators from being forced by superiors with a lesser knowledge of child development, for example, to apply strategies such as predominantly educator-centred teaching, which is ineffective. Theories must be tested against the requirements of the school context, since the balance between free child-initiated play and educator-based instruction depends on the needs of the children in the class.

The philosophical underpinnings of ECD and Grade R do not only stem from developmental theories. In general, it can be assumed that ECD, like other disciplines, is theoretically based. This theoretical foundation provides broad policy guidelines for the structure of programmes, which in turn are based on the nature

and needs of the developing child and how the child learns best. In practice, a theoretical basis forms the foundation upon which decisions regarding curriculum planning are built (Smidt, 2009:55-56, 65), as well as on didactic principles such as individualism and independent activity (De Witt, 2009:216-217), teaching approaches (Shipley, 2008: 59) and programme content. ECD policy for a country does not slavishly follow a single philosophy, specific design or a programme such as the Montessori programme, but rather it supports elements of the different philosophies (Essa, 2011:140). The philosophical orientation, as reflected in policy, does however determine all aspects of the educator's work task. Viewed as such, a thorough knowledge of ECD's underlying philosophical basis, which should be included in initial training, can contribute to the professional security of an educator. The educator can scientifically justify her approaches towards parents who may have a narrow view of ECD (Cleveland, Corter, Pelletier, Colley, & Bertrand, 2006:41-42). Further, such knowledge enables her to speak a shared jargon within the profession, through which security can be promoted in the ECD culture.

4.6 The culture of ECD

In addition to ongoing research on ECD, policy objectives also gain from the rich multi-disciplinary tradition and professional culture of the profession. Policies that regulate and influence a profession are not to be isolated from traditions built over centuries and the specific professional culture that applies to members of the profession. All these aspects unobtrusively enter into dialogue with what occurs in ECD as a discipline, since it has an impact on policy.

Early Childhood Education, like other professions, has its own culture that sets the expectations and rules for members of the group. According to Bredekamp (2011:20), cultural groups within a profession define themselves firstly by a shared terminology or jargon, secondly by a shared identity with role titles that articulate members' function and the focus of the discipline and, thirdly, through shared values. A feeling of belonging is also created in the professional culture, echoing Maslow's theory which states that belonging to an acceptable group such as a professional group is one basic need of all humans. When educators experience that they belong, they are professionally secure.

Shared values in the ECD culture are deeply rooted and are described among others in the NAEYC (2005) ethical code. Examples of ECD values include the following:

- appreciation of early childhood as a unique and valuable stage of the human life, not just as preparation for a subsequent year;
- recognition and support of the bond between the child and the family;
- respect for diversity in learners, families and colleagues; and
- education based on knowledge of how children develop and learn.

Shared beliefs are important elements of the ECD culture and include the following: a belief in every child's potential, regardless of life circumstances and capabilities; a belief that the professional's work can result in lasting differences in a child's life, for example by preventing problems; and confidence in the positive results of developmentally appropriate education (Bredekamp, 2011:22). Developmentally appropriate education connects with the child's age, abilities, experiences and cultural background and supports the child to reach goals. Should policy or the application of policy show evidence of a denial of early childhood as a unique phase of life and if it merely focuses on preparation for Grade 1, the professional culture that has developed over centuries and which is scientifically based would also be underestimated and denied.

4.7 ECD policy and professional identity

The professional identity of persons who work in this field is closely related to the culture of ECD, as discussed. Osgood (2012:40-57) believes that the educators' professional identities are not only determined through knowledge of the discipline, training and quality work but also through the way they are depicted in policy texts and discourses that contribute to their overall image in the community. ECD policy can send out conflicting messages regarding ECD employees which may harm their professional identity. On the one hand, the educator is presented as being crucial for the realisation of a government's objectives of ECD, including economic advancement and the provision of a "best start in life for children" (Pascal, 2009:2). On the other hand, ECD educators often earn low wages and enjoy less favourable

working conditions, as Excell (2011) has found in South Africa. Ongoing policy reform in ECD can also create the impression that these educators do not live up to expectations. Osgood (2012:46) argues that educators in ECD can be portrayed through this as mere mechanical exporters of policy, which in turn can have a negative impact on their professional security.

4.8 The implementation of policies

According to Durlak and DuPre (2008:329), implementation of policies refers to how the policy will appear when it is applied in a specific area or organisation, such as the education system, school or classroom. How policies are viewed determines to a large extent how people involved in the administration and implementation of such policies will act. This perception also influences superiors' expectations of subordinates in the workplace.

4.8.1 Perspectives on policy implementation

Datnow and Park (2006:348-359) distinguish between four ways in which the process of education policy implementation can be considered. These perspectives could be held by different actors in the system and could shed light on the impact of policies applicable to the educator and professional security.

4.8.1.1 The techno-rational perspective (top-down)

In the mid-1950s, the techno-rational perspective on policy implementation developed (Webb & Gulson, 2013:55). Implementation of policy was regarded as successive steps in a linear process (top to bottom) starting with active policy-makers and ending with passive executors of policy. Elmore (1979:610) describes this view on policy implementation as ‘forward mapping’. According to this view, powerful policy-makers are in charge of the organisation and the processes of policy implementation, while subordinates are expected to accept and fulfil policy objectives, developed elsewhere, in their workplaces. The focus is on administrative and procedural aspects, while the contexts in which policy is carried out receive little attention. The adjustment of policy in practice is regarded as a problem, not as potentially positive (Datnow & Park, 2006:349).

The design and implementation phases of policy are regarded as two separate aspects, and people who follow this perspective do not consider the impact political and ideological differences may have on policy formulation. Failure of policy implementation is attributed to errors in the execution of policy rather than in its design. However, the fidelity of policy in practice does not necessarily ensure better outcomes, because incorrect assumptions during the design phase can result in unsatisfactory outcomes.

The implications of this perspective for policy implementation may include an 'industrial' view of educators as mere cogs in a machine that must deliver a product invented elsewhere (Bascia & Rottmann, 2011:789). In such a case, educators' professional knowledge, skills and experience in the specific context of a school may be denied or regarded as less important (Brock, 2013:4,13). When superiors require an exact replica of the original policy in the form of duplication of themes or lessons, rather than offering support for better teaching, educators can feel professionally disempowered (Goldstein, 2008:473). Excell (2011:290) believes that there is evidence of this approach in the South African curriculum policy, with workbooks in which specific topics for Grade R are prescribed.

4.8.1.2 Mutual adjustment of policy (bottom-up)

During the eighties, the role that the executors of the policy played emerged strongly (Webb & Gulson, 2013:55). Where the techno-rational perspective neglected the influence of the local school culture and daily life of the educator, this new perspective acknowledged the interpretation of policies by persons in the school. The emphasis on a hierarchical top-down process is replaced here with a bottom-up approach, which Elmore (1979:611) calls 'backward mapping'. The opinions of the executors of the policy are heard, but the focus, according to Datnow and Park (2006:349-350), is on a mismatch between policy objectives and the execution by the educator. There is, therefore, more negotiation and interaction between policy-makers and the executors of the policy. However, superiors consider changes in policy that educators make only as variations of the original policy. A limitation of this perspective is that the formulation and implementation of policy are considered as two separate aspects, and no provision is made for the influence of power relations

on different levels within the system. The executors of policy continue to be the source of failure or success of the policy implementation, and the micro-level factors are overemphasised.

For the Grade R educator, her superiors' recognition of her professional knowledge, as well as the recognition of the demands of the school context is meaningful, because such recognition contributes to professional security. Yet it can be expected that educators would prefer to deliver more than superficial or limited input regarding policies (Potgieter, 2010). Recognition of ongoing educator comments and suggestions, as the process of policy implementation in different school contexts unfolds, could be an indication of confidence in educators' professional discretion (Goldstein, 2008:449). Grade R educators can, for example, send proposals to their unions who, in turn, through union negotiators can communicate with policy-makers.

4.8.2 Giving meaning to policy

As the 'policy message' is communicated between policy-makers and executors, executors give meaning to the message as they communicate with others in the workplace (Spillane, 2004:169) and create different versions of the original policy. Educators' experiences in the context of the particular school district and their beliefs, values and knowledge as well as their professional identity influence their meaning of the policy.

According to Datnow and Park (2006:350), a limitation of this perspective, focusing on the cognitive capacity of policy executors, is the understatement of the influence of other factors such as ideology and power relations. This suggests that as principals have more power and opportunities to influence conduct in the workplace compared to educators, as they determine workload and control learning and teaching material, they are better placed to form educators' understanding of policy. When the school principal arranges the primary school timetable in such a way that Grade R learners are only allowed to play outside during break, Grade R educators may be inhibited in the performance of their professional duties. Other influential role-players in Grade R educators' working environment, such as subject advisers, can also challenge professional beliefs and affect the meaning they give to policy.

4.8.3 Co-construction of policy

According to this perspective, policy formulation and execution are considered part of a continuous process (Datnow & Park, 2006:350-351). There is a mutual dependency between policy and practice: Policy-makers depend on the executors to reach policy goals, and executors in practice depend on policy-makers to put in place frameworks of action. The need for participation in the process at different levels and by different actors is recognised, while social relationships within the process are considered as being of importance. Different parts of the system are in dialogue with each other, and the influence of political, social and cultural relationships outside the system is also recognised.

Goldstein (2008:450) believes that educators use their theoretical-strategic knowledge and practical experience to interpret, adapt and reshape policies to match their own beliefs and values as well as the needs of the children in their classes. In this way, policy is not only produced by policy-makers but also by the educator herself. In practice, educators pursue certain policy-determined goals, but the goals are achieved through a variety of activities and approaches that fit into the context and the children's needs. In multi-grade classes, the educator necessarily makes adjustments to the programme, and she can serve both classes (Grade R and one or more other classes of the primary school) by, for example, approaching teaching based on circles in such a way that all the classes can participate. All the grades in the Foundation Phase would further benefit from a play-based approach (§ 4.5). Co-construction of policy, where new policies are established next to existing policies, presupposes dialogue and policy monitoring by superiors with insight into the nature of Grade R teaching.

4.9 The educator and the impact of policy

To further define policy as a determinant for educator security, the effect of policy text and the influence policy implementation may have on educators are discussed next. The way in which educators express the impact of policies on their work-life may be an indication of the meaning they give to professional security. This is included in this discussion to emphasise the individual nature of professional

security. Furthermore, it can be assumed that the nature and demands relating to the policies will have an impact on employees tasked to carry out such policy. Since security is a basic human need and also manifests itself in the workplace, it can be expected that employees will seek to protect their security in different ways, especially if their sense of security is threatened through policies.

According to Day and Smethem (2009:142-143), educators consider the following four aspects when they evaluate policy: the content of the policy, such as a budget, salary or curriculum; the intent of the policy, for example better outcomes for children or educator accountability; power relations underlying policy, for example micro- or macro-political forces; and the self as a professional. Since professionalism is closely linked to successful teaching, it is obvious that educators will experience insecurity in the workplace if they have to face the content of policies, such as the curriculum, with a lack of knowledge and feelings of incompetence to interpret the policy. Employers who expect educators to effectively teach a subject for which they are not trained put such people in a position of professional insecurity, and the collective image of Grade R educators can be harmed. The practice of dealing selectively with the appointment requirements for Grade R educators, for example only SACE registration is required and the specific demands of the subject discipline are ignored, may be an indication of ignorance or underestimation of the scientific nature of Grade R education by employers (or principals as quasi-employers), which can lead to unrealistic expectations of the educator's work task in the school.

Factors in the local context determine to a large extent how educators interpret policy (Datnow & Park, 2006:349). Educators can respond to policy "in what seemed quite frustratingly unpredictable, if not downright resistant ways" (McLaughlin, 1987:172). The educators' goals with regard to resistance might be to undermine the authority of key stakeholders in the policy implementation, to oppose the aims of the policy and even out of principle to act against initiatives of a system with which they disagree (Starr, 2011:648-650). Due to the disadvantages of 'disobedience' or insubordination in the workplace, educators can ostensibly meet demands on policy, but in the daily work task, they perform according to their own beliefs.

Webb and Gulsen (2013:62) describe a study in which educators indicated that they have experienced so much pressure from the policy on performance accountability that they were willing to fabricate portfolios in order to satisfy superiors. This did not imply that the educators supported the policy or applied it for the benefit of learners. Similarly, Grade R educators may give in to pressure from the principal and start with formal reading instruction, while the nature of Grade R requires that literacy preparation should take place in an informal, play-based environment so that children may be ready for later formal education.

Singh (2013), who conducted a study on fear of failure in the South African education situation, found that policies that increase workload, or promote unrealistic demands such as more administrative work and less preparation time, may lead to uncertainty, anxiety and stress-related illnesses. Constant changes in the curriculum and the public perception that education in South Africa fails also contribute to fear of failure. System-related issues such as unreliable support from district offices, a lack of ongoing professional development and too few books can also lead to a fear of failure (Singh, 2013:691-692). Under such circumstances, little professional security prevails and education may suffer. Ginsberg and Cooper (2008:5) suggest that fear is sometimes made use of by the employer to force educators to execute policy and to achieve certain objectives. The derogatory strategy to utilise fear for the benefit of superiors emphasises the role that power relations can play in policy implementation.

In contrast to the potentially negative impact of policies on policy executors, Webb and Gulsen (2013) point out an alternative possibility that can benefit an educator's life. These scholars firstly do not consider policy as a continuous linear process (top to bottom), starting with the design of policy and ending with the evaluation of its implementation. Rather, policy in their opinion creates an interval or space in which the educators make specific decisions before starting to participate in the execution of the policy. Policies created as part of this process include the context of the workplace and working relationships in the life of the educator.

Webb and Gulsen use the metaphor of ‘folding’ and recognise that powerful politicians and policy-makers can ‘fold’ their servants – their employees – basically into their own intentions with policy (Webb & Gulsen, 2013:61). Policy may be

formulated to take over the educator's professional field and to consider her views as flexible and changeable according to what policy-makers have in mind with specific policies. Brock (2013:4) shows that ECD policies in the past sometimes denied the professional knowledge and status of educators and thereby harmed their professionalism. In South Africa, the introduction of outcome-based education (OBE) was an example of an attempt to 'fold' educators into policy-makers' goals in a top-down approach (Singh, 2013:688) without sufficient dialogue. In Grade R, a certain way of assessment could be enforced to be consistent with the view of the policy-makers, namely through an assessment approach that quantifies a learner's skill level. Parents would, however, probably understand the achieved level in a specific domain better if observations by the educator could rather be written in a narrative that describes the achievement.

On the positive side, educators need not feel completely restricted by policy changes. Webb and Gulsen (2013:61) argue that policy can challenge the educator to reconsider her own beliefs, established strategies, values and professional identity through dialogue with colleagues. Through critical reflection, she can question existing assumptions regarding curriculum policy and pedagogy. Rather than be disempowered by policy objectives, the educator can come to a deeper understanding of the work task, learners' needs and herself as a professional. Policy produces potentially creative possibilities for the educator, thereby creating professional security. The weekly joint planning by Grade R colleagues provides an opportunity for and can support dialogue.

In the next section, ECD policies will be discussed, following on which the implications of policy for professional security will be examined.

4.10 ECD policy documents

This discussion is linked to the working definition of policies given in Chapter 1, namely "… any authoritative communication about how individuals in certain positions should behave under specified conditions" (Sergiovanni *et al*., 1999:230). According to this, all policies and preliminary education policy are authoritative carriers of communication regarding the ECD educator's work-life. Some South African and

Canadian policies that regulate ECD are discussed next in view of their role in professional security.

First to focus on will be South African policy documents.

4.10.1 National Integrated Plan for Early Childhood Development in SA 2005-2010

The provision for children for Grade R, which is the focus of the National Integrated Plan for Early Childhood Development in South Africa (SA, 2005b), does not fall within the scope of this study. This plan, which specifically caters for the needs of children aged 0-4 years, is included in the discussion to establish the broader context of ECD in South Africa. The result of collaboration between three government departments, namely the Departments of Social Development, Health and Education, this national plan is seen as an inter-sectoral policy document that seeks to reach, through cooperation, each department's own objectives as well as their joint objectives with ECD.

The national plan shows that fragmented legislation and policies contribute to uncoordinated service delivery to young children, so the key objective of the policy is greater synergy between the various government departments and community organisations "to give children the best start in life" (SA, 2005b:1). Another important objective is to expand services to ECD and to improve quality. In order to achieve this goal, the principles of excellence, access, equity, diversity, accountability and community involvement serve as guidelines for all stakeholders. In the national plan, the central focus of international ECD is echoed, namely to provide a solid foundation for children's development in respectively the physical, emotional, psychological, cognitive and health domains.

The White Paper on Social Development of the Department of Social Development follows a family approach and provides for the needs of children aged 0-9 years. The Children's Act 38 of 2005 (SA, 2005a) is the umbrella legislation that provides guidelines and regulatory frameworks in the South African society for the protection of children under 18 years.

Whilst the Department of Health focuses on the health needs of children aged 0-9 years, their programmes do not specifically deal with early childhood development but serve the broad health interests of children falling in the ECD group.

The Department of Education gives priority to ECD by applying the provisions of White Paper 5 (SA, 2001). Although the policy focuses on the needs of children aged 0-6 years, the priority is the establishment of Grade R as part of the public school system.

The implications of this policy for the professional security of the Grade R educator are that it

- joins the core objectives of ECD internationally and incorporates the educator's subject discipline into government policies. This gives prominence to the task she performs;
- helps create a policy framework for ECD in which the educator can be secure;
- places the child she is working with under the protection of various forms of legislation and emphasises her responsibility; and
- presents Early Childhood Development as an important life stage within which the educator delivers services to children. Grade R is part of a greater whole and is not merely an isolated preparation year for Grade 1 (Rossouw, 2011:46).

Professional security is nourished by the experience of performing a meaningful work task, which the employer regards as being valuable. The inclusion of a subject field in national policies can contribute to professional security for the educator.

4.10.2 National Department of Education White Paper 5

By virtue of the fact that this document is a white paper, it can be argued that the National Department of Education White Paper 5 (SA, 2001) (hereinafter White Paper 5) carries the most weight in educational settings in a discussion of policies on ECD. Bray and Tladi (2008:41) have already shown in 2007 that "no legislation has been passed to formalize this national policy", and this is still the state of affairs. In the absence of formal legislation, it can be assumed that White Paper 5 should currently

be considered the most important policy document for Grade R provision in South Africa.

In section 1 of the document, the importance of early childhood is emphasised and the economic and educational benefits of investment in ECD are outlined. In paragraph 1.3.2, early childhood development is defined as an umbrella term for all processes by which children between birth and nine years develop in the physical, emotional, spiritual, cognitive, moral and social domains. An integrated approach to child development is, therefore, advocated with regards to family and community. The priority of the policy, in terms of paragraph 1.4.1 of the document, is the implementation of Grade R education for five-year-olds.

Section 2 of White Paper 5 discusses the state of ECD at the time of the drafting of the document on the basis of information obtained from *The Nationwide Audit of ECD Provisioning in South Africa* (Department of Education, 2001). In paragraph 2.1.2 of White Paper 5 mention is made of unequal provision of and access to quality programmes, which adversely affected especially the poor and children in rural areas. In paragraph 2.2, the different types of services to children in early childhood are discussed, which also differ in quality. Differences are, amongst others, attributed to

- the absence of minimum standards for the registration of ECD services;
- the absence of an effective monitoring system for the quality of programmes;
- inequities regarding expectations in connection with educator qualifications;
- the absence of an accreditation system for trainers of practitioners; and
- insufficient support for the implementation of the curriculum.

Section 3 deals with the government's response to the challenges in ECD through references to more than 30 policies, laws and programmes that potentially can promote ECD. The main objectives of the government, according to the National Programme of Action for Children, are to redress imbalances in the provision of ECD,

to improve the quality of programmes and to deliver services to children in a coordinated fashion.

Recommendations of the Final Report of The National ECD Pilot Programme, which are also mentioned in section 3, are amongst others that Grade R should be mandatory and must be presented in public primary schools and community-based settings. What is envisaged in paragraph 3.2.3.2 is the subsidising of educators' salaries by the state and compliance with the requirements of the Basic Conditions of Employment Act 75 of 1997 (SA, 1997) on service contracts and a minimum wage.

The improvement of quality of programmes required under paragraph 3.2.3.3 is catered for by the following:

- training in teaching methods and pedagogy that should lead to quality education;
- regular and systematic monitoring of practitioners through observation and feedback by departmental officials;
- adequate support for practitioners to promote understanding of the expected learning outcomes;
- the provision of more 'readers' (picture books) and learning and teaching support materials to support literacy; and
- the compulsory registration of practitioners with the Education Labour Relations Council (ELRC) to promote educator status.

The manner in which Grade R, in terms of White Paper 5, becomes part of the education system is to place classes at public primary schools, existing pre-primary schools or nursery schools (community-based sites) and at independent schools. Schools will be selected progressively with the poorest schools as a priority. According to paragraph 4.1.5, funds will be transferred for the provision of Grade R classes by provincial departments to governing bodies of public primary schools, who can decide how the basic government-subsidised salaries of educators employed by the public school can be replenished. It should again be pointed out

that the governing body appoints educators employed by the public school, but the employer is the school as a legal person. A partner school may be established when a primary school cannot accommodate Grade R on the premises, and a selected nearby kindergarten institute can offer one or more Grade R classes on behalf of the primary school. In such a case, the educator will have the primary school as employer, with a governing body member representing the partner school on the governing body of the primary school. Independent schools receive no state subsidy but must meet the standards that apply to public schools.

Provision of quality education is a recurring theme in White Paper 5 (SA, 2001), and it is also clear that more than mere expanded access to ECD for a larger number of children is intended. Research in Canada and the US (Bascia & Rottmann, 2011:788) shows that the quality of teaching can, among other things, be linked to the nature of educators' working conditions, the opinion being that “teaching conditions are learning conditions". Overcrowded classes, for which little learning and teaching support materials are provided, represent working conditions that potentially may lead to poor learning opportunities. Workplace quality not only deals with the physical working environment but also with the psychological impact of circumstances under which an educator must work, for example the unsatisfactory involvement of departmental officials in her work. The sum total of the circumstances under which the educator must teach, and especially her experience thereof, affects her self-efficacy, motivation and professional security and, as a direct consequence, how effective her work will be.

4.10.3 National Norms and Standards for Grade R Funding

The National Norms and Standards for School Funding, as published in Government Notice 890 of 31 August 2006 (SA, 2006), were amended by the National Norms and Standards for Grade R Funding on 18 January 2008.

This document confirms that funding is a crucial aspect of quality education in Grade R and deals with subjects ranging from educator salaries to the provision of a suitable teaching space and teaching and learning support materials. The purpose of

the document is to promote quality in teaching Grade R through adequate funding (item 199) and the setting of standards.

Aspects that occur in international standards for quality education in Early Childhood Development (§ 4.4) are also incorporated into the *National Norms and Standards for Grade R Funding* (hereinafter National Norms), for example educator skills, group or class size, working and learning space and educator remuneration. The National Norms further links up with White Paper 5 (§ 4.10.2) by referencing learner achievement as the outcome of teaching (item 212) and monitoring (item 199, 212) for the sake of quality.

The government's approach to put in place pro-poor policies in Early Childhood Development is evident in item 199, according to which poor schools and children will be given preference when Grade R classes are established in primary schools. The national quintile system is used, and according to item 202 of the National Norms, a school qualifies for the phasing in of Grade R if:

a) the school offers Grade 1;

b) the school management is ready for the implementation of Grade R, with management readiness being determined by:

- a generally effective governing body;
- quality education measured in terms of section 21 status of a school;
- quality of financial management of school fees;
- adequate physical space at the school, that is sufficient seating space, work space and recreational space for learners; and
- the school falling within a quintile that can be described as poor. Grade R is first established at poor schools.

The National Norms join the White Paper 5 in recommending two models for Grade R posts, namely one model for primary schools with section 21 status and another for those without such status. In schools with section 21 status grants for staff and non-staff members are paid directly into the primary school's bank account. These schools

may also increase the salary of an assistant or support staff (e.g. a cleaner) who helps facilitate the Grade R service.

At schools without section 21 status, the permitted amount is determined per learner according to the quintile into which the school falls. The rest of the amount, after deduction of the educator's salary, is deposited into the school's bank account, or it could be held back by the Department of Education to finance goods and services rendered to the school.

Rossouw (2011:51) believes the implications of the first model for the educator is that her workload, through the support of an assistant, can be alleviated and that she will have access, via the governing body, to an own choice of learning and teaching support materials. She can also negotiate for supplements to her salary. These issues, which form part of the school context, can contribute to professional security, seeing that an important aspect of her work-life is supported.

The educator employed, according to the second model, in a school without section 21 status does not have the services of an assistant, cannot negotiate for augmentation of her salary and is dependent on the learning and teaching support materials made available by the provincial department of education. She cannot, despite being a trained person, deliver any input and make purchases according to the needs of her group. These aspects can be experienced as limiting and as handicaps to the educator as a professional.

The educator as a professional assesses policy, *inter alia,* according to the extent that it enables her to be successful (Bascia & Rottmann, 2011:791). Early Childhood Development policy should, therefore, reflect the elements of quality education to young children. Two items of the National Norms create the impression that the authors of the document did not have clarity about the nature of quality education. Item 202 refers to "sitting space, work space and recreational space" as if Grade R learners would use the outside play space only for the purpose of recreation. During quality education in Grade R, both the indoor and the outdoor spaces are obviously utilised to facilitate active learning, during which play is the main vehicle through which children constantly learn (Gordon & Browne, 2011:166). The indoor area is furnished

to include a block area, book nook and fantasy corner where children develop problem-solving, language and social skills through role play. The outdoor area meets the learners' need for large muscle activities such as running, climbing, hanging, swinging and balancing and is equipped with an array of bulky equipment such as a jungle gym, swings and a sandpit. If the policy considers the outdoor area as recreational space only, and equips it accordingly, it would not help the educator to be more successful in her work.

In item 208, provision is made *inter alia* for funding to copy material. Although it can be accepted that other materials such as class lists could also be copied, the possibility exists that the copying of worksheets is assumed, which is also inconsistent with the fundamental didactic principle of individualisation (De Witt, 2009:217; § 4.2.2) which is such an important part of quality teaching in the early childhood development phase. It is also inconsistent with the informal nature of Grade R education that promotes freedom and creativity.

These elements (items 208 and 202) in the document might be examples of policy elements that, according to the Action Plan of 2014 (SA, 2010c:7), are contradictory. The curriculum (§ 4.11.2) emphasises play as the most prominent medium of Grade R, while the National Norms give evidence of a different approach or of seemingly being unaware of the scientific nature of teaching in Grade R. Research on play confirms on the one hand the use of play to promote specific domains of development, and to establish pre-learning skills for subjects such as mathematics, science and literacy on the other. In addition, longitudinal studies of play focus on the value of play as a clearly child-initiated activity, which can make a unique contribution to self-regulation and as such can have a lasting effect on the school years and later (Miller & Almon, 2009:157-163).

The National Norms emphasise communication between stakeholders in the provision and utilisation of Grade R, which corresponds with the benefits of dialogue discussed in paragraph 4.1. In item 218 (d), for example, reference is made to a consultation process between school governance structures, teacher unions and governing body representatives when the establishment of Grade R posts have to be decided. Such a communication process should, according to Berlach (2011:2-3), occur before the

implementation of policy changes and then be carried through to the initial planning phase. Dialogue should not cease once each player is tasked. Berlach proposes a model of cyclical integration in which different stakeholders formulate ideas in a collegial environment with the focal point being the benefit of the child and the school, and without each having an own agenda. The advice of an experienced but operationally uninvolved community member, called the integrator, plays a fundamental role in this model to ensure that participants in the dialogue remain focused on the central purpose and on the communication of their interpretation of ideas. Collegial dialogue needs to take place at different levels to prevent policies from failing at the execution level, thereby limiting frustration and psychological fatigue (Berlach, 2011:7).

4.11 The curriculum policy in ECD

What and how young children are taught lay at the heart of ECD (Kagan, 2011:541) and are largely contained in the curriculum. The development objectives, underlying philosophy, socio-political ideals, provisions in policies as well as legislation and financial support for Grade R, as discussed in the preceding paragraphs, culminate in the curriculum. It is for the sake of the implementation of this policy that the ideals and provisions for ECD should be put into practice. The implementation of any policy in practice, and therefore also the curriculum in the classroom, is the acid test of policy as text (Bourbon, 2008:394). The interpretation and execution of the curriculum by the educator are also directly related to her work task.

The curriculum includes instruction on teaching, which represents the core task of the educator. In this discussion of the curriculum in Grade R, the focus will be on the implications of the curriculum for her work-life and professional security. The working definition of policy in this study, namely “any authoritative communication about how individuals in certain positions should behave under specific conditions”, also reflects the role of the educator as an executor of authoritative instructions by the employer. In the discussion that follows, global criteria for a successful curriculum for ECD which are referred to in CAPS (see CAPS 1.3) will serve as a broad benchmark. These criteria will be used to show how the curriculum in the local context aligns

itself with the criteria and what impact the implementation of the policy can have on the educator.

4.11.1 Global criteria for an ECD curriculum

A curriculum for children in the early years can be seen as a structured framework of objectives for development and learning, based on educational philosophies and a theoretical approach that is consistent with the values endorsed by the philosophies (Shipley, 2008:117). According to the National Association for the Education of Young Children (NAEYC, 2005), the curriculum involves firstly the idea of the content that children are taught. It also involves the process by which it should be achieved, in other words, teaching strategies, learning and teaching support materials and learning experiences necessary to achieve the objectives, and thirdly the context in which learning should take place. The objectives include knowledge, skills and attitudes. The latter should be targeted especially at fostering a positive attitude towards learning.

In a time of higher demands for accountability in ECD and with the emphasis shifting towards measurable outcomes (Kalifeh, Cohen-Vogel & Grass, 2011:42), a well-designed, research-based curriculum forms a fixed base which the educator can use as a standard to make adjustments for the needs of the individual. She can account for her selection of learning experiences from the curriculum. Furthermore, the curriculum provides the standard by which the educator measures her teaching and the learners' progress. According to Kauffman, Moore, Johnson, Kardos, Liu and Peske (2002), the curriculum also serves as scaffolding for the educator to go beyond what the curriculum requires and to be more creative. The curriculum will, therefore, never replace the decision-making responsibility of the educator to serve the best interests of the individual learner within the specific context (Bredekamp, 2011:301). The curriculum as policy text can be regarded as a potential source of professional security.

Some indicators of an effective curriculum, according to the NAEYC (2009), are the following:

- clearly defined objectives, which can also be communicated effectively;
- a comprehensive curriculum that caters for all domains of development (cognitive, social, emotional and physical) as well as all relevant content areas such as literacy, mathematics, science, social studies, health, art and movement development;
- a curriculum that builds on prior learning and experiences, implying a logical sequence of learning experiences and individualisation;
- a curriculum that is developmentally appropriate, implying that the learning outcomes have to represent the reasonable expectations of most learners for whom it was developed;
- a curriculum that is culturally relevant and fits in with the language skills of learners, implying that learners' cultural identities as well as their home language are recognised;
- a curriculum that is flexible and adaptable for children with special needs as well as for individual learning needs in a specific context;
- a curriculum that is based on research evidence of effectiveness in a similar context, for example with learners of the same age or language preference;
- standards that support the validity of learning content, implying that the subject matter should be representative of standards that apply in each discipline, for example mathematics and languages;
- learning experiences that ensure learners' active involvement, both physically and intellectually; and
- a curriculum that is conveyed through both educator-initiated education and learner-initiated discovery.

One distinctive element of curricula for children in early childhood, in contrast to those for older children, namely a holistic approach (Essa, 2011:237) is well documented in various sources in the field of ECD (Kalifeh *et al*., 2011; Moravcik &

Feeny, 2009:219). This approach constitutes a fundamental criterion for the ECD curriculum and quality programmes (§ 4.4). This inclusive approach where the child's physical, social, cognitive and emotional development is the focus instead of basic skills and knowledge in a particular field, as in curricula for older children, does however not guarantee a balance between the domains (Scott-Little, Kagan & Frelow, 2006). It is, for example, possible that the cognitive domain could dominate other important aspects such as socio-emotional skills and a positive attitude toward learning. Standards in the ECD curriculum set for each domain must be developmentally appropriate and should not represent an under- or overestimation of the child in Grade R. The National Research Council (NRC), for example, found in 2009 that a requirement in mathematics, namely to only count to ten, can be considered as an underestimating standard for kindergarten learners (NRC, 2009).

Bredekamp (2011:313) shows that the integration of subject matter, as well as the occasional focus on one subject only, for example Mathematics, can be considered a further distinctive characteristic of the ECD curriculum. The current international discourse on effective ECD curricula also includes a child-centred, play-based approach with a balance between individual and group learning activities (Gordon & Browne, 2011). Against the background of the international criteria, the Curriculum and Assessment Policy Statement (CAPS) applied in South Africa in Grade R will next be discussed critically. A second consideration will be the impact on the educator in the local context of the South African curriculum for Grade R.

4.11.2 A critical discussion of Curriculum and Assessment Policy Statement (CAPS)

In addition to the Curriculum and Assessment Policy Statement, the South African curriculum, which also applies to Grade R, consists of two other policies, which must be read together with CAPS. These documents are:

- *Policy Document, National Protocol for Assessment Grades R-12*, Government Notices No. 722 and No. 723, Government Gazette No. 122 of 3360 September 2011 and amended as Government Notices No. 1115 and No. 1116, Government Gazette No. 36042 of 28 December 2012; and

- *Policy Document, National Policy Pertaining to the Programme and Promotion Requirements of the National Curriculum Statement Grades R-12*, Government Notices No. 722 and No. 723, Government Gazette No. 34600 of 12 September 2011 and amended as Government Notices No. 1115 and No. 1116, Government Gazette No. 36042 of 28 December 2012.

The Minister of Basic Education, in terms of section 6A (1) and (2) of the South African Schools Act 84 of 1996 (SA, 1996c), has the obligation to set the minimum outcomes and standards as well as to determine processes and procedures for learner assessment for use in public schools and independent schools. These three documents have the potential to inform the Minister in such a process.

Sofou and Tsafos (2010:413) believe that the inclusion of kindergarten (and preschool) in the national curriculum for all grades may have specific benefits but may also pose potential disadvantages. In South Africa, the inclusion of Grade R in the national curriculum may convey the message that the reception year enjoys equal status as the rest of the Foundation Phase and contributes to the validity of learning in this grade. The collegial appreciation for Grade R educators' work could be promoted, and the Grade R educator would be able to account for her professional position as curriculum facilitator to parents, who might have a narrow view of learning in Grade R (Goldstein, 2008). On the other hand, policy-makers' intention to promote uniformity in the curriculum structure of Grade R to Grade 12 may lead to the perception that the teaching approach in Grade R is essentially the same as, for example, the rest of the Foundation Phase. Such a misconception among people such as the principal, colleagues or parents could, in practice, hamper the Grade R educator's informal, play-based learning approach.

In the overall CAPS objectives (par 1.3 in CAPS) mention is made of a curriculum that is credible, effective and of such a high quality that it can provide education that is "in width and depth comparable to other countries". Criteria for a quality Grade R curriculum found in the literature, and which resonate in CAPS, are holistic development, play-based learning and integration (in paragraph 2.8); ordering from the known to the unknown progression (in paragraph 2.9); and flexibility (in

paragraph 2.7) in the subject Life Skills. The provision for flexibility in the curriculum reflects the policy-makers' confidence in the educator's professional discretion, for example in the choice of a phonics programme in Languages and in Mathematics, where the pace and recommended order in which concepts are taught can be adjusted according to the needs and abilities of the group. Such confidence supports professional security because it acknowledges a measure of autonomous decision making and also acknowledges the role that adjusting the curriculum plays in the school context.

The whole-child-approach inter alia reflected in the subject Mathematics (in paragraph 2.8) requires a thorough knowledge of child development, particularly in the pre-operational phase in which the Grade R children find themselves, as well as the theory of effective learning methods during infancy and relevant professional teaching skills (pedagogy). This professional knowledge and skills form the basis of expert observation and daily assessment (*National Protocol for Assessment Grades R - 12*, Chapter 2, section 4), according to which activities must be designed that challenge the group and the individual to progress to a higher level each time. It is clear that these are challenging work tasks which, among others, align with Vygotsky's theory of giving support (§ 4.5) and Piaget and Erikson's emphasis on developmentally appropriate teaching (Essa, 2011:121). The challenge is also in the fact that the educator must provide for all domains in her planning and instruction for individuals and the whole group, as well as for different learning styles.

The integrated nature of the curriculum, as mentioned in the National Plan (§ 4.10.1) and White Paper 5 (§ 4.10.2), requires insight into the developmental outcomes for the child in all domains and how those outcomes can effectively be supported. What is also needed is the ability to make a logical connection between concepts and skills that must be established in a domain and goals that must be set for achievement in all other domains (Shipley, 2008:126). One must agree with Essa (2011) that such professional knowledge and skills must be embedded in good training and will usually not be achieved without proper professional development. The way in which this requirement can be realised in the context of a newly industrialised country (NIC) (IMF, 2011) and a broad spectrum of diverse school environments seems to

represent a challenge for South Africa. In 2009, research in the Western Cape (Fredericks, 2009:9) indicated that about 40% of the Grade R educators are untrained. This implies that some Grade R educators may experience gaps in terms of teaching skills and knowledge, and they may feel professionally insecure.

Another criterion for quality (Shipley, 2008:117) is a research-tested curriculum, embedded in parents' values, beliefs and the goals of the curriculum. In the overall objectives of the CAPS programme (paragraph 1.3) mention is made of "appreciation and recognition of indigenous knowledge systems". Since cultural and developmentally appropriate teaching (Copple & Bredekamp, 2009:33-36) is regarded as an important characteristic of quality and relevance in the curriculum, it is clear that CAPS only refers in broad terms to indigenous knowledge systems "contributing to the values of the Constitution". It does not supply practical information about the systems, as in the case of the Life Skills section where detailed descriptions of key skills and perceptual development are offered to explain these concepts and thus support educators. The diversity of indigenous knowledge within the South African society is recognised, but policy-makers may not have anticipated that some educators may be ignorant concerning indigenous knowledge systems. The lack of curriculum guidance in this regard may represent a missed opportunity to promote, by means of practical examples, appreciation of culturally appropriate education and diversity in general. The reference to cultural holidays and festivals in other parts of the curriculum may well be regarded as superficial. According to Bredekamp (2011:333), isolated experiences such as preparing and enjoying food from other cultures, as often occur in kindergarten classes, build no real understanding of diversity and could even portray people who are different as stereotypes. Preparing food can be supplemented with an interest table for a specific local culture and displaying cultural items in the fantasy corner. For example, the dolls pram can be removed and towels provided so that ethnic dolls can be piggybacked, blankets can serve as karosses, and boys can wear hats and walking sticks. Traditional stories, dances and songs, as well as specific values such as respect for parents (Venda and most other traditions), can promote Grade R learners' understanding of diversity.

The curriculum probably does not fully succeed regarding culturally appropriate education and also the extent to which the curriculum content is effectively transferred to the curriculum users (§ 4.11.1). In a country like South Africa with a wealth of indigenous knowledge, information through the curriculum text could have empowered the Grade R educator both professionally and as a citizen.

The question is also whether or not the references to indigenous knowledge systems in the curriculum could possibly be an example of 'political symbolism' (Jansen, 2002). This means that politically-correct rhetoric in the curriculum might be more important for policy-makers than its execution in practice (Spreen & Vally, 2010:436) during instruction.

The nature of teaching in Grade R is made clear in the objectives of CAPS, according to which "active and critical learning" is required in all three subjects (Languages, Life Skills and Mathematics) where reference is made to elements of an emerging curriculum and to educator-planned, structured activities. The concept of an emergent curriculum in which a learning environment is created that is based on the children's interests and needs rather than on predetermined plans is widely supported (Bredenkamp, 2011:301; Gordon & Browne, 2011:337). The Mathematics section, which fully informs educators, refers to the educator who is always ready to utilise spontaneous learning opportunities for the benefit of the children and to guide learners to alternative problem-solving and discovery through well-planned questions. The Canadian curriculum refers in this regard to inquiry-based learning.

Educator-led activities that are focused on a specific field, for example Home Language, also form part of CAPS, which links the curriculum to international trends (Bredekamp, 2011:30-31; Shipley, 2008:119) that support the inclusion of both teaching approaches, namely spontaneous learning experiences and educator-initiated activities. Policy-makers, however, warn quite aptly against a "watered-down grade 1" on page 16 of the subject Mathematics, which means that, since educator-led activities are included, it should not be understood that curriculum goals for Grade 1 can merely be simplified for Grade R. Researchers such as Elkind (1986) have long ago identified such an approach as harmful and considered it as

'miseducation'. The curriculum requires, therefore, that the essence of education in the pre-operational stage of development must be respected.

In this regard, it could be said that policies do, indeed, show a degree of development, seeing that at least in one former policy (see National Norms) no evidence is to be found of consideration of international trends and research regarding the teaching approach. In the National Norms, the impression was created that policy-makers were unaware of the specific nature of teaching, namely play-based and informal. In contrast, CAPS acknowledges play as a medium of instruction as well as structured and incidental learning in the teaching approach. The fact that the authors of the current curriculum specifically recognise the teaching approach that also applies internationally can support educators psychologically: The employer recognises the scientific nature of the discipline in which the educators operate and makes a widely accepted approach part of policy.

To follow, Canadian ECD policy will be discussed in general terms. As indicated in Chapter 1 (§ 1.3), this research is not presented as a comprehensive comparative study, but the policy regarding the Full-Day Early Learning Kindergarten Programme (hereinafter FDELKP) will be discussed with the aim to illustrate the impact of such policy on educators, consistent with the purpose of this study (§ 1.6).

4.11.3 The Canadian ECD policy: The Full-Day Early Learning Kindergarten Programme

In the following paragraphs, policy regarding the Full-Day Early Learning Programs (FDELKP) will be discussed. Applicable Canadian legislation will also be referred to.

The rationale for the establishment of policy concerning the full-day educational programme for four- to five-year-olds in the Ontario province is provided under the preamble to Bill 242, 2010, based on research that stresses the potentially positive effect of full-day kindergarten. Examples of research results concerning the general effect of ECD have already been referred to (§ 4.3). Some specific benefits of the extended or full-day programme (FDELKP), according to Ray and Smith (2010:13), include the following: There is more time for differentiated instruction, to prepare learners for promotion to the next grade and to counter harm to children because of

their sub-economic backgrounds. There is also more opportunity for socio-emotional development of children, more time for the teacher to initiate intervention, to do justice to the curriculum and in general for education of a higher quality to take place (Carnes & Albrecht, 2007:69). According to Dhuey (2011:19), subsidising the full-day programme contributes towards levelling the playing field for children who may not have received high quality education were it not for the FDELKP. Two conditions for the success of FDELKP (Ray & Smith, 2010:16) are differentiated: instruction and a small class.

Some potentially negative elements of kindergarten, and by implication the full-day programme, have been identified. For example, due to the blurring effect at the third grade (Cooper, Allen, Patall & Dent, 2010), investing in the programme might not be financially justifiable. However, Wolgemuth, Cob, Winokur, Leech and Ellerby (2006:267) believe that the fact that the effect of kindergarten is lost should rather be ascribed to the quality of the instruction which follows in higher grades than to the ineffectiveness of kindergarten itself.

Despite research results that do not seem to be consistent (Milligan, 2012:4), the Pascal Report (Pascal, 2009) recommended that the comprehensive full-day programme should be introduced in Ontario, and legislation was adapted to make this possible. Table 4.1 illustrates an example of a typical day schedule which can be followed in the FDELKP.

Table 4.1 Example of daily schedule in FDELKP

	Full-Day, before- and after-school programme	
6 am – 8 am	Before-school programme Breakfast	ECE (A)
8 am – 9 am	School programme	ECE (A) and Teacher
9 am – 12 pm	School programme	ECE (A) and Teacher
12 pm – 1 pm	Lunch	ECE (B)
1 pm - 3.30 pm	School programme	ECE (B) and Teacher
3.30 pm - 6.00 pm	After-school programme	ECE (B)

From Table 4.1*,* it is clear that the ECE leads the ‘before-school programme’ from six to eight o'clock. As from eight o'clock, when the normal school day commences, the first ECE (ECE (A)) and teacher work together as a team. The teacher focuses on academic content such as reading and Math, while the ECE supports broad child development. At noon, when the ECE and teacher have their lunch, the second ECE (ECE (B)) takes over the duties. After lunch, the teacher resumes her teaching duties, now with the second ECE, until about 3:30 pm when the school day ends. The second ECE then accepts sole responsibility for the ‘after-school programme’, which may last until 6:00 pm. Parents have the option to let their children attend the full-day programme, or only the school programme.

Although the discussion refers in general to the term 'early childhood educator', those who work in the FDELKP are specifically designated to the programme, and legislation refers to ‘designated early childhood educators’ (hereinafter DECEs). The reason is that there are ECEs working in other sectors which are not part of the FDELKP. Junior kindergarten and senior kindergarten refer to three- to four-year-olds and five-year-olds respectively. The FDELKP provides for both these age groups, which are also provided for in legislation.

Some aspects of Bill 242 will now be discussed, again focusing on its impact on the educator. Bill 242, the Full-Day Early Childhood Learning Statute Law Amendment Act, 2010, is the legal framework for the FDELKP and in essence provides for the implementation of the programme for junior and senior kindergarten on a full-day basis. In practice, it is the extension of school hours that previously applied to junior and senior kindergarten and the appointment of early childhood educators in junior, senior and full-day programmes.

The legislation also creates a new kind of employee in kindergarten classes as well as an employment relationship in primary schools that previously did not exist. School boards must by law create designated early childhood educator posts and appoint persons to these positions. The law distinguishes thus between designated early childhood educators and other early childhood educators who may be in other types of posts in the service of the school board.

As already shown (§ 3.2.2; 3.3.1), clearly stated service conditions increase the professional security of the educator. The conditions of designated early childhood educators include compulsory membership of the College of Early Childhood Educators (section 262), a two-year trial period, similar to that of teachers, specific early childhood educator qualifications (article 260), which differ from the qualifications of teachers, and specific duties set out in section 261 (1) of the Bill.

The outline of DECEs' duties and the obligation to plan with the teacher may represent a flaw regarding the working-hours policy for DECEs. Policy objectives that are not in harmony with the reality of employees' work have been observed in other contexts as well (McPhee & Patrick, 2010:94; Spreen & Vally, 2010:434) and may be regarded as an indication that policy-makers, employers and employees did not communicate well during the design phase of the policy. If teacher input into policy is restricted, professional security will inevitably be harmed even if the restriction is only experienced at the beginning of the implementation phase. Research on cooperation between DECEs and teachers by Katz and Dack (2011:17) confirms that both teachers and DECEs expressed dissatisfaction with the lack of provision for programme planning time in the policy.

Programme planning, usually done after hours, forms part of the DECEs' duties. This implies that the teacher and DECE should set aside time after school hours to plan the programme elements, which must be closely linked. This requirement puts pressure on the DECE to spend time on work for which she is not compensated, because she is paid by the hour. It may impact negatively on the cooperative relationship between teacher and DECE, which is crucial to the success of the team approach in the programme and may be experienced as unfair by the DECE.

On the other hand, the legislation supports the working relationship in the classroom by clearly stating the hierarchical order in the workplace: The DECE will receive her instructions from the principal and is, therefore, not subject to the teacher. The latter may not, for instance, instruct her to complete reports. The intent of the policy is cooperation between two professionals, who each have their own strengths for the benefit of the child. Section 264.1 (3) emphasises the fact that teachers are still

responsible for all duties as stipulated in the Education Act, whereas DECEs are exclusively responsible for the expanded or extended part of the programme.

Although the legislation contains clear stipulations regarding the conditions of service of DECEs, Alexandrowitz, Barbini and Hines (2010:3) are of the opinion that the omission of references to collective labour relations may constitute a gap in the legislation. In the section of the Education Act which provides for collective bargaining for teachers, namely Part X.1, membership of specific bargaining units for DECEs is not described, and there is also no provision for industrial action by DECEs. DECEs in the FDELKP are dependent on individual negotiations with school boards, and representation of DECEs as a group is still uncertain. This is possibly an indication of unequal protection of the labour rights of professionals that are, by law, regarded as equal partners.

In summary, and in view of the purpose of this study, it can be noted that labour rights may be affected by a few omissions or lack of provisions in an otherwise sound policy or piece of legislation. Professional security is closely tied to the realisation of labour rights such as equal protection of all employees in the workplace.

4.11.4 The curriculum for the Full-Day Early Childhood Kindergarten Programme

The document entitled *Early Learning for Every Child Today* (ELECT, 2009) applies to different education scenarios within ECD in the Ontario province, encompassing the FDELKP. It provides a broad framework of guidelines for teaching practice to a variety of people who work within ECD and to early childhood educators and early childhood teachers in the FDELKP.

One of the principles on which the document is based is the recognition of the indispensable role of knowledgeable and responsible professionals in the development of the young child. These people are supported by a central part of the document, namely the Continuum of Development. This continuum outlines in simple language a broad overview of the expected order of development that occurs at different ages and within the broad domains of development. It further provides examples of teacher-learner interaction that can support learning. The role of the

relationship between teacher and learner is hereby emphasised, without creating the impression that policy-makers thought on behalf of the teacher, unilaterally interpreted the child's actions or expected the teacher to act in a certain way. The continuum can serve as an anchor for teaching strategies and activities that the teacher presents, constructing observation and documentation of individual learners and facilitating planning.

The document, ELECT, provides an overview of root skills in all the domains that the child must developed in order to master more complex skills. These skills are consistent with expectations stated in a supporting document, *The Kindergarten Program* (http://www.edu.gov.on.ca/eng/curriculum/elementary/kindercurrb.pdf). When various policy documents concur, it creates certainty for the teacher, and the execution of the curriculum is enhanced.

According to Tozer (2011: 211), the curriculum includes changes that both teachers and DECEs experience as challenging. It moves away from the theme approach to a focus on independent and individual learning through an inquiry-based learning approach which is familiar to DECEs, even though they may often not be familiar with the term. Tozer (2011) found that the emphasis on play as an effective medium for learning represented a paradigm shift for teachers and that it demands a great adjustment from their previous approach. Teachers need to balance the new play-based learning approach with the school district's literacy goals. DECEs' training normally does not include reading instruction, and although the teacher remains primarily responsible for teaching reading, the DECEs can support this teaching with their specific expertise.

It is clear that both groups of educators need guidance on teaching for the sake of quality education. Effective education leadership by the principal (Neumerski, 2013:317), who is the manager of the curriculum in the school, or other professionals such as instructional coaches or consultants will promote professional security. When principals themselves remain ignorant regarding new teaching approaches or only have a vague idea of what quality teaching in the FDELKP programme involves,

educators lack professional assistance in this area (Tozer, 2011:213). This suggests that curriculum policy as text (Ball, 1994:17) is probably not enough to change educators' teaching or to adequately support educators. Practical, contextual empowering of educators applicable to the classroom is crucial for better outcomes. Obviously, the interpretation of the curriculum by different trainers or teaching coaches must correspond, and dialogue (§ 4.1) between such persons must take place in order to ensure professional empowerment. In the next paragraph, the discussion will move to ECD policies in general.

4.12 The implications of ECD policies for professional security

This chapter is concluded by highlighting possible implications education policy may have for Grade R educators' professional security. Although there may be a variety of policy implications for the Grade R educator, the focus here is on three aspects directly related to her ability to give expression to the work task as outlined in policy: professional training, professional development and the characteristics of the workplace.

4.12.1 Professional training

Worldwide, educator qualifications are directly associated with quality teaching (Click, 2004:193). Policy requirements for educator training for kindergarten (such as grade R) are no exception, and several countries adjusted their policies regarding qualifications in the light of increased pressure on student outcomes and accountability. Professional expertise features internationally as a fundamental requirement for quality programmes (§ 4.4).

The American programme called Head Start, according to Kalifeh *et al*. (2011:56), has as from 2013 a bachelor's degree as a minimum requirement for training ECD educators, while in Canada, since the introduction of the FDELKP training, requirements have also changed. Pascal (2009:7) recommends that early childhood teachers must obtain, within five years, an additional qualification in child development (Additional Qualification, AQ). The training programmes for DECEs are

also upgraded to establish an early childhood speciality for zero- to eight-year-olds (Pascal, 2009:6).

In South Africa, the qualification requirements for Grade R educators are established by the Higher Education Qualifications Framework (HEQF), and a BEd degree in foundation-phase teaching, which is generic, is one of the requirements. Other diploma and certificate qualifications are also conditionally accepted to meet the demand for qualified educators for Grade R. The draft policy on Minimum Requirements for Teacher Education Qualifications (DBE, 2010:41) that is in line with the HEQF makes provision for the Diploma in Grade R Practices (NQF level 6, 360 credits) as the minimum initial qualification for Grade R educators, and this proviso took effect in 2014. The Higher Certificate in Grade R Practices (NQF level 5, 120 credits) and Advanced Certificate in Grade R Practices (NQF Level 6, 120 credits) give persons with ECD level 4 and 5 qualifications access to the diploma. Recognition of prior learning (Credit Accumulation and Transfer (CAT)) gives educators the opportunity to transfer credits previously obtained to a subsequent qualification. In all of these courses, both subject knowledge and practical experience are included. The draft policy, *Policy Framework for Universal Access to Grade R* (DBE, 2011:7), recommends that by 2019, all Grade R educators should have acquired the initial qualification and that a moratorium will be placed on the employment of educators with only a level 4 qualification.

Although higher and more academic qualifications are associated with knowledge, it is no guarantee that educators also have the teaching skills and mind-set to offer better programmes (Van Staden, Clasquin-Johnson & Marais, 2007:74). Recognition should also be afforded to the financial constraints prevalent within the context of a newly industrialised country (NIC) (IMF, 2011). In the light of what is required in other countries through policy, the question remains whether or not a generic qualification provides sufficient professional security in the form of knowledge and teaching skills to prepare a Grade R educator for practice and to be internationally competitive.

Training should also meet the demands of the local context, which includes multi-grade teaching. There is a need for training specifically targeting multi-grade teaching skills. The requirement that student educators should do work-integrated

education in a variety of educational settings is a step in the right direction. While these practical experience opportunities as part of undergraduate training offer student-teachers valuable exposure to a variety of contexts, university lecturers are not necessarily versed in the demands of the multi-grade sector, nor are they necessarily experienced teaching specialists.

Cochran (2011:70-72) highlights on-going global discourses on educator education for the ECD sector, discourses which deal with:

- finding a balance between theory and practice;
- the concern that a greater emphasis on subject knowledge in generic training may be at the expense of holistic development in children and the close connection with the family and local circumstances;
- the search for effective strategies to finance educator training; and
- finding a means to help practicing educators who do not want or cannot engage in further studies to qualify for better salaries.

Clearly, it can be concluded that the nature of educator education should directly relate to the objectives of the ECD programme in a country and that knowledge of the unique characteristics of the various educational situations in a country should be of paramount importance.

4.12.2 Professional development

In the discussion on policy documents (§ 4.10), reference was made to educators' knowledge, skills and beliefs about what the policy envisages and requires. Complex knowledge of child development and a broad understanding of subject concepts and how to apply these concepts in a culturally and developmentally appropriate, play-based way for children form part of the requirements set (Sheridan, Edwards, Marvin & Knoche, 2009:377). Further requirements are to establish effective educator-learner interaction to facilitate and foster inquiry in children, as well as the ability to create meaningful learning experiences for learners within the immediate context.

Since initial training cannot fully cater for career needs such as the refinement of teaching skills and the support of curriculum execution during reforms, professional development is crucial for quality teaching and successful policy implementation. In a South African study, Excell (2011:292) found that Grade R educators could not transfer their theoretical knowledge to practice and did not know how to teach through a pedagogy of play, as prescribed by policy. Although different models for professional development in ECD have been described (Howes, Hamre & Pianta, 2012), all of these broadly aim to expand educators' expertise, to promote effective teaching and to facilitate long-term changes in educators' attitudes (Sheridan *et al*., 2009:379).

The different formats that professional development assume can include specialised training (such as accredited courses, workshops and conferences), coaching of teaching, including one-on-one coaching of educators in their own classroom, consultation by experts appointed by the employer and the creation of learning communities (communities of practice). The latter involves the cooperation between and support of groups with common interests who gather for the purpose of sharing and refining their skills in specific aspects of learning.

The dynamic, non-linear process of professional development refers to how educators move from initial awareness to action in practice and acquire an acceptance of a professional frame of mind or attitude (Sheridan *et al*., 2009:383). A more contextual explanation of professional development emphasises the relationship between the knowledge the educator gains, its relevance to her own work as well as its application in her own class. Howes, Hamre and Pianta (2012:191) show that the best results for learner outcomes are achieved when the focus is on training in specific teaching skills in a specific school and classroom setting guided by a specific curriculum. This finding emphasises the importance of clarity on what works and why and on the certainty that the nature of the professional training of educators will refine their teaching skills and will become visible during activities in classrooms. This further implies that the work context in which educators ought to be supported is crucial.

The work contexts of educators who are affected by policies and investigated in this study obviously vary: The province Ontario in Canada and the North West Province in South Africa represent diverse demands and possibilities. Who are involved in professional development, and how much training is necessary, will be determined inter alia by the diverse needs of educators.

4.12.3 Characteristics of the workplace

The nature and demands of a work task are often related to physical characteristics of the workplace, such as the geographic location, and this can influence employees' emotions and motivation (Theron, 2006:157-158). In terms of White Paper 5, Grade R classes are placed in public primary schools and a variety of independent schools. Public schools in rural areas may apply multi-grade instruction. The term ‘multi-grade schools’ refers to workplaces where a single educator is simultaneously responsible for two or more grades in one classroom (Little, 2005:10; Joubert, 2010) and represents a workplace with different and specific demands. Palitza (2010), as quoted by Taole and Mncube (2012:161), indicates that 30% of primary schools in South Africa are multi-grade classes.

Although there are multi-grade schools that exclude kindergarten from combined or multi-grade classes because of the difference in teaching style and approach (Berry, 2006:30), Grade R is presented in some multi-grade classes in the Tlokwe and Matlosana areas where this research was conducted. The rationale for this might reflect the goals of EFA and education-related MDGs (§ 4.2), but it appears as if the employer does not fully comprehend the demands that the multi-grade environment imposes upon educators. The educator in the rural area is a crucial factor in quality education (Taole & Mncube, 2012:154), but policy does not allow for the unique characteristics of their working environment.

The multi-grade working environment represents a workplace that sets teaching demands many educators have not been trained for (Taole & Mncube, 2012:161), as well as a sector in the education system for which policy does not sufficiently provide (Joubert, 2009). Furthermore, although the nature and demands of the work task differ, educators in multi-grade and mono-grade classes are often treated in the

same way. During assessment, departmental officials require the same learning outcomes of learners in multi-grade classes as from learners in mono-grade classes, although research shows that the former group is at least two years behind learners in mono-grade classes (Atchoarena & Gasparini, 2003:130). It would accordingly be fair to grant multi-grade learners (and educators) more time to achieve learning outcomes and then to perform their assessment. The non-recognition of the dissimilarity of the work task of multi-grade educators as well as the impact on their professional dignity could be an example of unfair discrimination (§ 2.3.1).

Little (2005:11-13) argues that policy-makers and officials demonstrate a low level of awareness of the demands of the multi-grade school and, therefore, do not offer sufficient support. In such a case, the multi-grade educators may experience their working environment as isolating and professionally unsafe.

4.13 Concluding remarks

Policy is authoritative communication regarding the nature, content, requirements and expected performance of the educator's work task. As such, policies have a more direct influence on the Early Childhood Development teacher's work-life than legislation (§ 4.1). Policies presume professional training, knowledge, skills and commitment to the work task and establish a specific employer-employee relationship. The educator assesses policies based on the degree to which policies enable her to function optimally and to give effect to her obligations. If policy creates working conditions in the form of an unrealistic workload, class size and inadequate remuneration in the local school context, she will lack or lose professional security. Policy applies within a system and ought to facilitate and enhance dialogue and professionalism in order to ensure security.

Policy is also the bearer of macro-political goals, which should, similar to human dignity, acknowledge the educator's professional dignity. She should not be considered a mechanical executor of policy. When the educator applies policy goals to develop her professional self, she creates possibilities to grow as a professional (§ 4.7) and to experience a fair measure of security in the small space of her classroom.

In Chapter 1, it was indicated that both literature reviews and an empirical investigation will be included to answer the research questions (§ 1.5). The literature review in Chapters 2, 3 and 4 has now been completed, and in the next two chapters, the empirical component will follow. Chapter 5 involves the theoretical underpinnings of the empirical study and the methodology that was deemed appropriate to investigate the research questions and to generate the necessary data to answer the research questions. Chapter 6 then reports on the data analysis.

Chapter 5: Research design and methodology

5.1 Introduction

In Chapters 2 and 3 the focus was on a legal framework for professional security and in Chapter 4 the role of ECD policy in the work-life of the Grade R educator was inquired into. In this chapter the research philosophy and qualitative approach will be discussed. Thereafter the strategies used to conduct the empirical inquiry will be explained.

5.2 Research philosophy

The overarching research question is: what are the roles of law and policy in the professional security of grade R educators? Professional security is the guiding theme of the study and the aim was to achieve deeper understanding of the phenomenon specifically through the investigation of the roles of law and policy in the Grade R educator's workplace. In contrast to a positivist approach, through which, for example, the frequency or level of professional security amongst Grade R educators could be measured, I used a qualitative and interpretivist approach. I needed to understand the factors that determine professional security of Grade R educators, how this security can be constructed within particular contexts and what meaning they attach to experiences in the workplace. Within the interpretive paradigm, the aim with the empirical study was to interpret, better understand and describe in detail the meaning Grade R educators give to the phenomenon of professional safety.

I share interpretivists' belief that understanding a phenomenon can only be attained when people who consciously experience the phenomenon, share the meaning they give to the phenomenon with others (Nieuwenhuis, 2007:59). Grade R educators find themselves in a variety of employment relationships and broader environmental contexts in which multiple realities exist (Merriam, 2002:4). For each participant professional security consists of elements she determines herself, which can change over time as she gives meaning to her working environment and through her interpretation of legislation and policy and its implementation. There is therefore not only one single truth (Jansen, 2007:21) about professional security within the Grade

R working environment. According to O'Donoghue (2007:17) persons such as Grade R educators do not form their professional perspectives on security in isolation and are also not passive recipients of external stimuli (such as curriculum requirements and contractual obligations) as might have been accepted from a positivist viewpoint. Individuals and groups influence each other, and they interpret the motives, actions and expectations of others based on their knowledge and perception of issues such as race, intelligence and motivation.

I tried to explore professional security holistically (Patton, 2002:57). I wanted to build a holistic picture of the perceptions of multiple and diverse views on the phenomenon and tried to describe the interaction of factors and relationships related to professional security as a 'big picture' (Creswell, 2013:47). As a result of the close interaction with the participants in their respective workplaces, I was subjectively involved. I also interpreted their understanding and reiteration of their multifaceted realities from my perspective (Rossouw, 2011:105). Knowledge of professional security was obtained by observing and interviewing participants who had direct experience of the phenomenon (McMillan & Schumacher, 2010:321).

5.3 A qualitative approach

Because the research question focused on an in-depth understanding of the professional security of Grade R educators based on the meaning they give to it (Denzin & Lincoln, 2011:3), a qualitative approach was followed. This approach also reflects the interpretivistic approach to the study.

Understanding a phenomenon like professional security is related to the immediate, physical school context in which it is experienced (Graue & Walsh, 1999:141). As stated by Corbin and Strauss (2007), the wider context of historical, social, political, gender-based, racial, class and technological factors also creates a lens through which actions should be interpreted. In this study context was important because educators from mono-grade and multi-grade classes in rural and urban areas constituted the population. This aspect of the study may contribute to various definitions of professional security.

In qualitative research, the researcher may concentrate on the process of how and why a phenomenon prevails, rather than just on the outcome of the phenomenon (McMillan & Schumacher, 2010:323). Therefore the study has the potential to describe what about professional security is important when developing and implementing policy in early childhood education. Professional security was studied during the second year of curriculum policy implementation in South Africa, while in Canada the empirical research was conducted during the second year of the implementation of the FDELKP.

Qualitative research allows for an emergent design, which enables the researcher to include, for example, other and more contexts than originally planned, thus promoting a deeper understanding of the phenomenon. In this study it became clear during data generation that multi-grade classes that include Grade R represent a specific context and should be included to provide a broader perspective on professional security. Another advantage of a qualitative approach is that a participant can be interviewed more than once, leading to the further disclosure of in-depth experiences (Leedy & Ormrod, 2005:106). Through this technique deeper understanding could arise.

A phenomenological study was conducted with the aim of interpreting and describing the essence of the real experience of security of persons working in Grade R and in the FDELKP (McMillan & Schumacher, 2010:346). This description is an attempt to create a clear picture of what participants experience in the working world in terms of professional security and how they give meaning to their experiences (Creswell, 2013:80). A variety of perspectives on professional security are described on the basis of participants' subjective interpretations of the phenomenon. Gall *et al*. (2007:497) believe that the disclosure of a wide range of aspects of the phenomenon is one of the advantages of a phenomenological study; aspects that can be utilised in follow-up studies. In order to ensure a deep understanding of the phenomenon, I attempted, as part of the primary research approach to follow Creswell's advice (2013:45) and to temporarily set aside personal beliefs about the phenomenon (Merriam, 2002:7) in order to focus on the participants' interpretations of their experiences. I assume that participants' experiences are context-specific. I do not

want to generalise and I strove instead towards a detailed description of the essence of professional security for people who are interested and would generate hypotheses for future research.

5.4 Epistemology

This study sought to understand reality (ontology) of the phenomenon of professional security on the basis of multiple meanings that people give to it. Within the interpretivistic paradigm, I assume that knowledge of the phenomenon is built up (epistemology) by people and groups who attach meaning to life experiences and that their interaction with others makes the meanings knowable. Krauss (2005:59) believes that the subjective meanings of experiences are not just descriptions of behaviour. People define, interpret and justify actions from their own convictions and experiences. I did not decide on my own what should be regarded as knowledge of professional security, but rather interpreted, analysed and reconstructed the participants' views, in order to create a deeper understanding. I also assumed that the historical, political, social and cultural context within which participants experience professional security, is important in order to understand the meaning participants attach to the phenomenon.

5.5 The researcher as research instrument

I am a qualified Foundation Phase educator with experience of Grade R teaching and three years ago I also involved Grade R educators as a population in a study on job fulfilment. Although I attempted to understand professional security from a participants' perspective and to put any prejudices in brackets, the influence of prior knowledge cannot be denied (Nieuwenhuis, 2007:60). The subjective understanding of professional security of Grade R educators is hereby recognised and declared.

5.6 Data generation strategies and selection of participants

The categories for the data generation strategies, the selection of sites, participants and the motivation for choices are described in Table 5.1.

Table 5.1 Selection of participants for interviews

A. South Africa			
	Individual interviews		
Category of participant	*School*	*Number of participants*	*Reason for selection*
Grade R educator employed by the state	Public school on farm	2	Individuals teaching grade R under different employers as well as in diverse school contexts were selected to describe lived experiences of professional security.
Grade R educator employed by the state, also principal	Public school on farm	1	
Principal	Public school on farm	2	Principals implement policy on school level in different contexts and their interpretation of law and policy influences the educator's work-life.
Grade R educator employed by the state	Public school in township	3	A maximum variety and broader perspective was created by adding township and town schools.
Principal	Public school in township	2	
Grade R educator employed by the school	Public school in town	7	
HOD, Grade R educator	Public school in town	1	HODs for Foundation Phase implement policy within this phase level and act as mentors for Grade R educators.
HOD, not Grade R educator	Public school in town	1	
Principal, also Grade R educator	Public school in town	1	
Principal	Public school in town	3	
Grade R educator employed by school owner	Independent school	1	A maximum variety and broader perspective was created by adding independent schools.
Principal, also Grade R educator	Independent school	1	

Parent member of SGB	Public school	5	SGB members either represent schools as employer and/or are responsible for quality education in Grade R
Teachers' union member		2	Unions bargain collectively on behalf of educators
University lecturers		2	Involved in teacher training
Members of governing body organisation		2	Involved in school governance, including employment
Departmental officials		1	Involved in evaluation, and monitoring of policy implementation
	Group interviews		
Category of participant		*Number of participants*	*Reason for selection*
Educator	Public school in township/farm	1	A group of educators on different employment levels were selected for triangulation of data.
Educator	Public school in town	7	
B. Canada			
Category of participant	*School*	*Number of participants*	*Reason for selection*
Early childhood educator (ECE)	Independent school	3	Independent primary schools where FDELKP is taught were selected. In Canada two different professionals teach FDELKP in one classroom.
Early childhood Kindergarten teacher	Independent school	3	
Principal	Independent school	3	Principals implement FDELKP at school level and their interpretation of law and policy influences the work of employees.
FDELKP consultant		2	As teaching coaches consultants support professionals working in the FDELKP and have a broad perspective.

The inclusion of independent schools in the population, as indicated in Table 5.1, reflects the provisions of White Paper 5. Some public pre-primary schools regard themselves as satellite schools of nearby primary schools while other Grade R classes are situated on the site of the primary school, but function independently to a great extent. A third group of classes included in the research, are Grade R classes fully part of the primary school in which they are placed.

5.7 Participants for the individual interviews

The selection of participants portrayed in Table 5.1 will be described next.

5.7.1 In South Africa

The selection of participants for semi-structured face-to-face interviews was done according to the "purposive sampling" approach (Babbie & Mouton, 2007:288) and individuals who could potentially give the richest information (Hatch, 2002:50) regarding professional security were selected. A variety of individuals working in the Matlosana and Tlokwe areas in the Kenneth Kaunda District of North-West Province, South Africa, and who had first-hand experience of grade R, were selected. In this study the impact of the employment relationship on professional security was important. The selection therefore included grade R educators employed by the state, the school and a school owner (independent schools). This is indicated under the 'category of participant' in the table. The sites represent different school contexts, which might pose school-related influences on the educator's security. Sites are indicated under 'school' in the table, and public farm schools, public township schools and public town schools are included. One independent primary school where grade R is taught was included and two participants were recruited.

In addition to individual interviews with grade R educators, principals were recruited for individual semi-structured interviews. Principals interpret policy and law on the school level and determine the workload and nature of educators' work in their schools. Principals working at different public schools were interviewed and one from an independent school. Two principals were also Grade R educators.

The criterion for the selection of participants not working in schools, was direct or indirect involvement in the implementation of legislation and policies that impact on

the Grade R educator. The role that governing bodies play has been discussed before (§ 3.1.1). School Governing Bodies (SGBs) play an important role in the appointment of educators and in terms of section 20(1)(a) and (e) of the South African Schools Act 84 of 1996 (SA, 1996c) have to support the educator in her professional duties to promote quality education at the school. Therefore SGB members of public schools were interviewed to give their viewpoint on educators' professional security.

Other individuals who were selected as participants were two university lecturers, who were involved in teacher training, a departmental official from the North-West Department of Education to represent the provincial level of policy implementation and the state as employer. Two governing body organisation members were selected since the organisation is constantly involved with labour law issues primarily related to the involvement of the governing body. Two individuals representing two different teacher unions were included as well. In addition to collective bargaining on behalf of Grade R educators as members, the teacher unions could offer professional development in order to facilitate quality teaching. Two teacher unions, the largest teachers' union in South Africa, the South African Democratic Teachers' Union (SADTU) and the Suid-Afrikaanse Onderwysersunie (South African Teachers' Union) (SAOU), to which most Afrikaans speaking participants belong, were involved in the study.

Due to the labour law perspective of the study, the nature of the workplace and context where educators work were important. Table 5.2 illustrates the selection of participants in the Matlosana and Tlokwe areas in the North-West Province, regarding to two factors that impact on the work-lives of participants in these areas.

Table 5.2 Participants in mono-grade and multi-grade schools in South Africa

	State employed	**SGB or school board employed**
Mono-grade classes in public schools with Grade R	11 participants	9 participants
Multi-grade classes in public schools with Grade R	3 participants	

Both the specific employer and the nature of the school, which can be either mono-grade or multi-grade, have implications for professional security.

As stated before, the inclusion of Canada in this study was to better understand the role of policy and law in early childhood professionals' experiences of professional security in South Africa, which will be discussed next.

5.7.2 In Canada

Early childhood professionals' experiences of ECD policy change in Canada served as a backdrop for the in-depth study of educator professional security in South Africa. For this reason only individual interviews were conducted. In Ontario, Canada, three early childhood educators (ECEs) and three early childhood teachers were recruited to take part. Three principals of schools where the FDELKP is taught were also recruited, as well as two consultants for FDELKP. I used a family member of mine and a staff member from Brock University, St. Catharines, to introduce me to persons with whom they were acquainted. Two consultants were included because of the supportive role they play in the implementation of the FDELKP policy. As consultants interact daily with ECEs and teachers in schools, it was argued that these individuals could offer a perspective on professional security during the early years of the implementation of a new policy. They were however not regarded as peers of departmental officials in South Africa, as they do not evaluate policy implementation. In Ontario this task is carried out by other persons.

My initial contact was with independent schools in Ontario. For the purpose of this study the inclusion of public schools was not deemed to be necessary due to the similarity of working conditions between independent and public schools. The same legal framework applies and there is no substantial difference in the implementation of the FDELKP.

5.8 Participants for the group interviews in South Africa

Two group interviews were conducted. The first group interview was conducted at a school where three Grade R educators worked. This group interview was used to

determine whether participants' views were interpreted correctly during preliminary analysis of data.

The second group interview was used for triangulation purposes (Patton, 2002:247). Five educators who participated in this group interview, included individuals with years of service in Grade R and people who were recently appointed in a Grade R position. The participants also represented different school contexts, as well as different levels of employment. The group interview included one individual working in a multi-grade school. A specific semi-structured interview schedule was used for the group interview.

5.9 Data generation

Following the interpretivist perspective in this phenomenological study, the purpose was to determine and better understand the multiple meanings that participants attach to day-to-day experiences of professional security in the workplace (Creswell, 2013:135). Data generation was aimed at exploring and answering the research question regarding Grade R educators' experiences of professional security (§ 1.5). Semi-structured interviews and observations were used to generate data, which will next be discussed in more detail.

5.9.1 Interviews

Individual and group interviews were used as primary data generation tools.

5.9.1.1 Individual interviews

Babbie and Mouton (2007:289) consider the qualitative interview as an interactive discussion with a goal. The semi-structured interviews were focused on specific themes of interest to the study (Kvale & Brinkmann, 2009:28-29), for example, the employer-employee relationship, but also allowed for participants to spontaneously raise issues. In this way, participants could reveal "what is in and on their mind" (Patton, 2002:340). A semi-structured interview schedule (see Addendum A) served as a broad guideline.

The rationale for the use of interviews as primary data generation strategy is in line with the belief that perspectives are brought forward during interviews that can be identified in no other way (Nieuwenhuis, 2007:87). As a researcher, I did not only listen to what was said, but how it was said. This aspect also represents, however, an inherent limitation of interviews, namely that participants may be reluctant to express feelings related to professional security (Hatch, 2002:91).

5.9.1.2 Group interviews

According to McMillan and Schumacher (2010:363) group interviews involve a homogeneous group of participants which might raise, due to the influence of the group dynamics, richer data than individual interviews. Participants in the group interviews were chosen based on their shared experiences (Hatch, 2002:133). In keeping with the phenomenological approach it was argued that multiple perspectives on professional security could be highlighted through group interviews (Fontana & Frey, 2005:704) as extensions of individual interviews. Another reason for the inclusion of group interviews was to facilitate triangulation, also referred to as crystallisation. Each data generation strategy has created the possibility of bringing to the fore another nuance of the phenomenon. Two group interviews were conducted. As one group interview was also videotaped, the benefits of both observation and interviewing were utilised in this strategy (Nieuwenhuis, 2007:92).

After a number of individual interviews, one specific group interview was also used as a validation technique (McMillan & Schumacher, 2010:363). I wanted to determine whether or not preliminary analyses of themes were consistent with the opinions of participants.

In addition to interviews, observation was planned, as will be discussed next.

5.9.1.3 Observation

The research question regarding how educators experience their work contexts led to data generation by observation in the workplace itself. An observation schedule (see Addendum E) was compiled to ensure purposeful observation and to interpret the possible influence of specific elements in the Grade R educator's working environment on professional security. (This technique was used in Ontario as well.)

The observation schedule also provided for further impressions, for example, interaction with colleagues, parents and learners, which could be an indication of professional security. As a non-participant observer (Creswell, 2013:167) I tried not to influence the dynamics of the participants' work situation (Nieuwenhuis, 2007:85). Observations of the working environment, from two to five hours per observation, were undertaken before interviewing.

5.9.2 Crystallisation of data

Because of the focus on an overview of the way Grade R educators give meaning to professional security, the data generation process was planned to integrate data in the interest of crystallisation (Nieuwenhuis, 2007:83). Each strategy was employed to serve as a unique source of information to uncover the different dimensions of meaning, as would the facets of a crystal. The term crystallisation which, according to Gall *et al.* (2007:474) is an alternative term for triangulation, is used in this study. Richardson (2000:963) proposes the image of a crystal rather than the triangle, which he regards as a “rigid, two-dimensional object”. The crystal by contrast, combines multidimensional forms and approaches and makes a deeper understanding of a phenomenon possible. He further believes that our world has "far more than three sides" (Richardson, 2000:934). Figure 5.1 illustrates the data generation strategies used.

The order of the three components varied depending on the circumstances at the respective schools and the purpose for which the strategy was applied. At one school no group interview was conducted with the educators who work there, while at another school an interview with a group of educators from different schools was conducted. Initial visits to schools to get acquainted with the staff, sometimes made cursory observation and informal conversations possible, which was followed by formal observation and interviews on a later occasion. Throughout the process the central purpose of the data generation strategies remained to obtain a deeper understanding of how participants give meaning to professional security.

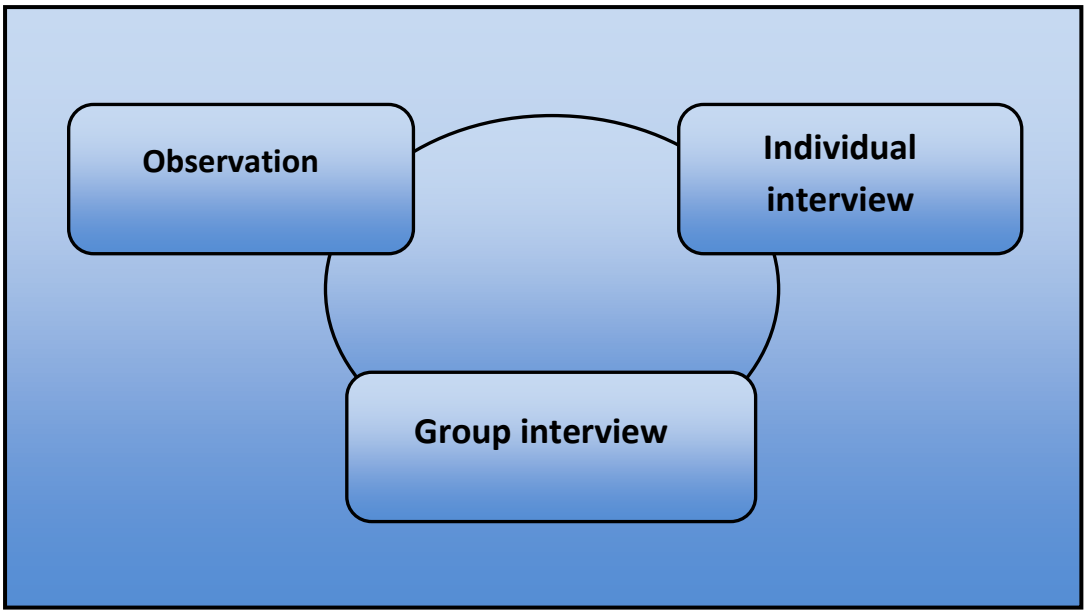

Figure 5.1 Strategies of data generation

5.10 Data analysis

In qualitative research, contrary to a quantitative approach, the generation and analysis of data are simultaneous processes (Creswell, 2013:182). Since data is analysed continuously as the generation process continues, focuses can be refined and a deeper understanding of the meaning educators give to professional security can emerge. McMillan and Schumacher (2010:368-372) distinguish between the initial discovery analysis when the researcher enters the field of research, and the interim analysis during which reflection on collected data reveals gaps and affects subsequent data generation. Merriam (2002:14) states that starting with analysis early in the data generation process improves its quality, because adjustments can be made and emerging concepts can be compared with existing data.

The data analysis in this research was based on the phenomenological-interpretivist approach and was aimed at the investigation of meaningful content from the data in order to better understand Grade R educators' experiences regarding professional security. I wanted to discover and accurately describe the essence of the meanings that participants attached to the phenomenon. An inductive analysis of the data was done, during which I allowed subjects and categories to emerge from the data

(Nieuwenhuis, 2007:99-100). The inductive process also included constant comparisons between the data generation strategies, as well as comparisons within each interview transcription, observation summary and reflection entry in the journal.

Although ongoing analysis occurred, specific steps were followed after all the data was collected. I read through all the data repeatedly to get an overall picture of topics (Creswell, 2013:183). After this, significant pieces of information from all the data sources that were potentially relevant to the study were coded. These codes were grouped under topics. From these groups of topics a limited number of categories or subcategories were developed after each group was compared with the others. I read across all the data sources to learn what supporting or contradictory information emerged before categorisation occurred. A definition was formulated for each category to provide a comprehensive, detailed description of the groups of topics that were classified under each category (Creswell, 2013:185). Categories were similarly grouped to describe a couple of larger perspectives on professional security.

Figure 5.2, adapted from McMillan and Schumacher (2010:378), illustrates the basic analysis process followed. Although I was aware of possible categories that emerged from the literature, it was not the only guideline used. I was open to new categories that could emerge from the data. Coding of labelled sections and categorizing developed largely from the data itself and also reflected the research question.

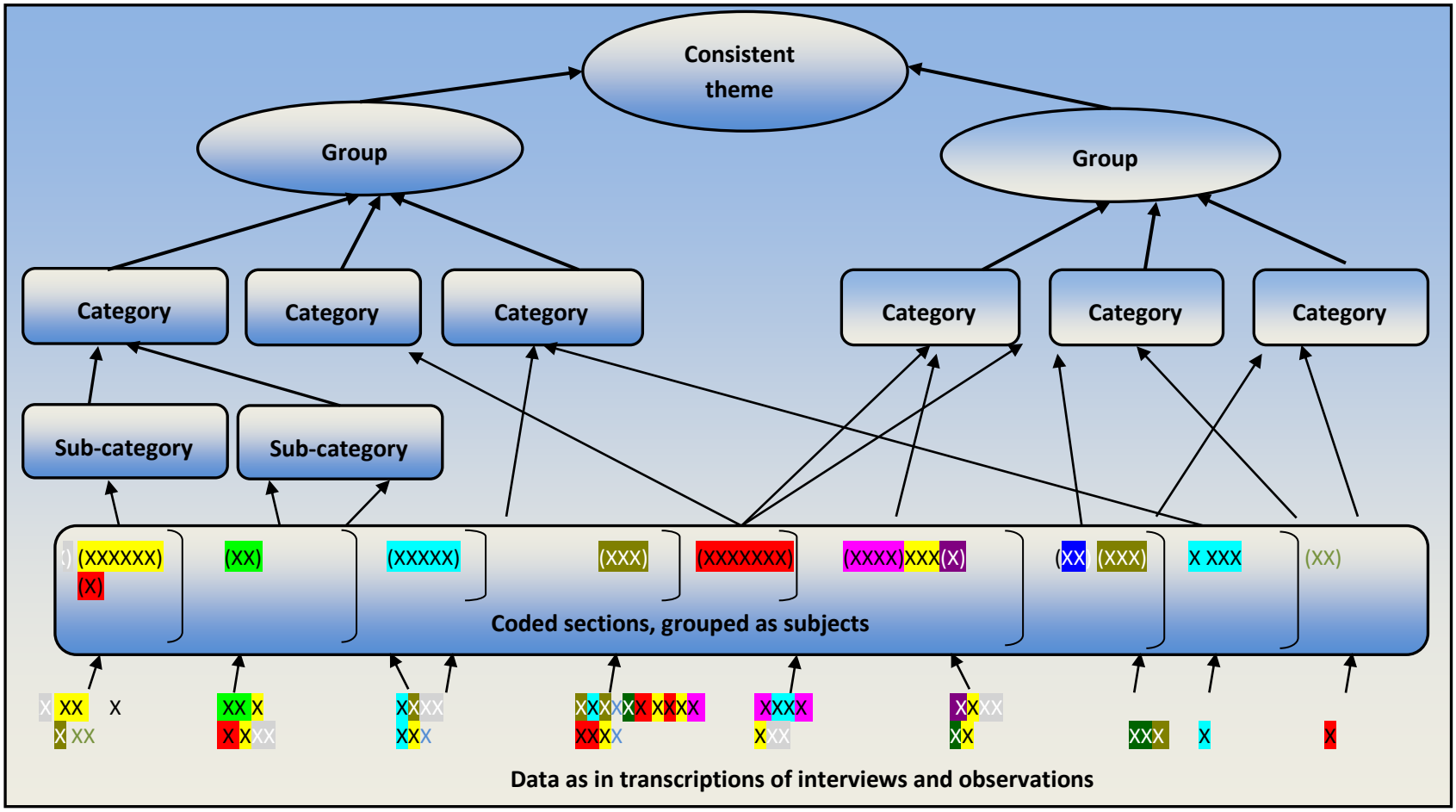

Figure 5.2 Data analysis process

Adapted from McMillan and Schumacher (2010:378)

After the coding I looked for patterns emerging from the data, which could give an indication of possible relationships between different categories. During the search for patterns all the data was re-evaluated and the prospect of patterns that originated earlier, were carefully considered to make sense of the relationships between different aspects of participants' experiences and the meaning they attach to them. I tried to determine how well the collected data answered the research question and what data stood central to the elucidation of the phenomenon of professional security. In the process I attempted to enhance the trustworthiness of data, for example by critically but sensitively assessing vague statements, subtle influences in schools and emotional communications by participants. I was always aware of my subjective involvement and possible personal influence on the situation, assumptions and attitudes during data analysis (McMillan & Schumacher, 2010:379). Some other strategies to promote trustworthiness are discussed in the paragraphs that follow.

5.11 Trustworthiness

Merriam (2002:24) points out that the quality of research results is largely determined by its validity and reliability. According to McMillan and Schumacher (2010:330) the validity of qualitative studies refers to the extent to which the researcher's interpretations of events and meanings he or she attaches to it, matches that of the participants. Creswell (2013:250) adds to this by emphasising the ‘accuracy’ with which the researcher describes the participants’ reality.

In positivist studies criteria such as internal and external validity, reliability and objectivity are considered important (Leedy & Ormrod, 2005:97-100). This research is qualitative and is guided by an interpretivist epistemological orientation. Gall *et al*. (2007:473) quotes Guba and Lincoln (1994) who point out that in phenomenological research the positivist criteria are replaced with terms such as credibility, transferability and confirmability. A combination of these terms, according to Creswell (2013:246-247), are captured in the term ‘trustworthiness’ used here. Different strategies were used in this research to support trustworthiness.

Firstly, three different data sources were generated and analysed, in a process sometimes called triangulation (Babbie & Mouton, 2007:103). Although it is argued that trustworthiness is enhanced when findings from one data source are

substantiated by another (McMillan & Schumacher, 2010:379). Patton (2002:248) argues that the use of different data sources is rather intended to obtain deeper insight into the phenomenon under investigation through inconsistencies. Contradictions need not be considered as weaknesses in the research, and the researcher does not have to be uncomfortable when they emerge. As discussed (§ 5.9.2), I preferred the alternative term for triangulation, namely crystallisation. The different strategies were applied to reflect other facets or nuances of the phenomenon, and to gain deeper insight.

Secondly, my interpretation of preliminary data was subject to member checking (Creswell, 2013:252). This technique is regarded by Lincoln and Guba (1985:314) as the most important tool to ensure credibility. In addition, one group interview was conducted specifically to ensure that my interpretation was consistent with the meaning participants gave to professional security and that I articulated the essence of the phenomenon clearly. This was done by offering a short summary of key ideas that were discussed at the end of the group interview, as well as my interpretation (Krueger, 1998:27). Participants were asked to respond critically and to discuss anything that was missing.

During observations, I considered the possibility that my presence could affect participants' behaviour. I therefore indicated to them that I did not evaluate anything during my observation, and I also refrained from participation in any activities in the classroom. Spending a long time (up to 5 hours) of observation ensured that educators relaxed over time and I was able to observe as unobtrusively as possible. I carefully described the working environment and made notes of conversations and events, which were supplemented directly after the observations for the purpose of completeness.

Thirdly, recording notes and reflection was regarded as important. The journal on data generation and decisions regarding topics and categorisation during analysis leaves an audit trail of the progress with and execution of the entire research process (Merriam, 2002:27). The keeping of this journal was therefore an attempt to promote reliability.

Gray (2004:345) believes that a “purposive sampling” (§ 5.7.1), and detailed description of participants and the contexts in which the investigation took place, enables the researcher to compare contexts and links up with the term ‘transferability’. In this study, the different school contexts in which professional security was investigated were carefully described. Participants from different levels of the organisation were involved (Denzin, 1989 as cited by Gray, 2004:344), ensuring that multiple voices within the broader work context of the Grade R educator were also heard (§ 5.6).

In essence, the meanings that Grade R educators themselves gave to experiences in the workplace was the crucial issue. Quotations from their responses are true reflections of their experience of professional security. I was sensitive to working environments in which the persons did not speak in "one voice" (Gall *et al*., 2007:475), and argued that different meanings can be attached to the same experience. Power relations, such as between a principal and an educator, could also give rise to different perspectives. During interviews and observations I was aware of unspoken views reflected or expressed through silences, gestures, body language and humour. I sometimes sensed that spoken opinions could have been confirmed, contradicted or qualified as sarcasm.

5.12 Ethical considerations

Creswell (2013:56-60) argues that ethical issues are prevalent throughout the course of the research, and not only in data generation, analysis, reporting and publishing of the data. He joins Kvale and Brinkmann (2009:62-64), in indicating that ethical research in essence is located in the moral quality of the researcher and the nature of the relationship between researcher and participants. In this study, the following aspects were considered in order to conduct the research in an ethically correct manner.

5.12.1 Consent for the research

Before the research was undertaken, the research design and methodology was described in detail and submitted to the ethics committee of the North-West University for clearance. Written consent was then granted by the office of the

Kenneth Kaunda district to conduct the research in the Tlokwe and Matlosana areas (see Addendum G). Other organisations such as trade unions, a school governing body organisation, individual schools and governing body members were informed in advance about the nature and purpose of the research, after which their consent was granted.

I agree with McMillan and Schumacher (2010:339) that informed consent can be considered as a form of dialogue with participants. Participants were fully informed about the nature and purpose of observations and interviews, expectations from them and the nature of the relationship with the researcher. Participants could ask questions about the use of data and helped to determine the time and place of interviews. All participants voluntarily agreed to participate. Participants were informed that they could at any time withdraw their participation in interviews or observations, or could withdraw their initially stated willingness to be part of the study.

In Ontario, Canada, ethics clearance was received from the Research Ethics Board of the Brock University in St. Catherines before I similarly went about to establish and maintain an ethically sound relationship with participants.

5.12.2 Confidentiality

All participants were assured of full confidentiality. No personally identifiable information was disclosed and no organisation or school's name was mentioned. Code names were linked to participants and public schools directly after interviews and observations. The descriptions of working environments were clear but general, so that they could match with several others (McMillan & Schumacher, 2010:339) and were used to create the context. Participants were informed that they could withdraw at any stage of the research, based on their right to privacy, without giving reasons.

During interviews the potential imbalance of power was respected, because of the hierarchical relationship between researcher and participant (Creswell, 2013:60; Kvale & Brinkmann, 2009:76) by avoiding leading questions, personal impressions

and sensitive information that I might have had. I visited schools with an open mind and tried to distance myself from any criticism of management, teaching strategies, and the implementation of policies.

Audio and video recordings, transcripts of interviews and reflection notes with identifiable information were only available for analysis to the project leader, promoters and myself. Disclosing the content of any of this material would be considered as a violation of the respondents' right to privacy. In light of the theme of the study, where some participants were employees and others were employers, and criticisms were inevitably expressed, confidentiality was of great importance.

During analysis, multiple perspectives on professional security were expressed (Creswell, 2013:60) to give voice to a variety of voices. Since I had spent a lot of time with some of the participants in their working environments and previously being a Grade R educator myself, I was aware of the danger of over-identification and going native with educator-participants (Creswell, 2013:60). I tried to maintain a critical perspective on the knowledge that was generated. Participants could verify my description of the meanings they attached to professional security (Kvale & Brinkmann, 2009:63) and thereby gain a voice in how their views were expressed in the report (§ 5.9). The report was made available in two languages to participants, while for some rural participants the report sections that apply to them were rewritten in simplified language. Simplified language was used to compensate for some of the participants' lack of proficiency in the language that was used, due to the fact that neither English nor Afrikaans was their first language.

5.13 Concluding remarks

In this chapter the interpretivist orientation of this phenomenological study was presented, whereupon the qualitative research design was described. Then followed an explanation of the data generation process through interviews and observation as well as the manner in which the data analysis took place. The chapter concluded with a discussion of trustworthiness and ethical issues related to the research.

Against the background of the theoretical description of aspects relating to the research design and approach, the data analysis will be offered in the next chapter.

Chapter 6: Data analysis

6.1 Introduction

In the previous chapter, the research design, methodology and rationale for data generation strategies were discussed. The overarching research question as the starting point was emphasised and the research philosophy that supports the entire study was explained in detail.

In this chapter, the data which was generated will be analysed. In figure 6.1 the close relationship between elements of the research is illustrated. This shows that the research question, data generation, data analysis and the eventual answer to the research question/s form a unit while the research philosophy can be considered a unifying factor.

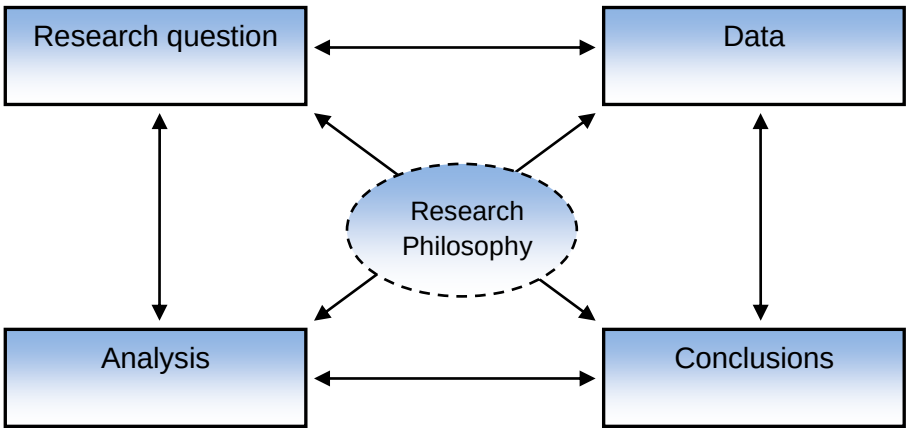

Figure 6.1: The relationship between elements of the research

No element is, therefore, detached from any one of the other elements. The research question will determine how and what data will be generated, while data provides the information from which the answers to the research questions can be formulated. Generated data sheds light not only on answering but also on influencing the nature of the research questions. Bergman (2012) claims that this may lead to small adjustments to the research question. There is, therefore, mutual influence between data generation and the research question. In a further step, data analysis takes place, again based on the research question, and finally conclusions are reached that offer possible answers to this question. The lens through which the research is considered is always the chosen research philosophy.

In the subsequent data analysis, the overarching research question, namely the role of law and policy in the professional security of the Grade R educators, stands central. The legal determinants provide for security in the workplace (see Chapter 2 and 3), and together with the role of early childhood education policy (see Chapter 4), these serve as a background for the analysis of data.

Furthermore, the participants' description of their experience of professional security is interpreted from the preliminary definition of professional security in Chapter 1 (§ 1.1). According to this definition, an educator experiences professional security when she regards the workplace as physically and psychologically safe.

The experiences of participants in various work contexts obviously differ, and everyone has her own perception of professional security. Based on the experiences of the respective participants, six categories of issues emerged from the data, namely the working environment; the employer-employee relationship; delictual liability; the Grade R policy environment; the implementation and execution of policies; the interpretation of policy and the teaching approach. A theme that consistently emerged, namely knowledge versus ignorance, will also be discussed in the final analysis. Figure 6.1 is a refinement of Figure 5.2 and reflects the main points of this chapter.

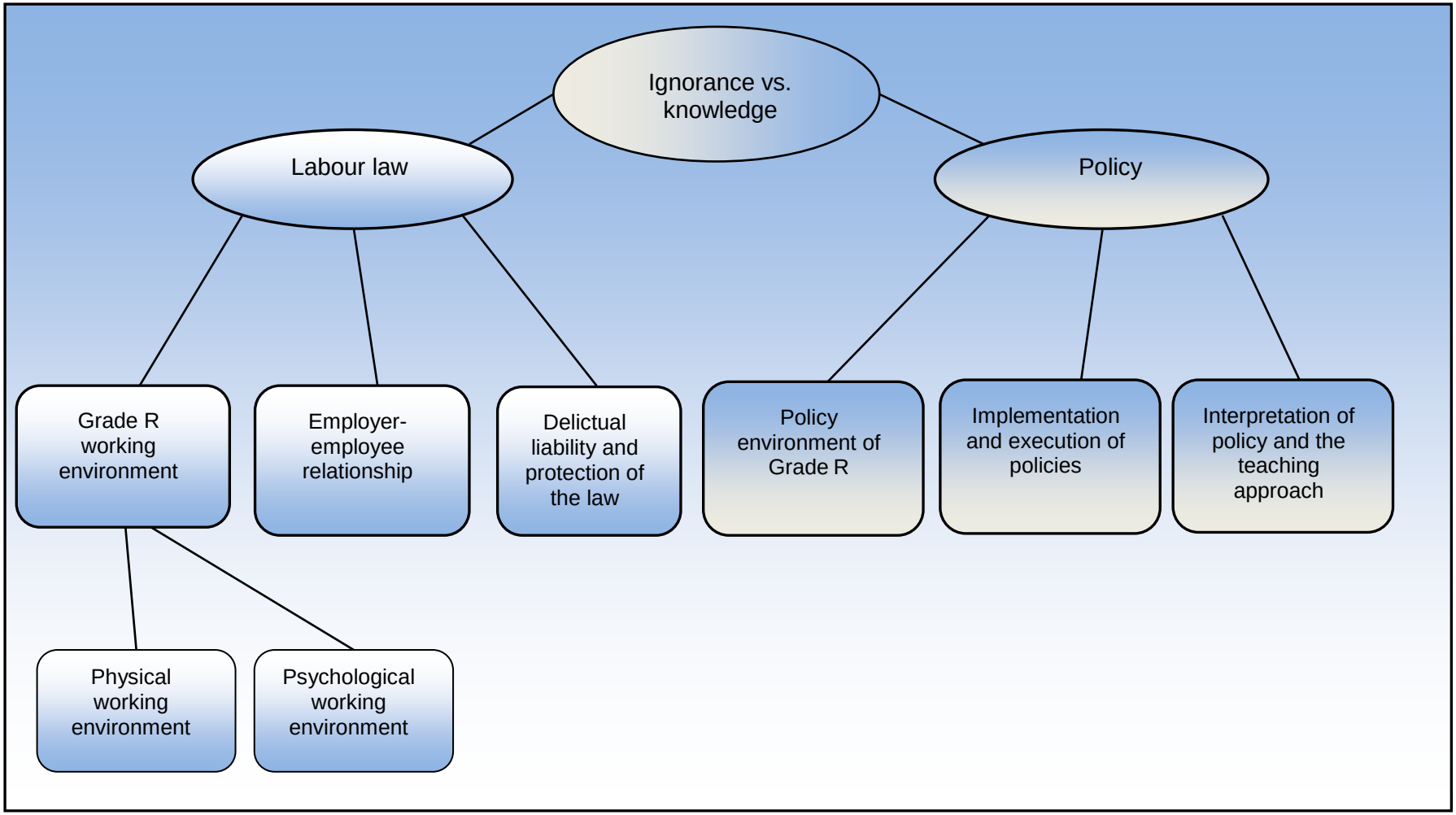

Figure 6.1 Categories and consistent theme emerging from Grade R educators' perceptions of professional security

A brief discussion on the analysis of data generated in Canada is presented after the discussion of the data analysis in South Africa for the purpose of offering the Canadian comparative perspective (§ 1.3).

6.2 Presentation of categories: South African perspective

Since the study embraced a labour law perspective, the categories relating to the workplace (links up with the third research objective in par. 1.6) and the employer-employee relationship (links up with the fifth research objective in par. 1.6) are presented first, followed by delictual liability (links up with the fourth research objective in par.1.6) as the next category. Policy-related categories, namely the Grade R policy environment, the interpretation of policy and the teaching approach and the implementation and execution of policy, (link up with the second research objective in par. 1.6), follow after the labour law categories. A consistent theme that emerged from all the data, namely knowledge versus ignorance, is presented in the final instance.

The South African component of the inquiry includes individual interviews with Grade R educators which, on every occasion, were preceded by observation of the workplace. The study also includes two group interviews with two groups of Grade R educators. As discussed (§ 5.6), other role players in Grade R education were involved in individual interviews, namely principals (two of whom are also Grade R educators), HODs in the Foundation Phase (one of which is a Grade R educator herself), governing body members, university lecturers, teacher union representatives from SAOU and SADTU, a departmental official and members of a governing organisation (FEDSAS).

6.3 The Grade R working environment

Spreen and Vally (2010) show that education policy should take the educational context of a specific country into account. The nature of the working environments of Grade R educators involved in this research, and especially how the participants perceive their professional security experience, is discussed. This addresses the research question regarding how grade R educators perceive professional security in the work context. I distinguish between the physical and the psychological working

environment, since the nature of the two working environments differ rather significantly.

6.3.1 The physical working environment

The physical working environment of the Grade R educator is statutorily regulated in various forms of legislation, including the Constitution of South Africa 108 of 1996 (SA, 1996a), the Employment of Educators Act 76 of 1998 (SA, 1998a), the Occupational Health and Safety Act 85 of 1993 (SA, 1993a), the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (SA, 1993b) and Regulations for safety measures at public schools (SA, 1996d) (§ 2.4; 2.9; 3.1.4; 3.2.3; 3.1.2). The legislation referred to, together with the common law and applicable case law, form a legal framework that potentially supports professional security.

Safety aspects perceived during observations, such as controlled school gates, visitors' books to be signed and a security camera system in a primary school, can be interpreted as indications of an awareness of the statutory safety requirements. Although there is good lighting and ventilation in most working environments, overcrowded classes in both township and farm schools may be regarded as environments that are detrimental to the health of both educators and learners in terms of section 24 of the Constitution of South Africa 108 of 1996 (SA, 1996a).

The physical working environments in the public pre-primary schools involved in the study can be described throughout as aesthetic and enabling. These environments reflect profound knowledge of child development and respect for the way young children learn. In terms of White Paper 5 (SA, 2001) (§ 4.10.2), Grade R is also added to primary schools, which are usually not specifically designed according to the needs of five-year-olds in the same way as pre-primary schools usually are. Ordinary classrooms have to be used to accommodate Grade R, while the location of Grade R classes in the school building determines, for example, the distance to the toilets and outside play area. The physical location of Grade R classes and their layout inevitably have an impact on the physical working environment and the educators' corresponding experience of security. In addition, sufficient space to carry out work tasks effectively is important in the physical environment. At one elementary school, the Grade R class also had storage space, which the participant

appreciated as it made the work task easier. In another school where the grounds were relatively small compared to the number of learners and also placed far away from the Grade R classes, the nature of the physical working environment made the work task difficult. A small outside area cannot adequately provide for the physical developmental needs of the learners for whom the educator is responsible.

Although it can be accepted that the layout, size, location and content of the physical workplace may have a definite influence on the performance of the work task (Theron, 2006:157-158) as well as on the developmental needs of learners, it would appear that sufficient understanding of the Grade R educator's physical workplace does not exist everywhere. In addition to the layout of the physical workplace, appropriate furniture as well as appropriate learning and teaching support materials are also part of the physical work and learning environment in Grade R. A participant who previously owned her own nursery school, but who currently works at a public primary school, indicated that she had brought furniture and learning and teaching materials to the class. She said: "... people here at the primary school do not understand what is important to me in a Grade R class. So, many of the things are my own... In any case they do not have money."

It seems as if inadequate understanding of the nature of learning and teaching support materials and the layout of a suitable environment for Grade R at schools is not only a problem at schools but also with the employer at the district level. Little understanding of the working environment of the Grade R educator and the learning needs of learners, together with the absence of proper consultation, has probably resulted in two newly built Grade R classes being erected far from toilets. The playground was divided with a wire fence and a gate into two areas, suggesting that the two Grade R classes require two areas. Two sets of large equipment, namely jungle gyms and swings, were erected. After setting up the play area, the ground surface was not cleaned, and it was not suitable or safe for use by learners. Although this school is fenced with barbed wire in order to make it safe, the play area for Grade R represents neither an enabling workplace nor an adequate learning space. An unsafe site gives rise to a lack of security for the educator, for whom the learners' safety is a priority.

- The multi-grade school as workplace

Two workplace-related aspects that directly affect the work task are issues relating to teaching language and the multi-grade setting, which will subsequently be discussed.

The multi-grade environment presents challenges not only associated with overcrowded classes. Dissimilar to other schools, multi-grade schools are known for the phenomenon where learners several years older than their classmates who have been found on farms are put into Grade R because they are still illiterate. The participants considered this issue as very challenging, if not unworkable. One learner in Grade R enrolled at a school for the first time but was already 12 years old, while at another school, a Grade R learner was 9 years old.

A participant, who is an experienced educator, believes that the requirement of formal and informal learning in the same classroom is unfair to both educator and learner. She argues that multi-grade teaching, for example Grade R and Grade 1, is detrimental to both class groups, saying: "... it's just too different. Other grades you can combine, but not Grade R. One group is constantly neglected." Her opinion could be an indication that she realises that the informal and formal approaches are incompatible. She feels guilty because she knows that especially Grade R learners do not receive quality education. A second participant in a multi-grade class emphasised the increased workload and decided that she is forced to choose between the needs of the two grades: "I will attend to them (Grade R) next year. I must prepare Grade 1s for ANAs (Annual National Assessments). Grade R is not compulsory." She called in the help of a parent to assist with Grade R and summarised her contribution as follows: "At least it's something... at least they learn sitting in a class." It seems as if the multi-grade school represents a unique workplace, and this may not have been fully understood by the employer when the placement of Grade R in public primary schools was envisioned in White Paper 5.

- Language issues

Another workplace-related matter that was found to occur in a variety of school contexts is the education of those who have no command over the language of learning and teaching (hereinafter LOLT). This does not only increase the workload of teachers, but some of them also feel that the establishment of pre-learning skills,

which they consider as one of the core objectives of Grade R education, is not sufficiently accomplished in this context. Since all the pre-learning skills, according to one participant, have to do with language, the result is that some educators do not experience success with these learners, and they doubt whether parents' expectations are met.

A principal at a public pre-primary school declared unequivocally that learners who upon entering Grade R in her school do not speak English are not able to master the language in one year to the extent that they reach school readiness. An educator at her school confirmed this: " ... in a year's time you cannot teach him the language so well that he understands concepts well enough in the new language, that he is ready for Grade 1." The principal is considering an internal arrangement whereby African-language speakers who do not speak English should already enrol at the age of three at the school if they want to master English at home-language level in preparation for Grade 1. She considers that prospective learners who cannot speak the teaching language and who want to join the school only at Grade R should be discouraged and that they should "...simply not take them in". It seems as if these educators regard the aim of their task in this context as unattainable and are, therefore, trying to develop alternatives.

A head of department in a primary school has indicated "... the main problem is that non-home-language speakers must be taught in English or Afrikaans at home-language level". In that particular school, Grade 1 learners who are not proficient in the LOLT are temporarily placed in Grade R, alongside other Grade R learners. The Grade R educator therefore has a double workload. The head of department admits: "That Grade R educator had an amazing amount of work (she has) to do, because she must establish pre-learning skills and simultaneously establish a language for children who do not have a language (LOLT)." The Grade 1 learners who join her class temporarily probably cause serious pressure for the educator, "because the law says they are obliged to go to Grade 1 at a certain age". It can be assumed that efforts to make learners language ready before they reach school age and have to enrol for Grade 1 puts severe pressure on the educator.

A governing body member at a public pre-primary school, where one day of practical teaching in the classroom is required as a test for prospective Grade R educators,

indicated that many good candidates stated after a day in the class that the language-related demands were overwhelming. After such a day of teaching, some declared, “Sorry, I cannot face it," according to this SGB member.

A SADTU representative, working in a school serving ‘the poorest of the poor’ which is located near an informal settlement, is convinced that parents should not have been offered the option in terms of the South African Schools Act 84 of 1996 (SA, 1996c) to choose the language of instruction for their children. She argues that parents who cannot even physically care for their children should not be given decision-making power to decide about their children's future: "It is for nobody's benefit. It should have remained mother tongue.... here with the little ones."

6.3.2 The psychological working environment

The psychological working environment is linked to section 24 of the Constitution, which provides for an environment that is not harmful to the health and welfare of people in South Africa. The welfare of Grade R educators is, among other factors, influenced by the dynamics within a specific workplace, workplace-related expectations and collegial relationships, including leadership styles and management issues, as well as the protection of their professional dignity. In a group interview, it was confirmed that the psychological working environment is just as important for professional security as the physical working environment. "I would rather teach under a tree than to be in a school where the atmosphere among the staff is negative," one participant noted. Furthermore, it was shown that the psychological working environment extends beyond the physical working environment in that the parents’ and the community's opinion of the Grade R educator influences her indirectly. In a group interview, this was confirmed: "Our biggest battle is to be seen as professional people."

Participants who work in schools where the principal and/or the governing body have sufficient knowledge of the law, find that such knowledge serves as a source of security. A head of department at a public pre-primary school considers their code of conduct for Grade R learners, developed in terms of section 8 of the South African Schools Act 84 of 1996 (SA, 1996c) (§ 3.1.1), as protection during conflict with parents. She believes: “Our code of conduct (that) we set up internally helps us a

great deal with discipline. So, if you are in a situation with a child and a parent, there is a code of conduct. If there is conflict, you then have support. So, it's a huge security pillar."

Since most Grade R educators respect the best interests of the child (section 28(2) of the Constitution) and want to see this embodied in teaching, certainty about subject-related approaches is an important source of security. The ability to optimise their level of teaching forms part of their professional security. Amid curriculum changes and expectations of parents and subject advisors that are inconsistent with research results on the scientific nature of Grade R teaching, one principal at a public pre-primary school created a safe professional space for colleagues. As a quasi-employer, her guiding leadership, supported by postgraduate study in ECD and years of experience, empowers her staff. She creates a psychologically safe working environment (Edmondson, 1999:354) by welcoming critical questions about existing beliefs regarding teaching, letting staff visit other schools and then testing as a group their existing teaching philosophies against the accepted benchmarks of quality education in Grade R. It therefore appears as if the ability to critically reflect and then, based on profound knowledge and experience, to assess one's own teaching and philosophies in the subject field of ECD offers participants psychological security. The professional dialogue that underpins such a process seems to be a special source of security.

Collegial relationships can potentially be supportive and can promote psychological security. In a group interview, one participant stated that she, as an inappropriately trained educator, could not function without support in the multi-grade environment. Likewise, another educator at a pre-primary school regarded her colleagues and the positive work climate as sources of security:

> If you're driving to work ... the ethos of the school ... our morale is of such a nature that you are happy to drive to school. Here, close by, you feel sheltered and safe and secure. So, if the department lacks support, then it is ... far away.

On the other hand, collegial relationships can make a workplace so professionally insecure that it can be experienced as being unbearable. One participant works in a challenging environment where many children come from a poor community and

where parents are illiterate. Despite this, she displays a strong desire for excellence but states that her colleagues experience her as being ‘over-eager’, while their low work ethic seemingly frustrates her. For her, the excellent performance of her work and maintaining high work ethics permeate her professional security. If these elements cannot be achieved, she lacks security in the workplace. She does not use the grievance procedure, since it might result in further emotional burden. Her experience also reflects the view expressed by Smit (2013), namely that educators who sometimes outshine others may be pressurised by colleagues in an effort to have their own lower level of performance accepted as standard in the workplace. Thus a professionally insecure environment is created for driven, productive educators. It could be argued that such actions by colleagues constitute intimidation or victimisation in terms of section 18 (1)(a) of the Employment of Educators Act (SA, 1998a). As such, this is misconduct and represents a breach of the employment relationship.

Employees who underperform but who are not taken to task can affect the security of their colleagues negatively. A Grade R educator who, despite assistance from a departmental official and support of the head of department, still demonstrated an unacceptable lack of commitment was not called to order by the primary school principal. Although the Employment of Educators Act (Schedule 1) as well as the Labour Relations Act (Schedule 8) provides for effective procedures in such cases, the principal was seemingly incompetent and did not act effectively. One can speculate about the level of the principal's knowledge of education law, which could have informed her in this situation, had it been adequate. A departmental official expressed strong opinions about the negative effect of some educators who underperform but who are not held accountable:

> So, if she is appointed by the state or by the governing body, or whether she is a member of the SMT or not ... with her as a person, nothing happens anyway whether she does her work or not.

A member of a governing body organisation agreed:

> ... if you have 30 useless employees and you dismiss one, you will suddenly have 29 dedicated workers. But we do not see it! These people remain in the system and discourage the others. For they say: Why should I work harder

> and that useless one stays on? But I think that's where a large part of our problem lies: Everyone is waiting for somebody else to come deal with it.

Apart from a lack of action to hold poorly performing employees accountable that could be attributed to a lack of knowledge of education-related legislation, other possible causes were also mentioned in this regard. A perception prevails that a particular major teachers' union unethically protects educators who make themselves guilty of misconduct and prevents disciplinary action against such educators. A member of a governing body organisation says:

> There is intimidation and there is a perception that the state only employs people; the state does not dismiss people. And then there is the power of the unions. SADTU particularly, because it is so large and powerful. And they (SADTU) have education in a stranglehold. The (other) unions are afraid of them; the officials belong to them ... SADTU governs education; that's the reality. They do not have any vision for quality education. It's not our problem ... they say.

From this statement, it can be concluded that unhealthy power relations within and outside the school, as well as broader system-related and even political factors, play a role in the psychological working environment. It can also be concluded that the individual Grade R educator, who is subject to larger forces that are also not necessarily committed to the best interests of the child, could find herself in a working environment where she is powerless and professionally insecure.

The second labour law-related category that emerged is the employer-employee relationship. This will be discussed next.

6.4 The employer-employee relationship

Three different employment relationships are represented in this study, namely persons employed by the state, persons appointed by a public school ('governing body appointments') and employees of the owners or trustees of independent primary and pre-primary schools. In the discussion of the employer-employee relationship, the focus is on the relationship between an individual employee and employer, taking into account the nature of the employment relationship.

An employment relationship arises when parties agree that the employee will render services for which he/she will be compensated (Grogan, 2009:16). Certain

requirements have to be met by the employee in terms of competence for the effective performance of the work, which in the case of Grade R educators include specific training and qualifications and SACE registration which is statutorily determined (§ 3.1.5). The employer undertakes, in turn, also to honour the terms of the contract.

When schools find it difficult to obtain suitably qualified candidates for a position, appointments may occur that could threaten professional security. Such appointments may also have legal implications for both the educator and the learner. A participant who formerly was an English educator at a high school, and who received no training for Grade R (or Foundation Phase education), was appointed for Grade R primarily on the basis of competence in English and her SACE registration, seeing that English was the LOLT at the specific school.

The appointment of educators outside their domain and expertise seems to be problematic, firstly for educators themselves, who may be professionally incompetent to execute the work task properly. The educator involved in this particular appointment has indicated that she experiences her lack of knowledge as an obstacle and "the biggest of challenges". Ignorance is, however, as discussed in paragraph 3.3.6, no defence in the law. An educator, also the untrained, inexperienced or ignorant Grade R educator, has an original legal duty to care for the learners in her class. The educator could be held delictually liable if her ignorance in her teaching leads to a negligent act and a causal connection can be proven between such teaching, or a lack of competence, and the damage or loss the learner would suffer (for example lack of academic progress, wasted expenditure or injury as a result of inadequate supervision). It can be argued that an employer who appointed an untrained person in a job where dependent, vulnerable five-year-olds are involved seems to be ignorant of the law and in breach of his or her obligations as an employer.

Secondly, the interests of the Grade R learners should be considered when inappropriate appointments are made. It could be argued that the governing body in terms of section 16(2) of the South African Schools Act 84 of 1996 (SA, 1996c) "stands in a position of trust towards the school" but in this case did not act according to the needs of such a relationship. A member of a governing body

organisation has the following to say about educators appointed in areas in which they are not trained:

> It cannot be in the best interests of the child if the Maths educator taught English. Or if the Foundation Phase educator teaches Grade 12 Maths, for which she is not trained. That's not fair and I think it's against the Schools Act and against what the Constitution says.

Thirdly, the influence of such an appointment on the person's colleagues should also be examined. Although this particular educator has exceptionally supportive colleagues, she may be so dependent on them that fairness to these colleagues could be questioned. The time and attention required to support an ignorant educator effectively might significantly increase the workload of colleagues and could affect their own productivity negatively.

Fourthly, the educator's professional self-esteem could be hurt if she feels she lacks the necessary expertise to do her work properly. The educator's professional identity (§ 4.7) is closely intertwined with the image she has of herself as an employee, and if she feels inadequate, the educator-learner relationship may suffer.

The appointment of inappropriately trained Grade R educators appears to form part of a perception that amounts to an apparent underestimation of the Grade R domain and the fact that Grade R education is not yet compulsory. A participant says: "They think they can appoint anyone for Grade R. It's only kindergarten ... and it's not mandatory." The reasoning that Grade R education is not compulsory, and that properly trained persons need not necessarily be appointed in Grade R, however, does not hold water. As a comparison, Further Education and Training for learners older than 15 years is also not compulsory but very important. At an independent school, a graduate person in social work was appointed as a Grade R educator, the reasoning being: “I … have degrees and as long as the school runs well and the management is happy, I'm happy." Another participant commented: "... I mean, our training and that stuff. Then you get guys who do not have the training, which is now in a departmental post ... stuff like that. So, it feels… it's unfair." Inappropriate appointments could, therefore, also impact suitably trained persons negatively.

A participant who was temporarily appointed as Grade R educator, seeing that she was still busy with ECD study and had not attained the required qualification level

yet, experienced an employer-employee relationship that caused professional insecurity and which could also possibly be legally questionable. The participant was appointed for Grade R but felt that the principal as quasi-employer expanded her duties considerably after her appointment. In addition to Grade R, she is now also responsible for assisting in a particularly large Grade 1 class, for which she receives additional compensation, and has to type up documents for the school on computer during school hours. The principal argues that with two assistants in her class, “her hands are free to help with the Grade ones". This begs the question whether this workload constitutes fair labour practice in terms of section 23 of the Constitution.

Another matter in which fairness could be questioned relates to appointments by the school. A participant expressed herself as follows: "I feel the state abuses us as governing body appointments. They do not appreciate us. We must help the state by working for lower salaries ... the same work for lower payment than our colleagues. We are used for the service for which the state is actually responsible. It is unfair." It is clear that the nature of the employment relationship can affect professional security, and service conditions such as a smaller salary than colleagues can, in some cases, also affect the educator's professional dignity.

A governing body member, however, states that they seek to offer all their educators the same pay, regardless of the nature of their appointments: "I just feel: The two that are in governing body posts at our school are star educators. Why should they earn less than others in departmental positions?" A lecturer who was involved in several research projects amongst governing bodies brought up the question-and-demand principle and the other side of the issue:

> But looking at it from the SGB's side: I have R10 000 and can pay the educator a good salary. But if I can get two educators for the same amount, it is better for the children and their education. If the educator is willing to take up that contract ... is willing to do the work for R3 000 per month, as compared to someone who gets a complete package, then you have voluntarily let yourself in for this.

A teachers’ union representative confirmed the educators' need for equal employment conditions but added that educators appointed by the school, "… should realise: I can be paid less or I'm going to bear the same workload". The implication

here is that educators must be realistic in respect of contractual terms and must carefully consider the impact on their economic security before signing a contract (§ 3.3.1).

A member of a governing body believes that educators appointed by the school do not always consider the details of their service contracts carefully enough and become unhappy after signing when, for example, they have to take leave without pay if falling pregnant, a condition stipulated in the service contract. This notion was confirmed by a lecturer remarking"… and that stuff people read only once they are in these positions". This implies that educators therefore have a responsibility towards their own security as employees and should study the details carefully prior to signing a service contract.

In one case, a primary school principal complained that not enough departmental positions were filled. He is one of a large group of principals charged with misconduct as a result of poor learner performance at the school. He believes that there are suitable candidates, including for Grade R, but no appointments are made. This leads to large classes (the Grade 1 class had 68 learners at the time of the study), less personal attention to individual learners and, consequently, poor results. A principal of a multi-grade school confirmed: "They could rather give me an educator than just more workbooks." This leads to the conclusion that Grade R forms part of a system that may not be functioning effectively, since good planning apparently does not always take place. Inadequate planning regarding the filling of posts at district level could be to the detriment of both educators and learners. The employer also has a responsibility on district level to contribute to the professional security of educators.

6.5 Delictual liability and the protection of the law

Delictual liability has been explained in Chapter 3 (§ 3.3.6), and it was shown that Grade R educators have to handle situations in the workplace that can potentially result in liability for damage and losses. In their professional capacity they, like all other educators, stand in a special relationship with the child and, therefore, they have a legal duty of care. In some schools involved in the study, physical as well as academic losses were mentioned.

One participant responsible for Grade R and Grade 1, because of the extra workload associated with two grades with diverse learning needs, was forced to follow a timetable that indicated the provision that Grade R has 40 minutes free play outside without constant supervision while the Grade 1 learners are in the classroom for English instruction. As the educator was simultaneously teaching in the classroom and supervising outside, the question arises whether the participant, or her principal, has put adequate precautions into place to prevent injury. Although the learners were told not to use large equipment such as the jungle gym and swings, it must be assumed that five-year-olds, being impulsive and exploratory, may break this rule. Mere warnings, according to Joubert (2009:146), are not enough when the lack of accountability and *iudicium* of Grade R learners are considered. There is, after all, no-one in the period of 40 minutes to offer supervision. It is unlikely that parents who work as farm labourers will claim damages for medical expenses should a learner be injured. If this does happen, however, the principal and educator will have no defence. This arrangement at the school concerned leaves educators vulnerable and, therefore, this threatens their experience of security.

At an independent school also serving primary school children, educators are probably put in an almost impossible position by the employer to provide the necessary care. Once a week, two educators oversee about 100 children in the afternoon until five o'clock, after teaching Grade R in the morning. The ages of the children who must be supervised in the afternoon vary between three and eight years. It can be argued that the workload is too big to act with a reasonable degree of care (Bray & Tladi, 2008:61) and to prevent injuries. The employer puts the educators in a position where they may not be able to offer adequate supervision. The impact of such a workload can impact negatively on professional security, a view echoed by the following opinion voiced by one participant at this school:

> ... I have not studied to teach smaller children, but the biggest challenge is not Grade R, it's ... it's the type of school. Aftercare once a week with such a large group ... I think THAT is difficult. Two educators have to look after the whole school. Only 30 go home early. After the others have had a rest, a few more leave ... then there are 100 left for two educators.

As with prevention of foreseeable damage or injury to the body, academic accountability (§ 3.3.6) could imply that a reasonable degree of care regarding the

required standard of education needs to be foreseen. Seen against the background of an adequate standard of education in terms of the right to education (section 29 of the Constitution) and what is meant by quality education for Grade R (§ 2.7, 4.4), it could be argued that Grade R learners would be disadvantaged if they were exposed to inappropriate teaching in this phase of their lives. Gross motor development is, according to one participant, the basis of learning in this phase, while more formal tuition can impair learning. When 14 Grade R learners at the back of a multi-grade class (§ 6.3.1) are accommodated alongside 36 Grade 1 learners sitting at a row of tables and are largely being taught by an untrained mother who was appointed as child minder, the standard of teaching would be questionable. In this instance, the employer has imposed an unfair workload upon the educator. She needs to ensure that all the learners, who are not in command of the LOLT, become language proficient. In addition, she has to teach Grade 1 in a formal style and serve Grade R with informal quality education. On top of this, the work task is performed in an overcrowded class, where the educator-learner ratio is unfavourable. It seems as if the employer did not foresee the implications of including Grade R in such a situation and jeopardised the educator's professional security.

Where the previous forms of liability were related to physical and academic matters in the school context, the Grade R educators who participated in the study also expressed an awareness of their accountability outside of school. The situations that came up for discussion related to stipulations in the Children's Act 38 of 2005 (SA, 2005a). According to these provisions, educators need to, for example, report incidents of child abuse and neglect. Four educators have indicated that they reported cases of child neglect and abuse respectively, based on their statutory legal obligation, but felt that the persons responsible for the implementation of the legislation did not support them. After notification, the reporters found that the people to whom they reported the abuse or neglect were not prepared to act or to take the matter further. In another case, the notification led to a situation where the educator had to carry the blame herself. She explains:

> And when the person (another parent) reported it, which first talking to me ... that child was never protected. They told us we unnecessarily make a big thing of it. Then I decided ... if I see a child is neglected, I would help financially and

> clothing and so on. But I will never do it again at the Welfare. At the time, it felt I was the villain in this story. It was not about what happens to the child at all.

The relevant Grade R participants expressed their disappointment in the protection that the application of legislation provides for both the child and the caring educator who reports violations. The relevant reporters are protected by regulations in terms of the Children's Act (SA, 2005a) in that they can report abuse anonymously by phone or otherwise. The social worker may, when questioned by parents, explain that the community complained, and in so doing, he/she can protect the educator's identity. A principal who fails to report suspicions of abuse to the social worker may later be charged as an accomplice in the case. If the experience is that the social worker failed to take the matter further, the Department of Social Services can be informed anonymously.

It seems as if various stakeholders in the reporting of crimes against children are not adequately informed, seeing that such incidents do not occur that often. A legal duty nevertheless rests on all educators to report such crimes.

From the above discussion, it can be inferred that the law in principle offers good protection for children and educators, but the application of legislation lets them down. Perceptions exist that the state should adjust the law so that a specific interpretation can be attached to it. One participant says:

> For the state it is too easy to change a law. If you say for example this is the language policy of my school, they easily force their opinion onto your school to get what they want. When Grade R becomes mandatory, they will tell us 'your school is not full'. And whatever the SGB says, the state in any case will say the opposite. So, I do not think we have security or law is really protecting us, because they change it as it suits them.

Some participants do not trust the way legislation is applied and, despite the fact that they feel unsafe, they are indifferent to gaining more knowledge of the law.

6.6 The policy environment of Grade R

The working definition of policy in this study (§ 1.8.2) was formulated as "any authoritative communication about how individuals in certain positions should behave under specified conditions" (Sergiovanni *et al*., 1999:230). As such,

education policy has the potential to regulate the workplace, set boundaries and help create order and security. All policies are subject to provisions in legislation (§ 4.1), for example fair labour practices in section 23 of the Constitution (§ 2.5) which in principle allow for professional security. For the purpose of this study, the Grade R educator is considered an employee bound by a contract with one prominent obligation, namely to execute policies established by the employer, as indicated in Chapter 1 (§ 1.8.3).

Policy frameworks should be directives towards the establishment of order and security in the Grade R working environment, as the performance of the work task and the conditions under which teaching must take place are contained among others in policy frameworks. It appears, however, as if various policy frameworks result in uncertainty in practice rather than stability or security and even lead to Grade R educators losing their jobs. Since job security is such an important basic component of security in the workplace, especially in light of the current declining economic climate in the country, it can be expected that policies should clearly communicate issues that affect job security. Clarity on how the work task should be performed is vital for the execution of policy. Some policy frameworks and how participants experience their effects are discussed next to describe their role in professional security.

6.6.1 Policy frameworks: Grade R in the public education system

The Department of Education and later the Department of Basic Education have developed several policies in which Grade R was envisaged as being part of the public school, for example White Paper 5 in 2001 (§ 4.10.2), Norms and Standards in 2008 (§ 4.10.3) and the policy on universal access to Grade R in 2011 (DBE, 2011). The motivation for the placement of Grade R in public primary schools is well motivated (§ 4.10.2). For the purpose of this study, the focus is on the meaning educators assign to the perceived impact of such draft policies in practice and the impact of this experience on their perception of job security.

Although the government's aims with Grade R, according to various participants, are "well-intentioned", some experience "uncertainty due to the lack of policies to determine what is the future of Grade R". One participant viewed White Paper 5 and

Norms and Standards as follows: ".... those are OLD frameworks. We are past all those deadlines ... nothing happened." Apart from uncertainty about the time when policy will materialise, other concerns were also mentioned.

Some Grade R educators employed by the school believe the policy document which envisages compulsory Grade R teaching in 2019 (DBE, 2011) on the one hand creates stability about "where I as an educator fit(s) in(to) the school system" as well as an expectation of equal conditions of employment with benefits "like the guys in departmental positions currently have". Participants employed by the state also believe "we do not feel unsafe, because we know the government works towards 2015 to make Grade R compulsory. In that respect we feel safer than in many years". On the other hand, there are doubts about the capacity of the department to give effect to the draft policy because of the financial demands of compulsory Grade R teaching. Furthermore educators at independent schools could feel unsafe because they could argue that if Grade R is placed at primary schools and Grade R becomes compulsory, their job security at the independent school would be threatened. Some participants at independent schools have indicated that they are now "even more uncertain" and possibly represent the experience of independent schools within the policy environment: "If Grade R becomes mandatory ... in primary schools ... what about ... where will I go ... what will happen to me?"

A further provision of White Paper 5 (SA, 2001) is the use of independent schools and pre-primary schools as partner schools of primary schools (§ 4.10.2). Participants in two public pre-primary schools indicated that their school "has a written agreement with the primary school" in this regard, and they therefore do not experience any insecurity about their future in Grade R education. A governing body member of a public pre-primary school that currently accommodates pupils from babies to Grade R believes that the relationship with such a partner school is important:

> It's a complicated story, because the law is ... there's the new stuff coming in that Grade R should be part of a primary school. So we fall under them regarding this, but we operate on our own. So ... But there is a good relationship between us and the primary school.

One participant at another pre-primary school indicated that the relationship with the primary school is in some ways problematic:

> They said we are part of the primary school, for the numbers ... but I must have my own fundraising, my own bank account. Then we are not part. And now the primary school and the high school merged, so now it cannot. We do not know exactly where we stand.

Some Grade R educators in pre-primary schools are remunerated by the state. In one case, an educator was “transferred to a primary school following a sudden decision by the department". In another case, the principal, who is also a Grade R educator, was told by a departmental official that:

> … we have to rationalise in terms of White Paper 5 which means Grade R becomes part of Foundation Phase. It will have to go to primary school. I do not know what will happen to the rest of our educators, because no provision was made. And if we take away the Grade Rs, this school would not survive financially. So ... we'll see how they will apply this policy.

In both cases, participants felt professionally unsafe because they felt that their job security was threatened by the policies that recommend that they become part of the primary school. The group of participants transferred to the primary school by the department realised after some months that their positions were not secure. One participant's comment was that "I heard my post may become a governing body post ... you know, the medical, pension and all that goes with it ... , while another person may be called ‘redundant’ and must apply for another post". The implication is that employees, apparently due to the procedure used for the policy implementation, may be deprived of certain benefits. One educator’s employment was terminated, and she will probably be reappointed by the school but in a governing body position with concomitant reduced benefits. When asked why the change in conditions of service occurred, she replied that she did not know. This could also be an example of insufficient dialogue at school level. Except for the possibility of insufficient dialogue, common law principles relating to the contract also come into play. Common law principles (§ 3.3.3) determine that changes in an employment relationship may be made only after agreement between the parties. Such alteration or amendment must be preceded by a proper consultation process.

Another important insight into Grade R in the primary school was raised by a participant. She questioned the government's attempt to seemingly bring about changes in education merely for the sake of change: "I'm afraid the same might happen with Grade R as what happened with teachers' colleges ... (it was) years later that they realised it was a mistake." This remark may be interpreted as a lack of trust in the employer's vision and judgment.

Although the placement of Grade R in public primary schools has definite advantages (§ 4.10.2), it can be deduced that an uncertain policy environment prevails, which may hamper professional security. One participant described the effect of such a policy environment as inhibiting, and another said that it causes her to be despondent. The interpretation that some Grade R educators experience the policy environment as being uncertain was confirmed in a group interview. A representative of SAOU summarised the situation: "I think once this whole policy environment is in place, so that everyone knows which way the policy takes us ... what would be ... then everyone will be better off ..."

A policy aspect influencing the educator's labour relationship, because her employability is determined thereby, is Grade R educators' qualification requirements, which are discussed in the section that follows.

6.6.2 Policy frameworks: Qualification requirements

As already discussed (§ 4.12.1), qualification requirements for Grade R educators are determined by the Higher Education Qualifications Framework (HEQF), which requires a generic BEd degree in Foundation Phase education. Persons trained by institutions other than universities, such as FET colleges, which are not higher education institutions are currently also appointed as Grade R educators. This apparently happens because of the shortage of Grade R educators, especially African-language speakers. Several principals in rural areas reported that they were forced to appoint persons in Grade R who are not appropriately qualified. One possible explanation for the diverse types and levels of professional training amongst persons who currently act as Grade R educators and who were participants in this study could be that suitably qualified persons are unavailable.

The impact of qualifications and training on the educator's work-life also emerged during interviews. It appears that some participants with inappropriate training are aware of the standard of education required, and that their consciences bothered them about the standard of professional work they are able to deliver. Other participants apparently feel safe and happy just to be employed, regardless of their qualifications, training and level of performance.

The draft policy on Minimum Requirements for Teacher Education Qualifications (DBE, 2010:41) (§ 4.12.1) confirms that educator education is currently classified in the Higher Education Amendment Act 63 of 2002 (SA, 2002) as a higher education skill. The document therefore recommends that FET colleges and universities should undertake Grade R educator training in partnership. The minimum requirement nevertheless still remains a level 6 qualification. One participant asked: "So, will I no longer be invited for an interview if this is a requirement within the school system ... what job security is there for me?" This participant possibly expressed the concern of some persons not possessing the required qualifications, which emphasises employment security as a basic element of professional security.

Some participants without any formal teaching qualification seem to be unsure about the extent to which the certificate studies they are currently working on will support employment security or employability. One principal also indicated that the department directed the person currently in Grade R to the school, but she is not sure about the future of the Grade R educator in her school:

> They sent her here to come... they asked the crèches to disseminate those teachers that are already good enough... to come to Grade R at schools. She has level 4, which is not yet there. If only the department can give us Grade R, she might become permanent.

The draft policy on educator qualifications also provides for recognition of prior learning (Credit Accumulation and Transfer - CAT). It appears as if the participants currently experience information about this as vague: "No one really says that if you do not have the required qualifications, what will happen to you." Principals also seem to be in the dark about how the department will operate in this matter. A teachers' union representative states that there is also no clear communication about

the phasing-in period that will afford educators the opportunity of bringing their qualifications into line with the policy requirements. She reasons:

> And if I do not have it, and I am say 55 years old ... I'm not really keen on studying ... I will not study for it ... what will happen to me? To what extent will the recognition of prior learning protect me?

The SADTU representative's opinion, however, adds a different perspective on educator qualifications. She focuses on the product of training, regardless of qualifications, and believes training institutions do not prepare pre-graduate students adequately for practice: "They can read the curriculum, but they cannot put it into practice in a lesson. Their heads are full of theory ..." Several Grade R educators, who are both experienced as well as less experienced educators, highlighted the gap between theoretical training and practical skills as a potential hindrance to professional security, which confirms Cochran's (2011:70-72) findings in this regard.

6.6.3 Policy framework: Educator-learner ratio

The practitioner-learner ratio is not only an important element of quality education in kindergarten internationally (§ 4.4; Barnett, 2011; Essa, 2011:20) but also represents a policy issue that influences the core task of the Grade R educator. The draft policy on universal access to Grade R confirmed the educator-learner ratio (practitioner: learner ratio) of 30:1 in the Guidelines for Costing Basic Minimum Package of Grade R inputs (2008). Although favourable educator-learner ratios were observed in several classes, overcrowded classes were also found at some schools.

A pre-primary school principal and a head of department of the Foundation Phase with Grade R training both have strong opinions on the matter, and they expressed the view that the policy is counter-productive in the light of what is contemplated for Grade R. The principal is convinced that the teaching of pre-learning skills, which according to her is the basic objective of Grade R teaching, cannot be performed effectively in a class larger than 24 learners: "But now the law says 30. So I cannot apply for an extra teacher, because I do not have 30 in the class."

This view is in line with the belief that "... what teachers actually do with children is the most important determinant of the quality of children's experiences and their learning outcomes" (LoCasale-Crouch *et al*., 2007:4) (§ 4.4). If there are too many

learners in the class, the possibility of individual attention and the quality of learning will probably be curtailed. A head of department indicated: "It kills the teachers. If you need to assess in a small group, then there should be at least an assistant who can handle the rest." Another participant confirmed the impact of an overcrowded class: "It's about the children, but later … the teacher cannot cope any longer."

A head of department is convinced that protecting Grade R educators and ensuring that there is a limit to class sizes are incumbent upon Foundation Phase HODs:

> Last year, by the time I realised, the entry for Grade R already was 33 … Because he feels sorry for the unfortunate people and say, OK, we'll put in one more and one more and ... It does not work like that. And I now, this year, I first discussed it with the governing body and at the open evening, I told the parents: They must hear me clearly, there is room for the first 25 children who enrol for Grade R classes; the rest are on the waiting list.

She is also convinced that the number of children in a Grade R class is critical, since individual attention is so important. Her opinion confirms the probability that there exists a greater need for Grade R teaching than what public primary schools and pre-primary schools preferred by parents can provide. The existence of overcrowded classes could be interpreted as an attempt to offer the large number of potential learners access to Grade R. The issue further highlights the implications of compulsory Grade R teaching, and the question arises whether or not the public school system will be able to accommodate all learners.

A departmental officer feels overcrowded classes in general could be attributed to challenges regarding the fast-growing enrolment that had to be accommodated in primary schools, as well as potential financial benefits for the school and the principal stemming from Grade R learner enrolment: "Overcrowding ... then the principals get more money." An HOD confirmed the above opinion and adds: "... Grade R learners have to pay, otherwise they are out ... it's not mandatory. So, the school is ensured to receive that money."

If the employer would impose or permit an unrealistic educator-learner relationship through policies, it may be argued that working conditions are created that threaten the effective execution of the work task in Grade R. This would obviously impact negatively on professional security.

6.7 The implementation and execution of policies

Policy in this study is considered authoritative communication (Sergiovanni *et al.,* 1999:230), which stresses the role of superiors in the workplace. The notion of individuals who need to implement the policy, such as departmental officials, and educators who must execute the policy implies subordinates in specific positions. Although every organisation requires leadership, consultation with subordinates is not excluded, and grassroots executors' participation in policy can promote effective functioning.

In Grade R education, the use of dialogue (Rosekrans, 2006) with elements such as shared understanding of a situation, a common purpose and engagement with all stakeholders can contribute to the realisation of quality education. Dialogue would also promote security for educators, seeing that any employee would feel psychologically safe should her employer recognise her as a valuable contributor towards the purpose of the organisation.

6.7.1 A top-down approach

In contrast to the obvious benefits of dialogue, several participants experienced that a "top-down" approach (Datnow & Park, 2006:349) in policy implementation is followed, where consultation with educators does not occur. The perception is that they are considered as mere cogs in a machine that must deliver a product invented elsewhere (Bascia & Rottmann, 2011:789).

A teachers' union representative presented her observations as follows:

> It is a profound top-down approach ... policies are made up there and shifted down and the guy at the bottom receive(s) it (the policy) and must provide the service. There is no voice from the ground level upwards. Not at all.

A member of a governing body organisation confirmed:

> What we see here is absolutely top-down. There are some decision-makers who say: 'this is policy'. It's about a personal feeling about matters. You do not see that teachers are consulted ... very little ... even officials are seldom consulted ... The policy formulation is left to large organisations and trade unions.

Several Grade R participants indicated that they feel compelled to follow employers' prescriptions and that there is no experience of having any say in their work. Two participants indicated that the employer's recognition of their input could have contributed to professional security: "It's also part of honesty: I want a voice, because I do work here ... on ground level." Another very experienced Grade R participant indicated that her professional dignity is associated with recognition of participation at the school level and also regarding policy issues such as the curriculum. A pre-primary school principal feels disappointed and discouraged by the apparent refusal of departmental officials to accept well-meant input from experienced Grade R educators:

> You sometimes feel so discouraged. You know what you are doing is right. But they would not listen. About four years ago, I spoke to her (the departmental official at director's level), when she said I must understand, she is ignorant, but willing to learn. And that's how far it went. They do not take advice from us. Miss C (lecturer in pre-primary education) and I are trying our utmost best to offer assistance, but they refuse our offers.

The repeated references to 'them' versus 'us' in interviews could be interpreted as a void between the policy executor at school level and policy-makers higher up in the hierarchy. This seems to be problematic. This remoteness is probably rooted in a lack of dialogue, which could be regarded as characteristic of the top-down approach. The remoteness could also have contributed to lack of insight into the context and unrealistic expectations of the educator, as some participants in multi-grade schools experienced. A participant worker in a multi-grade school is convinced that

> … the department ... ... has no idea what's going on in farm schools, then they expect we should ... they compare us with the schools where there is only one grade in a class. And in this school, these kids touch a pencil for the first time in their lives; hear a word of English for the first time.

It appears that the participant experienced that the employer is not in touch with the realities of the classroom, which can possibly be a result of a top-down approach. The apparent denial of the distinctive nature of multi-grade schools, where learners according to research (Atchoarena & Gasperini, 2003:130) (§ 4.12.3) may be on

average two years behind their peers in mono-grade classes, could also be considered an incorrect interpretation of the principle of equality in section 9 of the Constitution of South Africa 108 of 1996 (SA, 1996a) (§ 2.3.2). By following a one-policy-fits-all approach in judging educators through the performance of their learners who are in unequal positions (Currie & De Waal, 2005:232-234), no effect is given to the principle of equality. If the employer wants to achieve similar outcomes in both multi-grade and mono-grade classes, there must indeed be differentiation. More time could be granted, for example, for learners (and educators) to attain certain levels of performance. Some participants experience professional isolation and a violation of their professional dignity as a result of conditions in which the employer does not differentiate in a capable, proficient manner.

6.7.2 Power relations

It seems as if unhealthy power relations, which may be part of a top-down approach, can impede mutual trust and professional security. Participants repeatedly refer to departmental officials who enforce specific procedures and interpretations of the curriculum, contrary to their training or information from the teachers' union: "That subject advisor steps into my class and says: 'I'm the authority here, you will do as I say'," was one participant's comment.

Contradictory information regarding policies and a perception that some superiors consider educators as objects of another's wishes lead to distrust of the employer and, in some cases, resistance and anger. One participant stated: "It makes me stubborn. If they do not agree, what must I do? I do whatever I like." When asked how she experiences the policy monitoring by the employer under such circumstances, she said:

> We sat for a week before they came and prepared the papers for them. For they are interested in the papers, not in the children and not how we teach. After they have left ... (laughs) we do as we like.

Reports on the procedure that was followed, compiled by educators merely to satisfy the officials, were therefore not a true account of what happened in the class and possibly rather an expression of resistance to what the participant considered an unacceptable display of power. The question may be asked whether or not such

(false) reports, in terms of section 18 (1)(z) of the Employment of Educators Act 76 of 1998 (SA, 1998a), could be considered "false statements or evidence in the execution of his or her duties" and could, therefore, be recorded as a form of misconduct.

Another participant indicated that a primary school principal insisted on a more formal approach to teaching, "… because that's what the parents want". This participant felt paralysed by claims that she teaches in a manner that is inappropriate. She does not want to experiment anymore, stating "I now do as he says". Yet she feels guilty because she realises that the best interests of the child are not being served. It would thus appear as if policies are not only drafted and passed on by superiors, but that the execution also leads to an affective experience. The way in which policy implementation takes place obviously touches the emotions and motivation of employees and could affect performance. It is possible that the affective component of policy implementation is not always considered by the employer when quality education is expected.

In power relations, policy can be offered as being on the same level as legislation where the limitations of policy are not understood. A governing body organisation representative explains the relationship between legislation and policy:

> The clear lines drawn is your legislation. So, what policy is actually supposed to do is to say how we are going to play the game here between the lines. But you cannot change the lines or the game. And that's what education heads and officials are trying to do. Then it creates uncertainty.

He believes policy can be abused and can be used to bully ignorant educators:

> So, the ordinary teacher ... when he hears: ‘This is policy, government policy’, then it seems for him as if it is law. That is the guy who does not know any better.

Under such circumstances, ignorant Grade R educators can, as pointed out by Webb and Gulsen (2013), be "folded into" superiors' intentions with their policies and may experience a lack of professional security. While accepting that leadership and demands for accountability will benefit an organisation, one must come to the

conclusion that unhealthy power relations, rather than the best interests of the child, determine priorities and thus blur the intent of policy.

6.8 The interpretation of policy and the teaching approach

The interpretation of policies at different levels determines to a large extent how the application by superiors, such as departmental officials, and the execution of policies play out in the classroom. This also determines how successful the policy as a whole could be perceived. Policy interpretation is based largely on knowledge, which is supported by training and experience. At the district level, the subject advisor can play an important role in this regard, on behalf of the state as the employer, to give effect to the statutory obligation in PAM (SA, 1998a) (§ 3.1.6) to provide for on-going professional development, thereby empowering educators for their work task.

Biersteker (2010:28) indicated that Grade R subject advisors do not always have the necessary expertise. When such less knowledgeable individuals convey information on the policy text such as the curriculum, elements of the policy can be distorted and uncertainty may arise. One participant stated how a departmental official wrongly interpreted the phrase "different forms of assessment" as being different pages or forms on which educators' assessments should be recorded. She is convinced that some subject advisers are ignorant and that they "do not have the frame of reference and cannot actually empower anyone".

Against the backdrop of the above statement, it should be noted that several participants indicated that their professional security is dependent precisely upon certainty regarding the interpretation of policies such as the curriculum and the required standard of education. A head of department at a public pre-primary school pointed out how they had worked with two other schools regarding curriculum interpretation. The effect of the professional learning community that developed was positive: "Then we know we maintain the same standard, which also enhances professional security. Then we feel safe because we know two other schools in the same town interpret it similarly."

A pre-primary school principal in the Tlokwe area, who is convinced of the value of a play-based approach in Grade R, confirmed that

> … for me, professional security is to know my department will back me in decisions I make. But we as principals do not experience this. You do not have that security to say the work I do here is 100% right. Because there is no subject advisor.

Perhaps the participant meant that the subject advisor appointed in the area, according to her, does not have the necessary knowledge in order to give adequate guidance.

The incorrect interpretation of a term in the policy text may not be as potentially harmful as the distortion of the original broad policy aims for Grade R teaching might be. A teachers' union representative summed up the observations of several appropriately trained and experienced participants that on every level, policy is interpreted differently:

> …what the message on national level was, and how the message devolved to district level where it is sent out to schools, is similar to the well-known phone game. It's not the same message sent out nationally that reaches the schools.

This verdict is in agreement with Spillane's (2004:169) finding regarding different versions of the original intent of policy. This suggests that an array of interpretations of the curriculum may exist due to different interpretations on different levels, and that it can lead to uncertainty. In addition, a head of department is of the opinion that, since each province "wants to leave its own imprint", changes to the original policy could exist in every province.

Among the group of participants included in the study, different interpretations regarding, among other things, play-based teaching, an integrated teaching approach to subjects and holistic teaching can be found. It appears that participants experience pressure to "work more formally", while many were convinced of the value of play and an integrated approach. Some other participants apparently bowed to pressure for more formal work, and it is possible that the true nature of ECD in some cases has been abandoned. Where the mere preparation of the child for Grade 1 dominates as a narrow objective of Grade R, holistic education seems to suffer damage and thus one of the internationally accepted ethical values of ECD is ignored (§ 4.6).

It seems that many participants experience the interpretation of provisions regarding assessment in the curriculum as problematic. In addition, a few indicated that they lack adequate training in this regard. The perception that assessment is unworkable also exists. An experienced Grade R participant observed that, "if the people up there were on the ground level themselves... come and applied the prescriptions, they would have realised it's almost impossible". A departmental official indicated that the prescribed assessment could threaten the informal nature of teaching and may be unfair to the child. Assessment in Grade R for admission to Grade 1 seems to be particularly problematic. The departmental official says:

> … the CAPS documents, in the preamble, there they speak so eloquently of learning through play; Grade R is informal. Now it is construed in a totally different light when it comes to assessment, and they say before a child can move on, he should have this and that on those levels. They speak out of two mouths! You cannot expect performance levels when it is not compulsory. Grade R is not even compulsory! In other words, they want to hold a child back because he does not achieve 3 and 4, but another child who played under a tree until he turned six can now walk into Grade 1.

A head of department with years of experience in Grade R considers the assessment requirements in the curriculum "a disaster" because parents do not understand the marking of assessment components and may develop unrealistic expectations of their children when they enter Grade 1: "It has become easier and faster in the reports ... but it was better to write a comment. This only offers half a picture of the child." A participant in an English class with Setswana learners stated: "Our parents do not understand it; they cannot understand it, even if you explain each term." Another participant, though, says: "Look, the seven-point assessment for me is for the benefit of the child. This is CAPS's biggest advantage."

It is possible that policy-makers had marks to indicate assessment in mind, instead of narrative comments on the report, when planning the assessment of Grade R. For older children, this may be effective, but the context in which five-year-olds are taught, as well as the nature of the child in this phase of life, was not completely brought into the picture. One independent school has decided to, in addition to the prescribed report form with quantitative information regarding the different assessment components, also compile a narrative report with observations for

parents. In so doing, they fulfil departmental demands as well as the needs of the parents.

Regarding the interpretation of curriculum policy, it was also observed that, where participants were inappropriately trained, they can read the text but do not know how to put it into practice. "CAPS only says what we need to do, but not how to do it," was one participant's comment in this regard. She probably expects too much of a curriculum, which is just a framework and does not attempt to be a manual. In contrast, a suitably qualified participant indicated that she evaluates curriculum prescriptions and then makes adjustments. She says, "…it's not the alpha and omega". This, for example, led her to decide: "Phonics ... it's too much for me. I limit it to a few such as d. Then I do it informally." A very experienced participant agrees and indicated that she will satisfy the employer through the limited use of the prescribed work books, but "… in my heart I am sure I have not worked formally. That's most important for me". Late and incorrect delivery of workbooks by the employer did not negatively affect this appropriately trained educator, since she does not depend on these.

Several participants, possibly due to pressure from the employer and parents, retreated to a more formal approach to teaching and appeared to be under the illusion that they have interpreted the curriculum correctly. In effect, an approach where the value of play is underestimated and holistic teaching is scaled down in order to promote narrow foci on subjects such as Mathematics and Reading leads to what a pre-primary school principal calls “damage to Grade R learners” and boils down to what Elkind (1986:1) called "miseducation". This approach is also inconsistent with curriculum requirements explicitly warning against a "watered-down Grade 1". It could further be considered as a deception of parents, under the impression that a more formal approach would be beneficial for the child's development. The principal summed up several participants’ concern, including a departmental official, and expressed this as follows:

> The parents think he is up to standard; he had done these thick reams of paper work. Then you must see them (the parents) when they read in the first report in grade 1: The child needs occupational therapy; he will not make it in Grade 1.

In light of her comment, it should be mentioned here that a "watered-down Grade 1", in which holistic teaching (including gross motor development as the basis for other perceptual skills) is neglected and rejected in the curriculum policy, encompasses all attributes of ethically unaccountable teaching. Approached from a legal perspective, one must reflect on whether or not Grade R educators could accrue academic accountability (Visser, 2005) when a causal link can be proven between inadequate (or inappropriate) teaching in Grade R and a conspicuous backlog in gross motor development on enrolling for Grade 1. It is not far-fetched that parents could claim compensation for wasted expenditure and significant academic backlogs because of harmful, wrongful and negligent preparation for Grade 1.

In the interpretation of policy, a strong theoretical foundation in the fundamentals of teaching Grade R (§ 4.5), as well as appropriate pedagogy, that enables educators to transpose the curriculum requirements to sound teaching activities is of critical importance. Appropriate training for Grade R, as well as on-going, expert professional development, seems to be indispensable in order to create security for Grade R educators in the workplace.

In the following paragraphs, a continuous theme that emerged from the data, namely ignorance versus being knowledgeable, will be discussed.

6.9 Ignorance versus knowledge

Thus far, six categories divided into two groups, namely labour law-related and policy-related issues that play a role in professional security have been discussed. From both groups, one common theme has emerged that can probably be seen as an important component of either professional security or a lack thereof. The two poles, namely knowledge and ignorance, formed a theme that constantly emerged during observations and from individual and group interviews. In general terms, knowledge ensures professional security, and ignorance leads to a lack thereof. Yet, the significant contribution of some participants shows that, despite the negative potential of ignorance and an apparently ailing education system (Rossouw, 2013), these participants could be viewed as characters in stories of hope. These individuals and groups support professional security in the smaller circle of Grade R educators and make a positive contribution to quality education in general.

It was found that Grade R expertise, based on appropriate training and on-going professional development, supports professional skills, while knowledge of law and labour law matters such as the service contract may protect participants in the workplace and create security. Furthermore, it appears as if participants and other stakeholders could fall into one of the following categories:

- Ignorant (do not know) but realise their shortcomings and consults: These persons are receptive to all kinds of professional development, and they are teachable;
- Ignorant (do not know) but also seem to be unaware of their own shortcomings: These people do not consult, seeing that they do not realise that they do not know;
- Ignorant (do not want to know more): They are aware of their own shortcomings but are not teachable because they seemingly argue that the process of gathering knowledge may require too much effort;
- Knowledgeable, especially in the professional field, but they refuse to execute policies because of political influences: These people do not seem to be teachable;
- Knowledgeable in one area, for example the professional field, but ignorant in another area, for example, labour law and constitutional issues regulating her work-life; and
- Knowledgeable in both areas (labour law and professional) but nevertheless still striving towards greater expertise: These people are teachable and willing to share knowledge with others.

Each of these categories will now briefly be discussed.

6.9.1 Ignorant, but want to know more

Participants who are ignorant but eager to learn more included inappropriately trained individuals, such as educators trained for the intermediate phase and currently employed in a Grade R position. With the change in curriculum policy, some ignorant but teachable participants were challenged to reconsider and to

critically reflect on their existing teaching strategies and approaches. It appears that the learning process involving reflection contributed to their sense of security. One very experienced participant linked her professional security to the expansion of her knowledge where shortcomings may exist and stressed: "I do not want to stagnate ... I always look for the next challenge ... and when CAPS came, it became my next challenge." During a group interview, a participant realised that she is not as knowledgeable about legislation and education law as she wants to be, and she indicated that she definitely will pay attention to this.

6.9.2 Do not realise their ignorance

In contrast to participants who are aware of gaps in their professional or legal knowledge, participants were found who apparently do not realise that they are not adequately informed about the fundamentals of the Grade R subject field or pedagogy. The result is that they do not look for help from informed sources. Examples of teaching which were undoubtedly in contradiction of the curriculum, for example formal subject-field based 'lessons' without any integration with other disciplines, were observed. On the other hand, a tendency towards almost exclusively free play without any educator-initiated activity was also observed, which can, amongst other reasons, be attributed to ignorance. One example is a township 'unconsciously ignorant' educator who exposed learners to three hours of free play inside and outside without any educator-initiated activities and repeatedly explained to the researcher: "It is free. They learn through play."

Furthermore, the apparent inability of some participants to interpret the curriculum and to convert it into developmentally appropriate learning activities could possibly reflect ignorance of the ECD curriculum, child development and optimal learning. A head of department in the Foundation Phase, who was trained in Grade R teaching, explained: "They do not know that gross motor skills are the basis of fine motor skills and pre-learning skills," while a departmental official added "... they think to let the kids sit down at tables is the best way of learning". The negative effect of education which is not developmentally appropriate is known in the literature (Copple & Bredekamp, 2009:33-36) (§ 4.4) and causes concern amongst other knowledgeable participants who indicated that uninformed parents are being misled and that learners' development may be seriously impaired.

Less knowledgeable Grade R participants seem not to have acquired enough insight to resist pressure towards more formal education. Of specific concern is the fact that they seem to be unaware of their own lack of knowledge and may even be inconvincible. Some principals in primary schools, according to several participants, may fall into this category: "Most principals have no idea of Grade R," was one participant's comment, while a pre-primary school principal commented as follows: "Many principals (in primary school) think they have nothing to learn. They cannot support the teacher if they do not have knowledge of this phase."

It is apparently not only at school level where a lack of knowledge of Grade R education or its purpose was found. At the district level, ignorance may lead to the appointment of incompetent departmental officials. Some of these individuals show incompetence and, according to several participants, have a limited capacity to support educators. A SADTU representative says: "She comes to watch the teachers on how it should be done ... she who must lead." It is also presumed that an under-estimation of Grade R as an independent discipline with its unique needs and contribution to education could give rise to the fact that no subject advisor has been appointed specifically for Grade R. In this case, an official with extensive experience of Grade R education has been appointed for ECD but in a different capacity. This could constitute a mismatch.

At the national level, insufficient knowledge of the realities in schools (such as multi-grade schools) or the feasibility of an issue such as assessment in the Grade R curriculum could create the impression that policy-makers have lost track of what happens at ground level. A very experienced participant refers to assessment and then shares her perception:

> The people up there who wrote the policy have no knowledge of ground level. We can clearly notice this in the things they ask. We can even see this in the CAPS document. And it makes it pretty difficult to stay positive.

A union representative echoed the above opinion and emphasised the lack of adequate consultation with grassroots-level executors of policy: "But because we drive it from the top and do not have the knowledge of how a Grade R class works, we do it the wrong way. Because we do not ask how things work. There is no dialogue."

6.9.3 Do not want to know more

Apart from those who are ignorant and who do not consult because they are unaware of their lack of knowledge, there are also individuals who are aware of their shortcomings but apparently choose not to be exposed to any expertise. Such additional knowledge will be associated with a more professional form of performance, which might later lead to higher demands. An inappropriately trained educator declined individual long-term assistance from an expert departmental official and indicated that she does not have extra time available for in-service training after school hours. Educators who are not teachable will not benefit from more knowledge, and learners may suffer.

6.9.4 Knowledgeable, but offer resistance

The researcher also found a few knowledgeable individuals who oppose the prevailing political ideology underlying the policy and, therefore, refuse to put the curriculum policy into effect. In a township school, one participant expressed her discontentment with the ruling party. She bases her disapproval of the party on the perception that lawbreakers are not prosecuted and that this causes the country to be unsafe. She was also opposed to some appointments by the employer, which she regarded as unfair favouritism, and indicated that she would not follow the prescriptions imposed by 'these people':

> People from the department, the ANC people ... they are the bosses now. Some are not even trained, but some were teachers in schools ... They sit in their offices; they do not come here; they manage by telephone. Anyway, CAPS is not compulsory.

This observation is consistent with findings by Starr (2011:648-650), who described resistance and refusal to execute policy by individuals opposing specific persons who form part of a political system. Such refusal to obey a lawful order of the employer via departmental officials without a just reason is stipulated in section 18 (1)(i) of the Employment of Educators Act 76 of 1998 (SA, 1998a) as a form of misconduct. Although the curriculum is only a policy framework and not enforceable legislation, it must be assumed that the employer can legally expect from the

educators to at least follow teaching guidelines. This participant's action is, therefore, unlawful.

6.9.5 Knowledgeable of one aspect, not of the other

Being knowledgeable in one area, for example the Grade R professional area, does not guarantee that educators are also informed about labour rights and constitutional issues that affect their working lives. Some educators who were not exposed to education law training or engaged in some reading into law themselves revealed shortcomings. A participant who was actually exposed to some education law training referred to the law when she said:

> That's actually why I chose the little ones. They do not actually have laws and so on; I think it's more when you get to the older child, the high school kids ... when you should (think) carefully about what you do, how you handle discipline. With the young ones, it is not as serious. They are still very small.

This shows that even if an individual went through some education law training, it should not be assumed that he or she has the ability to apply general legal principles effectively to his or her own teaching situation.

The case of a participant, which will be described below, may testify to the opposite of the above statement regarding small children and the applicability of legislation relating to them. A participant with many years of experience stated that she disciplines Grade R learners by ordering other learners to hit a fellow learner who misbehaves. It is used in her class as a punishment, and the learners who hit the offender in such a case apparently take the place of the educator. It seems as if the participant is aware of the ban on corporal punishment in section 10(1) of the South African Schools Act 84 of 1996 (SA, 1996c), which stipulates that "No person may administer corporal punishment at a school to a learner," but she probably does not realise the implications of the stipulation, namely that a fellow learner is included in the phrase "no person". There is also an indication of an illegal command for which the educator could be held liable. Also specifically prohibited in the Employment of Educators Act (section 17(1)(f)) is when educators cause or allow a learner to be assaulted, as specified in subsection 17(10)(d): "causing a learner or a student to

perform any of the acts…" These actions represent serious misconduct on the part of the educator, and if she is found guilty, dismissal should follow.

The participant under discussion indicated that she does not think legal knowledge is truly essential and probably fools herself when she declares, "I am safe as long as I go on as always." It may be true as far as Grade R teaching is concerned, but not as far as legislation is considered. It must be accepted that professional educators cannot work safely in a society with a human rights culture, such as that which exists in South Africa, with a lesser knowledge of education law. Parents, as well as bodies such as the Human Rights Commission, are nowadays much more inclined to sue educators than previously, and the legislation applies to all educators.

6.9.6 Knowledgeable, strive towards greater expertise, share knowledge

Finally, some individuals were found amongst the participants who demonstrated expertise in both areas, being Grade R professionalism *and* labour law, and who despite being aware of their knowledge and skills, still strive for greater knowledge. These persons not only seek to increase their knowledge by, for instance, attending courses in other districts and not only share their new insights with colleagues, they also reach out to Grade R educators in townships where knowledge is apparently not always easy to come by due to transport limitations.

This discussion concludes, before proceeding with the analysis of Canadian qualitative data, with observations in South African schools where, despite the negative effects of widespread ignorance, stories of hope do exist. An example of this is the positive, supportive attitude of governing body members involved in this study. In a multi-grade school, for instance, a governing body member who is completely ignorant regarding education policy with regard to Grade R and who personally only "went to standard four" makes a very positive contribution to this school by displaying insight into and an understanding of the broader purpose of education. Her quest is for the establishment of a Grade 8 class at this rural school, so that children after Grade 7 do not "have to work on the farmlands ... hang around in the taverns... and make babies. They must have a better life." The same attitude was found with her principal, who declared that she accepts the challenges of multi-grade teaching and wants to make a difference. She also refers to social problems

and explains: "I'm sorry for the children because of their circumstances. They appreciate every bit you do for them. So, it's nice when I know I can give someone else some security." Although this school probably does not offer excellent teaching, the attitude of professional service represents a story of hope.

Finally, it should be noted that I observed some participants who could be described as real professional specialists. These individuals are people who obviously, due to their in-depth knowledge of the subject and extensive skills, stay true to the essence of Grade R teaching (§ 4.4, 4.5, 4.6). They are prepared to put their convictions into practice and take a stance against pressure to engage with Grade R teaching in a less scientific way. These professionals probably represent a small percentage of Grade R educators, principals and others involved. Such individuals possess knowledge, which is implemented despite challenging circumstances that occur due to the ignorance of others in their workplace, and create professional security for themselves and for other educators. The pre-primary school principal who empowers her staff by encouraging professional learning communities is one example of such a participant.

In the paragraphs to follow, the focus shifts from data generated in South Africa to empirical data generated in the Ontario province in Canada, which is the largest Canadian province with a cosmopolitan character. It should again be emphasised that no attempt have been made to offer a complete comparative study, seeing that such a comparison was not the intention with this study. The way in which information generated in South Africa resonates with Canadian interviews and observations may nevertheless offer a broader overview and deeper insight into the phenomenon under investigation. The Canadian perspective can also be regarded as an international benchmark against which the effect of the South African policy implementation on professional security in ECD can be measured.

6.10 The analysis of the Canadian data

As background to this data analysis, it ought to be mentioned here that the Ontario data was first generated by means of a Canadian Commonwealth Scholarship and the mentoring of a staff member at Brock University from March to June 2011, with a follow-up visit in May 2012. In 2013, data generation commenced in South Africa. Ethical clearance was obtained from the Research Ethics Board of the Brock

University, and schools in two urban areas in Ontario, namely New Market and St. Catharine's, were involved in observations and interviews.

The purpose of data generation in Ontario was largely policy-oriented because the main focus throughout the study is on change in early childhood development policy and the impact thereof on ECD professionals as employees. Alternative, adapted instruments (Addendum D serves as an example) were used in Ontario for the teachers and principals respectively, but the central motive for interviews and observations, like in South Africa, was to understand and describe professional security better. The background to the legislation and policy in Ontario regarding the FDELKP has been discussed in Chapter 4 (§ 4.11.3). In analysing the Canadian data, the categories will first be presented, followed by an analysis of the meaning individuals assign to professional security in the workplace.

6.10.1 The presentation of categories

The list of categories is similar to the categories discussed under the South African perspective, but it also differs. The working environment (§ 6.3), including the physical and psychological working environment, and the employer-employee relationship (§ 6.4) are offered in the analysis of Canadian data as labour law categories, while the interpretation and implementation of policy is presented as a policy-oriented category. Legal aspects, such as delictual liability (§ 6.5), were not included in the focus of the Canadian component of the empirical study and are, consequently, not offered as a category. The interpretation (§ 6.8) and implementation of policy (§ 6.7) in Canadian schools is presented under the category referred to as 'the interpretation and implementation of policies'. The prevailing theme of knowledge versus ignorance (§ 6.9) in the South African component of the empirical study did not emerge in the Canadian component. Table 6.1 offers a comparison of categories that emerged during the empirical data analysis in the two countries involved.

Table 6.1 A comparison of categories that emerged in South Africa and Canada

South Africa	Canada
Working environment: physical	Working environment: physical
Working environment: psychological	Working environment: psychological
Employer-employee relationship	Employer-employee relationship
Delictual liability	
Grade R policy environment	
Policy interpretation and the teaching approach	Interpretation and implementation of policy
Implementation and execution of policy	

The first category to be discussed is the working environment. As with the South African component of the empirical study, a distinction is made between the physical and psychological working environment.

6.10.2 The physical working environment

The physical workplaces in the study may be described as enabling due to sufficient space, and generally speaking, there were adequate learning and teaching support materials inside and outside. These characteristics support the policy of play-based teaching and include technology which, measured against provision in the South African schools involved in the study, can be described as being excellent. Technologies such as Smart Boards, iPads, printers, cameras and video cameras (for documentation of assessment) were found in kindergarten classes that could enhance teachers' performance.

The number of students (in keeping with Canadian terminology, the word ‘students’ will be used as equivalent to the South-African term ‘learners’) in the classes that were involved in the study ranged from 15 to 26. Compared with the policies in South

Africa that propose 30 learners (§ 6.6.3), the workload associated with such class size in Canada would be considered as very fair. With this in mind, it can be speculated that the effectiveness of policy execution in Grade R in South African classes could be decreased due to large classes. A school principal in New Market, however, reported that public schools are tempted to allow more students in kindergarten classes, seeing that the FDELKP policy provides for two professionals in the classroom.

The physical working environments that were visited gave an indication of the vision of the school, the economic level of the school environment, how the policy is interpreted and how the teaching approach was adapted. A description of one classroom is given here to show how the professionals give meaning to professional security which is expressed in the physical working environment. The physical environment also reflected the nature of the FDELKP policy (§ 4.11.3), while professionals' experience of their working environment is indicative of their perception of professional security.

In the class described here, an older lady as ECE and a younger man as teacher were employed in the second year of policy change. Although the classroom had not been adjusted yet for the FDELKP during my visit, and structurally corresponded with other kindergarten classes in primary schools where observation was performed, the manner in which this teaching team gave expression to the policy was already evident in the physical learning environment. The underlying educational philosophy was clear: Five-year-olds are skilled learners learning through first-hand experience, through discovery and through play. An inviting learning space was created, with a garden corner where students could plant in pots and could do observations with a magnifying glass and draw what they see. A fantasy corner with 'The Sea' as theme and various quiet areas were created where students participated in self-chosen activities or read the clock under the supervision of the ECE. Evidence that the students are allowed to accept ownership of their learning space was ubiquitous, which can be interpreted as respect for the child as a learner (§ 4.5, 4.4). The calendar and alphabet were proudly created by students, and headings in the garden corner for objects in the class and for photos, for example, were written by the students themselves. This classroom, which included

children with special learning needs and where individual learning was also supported in a knowledgeable way with questions, is an excellent example of what is contemplated in curriculum policy for an inquiry-based approach (§ 4.11.3). The area was visited in the spring, and several schools presented the life-cycle of the frog as a theme. In this class, learning through real, first-hand experience is important, and photographs of students handling and releasing frogs were evidence of the striking difference between these educators' approach to teaching and other classes where there were only pictures of frogs on display and a more formal approach was followed.

The teacher admitted that the play-based teaching approach prescribed by the policy forced him to make a mental shift, and he expressed appreciation for the ECE's role and inputs in this regard. The fact that, during observation, it could not be determined who the teacher was and who the ECE was respectively, as both were teaching small groups on occasion, may also be considered an indication of what was intended with the notion of 'interchangeable roles' in FDELKP. The teacher pointed out the positive impact of this approach, by referring to the remarks of Grade 1 teachers:

> At the beginning of the year, the Grade 1 teachers asked: 'How did you do it? The kids are amazing! They are so eager to learn and more advanced … academically ... than before'.

The ECE confirmed: "So, we are committed to the program and to the children."

The positive feedback and recognition of a task successfully done are probably experienced here as an important element of professional security. Furthermore, it appears that both persons can realise their respective professional backgrounds of training and expertise in this classroom and experience professional fulfilment through excellent teaching. In a South African interview, the meaning a participant gave to security was also linked to the opportunity to express herself professionally through excellent teaching.

The way these participants referred to their classroom can be regarded as an indication of professional security: "This is their classroom, not ours. We facilitate their learning ... we all spend more time here than at our homes, so this is our

second home. We are like the kids' parents." This leads to the conclusion that the relationship within the team is comfortable and that this positive working relationship is transferred to the students in the class.

6.10.3 The psychological working environment

The psychological working environment is closely related to relationships in the workplace, including those forged between teachers and ECEs, as well as the relationship with their principals. Because of the team-teaching approach in the FDELKP and the accompanying inter-dependence in the teaching situation, collegial relationships are crucial for the successful functioning of the class. In fact, the relationships within teaching teams are probably the key to successful functioning of the FDELKP (§ 4.11.3). The morale of professionals in this setting could be considered as a yardstick for professional security.

The status that both teachers and ECEs enjoy in society seems to play a potentially significant role in working relationships. Several participants indicated that the difference in the nature of the training of team members (§ 4.11.3), as well as different remuneration scales, contributes to the status difference between teachers and ECEs. Although the policy portrays team members as ‘equal partners’, the community considers ECEs as subordinate to teachers, as demonstrated in parents’ and colleagues' behaviour towards team members in the school. It seems that some colleagues do not understand the policy adequately and, therefore, approach the team-teaching method as well as the composition of the team in a sceptical manner. This sceptical atmosphere in the school probably places pressure on the team members' relationships.

By joining together ECEs and teachers in a team, the policy has likely created a situation that forces team members, despite the difference in their status, to work together in the best interests of the child. In some cases, collaboration between the team members seems to present an almost insurmountable problem, especially due to personality differences and the professional image that each member has of his/her position. A very experienced teacher who worked in a class where the FDELKP has not yet been implemented expressed her distrust of the policy, which was based on the fact that team members should be regarded as equal partners

while their professional abilities, she believes, are not comparable: "It will not work. There can be only one leader in the classroom. And that would be the teacher," was her comment. Contrary to this belief, a teacher, who is part of a successful team, declared that the team members have a mutual duty to support cooperation, saying:

> In order for this program to work, in my opinion... I have to check my ego at the door ... she also has to do it. And the question is WHY do we do it?

The focus on the benefit of the child instead of self-interest and pressure from parents or the employers seems to be the most prominent driver here. In South African schools, a focus on the interests of the child as the central driving force could promote collaborations between Grade R educators and other members in the Foundation Phase.

Furthermore, it appears that some individuals do not have a sufficient understanding of the educational rationale behind the policy and, therefore, are not prepared to make adjustments. In such cases, a psychologically unsafe working environment may arise because the relationship is harmed.

As in South Africa, the participants, including a consultant, indicated that principals may be ignorant about the nature of their work and how the FDELKP can be applied at their schools in practice. According to the consultant, the policy necessitated much more support from their office because of the newness and uniqueness of the program. Although the employer has offered workshops on this, these were not attended by all principals and hence all principals are not able to support the policy execution. The consultant explained that her team offers guidance *inter alia* in relation to the nature of a play-based approach, what expectations principals can have of professionals working in kindergarten, how accountability may be established in the kindergarten class and how intervals should apply. Where a principal understood the nature and intent of the policy, experienced the effect of the programme positively and transferred his or her satisfaction to teams, professional security was probably enhanced.

Principals obviously play a huge role in the life of kindergarten professionals, irrespective of whether or not the principal understands FDELKP or the play-based approach. One principal indicated that he is more focused on the vision of his school

than on the details of policy implementation: "We are used to changes in policy ... more policies, more work ... more time needed to discuss with the staff. In my view, everything stands or falls with your vision." Another principal emphasised his responsibility regarding the staff and highlighted the creation of a safe working environment: "The principal holds the hearts of the teachers in his hands. A huge responsibility. I want them to feel safe, comfortable. We want them to engage and do their best and we support them." Once support has been secured, the principal expects accountability, however, and he explained what procedure is followed to improve job performance, noting that this procedure makes provision for dismissal should the teacher not meet expectations.

6.10.4 The employer-employee relationship

The relationship with the employer is an integral part of the employment contract. Teachers and ECEs are not only educators but also employees who are contracted to perform a specific task for which they are remunerated by the employer (Bendix, 2010:109).

During the year 2012, kindergarten professionals in Ontario had to negotiate and enter into contracts. According to a consultant, the FDELKP policy and Bill 242 created possibilities for positions in the primary school which could benefit those involved but which could also create uncertainty. The teachers are paid better salaries than ECEs, but ECEs could have argued for two ECEs being involved in FDELKP rather than a team comprised of a teacher and an ECE. The consultant explains:

> There is some fear. ECEs were trained specifically for this age group. So teachers have a fear this could happen. ECEs have a fear that this (the employment opportunity) will all go away and they are left out of school boards.

Because ECEs earn a higher salary in primary schools than in other institutions, job security in primary schools is important for their economic security. An ECE participant noted that she had heard that several ECEs left the service of school boards because of the uncertainty surrounding their positions. This point probably corresponds with the uncertain policy environment regarding Grade R and, as in South Africa, can result in a professionally insecure employment relationship.

In an employment relationship, clarity on the nature of the work task is important in order to promote efficiency and to determine accountability. The details of the teacher's duties are stipulated in legislation, but the ECE's duties have still to be clarified exactly, according to some participants. The role of trade unions in this regard was also mentioned. Uncertainty regarding the respective roles of team members in the FDELKP may seem to lead to friction in practice. A consultant told the researcher that teachers could, for instance, argue that helping a child who has wet his or her pants does not involve academic work, while the ECEs could argue that since they are equal partners attending to a problem of this nature does not necessarily fall within the ambit of their work. It could be concluded that, when the duties of the employees are not contained in legislation, there is no legal framework for security in their employment relationship and that regulation in the workplace could be affected negatively.

Working hours is an important aspect of conditions of service. Negotiations with the employer regarding working hours for ECEs at the time of the investigation had not yet been completed, and an ECE participant indicated that because she was not paid for planning time, she was not willing to prepare with the teacher after school hours: "We do not have prep time ... I'm not paid (for prep time) while she (the teacher) is." This matter obviously leads to conflict in the relationship between ECE and teacher. Under such circumstances, the teacher may not get sufficient exposure to the ECE's knowledge, while the ECE might not learn why certain academic teaching activities are planned.

Professional development opportunities are possibly a source of inequality due to unclear policy issues that could result in professional insecurity. As a result of collective bargaining by teachers' unions, teachers can, by attending courses, increase their salaries. ECEs are, however, currently excluded. The way in which the employer organised such a professional development opportunity seems to indicate disregard for the ECE's role in FDELKP. One ECE said: "The workshop was on Full-Day ... but we (ECEs) were not invited, only teachers." It can be accepted that the employer cannot treat employees with varying degrees of training and remuneration in a similar way. If this exclusion, however, becomes the rule rather than the exception, the exclusion of professional development opportunities simply because

of the varying role within the programme could, on legal grounds, be considered unfair discrimination.

When an employee's professional dignity suffers as a result of underestimating or even showing contempt for his or her role in the workplace, performance and the quality of an entire programme can be affected negatively. In ECD, where close personal contact between teacher and student prevails, it is possible that the experience of professional insecurity by a professional may have an impact on student performance. A teacher pointed to the connection between how employees experience their relationship with the employer and the workplace and how well students learn in their classes:

> If they're not happy, the kids are not happy. And guess what: If the kids are not happy, they will not learn. So if you are not secure in the job, the kids will suffer.

With this he confirmed the opinion of Leithwood (2006:9), namely that the effectiveness of the educator is an inseparable part of his/her experience of professional security.

Policy and legislation is contained in text, but the interpretation and execution in practice play a vital role in the meaning professionals assign to these. In the following paragraphs, the interpretation and execution of policies are discussed.

6.10.5 The interpretation and execution of policies

The interpretation of policy (and legislation) determines to a large extent how it is executed. Since ECEs' duties, roles and responsibilities are not properly determined and clarified in legislation, any interpretation of their duties and roles seems possible. In practice, this temporary omission in legislation and policy (which all the participants raised) seems to cause a vacuum that could be filled in a variety of ways, for example by the principal who might regard the ECE as a helper (such as an educator assistant) and could, consequently, exclude the ECE from staff meetings. The professional image of the ECE, which is closely linked to his/her role and responsibilities in the school, is likely to be damaged through this lacuna in the legislation. A consultant, who is ECE trained herself, confirmed that the absence of the ECE's role description in law has a very negative impact on ECEs' security,

stating that "... if the ministry wants the Full-Day program to succeed ... their (the ECEs') role should be legislated".

The policies regarding the FDELKP are very clear when it comes to the nature of the teaching approach, described as 'play-based' (Pascal, 2009:5). According to the policy, subject-specific elements such as literacy and numeracy as well as broader developmental outcomes such as self-regulation through a team-teaching approach and play-based education are prescribed.

The interpretation of 'play-based learning' seems, however, to be problematic to some participants. Participants who did not comprehend how five-year-olds learn best showed a lack of understanding of play-based learning and included teachers. Seemingly, some teachers cannot easily reconcile play and learning, even regarding play as lost time that could have been spent on learning. For them, the policy prescriptions in the FDELKP therefore represent irreconcilable demands. A teacher admitted that she does not know how to integrate literacy and numeracy teaching with a play-based approach.

Under such circumstances, the role of the ECE trained specifically in the play-based approach could virtually be considered crucial. Seeing that some teachers, according to a consultant, do however feel threatened by the ECE's superior knowledge in one specific field, the potential contribution of the ECE is apparently not being fully utilised everywhere.

In South African schools involved in the study, it was also found that some educators do not sufficiently understand the term 'play-based' and, therefore, want to offer subject areas such as Languages and Mathematics as isolated, fairly formal 'lessons' only. They also want to perform assessments in a formal manner. Although one Canadian teacher indicated that a debate is going on in workshops regarding the correct interpretation of curriculum policy in this regard, the consultants explained that they are specifically geared to illustrate through videos and mini-videos how the policy directives regarding play-based teaching should be interpreted.

Consultants play the role of 'critical friends' and become teacher coaches. They do not evaluate but may be requested to offer model lessons. This suggests that, unlike the experience regarding Grade R subject advisors in South Africa, which in some

cases must be described as being ignorant, expert assistance is offered in Ontario regarding curriculum interpretation and execution. Continuing professional development under the guidance of teaching-skilled individuals is probably indispensable during policy change and can support professional security. On the other hand, uncertainty and lack of skills in the professional arena will inevitably undermine professional security.

6.11 Concluding remarks

In this chapter, the way in which the data analysis process has been conducted was described, followed by a report on the analysis of the South African data on the basis of six categories. Two groups of categories were distinguished as they emerged, namely labour law- and policy-related factors that play a role in professional security. The analysis of South African data was concluded with the discussion of a common theme which emerged in all categories, namely knowledge versus ignorance.

The analysis of South African data was followed by an analysis of Canadian data on the basis of four categories, namely the physical working environment, the psychological working environment, the employer-employee relationship and the interpretation and execution of policy. From the analysis of the data, it is clear that both labour law and policy-related matters can influence the professional security of participants.

In the chapter to follow, conclusions derived from and recommendations based on the data analysis outlined in this chapter as well as the preceding literature reviews, which could be used in practice and in follow-up studies, will be discussed. To this end, Chapter 7 serves as the final summary of the study.

Chapter 7: Discussion of conclusions and propositions

7.1 Introduction

Having analysed and discussed the empirical data in the previous chapter, the intention here is to conclude by yet again providing a general overview of the study and demonstrating how the research questions posed in Chapter 1 have been addressed. As such, this succinct review serves as a background for the discussion of the conclusions and propositions that are the focus of this chapter. To conclude, some suggestions for possible future research will be made.

7.2 Summary of the research

The following paragraphs will provide a concise overview of the content of each chapter. The insights and themes that emerged from the literature reviews and from empirical studies will be presented.

In Chapter 1, the background of the thesis was set out, which included the context and rationale for the study, the objectives of the study, the conceptual framework, the research questions and the research methodology. The overarching objective was to determine the roles that law and policy play regarding the professional security of the Grade R educator. The problem statement emphasised the knowledge gap in ECD policy implementation from a labour law perspective and recognised the Grade R educator's experience of professional security as an important component of effective teaching. Knowledge gaps in both Education Law and ECD policy theory regarding the legal implications of the implementation and execution of ECD policies were also highlighted.

The specific objectives pursued to achieve the abovementioned overarching objectives of the research were, firstly, to determine the nature of the legal framework which influences the professional security of the Grade R educator by means of a literature review. The second and third chapters created a legal framework for such professional security.

A second objective was to determine the role the content and implementation of policy play in professional security. This objective was achieved through insight

gained from the literature review in Chapter 4 as well as through the analysis of empirical data in Chapter 6.

The following three objectives read as follows:

- To determine how early childhood teaching professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district perceive professional security in the work context;
- To determine how early childhood professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district interpret legal guidelines and early childhood education policy in terms of its impact and demands on their work-life; and
- To determine how early childhood professionals in the Matlosana and Tlokwe regions in the Kenneth Kaunda district experience the role of their employers in early childhood policy implementation.

Insights gained from the analysis of data assisted me in reaching these research objectives.

The preliminary description of professional security in Chapter 1, namely the experience of security in the physical and psychological areas in the workplace, was expanded in the literature review to include more specific labour law and subject matter which are also contained in policy. Statutory and common law determinants in Chapters 2 and 3 were analysed with a view to providing *geborgenheit* which can support professional security. The Constitution of South Africa 108 of 1996 (SA, 1996a) was identified as a base, and various fundamental human rights that apply to all citizens were analysed, seeing that they also apply to Grade R educators. Due to the labour law focus of the study, relevant education legislation (§ 3.1) and labour legislation (§ 3.2) were also analysed. The requirements for a fair and equitable employment relationship and a physically and psychologically safe workplace for the Grade R educator were investigated. Finally common law principles relating to the contract (§ 3.3) and delictual liability which may affect professional security were analysed (§ 3.3.6). From the analysis of legislation it was concluded that, in theory, a well-developed statutory framework for educator security exists.

In Chapter 4, early childhood development policy was discussed as a determinant for professional security. The close relationship between legislation and policy was first discussed before outlining the local education context within which the policy was developed. Then the rationale for early childhood development policy and international markers of quality ECD programmes contained in policy were explained. Some philosophies that influenced early childhood development as a discipline were also highlighted. Additionally the multi-disciplinary tradition and professional culture of the profession were discussed as well as the impact of policy on the professional identity of persons who work in this field. This was followed by a discussion of policy implementation and the impact of policies on the educator. From these studies it was concluded that ECD policies form an integral part of the working life of Grade R educators, as policy creates a framework for their professional roles. As such, policy can be directive and regulatory and determines to a great extent the day-to-day execution of the work task.

Some South African and Canadian policy documents that regulate ECD policy were analysed and discussed critically in light of the role policy content can play in professional security. This analysis is in line with the research question on the role that the content of policies plays in professional security. The curriculum policy in South Africa was compared to global criteria for a successful ECD curriculum, and CAPS was analysed critically. Then a succinct discussion of the Canadian FDELKP policy and relevant legislation followed, as well as the curriculum for the FDELKP as examples of Canadian policies. The chapter concluded with a discussion of the possible implications of ECD policies for professional security.

In Chapter 5, the interpretivist research philosophy and the foundations of the qualitative methodology of the research were discussed. The nature of the research question and the intention to gain a better understanding of and to describe in detail the meaning participants ascribe to their experience of professional security gave rise to a qualitative approach. The interpretivist belief that multiple, contextual realities exist (Merriam, 2002:40), realities which each individual participant constructs herself or himself and which must be interpreted in order to gain greater understanding, was followed. The methods of data generation, the selection of participants in the study and analysis of the data were also explained.

In Chapter 6 the analysis of South African data was presented on the basis of six categories, namely the working environment, where a distinction was made between the physical and psychological working environment; the employer-employee relationship; delictual liability; the policy environment of Grade R; the implementation of policies; and the interpretation of policy and the teaching approach. In these six categories, two groups were recognised, being three labour law- and three policy-related categories. A consistent theme emerged from all the data: knowledge versus ignorance. It was found that knowledge supports professional security while ignorance undermines professional security. From the Canadian data, four categories emerged, namely the physical working environment, the psychological working environment, the employer-employee relationship and the interpretation and implementation of policy.

In this final chapter, the main conclusions based on both the literature review and the empirical study as well as the implications of the conclusions will be discussed. Thereafter some propositions will be made to close the study.

7.3 Conclusions

The conclusions to follow will yet again adhere to a structure consistent with the categories described in Chapter 6.

7.3.1 The Grade R working environment

Conclusions regarding the Grade R working environment which will be discussed first, will illustrate how the relevant research objectives (§ 1.6) were reached. A distinction was made between the physical and psychological working environment. To follow, conclusions regarding the physical working environment will be presented.

7.3.1.1 The physical working environment

The workplace does not only include the physical work space, learning and teaching support materials and adequate time in which the work task can be performed. The physical place where a school is located, for example on a farm, in a poor township or privileged urban area, also creates workplace-related challenges and benefits that can affect the educator's professional security.

One non-negotiable requirement is physical security, which is enshrined in different sources of law, including the Constitution of South Africa 108 of 1996 (SA, 1996a), the Employment of Educators Act 76 of 1998 (SA, 1998a), the Occupational Health and Safety Act 85 of 1993 (SA, 1993a), the Compensation for Occupational Injuries and Diseases Act 130 of 1993 (SA, 1993b) and regulations for safety measures at public schools (SA, 1998d) (see Chapters 2 and 3). Physical security relates to Maslow's two most basic levels of need and ought to be considered as a minimum requirement for professional security. Participants in this study experienced their diverse workplaces as being physically safe, and even multi-grade schools on farms, despite other constraints such as class space, were considered as physically safe workplaces. Nevertheless, instances where up to 50 learners are being accommodated in a class designed for a maximum of 30 learners due to a lack of class space must be regarded as unhealthy in terms of section 24 of the Constitution of South Africa 108 of 1996 (SA, 1996a). Overcrowded classes obviously represent unhealthy workplaces, and the employer's statutory obligation to provide a healthy workplace is not met in the case of overcrowded classrooms.

The provision of furniture and enabling learning and teaching support materials and large equipment in the outside play area in the schools that were visited ranged from very good in public pre-primary schools to less adequate in some primary schools. The availability and use of technology in Grade R classes in the Kenneth Kaunda district do not compare favourably with those kindergarten classes in Ontario that were observed during the study. For the purpose of this study, the meaning participants ascribed to the provision of learning and teaching support materials in terms of their experience of professional security is important, regardless of how learning and teaching support materials compared to schools in Ontario. For participants who were untrained or inappropriately qualified, prescribed workbooks were, for example, very important, as their daily teacher-initiated activities were largely centred around the workbooks. Inadequate provision of workbooks, such as in instances where late or incorrect deliveries occurred, negatively affected these participants' performance and sense of professional security, since they depended on the workbooks. In contrast, appropriately trained participants considered workbooks as additional resources, and some experienced participants did not use

workbooks at all or only used them to a limited extent for the sake of complying with departmental demands that workbooks ought to be used.

When participants experienced that the employer, principal and colleagues displayed some understanding of the nature of Grade R teaching and her work task, and therefore attempted to adapt the physical workplace accordingly where possible, these persons' respect for the Grade R domain strengthened the educators' sense of professional security. The exact location of the Grade R classes in primary schools as well as the manner in which the outside play area is equipped by the employer are examples of matters regarding the physical workplace which required understanding of the work task. Such understanding was, however, dependent on consultation and dialogue, and if this did not take place, it was found that participants' performance was adversely affected in some schools.

Some workplaces include language-related challenges, such as learners' ability to master the language of instruction where they have another language as their mother tongue. In addition to an increased workload, participants found that the demand of the work task itself is unrealistic, namely to ensure that language learning and proficiency in a new language takes place in one year to such an extent that the learner would achieve school readiness. Additional pressure comes from parents who, in terms of section 6 of the South African Schools Act 84 of 1996 (SA, 1996c), have the right to choose the language of instruction for their children. For example, African language speakers who prefer their children to learn English or Afrikaans in Grade R do their utmost to ensure that their children can attend a school in Grade 1 that offers one of these languages as language of instruction. In addition, they expect an acceptable level of school readiness. Since school readiness depends among others on language skills, participants experienced frustration and powerlessness when they are neither able to meet parents' expectations regarding school readiness nor the demands of reaching language proficiency in Grade R. In a workplace where one factor such as language-related demands causes the work task to be unrealistic and unattainable, professional security is obviously damaged. It ought to be noted that the positive intent of the South African Schools Act 84 of 1996 (SA, 1996c), namely to protect parents' democratic right regarding the language of instruction, can affect the welfare of the Grade R educator as an employee

negatively (see section 24 of the Constitution) if no attempt is made at the grassroots-level of legislation and policy implementation to find practical solutions for language-related needs. Professional security will be affected negatively under circumstances where the educator is expected to perform tasks which are unrealistic.

7.3.1.2 The psychological working environment

The psychological working environment is distinguished from the physical, visual workplace by virtue of the relationship dynamics, workplace-related expectations and management issues that are inherent to a specific working environment. Legislation supports the psychological working environment in an indirect way by means of section 24 of the Constitution, which specifically protects the welfare of all citizens, and therefore also employees such as Grade R educators.

Over and above the physical characteristics of the workplace and other related matters, the importance employees attach to the emotional climate in the workplace should not be underestimated. On the basis of participants' statements and confirmation in one group interview, I conclude that the psychological working environment plays at least as important a role, if not a greater role, as the physical workplace in professional security. Participants are willing, within limits, to work in physically imperfect school environments as long as the emotional climate is healthy. Collegial relationships in the workplace, as well as the relationship with overseers such as departmental officials, could potentially have a positive or negative impact on the psychological working environment. However, the people who participants encounter daily seemingly have the most profound impact on their experience of safety. The role relationships play within the teaching team in FDELKP and its impact on the successful implementation of the policy in Ontario emphasised the role of collegial relationships in the psychological working environment as well as in policy implementation. This finding restates the importance of social relationships in the workplace as a basic human need, which is found in Maslow's theory. Furthermore, positive relationships in the working environment, according to the *geborgenheit* theory, lead to an inner experience of security (Oosthuizen, 2013:4).

The conclusion is that legislation could fulfil a potentially positive role in the psychological working environment. Although legislation does not specifically refer to psychological safety, knowledge of legislation and the meaning participants assign to provisions in legislation led to professional security. Ignorance of legislation, on the other hand, had participants feeling vulnerable and probably resulted in them experiencing the workplace as being psychologically insecure. An example is a school principal who was apparently unaware of enabling legislation where a staff member should have been held accountable. Due to the ignorance of the principal, misconduct was committed and quality education suffered. In contrast, the meaning a participant assigned to the drafting of a code of conduct in terms of section 8 of the South African Schools Act 84 of 1996 (SA, 1996c) led to a psychologically safe working environment.

This finding highlights the fact that legislation as a potential source of security is worthless if it is not properly implemented or utilised. Despite the fact that provisions in sections 17 and 18 of the Employment of Educators Act prohibit a variety of unsafe and threatening conduct in an attempt to create a safe school environment, my conclusion is that some participants could be held liable for misconduct simply because they lack a basic knowledge of the law.

A lack of confidence was expressed in the application of legislation, and the opinion was expressed that the law does not always protect educators. The interpretation and application of legislation are experienced as being inadequate, and some participants indicated that the enforcement of legislation also does not adequately protect the child in their care. This led to the conclusion that several participants were disinterested in the potentially protective role of the law seeing that they consider its application as erratic and unreliable. According to some participants, the potential of the law as an overarching source of professional security has not materialised, and this adversely affects the psychological working environment.

Several Education Law studies pointed to educators' ignorance of the law (Smit, 2009; Bartlette, 2013; Marx, 2013), a finding which is confirmed in this study. One reason for a lack of legal knowledge amongst educators is distrust in the application of legislation and the resultant lack of interest to gain legal knowledge.

The psychological working environment is closely linked to workplace-related challenges, including the implementation of the curriculum policy. Continued expansion of knowledge, skills development and critical reflection on current trends and standards supporting quality teaching in Grade R as well as professional dialogue promote a psychologically safe working environment (Edmondson, 1999:354). In addition to supporting expertise on the level of the subject, moral support from colleagues as well as the ethos of the school is invaluable. Nevertheless, it was found that some colleagues would seek to curtail dedicated, excellent execution of policy and even resort to intimidation in an attempt to establish or maintain a degree of underperformance in a school. As a result, the psychological working environment becomes unbearably unsafe and the diligent educator is forced to seek another post. The case cited above confirms Smit's (2013) view that driven, productive educators can be inhibited through the actions of colleagues. Where principals are either not aware of such a state of affairs or themselves do not place a high premium on the pursuit of excellence in performance and productivity, having a basic legal knowledge could potentially put them in a position to establish a safe working environment. It was found, though, that actions to hold staff members accountable, such as in the case of underachievement and misconduct illustrated in this study, can be limited or even stopped through political influence. The destructive role of one large union, according to participants, undermines security and quality professional education in some working environments.

7.3.2 Employer/employee relationship

The employment relations of Grade R educators who participated in this research encompass employers such as the state, public schools, independent pre-primary and primary schools. In each employment relationship, both the employee and employer have specific obligations that should be included in the contract. Conditions for appointment of educators are statutorily defined, such as registration with SACE and qualification requirements.

Since Grade R education is not compulsory and some employers obviously have lesser knowledge of the Grade R domain, the appointment of educators is also negatively influenced by these perceptions. The underestimation of Grade R leads to

the appointment of persons who are inappropriately trained. Governing bodies of independent schools, for example, may consider any degree of training as being suitable for the appointment of a Grade R educator. Governing bodies at public schools may also merely use SACE registration and proficiency in English as criteria for employment in a school with English as the language of instruction, while other more decisive issues such as appropriate training become less important. This happens especially in circumstances where appropriately trained educators are not readily available. Both the learners and the educator herself may be adversely affected when educators are employed outside their domain.

Educators can be held liable if they offer, through ignorance, such instruction that can be proven to be a cause of damage to learners. Legally ignorant employers can appoint persons outside their domain and expertise and in so-doing compromise young children's education by shirking their common law duties. It seems that ignorance in this matter may result in professional insecurity and even legal action.

One component of professional security related to labour relationship is job security which, in turn, is closely related to security at an economic level. According to my evidence in this study, participants judged other aspects of their work-life only after obtaining assurance regarding the nature of their employment. In Ontario, some ECEs in the FDELKP who experienced uncertainty regarding the future of their jobs in primary schools felt professionally unsafe and decided, despite good salaries in primary schools, to rather work in other organisations. In the Matlosana and Tlokwe areas in South Africa, participants whose employment contracts were amended pointed out the long-term economic effects. One of the reasons why participants prefer employment relations with the state over contracts with public schools is the possibility of permanent appointment.

I came to the conclusion that the meaning individuals give to fairness in the employment relationship also influences their professional security. Some participants appointed by public schools linked their professional dignity to their perception of the state's view of these educators. The fact that the state transfers its responsibility of education provision to parents and then allows those educators with the same qualifications to earn a smaller salary than colleagues appointed by the

state is seen as exploitation. Participants also have the perception that this contemptuous treatment by the state is an indication of the state's view of educators as employees. Where fair treatment is a priority to governing bodies, participants experience security within the employment relationship with the school. Of importance to professional security in any employment relationship is open dialogue about employment conditions in the contract and the responsibility of employees to be sufficiently informed prior to signing a contract with the employer.

The employer is statutorily obliged to specify details of conditions of service such as the nature of duties, responsibilities and hours of work in the contract. In South Africa, the duties of educators are outlined in detail in the PAM (SA, 1998a) (§ 3.1.6), while the Basic Conditions of Employment Act 75 of 1997 (SA, 1997) (§ 3.2.2), among others, provides for fairness regarding working hours for educators appointed by public schools.

Vagueness regarding teachers' duties in legislation and policy, which may occur during a transitional period of policy change, created uncertainty and professional insecurity with participants in the FDELKP. Legislation should create a legal framework for security in the employment relationship and enhance proper regulation of the workplace. If there are defects in this regard, even if only temporarily, it can be assumed that the meaning employees attach to such defects can influence employment relationships. In Ontario, participants indicated that some ECEs left primary schools because the provision in the legislation was experienced as inadequate. In South Africa, the meaning which some participants attached to a variety of policies influenced their professional security.

7.3.3 Policy frameworks

Conclusions reached regarding policy frameworks relate to the research questions on the role of the content and implementation of policy (§ 1.5).

7.3.3.1 Policy frameworks: Grade R in the primary school

Policy frameworks represent diverse matters affecting educators' lives at different levels, including their position in Grade R education and employability and the number of learners in their classes. Policy frameworks potentially establish security

but can also contribute to an uncertain policy environment in which educators as employees would feel unsafe. As in other matters influencing the educator's professional security, dialogue plays an important role.

It was found that participants support the broad educational intent of Grade R policy and that they regard their potential role in the policy as important. However, in light of the weak economic climate, the financial feasibility of universal access for Grade R learners by 2019 is questionable. The fact that White Paper 5 has not been formalised in legislation since 2001 is considered proof of the unfeasibility of this document by some participants.

The focusing in policy documents on the placement of Grade R in public primary schools is not supported by participants who work in private pre-primary schools. The position of these educators in Grade R education is currently shrouded in uncertainty. The meaning that participants who work in partner schools give to their relationship with the public schools also vary from positive and safe to very uncertain and sceptical. Negative experiences with primary schools now including Grade R in their schools for the purpose of increased enrolment, without letting educators in partner schools share in the financial benefits, is construed as exploitation. Where poor communication takes place at district level and where limited information on how policy should be interpreted is offered, participants at independent schools experience uncertainty about their relationship with the primary school as well as their position in Grade R education. Participants who are permanently employed and work in public schools welcome the draft policy on universal access to Grade R. Since their job security is confirmed rather than threatened by the policy making Grade R compulsory, the possibility that the state may lack the capacity to serve all learners' needs is not important to them.

Changes in education policy, of which the placement of Grade R in primary schools is an example, are not seen as an improvement by all. Since the state has previously abolished institutions such as teachers’ colleges, only to have them reinstated after realising that these institutions are actually indispensable, a few participants are sceptical about policy change in general. The possibility that change in education is

driven by underlying political considerations rather than by the desire to improve education makes some participants suspicious.

7.3.3.2 Policy frameworks: Qualifications requirements

Policies regarding qualification requirements that support educators' employability fall under the Higher Education Qualifications Framework (HEQF) and are regulated by the Higher Education Act 63 of 2002 (SA, 2002). The draft policy on Minimum Requirements for Teacher Education Qualifications (DBE, 2010), however, is an indication that the authorities realise that teacher qualifications should be described better for the sake of quality education provision. Within ECD the matter of appropriate qualifications is, on the one hand, an international requirement for quality education. On the other hand, the details of qualifications and affordability of such training form part of international discourse and debate (Cochran, 2011:70-72).

In the Matlosana and Tlokwe areas in South Africa, it was found that participants are unsure of exactly what is expected of them regarding the improvement of qualifications and how the policy regarding Credit Accumulation and Transfer (CAT) will be applied. They are also uncertain about how their employment will be affected if the stated requirements are not met. Especially older educators, who do not want to study further, are uncertain about their positions within the policy framework but nevertheless rely on their good record of years of service. Although the draft policy document is available, participants do not know how it will be interpreted, which confirms that it is the interpretation of the policy, and not so much the text, that affects participants most. In Ontario participants emphasised the role of training in professional security. Both ECEs and teachers indicated that, once the qualification requirements within FDELKP are provided for in legislation, their security would be supported.

The conclusion was reached that training is not sufficient to face the realities in diverse school contexts in which educators are expected to function. Even if the academic qualification requirements are increased, training should not lose sight of school contexts and the sometimes contrasting background of learners. Qualifications therefore do not only involve the standardisation of training but also the content of training leading to the qualification.

7.3.3.3 Policy frameworks: Practitioner:learner ratio

The rationale for a policy framework regarding the practitioner:learner ratio is aimed at the maximum number of Grade R learners per educator for whom effective teaching can be made available.

It was found that the participants regard the proposed 30 learners per educator as counter-productive, seeing that the targets for Grade R are not sufficiently attainable under such circumstances. In addition to an increased workload, a crowded class creates an unfavourable emotional climate, which can influence the welfare of the educator adversely in terms of section 24 of the Constitution. Furthermore, the reasons put forward for overcrowded classes are not always regarded as valid, although it is accepted that it is difficult at district level to provide for the growing number of learners in primary schools. Personal gain for the principal due to higher numbers and financial benefits for the school are two of the objectionable reasons for overcrowded classes mentioned by participants.

Being enabled to teach effectively is an integral part of professional security for some participants. If policies limit this possibility and even render it impossible, professional security is also affected negatively.

One of the conclusions of the study is that more than 24 or 25 learners in a Grade R class limits individualisation and, therefore, influences quality education negatively. An argument in favour of a limited number of learners is consistent with international requirements for quality Grade R teaching (§ 4.4). It can also be argued that universal access to Grade R, as proposed in policy frameworks such as White Paper 5, is only a good start. If circumstances that negatively affect quality education, including the practitioner:learner ratio, are not effectively dealt with, the child's right to education of an acceptable standard (§ 2.7) cannot be fulfilled.

7.3.4 The implementation and execution of policy

On the basis of the meaning that participants give to the employer's role in policy implementation, the conclusion was reached that there is evidence of a top-down approach (§ 4.8.1.1). While the possible causes of and problems created by a top-

down approach are not elaborated upon here, the effect of such an approach is important for this study because professional security is affected.

When superiors on different levels discourage opinions of ground-level policy executors or do not consider their contributions as valuable, participants are demotivated. The practice of no-dialogue is also undemocratic. Participants realise that they cannot change macro-policy but expect not to be denied at least continuing participation in the process, and especially to air their opinions at school level. Listening is an integral part of dialogue, and when participants experience that their views have not been listened to, they feel disempowered. The message a no-dialogue approach conveys to participants is the denial of their professional knowledge and experience. It was found that the lack of respect ignorant members of the public and colleagues sometimes display towards Grade R-participants is experienced as particularly negative. When the employer joins such an approach by denying them any voice, their professional dignity is disregarded, which directly connects to a violation of their human dignity.

Unhealthy power relations, which may form part of a top-down approach, undermine mutual trust and weaken the perspective of a common goal catering for the best interests of the child. When ignorant superiors hold educators accountable, and impose policies on them through a show of force to execute the policies in a particular way, an ethical dilemma is created. Participants must decide between following the ignorant superior's instructions, thereby bringing harm to learners, or to fool the superior with (illegal) fabricated reports of their activities in the class to avoid trouble. It was found that superiors sometimes regard and present policy as being equal to law and bully those educators who have a lesser knowledge of the law. The role of unhealthy power relations in policy implementation is experienced as degrading, seeing that some educators experience themselves as mere cogs in a policy machine.

One consequence of a top-down approach is ignorance amongst superiors regarding realities of the school context. The remoteness from the demands of the workplace leads to decisions which amount to a one-policy-fits-all approach, resulting in unfair treatment of employees.

7.3.5 The interpretation of policy and the teaching approach

The conclusion reached is that most participants in this study see certainty regarding the correct interpretation of curriculum policy as an integral part of professional security. The reason for this is their focus on quality education and on the best interests of the child. Therefore a need for guidance to confirm the correctness of the interpretation of curriculum policy prescriptions in order to reach the required teaching standard is experienced. When change in education policy occurs, they expect training by the employer.

Some participants, it was found, are convinced that there are subject advisors who are tasked to offer training on behalf of the employer but who demonstrate a limited understanding of Grade R as a domain in general and the approach prescribed in the curriculum in particular. Conflicting interpretations by subject advisors occur and create uncertainty. The state neglects its statutory obligation in the PAM (§ 3.1.6) to provide for professional development that would empower educators sufficiently.

The provisions regarding assessment in the curriculum is an example of policy text that could give rise to a perception that the policy itself conveys contradictory information and that policies are developed that are removed from reality. The introduction to CAPS, for example, emphasises the play-based approach and holistic education. In the section on assessment to gain admission to Grade 1, specific performance levels in Mathematics and Languages are, however, required. These performance levels are furthermore interpreted as being unrealistic, seeing that children who did not attend Grade R, and who were therefore not tested to the specific standards, will be admitted to Grade 1. The purpose of assessment as a condition for admission to Grade 1 is regarded as removed from reality, and it creates the impression that provisions relating to the holistic nature of teaching in Grade R are undermined.

Holistic education and the integration of subjects through a play-based approach, as prescribed in the curriculum policies, are not sufficiently understood by several participants in both South Africa and Ontario. A lack of understanding has led to the situation where the transposition of the policy prescriptions into appropriate practical learning activities was experienced as unfeasible. This increased the reliance on

workbooks amongst inappropriately trained participants, and in many cases led to a diminution of holistic education for the sake of teaching subjects that were known to these inappropriately trained participants. Ignorance has also led to an underestimation of curriculum requirements and manifested in a more formal assessment in the teaching approach.

In Ontario it was found that play-based teaching became possible where collegial relationships were successful in teaching teams, both team members were willing to learn and the pursuit of a common goal unified team members. In South Africa, play-based teaching was effective where educators were so empowered by knowledge that they were willing to honour their beliefs despite pressure to teach in an unscientific way. This emphasises the role of expertise, on-going training and support of policy execution and the role of the educator herself in nurturing the scientific nature of education, despite pressure. Participants who did not give in under pressure to execute policy in an unscientific way, and who were further supported by colleagues, principals and professional learning communities, created security in the workplace for themselves and contributed to sound teaching.

7.3.6 Delictual liability

Seen in light of delictual liability, the basis of professional security is reducing legal risks for the sake of increased security. The legal framework within which professional security exists protects on the one hand but, on the other hand, the law demands that legal accountability is accepted, and legal risks can arise. The conclusion is that greater legal proficiency reduces the risks and increases security. When the Grade R educator and her superiors become aware of risks which children may be exposed to, in physical as well as academic areas, damage or injuries can be foreseen and prevented and risks thereby reduced. The person who is ignorant, knowingly or unknowingly, runs the highest risk and experiences the least security. In delictual liability, the issue of knowledge versus ignorance was very visible and prominent, seeing that knowledge and expertise protect and empower, while ignorance left participants in this study vulnerable.

A different area where participants were obviously vulnerable, regardless of their basic legal knowledge and acceptance of their legal duty, was in reporting abuses in

terms of the Children's Act 38 of 2005 (SA, 2005a). The conclusion reached is that legislation presents adequate protection for the child, but the perception is that some educators involved in reporting abuses are let down by deficient law enforcement.

7.3.7 Knowledge versus ignorance

Participants in this study need a basic knowledge of law applicable to education as well as the ability to apply knowledge in different situations in the workplace in order to establish professional security. The law was not yet considered as a tool to empower and protect in all the schools involved in the study. Rather, the law is seen as the field of specialists who can, for example, be asked by the School Governing Body to help formulate contracts. Several participants therefore do not take their place as consumers of the law and remain largely ignorant.

A further reason for some ignorance of the law is rooted in a lack of confidence in the fair application of the law. A few participants are not interested in gaining more legal knowledge, since they argue that the law is ineffective. Participants would rather change to another school than, for example, follow the grievance procedure available in legislation. It was found that some participants, including school principals and governing body members, had knowledge of provisions in the legislation. They could apply legislation in practice and could contribute to a safe working environment for Grade R educators at their schools.

Compared to legislation, of which an educator only needs a basic knowledge to ensure a reasonable measure of security, much more is expected of the Grade R educator regarding subject knowledge. She is a professional subject specialist, and a thorough knowledge and well-developed teaching skills should enable her to apply sound educational principles to sound pedagogy. Grade R educators should also be able to assess policies in the light of regulatory legislation such as the Constitution of South Africa 108 of 1996 (SA, 1996a) and the South African Schools Act 84 of 1996 (SA, 1996c) and should be supported in such an endeavour by the head of department of the Foundation Phase, the principal and the governing body.

Ignorance and knowledge were found in participants on different levels of education. This affected the Grade R participants' working environment and their experience of

security. Both legal knowledge and subject expertise, including the interpretation and implementation of policy in this subject field, have the potential to offer educators professional security, confidence and *geborgenheit*. Knowledge and ignorance on different levels of education affect Grade R educators in different ways, which will now be discussed.

7.3.7.1 Employer's knowledge or ignorance

The state as employer appoints policy-makers on a national level, but the state was not always found to be in touch with the Grade R school contexts and the educators as executors of policy. Participants have experienced some policy prescriptions as confusing and even unrealistic and blamed such policies on ignorance of the employer. Because of the broad impact of employers and policy-makers on ECD, employer knowledge can support the ECD sector as a whole, including Grade R, with certainty and security. Employer ignorance, on the other hand, can damage the whole sector and undermine the potential of Grade R educators.

7.3.7.2 Principal's knowledge or ignorance

In terms of section 16A of the Schools Act, the principal, as the representative of the State, plays an important role in the professional security of the Grade R educator. The conclusion was reached that only principals who ascertain the nature of Grade R education are able to offer significant support to Grade R participants and can set standards for quality teaching.

7.3.7.3 District-level knowledge or ignorance

It was found that ignorance led to the underestimation of Grade R as domain, which resulted in the non-appointment of a Grade R-specific subject advisor in the Tlokwe area. A subject specialist in Grade R, whose expertise could have been utilised, was however appointed in a different section of ECD, which can be regarded as a mismatch.

The approval of appointments where people are appointed outside their domain and expertise in Grade R positions is the result of legal ignorance on the part of the employer at district level. This can put these educators in a position where they have to accept responsibility for teaching that does not meet the required standard.

7.3.7.4 Educator's knowledge or ignorance

It was found that some participants who lack a basic legal knowledge are not aware of their legal duty nor do they know that ignorance is no defence before the law, for example in cases of delictual liability. Ignorance of legal matters causes vulnerability before the law and puts ignorant educators in a high-risk position.

It was found that ignorance in the Grade R domain leads to ineffective and even harmful teaching, while expertise and knowledge often lead to a need for further knowledge. It was found that expert participants can empower not only themselves but also others and enhance professional security.

The influence of educator knowledge or ignorance is more localised than ignorance or expertise at district or employer level. Nevertheless, many Grade R learners' right to education of a reasonable standard is infringed by an educator's poor teaching.

7.3.7.5 Legal implications of ignorance for professional security

Conclusions reached are based on a deeper understanding of the phenomenon investigated. In Chapter 5, I indicated that I want to develop a greater understanding of professional security by interpreting the meaning participants give to it, and that I then want to reflect on this in detail. I understand now that for participants for whom professional security is based on merely being employed, the most prominent risk of ignorance is the loss of work due to liability. For these participants, the ability to deliver teaching of a responsible standard is not as important as for participants who regard excellence in education as an important component of professional security. The legal implications of ignorance, however, involve both groups, as well as other stakeholders in Grade R.

When ignorance occurs at any level in Grade R education, it is found that the child's right to education in terms of section 28 of the Constitution did not materialise. Ignorance limits the nation's pursuit of education of a reasonable standard, as the Constitution intended.

Ignorance may result in unrealistic policy development, which can also be contrary to international standards of ECD. Holistic, play-based teaching is required internationally and is set in ECD policy. If ignorance leads to policy interpretation that

results in a ‘watered-down Grade 1’, ineffective teaching takes place, which is also harmful to the child's development. Harmful teaching is not only ineffective but also unlawful, according to common law. The educator has a legal duty and should possess enough knowledge to foresee and prevent damage. She will be held liable if she is found to be negligent.

It can further be argued that the Grade R educator who, through ignorance, engages in ineffective teaching does not maintain a satisfactory standard of work as stipulated in her employment contract. From a labour law perspective, ignorance limits her ability to give effect to the terms of the employment contract and thus reduces her security as an employee.

7.4 Propositions

In the following paragraphs, statements will be made based on the meaning that participants in this study gave to their professional security as well as on the evidence observed in the different contexts and extrapolated from the broader literature reviews. The statements are also based on the legal framework created in this study which applies to a much broader constituency than just to the participant group. Elements of common law even apply beyond South Africa. Although some law-related elements of the statements may be valid in a broader context than that which applies to the participant group only, others will first have to be tested in other contexts, and no attempt is made to generalise by means of these propositions. The propositions could also be regarded as hypotheses generated from this study.

Propositions are presented with the conceptual framework of the study as a basic guide. The legal- and policy-related aspects are presented under the same headings as those used in the previous section.

7.4.1 Propositions concerning the Grade R educator’s physical workplace

An enabling physical environment for Grade R educators involves a limited number of learners in the class, which is in keeping with international standards for kindergarten classes. Crowded Grade R classes are also harmful to the health and welfare of the educators and learners in terms of section 24 of the Constitution. There should be no more than 24 or 25 learners in a Grade R class.

The physical work space of the Grade R educator, namely the classroom in a primary school, should for practical reasons be placed close to the learners' toilets and to an outside play area.

The outside play area should be safe and all large equipment, such as the jungle gym and swings, should be checked regularly and should be well maintained.

An enabling working environment includes adequate time in which the work task can be performed properly, and the timetable in primary schools should cater for the unique character of the Grade R programme.

A multi-grade working environment can restrict the optimal functioning of the Grade R educator. Due to the particular nature of the teaching in Grade R, it should not be taught together with other grades.

The physical location of the school may attract learners who cannot understand or speak the language of instruction. Where the language of instruction (LOLT) in Grade R must first be learned, the appointment of language therapists who move between schools as well as interpreters, acting as assistants in class, should be investigated.

7.4.2 Propositions regarding the Grade R educator's psychological workplace

The drafting of a code of conduct for Grade R (in terms of section 8 of the South African Schools Act 84 of 1996 (SA, 1996c)) may affect the psychological working environment positively. If all the relevant role-players participate in this, openness, dialogue and clarity about expectations can be created.

A basic knowledge of the law applicable to the Grade R educator can empower. In addition to services from the existing legal office of the department, unions may, in cooperation with universities, present workshops specifically aimed at the Grade R educator's needs. Service Learning Projects in which Education Law students participate may empower both Grade R educators and students: The student (under the guidance of the lecturer) shares legal knowledge with the educator, and the student learns what legal knowledge is needed in practice and how it can be used.

Ignorance regarding the Grade R domain leads to the underestimation of the Grade R educator's job and may affect Grade R educators' relationships with colleagues and parents. An awareness campaign initiated by unions and universities, as well as articles in local newspapers, may contribute to changing incorrect perceptions about Grade R amongst the public. The National Department of Basic Education may participate in and lend extra impetus to such a campaign.

The Grade R educator has a responsibility to expand her subject knowledge and to be committed to on-going skills development. In addition to attending professional development opportunities, critical reflection on policy, such as the curriculum, visits to other schools and professional dialogue can promote psychological security and empower Grade R educators to teach more effectively.

7.4.3 Propositions regarding the employer-employee relationship

It is the employer's common law duty to prevent damage caused by the inappropriate teaching of learners. Employers who require appropriate qualifications at the time of appointing Grade R educators can prevent educators being appointed to teach outside their expertise and domain. Employers can thus contribute to teaching that protects Grade R learners and their educators.

Educators' optimal performance and learner achievement may be promoted when the state as an employer creates enough departmental posts so that the workload of educators is relieved, Grade R class groups are smaller and more individual attention from the educator is made possible.

Grade R educators employed by the public school should also be treated fairly, and conditions of service equal to departmental appointments should be the goal.

Job security is a fundamental aspect of professional security. The conditions of service such as the duties of educators employed by the school are contained in legislation (Basic Conditions of Employment Act 75 of 1997 (SA, 1997)), and open dialogue about the future of an employment relationship, namely the extent to which job security can be assured, is non-negotiable.

7.4.4 Propositions regarding delictual liability

Governing bodies of independent and public schools, principals and Grade R educators who are unaware of the fact that a legal duty rests upon them expose themselves to being held liable. A greater awareness of situations where delictual liability may be incurred will empower participants, and training in this regard is proposed.

Regulations formulated to protect those educators who report child abuse and neglect should be followed carefully. The Grade R educator ought not to be concerned with the execution of the process, which is the responsibility of role-players such as the principal and the social worker.

7.4.5 Propositions regarding policy frameworks

In the following paragraphs, propositions regarding policy frameworks will be discussed.

7.4.5.1 Policy frameworks: Grade R in the primary school

When Grade R educators are transferred by the employer from pre-primary schools to primary schools, the terms and conditions should still be fair, and job security as a result of the transfer should not be under threat. Open dialogue on the transfer and related matters should be facilitated at both school and departmental level.

An uncertain policy environment can be minimised by the dissemination of ample information regarding Grade R policy in primary schools, while continuing dialogue on policy changes with teachers' unions and other stakeholders such as district offices may enhance security.

7.4.5.2 Policy frameworks: Qualification requirements

No person without the required qualifications should be appointed as a Grade R educator, seeing that inappropriately qualified educators may harm the image of Grade R in society and damage their own reputation.

Qualification requirements must be stipulated in legislation and be applied for employment in both public and independent schools.

Clear communication on qualification requirements must be articulated by the employer, and this information should be disseminated by teachers' unions.

The gap between Grade R training and practice must be reduced by ensuring that training institutions and lecturers keep in touch with practice and changes in policy and that undergraduate students have exposure to different educational settings.

Lecturers involved with the training of Grade R educators must have sufficient teaching experience and must also be education experts in addition to being academics.

The curriculum used in the training of Grade R educators should include a basic knowledge of the law, including those provisions in statutes specifically applicable to the Grade R educator's work-life.

Before prospective students can be trained for Grade R, they should be subjected to selection. In this way, both their academic abilities and personality traits can be duly assessed: A person found not to be suitable as an educator involved with small children must be excluded from Grade R education.

7.4.5.3 Policy frameworks: Practitioner:learner ratio

Consideration should be given to the exclusion of Grade R from the provisions relating to enrolment per educator that apply to older learners. The draft policy on universal access to Grade R, which suggests a practitioner:learner ratio of 30:1, should be adjusted to 24:1 in order to realise an effective Grade R programme and to be consistent with international requirements in this regard.

7.4.6 Propositions regarding the implementation and execution of policy

The void between policy-makers and ground-level executors of policy can be reduced by giving priority to dialogue at all levels. Dialogue can address the lack of understanding of the school context for which policy is set and can promote effective policy implementation. Specific opportunities can be created to debate policy at a professional level without the threat of victimisation. When a spirit of open dialogue takes root in an educational area, the separation between policy-maker and policy

executor can be countered. The freedom to express opinions can benefit the policy-maker, educator and ultimately the learner.

In-service training regarding education-related legislation in the form of short courses offered by universities, designed specifically for Grade R educators and principals, can offer the basic legal knowledge educators need. Similar one-day courses may be organised by teachers' unions and aimed at a broader audience, which should include departmental officials. This basic legal knowledge will help to protect participants and restrict power abuse by overseers, who may be ignorant in presenting policy as legislation.

7.4.7 Propositions regarding the interpretation of policy and the teaching approach

Knowledgeable subject advisors, with appropriate training and specifically with experience of Grade R teaching, must be appointed. These persons can help educators and principals to interpret the Grade R curriculum and to apply it within different school contexts in an appropriate manner.

Professional learning communities through which Grade R educators can support each other in the interpretation of curriculum policy and related teaching issues should be encouraged in each school district. This can be facilitated by a knowledgeable subject advisor.

The narrow focus on subject-related outcomes for Grade R at the expense of holistic education and a play-based approach should be avoided, and principals must be informed about appropriate expectations in this area.

Universities can produce a series of videos to illustrate the play-based, holistic approach to teaching. These videos should be made available on the National Education Department's website and free access for all educators should be granted.

Policy on assessment in Grade R to gain admission to Grade 1 should be reviewed. The policy is based on an assumption that all children have access to Grade R. It takes no heed of the real state of affairs on the ground level.

Evaluative research, qualitative as well as quantitative, on the nature and effectiveness of assessment methods in Grade R can be undertaken within a variety of school contexts. Such research could lead to a review of policies regarding assessment. During this review, consideration should be given to feedback and recommendations from Grade R educators who refined the assessment policy and effectively adapted it to their respective contexts.

7.4.8 Propositions concerning ignorance versus knowledge

Several conclusions were based on the ignorance or knowledge of various role-players in Grade R education, such as employers, principals, governing bodies, subject advisors, departmental officials and Grade R educators.

The state as employer should appoint policy-makers at national level who encourage and appreciate inputs by other stakeholders. In this way, policy requirements that are experienced as unrealistic at execution level due to ignorance and lack of contact with the school contexts can be reduced and addressed.

Given the important role that principals play in the working life of the Grade R educator, and the scientific nature of Grade R teaching, consideration should be given to the training of principals through a short course offered by universities regarding Grade R prior to instituting a Grade R class in the particular school. Principals must demonstrate that they have completed such a course before a Grade R class is allowed. Principals who already have a Grade R class at their schools should receive mandatory training on the management and monitoring of Grade R at a primary school. An informed principal can ensure that the governing body is aware of their responsibility to support the Grade R educator in the performance of her professional duty and to support quality education for all learners, as required by section 20 (1) of the South African Schools Act 84 of 1996 (SA, 1996c).

The quest for increased knowledge and skills concerning the Grade R domain at district level requires firstly that knowledgeable, Grade R-specific subject advisers who are established teaching experts be appointed. Furthermore, the role of subject advisors in Grade R should be reconsidered: They should assume an advisory and coaching role rather than an evaluative and monitoring role. Monitoring of

kindergarten teaching is an international requirement for quality education but should rather be undertaken by other expert role players.

The Grade R educator's knowledge of labour law and constitutional issues, as well as aspects of delictual liability, is not an optional matter. This study has shown that a basic knowledge of the law is an integral part of professional security and offers protection to both educator and learner. In the Grade R professional domain, in-depth knowledge is required in order to interpret policies effectively and to apply these to sound pedagogy within the specific school context. Knowledge on all levels of Grade R education protects and empowers. Ignorance, however, does not only leave the educator and other stakeholders vulnerable before the law but can also jeopardise the potential of an entire programme.

7.5 Recommendations for further research

Conclusions and propositions were limited to the focus on the specific participant group in the Tlokwe and Matlosana areas in the North-West Province. The suggestions for further research to follow also originated from the focus on this specific participant group. The following aspects may be considered for further research, which can either be done qualitatively or quantitatively, or by utilising a mixed-methods approach. I presume that statistics and findings derived from an extended, large-scale survey might persuade policy-makers on a national level to change their approach to policy development. They might not be convinced by the recommendations based on a small-scale qualitative study, where the need and purpose were to gain a deeper understanding of the phenomenon rather than to generalise. The following suggestions for further research should be viewed in that light:

- An investigation into the legal expertise of principals and Grade R educators in the areas of constitutional rights, labour law and the common law;
- Based on above recommendation, training materials for principals, Grade R educators and undergraduate students on legal knowledge that would specifically empower the Grade R educator and principal should be developed. Participatory action research might be used for this so that there is direct contact with practice;

- Research on the training of Grade R educators for diverse school contexts in South Africa will support training institutions to increase the effectiveness of their training. Different modes of delivery in training can be examined to adapt to students' needs;

- To promote professional security, the utilisation of a consultant team for Grade R may be investigated. Such a team, consisting of a teaching expert, occupational therapist and a principal, may support departmental officials and could be invited to visit schools; and

- Seeing that it was found that learners who have not yet mastered the language of instruction must be made language proficient in Grade R, research is urgently needed on scientific strategies to support educators in this regard.

7.6 Contributions of the study

The contribution of the study will be discussed with regards to, first, the discipline Education Law theory and, second, the research unit within the Faculty of Education Sciences.

7.6.1 The discipline of Education Law theory

Since a dearth in Education Law research with ECD as a focus has been identified, specifically from a labour law perspective, the contribution of this study was to develop this focus. To my knowledge, only two research studies in the field of ECD with a labour law perspective have been conducted within Education Law in South Africa. Neither of these included the impact of ECD policy such as the newly implemented curriculum.

Furthermore, this specific focus was researched from the viewpoint of five carefully selected legal disciplines. These disciplines each provided a perspective on professional security that is typical and characteristic of the respective disciplines. This can be regarded as a notable contribution towards both the research fields of ECD and Education Law.

7.6.2 The research unit

This study falls within the research focus and field of Education Law and is registered as one sub-project within the overarching registered project: *Educator security and educator rights within a changing education environment.* This project forms part of the Edu-HRight Research Unit within the Faculty of Education Sciences at the Potchefstroom Campus of the North-West University. The study was aimed at contributing towards the existing corpus of knowledge on educator security and, more specifically, the professional security of grade R educators. The basic point of departure was employment issues which form part of Labour Law.

7.7 Limitations of the study

Some people may argue that a qualitative study, due to the limited size of the number of participants as compared to a large-scale quantitative inquiry, might be considered a limitation. Such an argument, however, is not valid since it disregards the real purpose of qualitative research and shows ignorance of its exact nature. In this study, the philosophical underpinning theory and methodology of qualitative research were strictly adhered to. The purpose of the qualitative empirical study was achieved, namely to understand and describe professional security more effectively, as it is experienced by Grade R participants.

The fact that participants from diverse backgrounds had to express themselves in their second language may be described as a limiting factor in the study. During observation, I spent long periods of time with educator-participants in their classes and aspired to build a comfortable relationship between researcher and participant. Enough time was spent on interviews, and these were conducted in a calm environment. In two cases, interviews were conducted with parents (members of governing bodies) in their private homes, which also resulted in a better relationship and greater understanding.

7.8 Concluding remarks

The five objectives of this study were achieved and completed. Important insights emerged from the literature reviews regarding ECD policy and the legal framework for professional security. The empirical research highlighted the variety of school contexts and associated challenges for and benefits of Grade R teaching within

these contexts. The nature of the phenomenon professional security, as different participants gave meaning to it, has been confirmed as a fundamental element of quality teaching. The prominent theme of knowledge versus ignorance exposed the gaps and shortcomings in both policy implementation and the application of the law. It also underlined the necessity for increased knowledge and skills in both areas. It became clear that the actual status of Grade R educators as professional subject specialists and experts needs to be recognised. Grade R education deserves much greater prominence in order to allow the reception year to take its rightful place in Early Childhood Development.

The acknowledgement of educators' professional security as one determining construct not to be overlooked during policy implementation could contribute to an effective workforce. The Grade R educator's professional security is rooted, among others, in the fair application of legal principles, the proper management of psychological issues in the workplace and increased knowledge of the foundations of early childhood education as a domain.

List of references

ACT see South Africa

Alexandrowitz, J.P., Barbini, D. & Hines, M. 2010. The legal framework for the Early Learning Program. *Education Today*. http://www.hicksmorley.com/images/pdf/2010/opsba_summer2010_vol22_no2_rev2.pdf Date of access: 12 April 2011.

Anon. 2003. The Constitution and the Bill of Rights. http://www.paralegaladvice.org.za/docs/chap01/05.html Date of access: 9 July 2009.

Anon. 2006. The kindergarten program. http://www.edu.gov.on.ca/eng/curriculum/elementary/kindercurrb.pdf Date of access: 15 April 2013.

Arendse, L. 2011. The obligation to provide free basic education in South Africa: an international law perspective. *Potchefstroom Electronic law journal*, 14(6):97-127.

Atchoarena, D. & Gasparini, L., *eds*. 2003. Education for rural development: towards new policy responses. A joint study conducted by FAO and UNESCO. Rome: Food and Agriculture Organization of the United Nations.

Atmore, E. 2010. Quality early childhood development programmes vital for better schooling. *Cape Times:* 25*,* 11 Jan.

Babbie, E. & Mouton, J. 2007. The practice of social research. 8th ed. Cape Town: Oxford University Press. (South African edition.)

Bakhtin, M.M. 1986. Speech genres and other late essays. Austin, Tex.: University of Texas Press.

Bakhtin, M.M. & Holquist, M. 1981. The dialogical imagination: four essays. Austin, Tex.: University of Texas Press.

Ball, S. 1994. Education reform: a critical and post-structural approach. Buckingham, UK: Open University Press.

Barber, M. & Mourshed, M. 2009. How the world's best performing school systems came out on top. London: McKinsey.

Barnett, W.S. 2008. Preschool education and its lasting effects: research and policy implications. [East Lansing, Mich.]: Great Lakes Center for Education Research & Practice.

Barnett, W.S. 2011. Effectiveness of early educational intervention. *Science*, 333:975-978.

Barnett, W.S. & Masse, L.N. 2007. Comparative benefit-cost analysis of the Abecedarian program and its policy implications. *Economics of education review,* 26(3):113-125.

Bartlette, N.M. 2013. Opvoeder sekuriteit en ernstige wangedrag van leerders: 'n arbeidsregtelike perspektief. Potchefstroom: North-West University. (Dissertation - MEd.)

Bascia, N. & Rottmann, C. 2011. What's so important about teachers' working conditions? The fatal flaw in North American education reform. *Journal of education policy*, 20(6):787-802.

Beckmann, J. & Bray, W. 2000. The educator employment relationship: a constitutional and legislative overview. (*In* Beckmann, J., *ed*. Engaging the law and education in a transforming society: a chronicle of the South African Law and Policy Association (SAELPA), part 1: 1996-2002. Pretoria: SAELPA. p. 427-442.)

Bendix, S. 2010. Industrial relations in South Africa. Kenwyn: Juta.

Bennett, J. 2005. Curriculum issues in national policy-making. *European early childhood education research journal,* 13(2):5-23.

Bergh, Z. 2006. Work adjustment and maladjustment. (*In* Bergh, Z. & Theron, A. Psychology in the work context. 3rd ed. Cape Town: Oxford University Press. p. 432-458.)

Bergman, M. 2012. African Doctoral Academy. Winter School in social science methods, 25 June - 6 July 2012. Stellenbosch: Stellenbosch University.

Berlach, R.G. 2011. The cyclical integration model as a way of managing major educational change. *Education research international*, Article ID 963237:8.

Berliner Cohen, J.H. 2010. The ABCs of duty: educational malpractice and the functionally illiterate student. *Golden gate university law review*, 8(2):293-315.

Berlinski, S., Galiani, S. & Gertler, P. 2009. The effect of pre-primary education on primary school performance. *Journal of public economics*, 93:219-234.

Berry, C. 2006. Learning opportunities for all: pedagogy in multigrade and monograde classrooms in the Turks and Caicos Islands. (*In* Little, A.W., *ed*. Education for all and multigrade teaching: challenges and opportunities. Netherlands: Springer. p. 27-46.)

Bertram, C. 2011. Rushing curriculum reform again. *Mail and Guardian*: 39, 9 Jun.

Biersteker, L. 2010. Scaling-up early childhood 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. (Working paper 17.)

Botha, P., Smit, M. & Oosthuizen, I.J. 2009. The educator as caring supervisor. (*In* Oosthuizen, I.J., *ed*. Aspects of education law. 4th ed. Pretoria: Van Schaik. p. 185-211.)

Bourbon, J. 2008. The future of public service: a search for a new balance. *Australian journal of public administration*, 67(4):390-404.

Bray, W. & Tladi, D.D. 2008. Early childhood development and the law. (*In* Meier, C. & Marais, P., *eds.* Education management in early childhood development. Pretoria: Van Schaik. p. 40-69.)

Bredekamp, S. 2011. Effective practices in early childhood education: building a foundation. Boston, Mass.: Pearson.

Britto, P.R., Boller, K. & Yoshikawa, H. 2011. Quality of Early Childhood Development Programs in global contexts: rationale for investment, conceptual framework and implications for equity. *Social policy report*, 25(2):1-23.

Brock, A. 2013. Building a model of early years professionalism from practitioners' perspectives. *Journal of early childhood research* 11(1):27-44.

Burger, K. 2010. How does early childhood care and education affect cognitive development? An international review of the effects of early interventions for children from different social backgrounds. *Early childhood research quarterly,* 25:140-165.

Cambridge International Dictionary of English. 1995. Cambridge: University Press.

Carnes, G. & Albrecht, N. 2007. Academic and social-emotional effects of full-day kindergarten: the benefits of time. *Emporia state research studies,* 43(2):64-72

Center on the Developing Child at Harvard. 2007. http://developingchild.harvard.edu/search/?cx=001599101917928556767%3Acfzjkqwnev8&cof=FORID%3A9&ie

=UTF-8&q=skilled&sa=Search&siteurl=developingchild.harvard.edu%2Ftopics%2Fglobal_child_development%2F&ref=developingchild.harvard.edu%2F&ss=1320j371520j7 Date of access: 30 October 2011

Christie, P. 2010. The complexity of human rights in global times: the case of the right of education in South Africa. *International journal of education development*, 30:3-11.

Clasquin-Johnson, M.G. 2011. Responses of early childhood teachers to curriculum change in South Africa. Pretoria: University of Pretoria. (Thesis - PhD.)

Cleveland, G., Corter, C., Pelletier, J., Colley, S. & Bertrand, J. 2006. A review of the state of the field early childhood learning and development in child care, kindergarten and family support programs. http//www.ccl-cca.ca/pdfs/StateOf Field/SFREarly ChildhoodLearning.pdf Date of access: 3 October 2009.

Click, P. 2004. Administration of programmes for young children. 6th ed. Clifton Park, N.Y.: Thomson/Delmar Learning.

Cochran, M. 2011. International perspectives on early childhood education. *Educational policy*, 25(1):65-91.

Colditz, P. 2003. Die omvang en trefwydte van artikel 60 van die Suid-Afrikaanse Skolewet, Wet 84 van 1996. http://fedsas.org.za/downloads/20_25_12 Artikel% 2060%20van%20SA%20 Skolewet.pdf Date of access: 4 October 2011.

Colditz, P. 2011. (admin@fedsas.org) 7 August 2011. Policy is not law. E-mail to: Rossouw, M.C. (margaret.rossouw@nwu.ac.za).

CONSTITUTION see South Africa

Cooper, H., Allen, A.B., Patall, E.A. & Dent, A.L. 2010. Effects of full-day kindergarten on academic achievement and social development. *Review of educational research* 80(1):34-70.

Copple, C.E. & Bredekamp, S., *eds*. 2009. Developmentally appropriate practice in early childhood programs serving children from birth through age 8. 3rd ed. Washington, D.C.: National Association for the Education of Young Children.

Corbin, J. & Strauss, A. 2007. Basics of qualitative research: techniques and procedures developing grounded theory. 3rd ed. Thousand Oaks, Calif.: Sage.

Cornell, D. 2010. Is there a difference that makes a difference between uBuntu and dignity? *SA public law*, 25(2):382-399.

Creswell, J.W. 2003. Research design: qualitative, quantitative and mixed method approaches. 2nd ed. Thousand Oaks, Calif.: Sage.

Creswell, J.W. 2013. Qualitative inquiry and research design: choosing among five approaches. 3rd ed. London: Sage.

Currie, I. & De Waal, J. 2005. The Bill of Rights Handbook. 5th ed. Claremont: Juta.

Datnow, A. & Park, V. 2006. Conceptualizing policy implementation: large-scale reform in an era of complexity. (*In* Sykes, G., Schneider, B. & Plank, D., *eds*. Handbook of education policy research. New York: Routledge. p. 348-361.)

Day, C. & Smethem, L. 2009. The effects of reform: have teachers really lost their sense of professionalism? *Journal for educational change*, 10(2-3):141-157.

De la Harpe, S.P. le R. 2006. Kontraktereg. Potchefstroom: North-West University. (Study guide - LLB. 313A.)

De Wet, C. 2011. The professional lives of teacher victims of workplace bullying: a narrative analysis. *Perspectives in education*, 29(4):66-77.

De Witt, M.W. 2009. "The young child in context." A thematic approach: perspectives from educational psychology and sociopedagogics. Pretoria: Van Schaik Publishers.

Delaney, J.G. 2002. Educational policy studies: a practical approach. Callgary, Alberta: Detselig Enterprises. 129 p.

Denzin, N.K. & Lincoln, Y.S. 2011. Introduction: the discipline and practice of qualitative research. (*In* Denzin, N.K. & Lincoln, Y.S., *eds*. The SAGE handbook of qualitative research. Thousand Oaks, Calif.: Sage. p. 1-20.)

Dhuey, E. 2011. Who benefits from kindergarten? Evidence from the introduction of state subsidization. *Educational evaluation and policy analysis*, 33(1):3-22.

Dinham, S. & Scott, C. 2000. Moving into the third, outer domain of teacher satisfaction. *Journal of educational administration*, 38(4):379-396.

Dollard, M.F. & Bakker, A.B. 2010. Psychosocial safety climate as a precursor to conducive work environments, psychological health problems and employee engagement. *Journal of occupational and organizational psychology*, 83:579-599.

Donald, D., Lazarus, S. & Lolwa, P. 2006. Education psychology in school context. Oxford: Oxford University Press.

Durlak, J.A. & DuPre, E.P. 2008. Implementation matters: a review of research on the influence of implementation on program outcomes and the factors affecting implementation. *Journal for community psychology,* 41:327-350.

Dworkin, R. 1991. Law's empire. London: Fontana Press.

Edmondson, A. 1999. Psychological conditions of personal engagement and disengagement at work. *Administrative science quarterly*, 44:350-383.

ELECT. 2009. *Early Learning for Every Child Today* http://www.children.gov.on.ca/htdocs/English/topics/earlychildhood/early_learning_for_every_child_today.aspx Date of access: 3 December 2011.

Elkind, D. 1986. Miseducation: preschoolers at risk. New York: Knopf.

Elmore, R.F. 1979. Backward mapping: implementation research and policy decisions. *Political science quarterly*, 94(4):601-616.

Erikson, E. 1977. Childhood and society. St. Albans: Triad/Paladin.

Essa, E.L. 2011. Introduction to early childhood education. 6th ed. Belmont, Calif.: Wadsworth, Cengage Learning.

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

Fontana, A. & Frey, J.H. 2005. Interviewing: the art of science. (*In* Denzin, N.K. & Lincoln, Y.S. The Sage handbook of qualitative research. Thousand Oaks, Calif.: Sage. p. 701-717.)

Fredericks, I. 2009. Nearly half Grade R teachers undertrained. *Cape Argus,* 9 July.

Fredman, S. 2007. The positive right to security. (*In* Goold, B.J. & Lazarus, L. Security and human rights. Portland, Oreg.: Hart Publishing. p. 307-324.)

Futernick, K. 2010. Incompetent teachers or dysfunctional systems: reframing the debate on teacher quality and accountability. New York: Teachers' Network.

Gall, M.D., Gall, J. & Borg, W.R. 2007. Educational research: an introduction. 8th ed. Boston, Mass.: Pearson.

Ginsberg, R. & Cooper, B.S. 2008. Introduction: what's fear got to do with it? *Education policy,* 22(1):5-8.

Goldstein, L.S. 2008. Kindergarten teachers making "street level" education policy in the wake of No Child Left Behind. *Early education and development*, 19(3):448-478.

Gordon, A.M. & Browne, K.W. 2011. Beginnings and beyond: foundations in early childhood education. 8th ed. Belmont, Calif.: Wadsworth.

Graue, M.E. & Walsh, D.J. 1999. Studying children in context: theories, methods, and ethics. Thousand Oaks, Calif.: Sage.

Gray, D.E. 2004. Doing qualitative research in the real world. London: Sage.

Grogan, J. 2009. Workplace law. 10th ed. Cape Town: Juta.

Harms, T., Clifford, R.M. & Cryer, D. 2005. Early childhood environment rating scale. Rev. ed. New York: Teachers College Press.

Hatch, J.A. 2002. Doing qualitative research in education settings. Albany, N.Y.: State University of New York Press.

Heidegger, M. 1960. Essays on metaphysics. New York: Philosophical Library.

Helmer, J., Bartlett, C., Wolgemuth, R. & Lea, T. 2011. Coaching (and) commitment: linking ongoing professional development, quality teaching and student outcomes. *Professional development in education*, 37(2):197-211.

Higgins, M., Ishimaru, A., Holcombe, R. & Fowler, A. 2012. Examining organisational learning in schools: the role of psychological safety,

experimentation, and leadership that enforces learning. *Journal of educational change*, 13:67-94.

Hoexter, C. 2002. The new constitutional and administrative law. Volume 11. Administrative law. Landsdowne: Juta Law.

Hoexter, C. 2012. Administrative law in South Africa. Claremont: Juta and Company Ltd.

Howes, C., Hamre, B.K. & Pianta, R.C., *eds*. 2012. Effective early childhood professional development: improving teacher practice and child outcomes. Baltimore, Mass.: Brookes Publishing.

IMF **see** International Monetary Fund (IMF)

International Monetary Fund. 2011. World Economic Outlook (WEO) Report. Tensions from the two-speed recovery: unemployment, commodities and capital flows. Washington: International Monetary Fund. http://www.imf.org/external/pubs/ft/ar/2011/eng. Date of access: 18 April 2014.

Ivankova, N.V., Creswell, J.W. & Stick, S.L. 2006. Using mixed-method sequential explanatory design: from theory to practice. *Field methods*, 18(1):3-20.

Jansen, J.D. 2002. Political symbolism as policycraft: explaining non-reform in South African education after apartheid. *Journal of education policy*, 17(2):199-215.

Jansen, J.D. 2007. The language of research. (*In* Maree, K., *ed*. First steps in research. Pretoria: Van Schaik. p. 15-22.)

Jaruszewicz, C. & White, M.J. 2009. The teachergarten: creating an environment conducive to meaningful teacher growth. *Early childhood education journal*, 37:171-174.

Joubert, J. 2010. Multi-grade teaching in South Africa. Commonwealth education partnerships. http://www cedol. org/ip-content/upload/2012/02/58-56-2010 pdf Date of access: 8 March 2012.

Joubert, R. 2009. Constitutional court cases and transformation of education in South Africa. (*In* Beckmann, J., *ed*. Engaging the law and education in a transforming society: a chronicle of the South African Education Law and Policy Association, part 2. South African Education Law and Policy Association. p. 1019-1047.)

Joubert, R. & Bray, E., *eds.* 2007. Public school governance in South Africa. Pretoria: Interuniversity Centre for Education Law and Policy (CELP).

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

Kagan, S.L. 2011. How do we teach for tomorrow? (*In* Gordon, A.M. & Browne, K.W. Beginnings and beyond: foundations in early childhood education. 8th ed. Belmont, Calif.: Wadsworth. p. 509-550.)

Kagan, S.L. & Kauerz, K. 2011. Making the most of kindergarten: trends and policy issues. http://www.naeyc.org/files/naeyc/file/Play/kTodayPolicy.pdf Date of access: 7 May 2011.

Kalifeh, P., Cohen-Vogel, L. & Grass, S. 2011. The federal role of early childhood education: evolution in the goals, governance and policy instruments of project Head Start. *Education policy*, 25(1):36-64.

Katz, S. & Dack, L.A. 2011. The practitioner's voice on the ECE/teacher relationship in implementing the Ontario Full-Day Early Learning Kindergarten Program, year one. Toronto: Aporia Consulting.

Kauffman, D., Moore Johnson, S., Kardos, S.M., Liu, E. & Peske, H.G. 2002. "Lost at sea": new teachers' experiences with curriculum and assessment. *Teachers college record*, 104(2):273-300.

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

Kitchen, J. & Dean, C. 2010. Professionalism, law, and the Ontario educator. Toronto: Highland Press.

Kleyn, D. & Viljoen, F. 1998. Beginnersgids vir regstudente. 2de uitg. Kenwyn: Juta.

Knudsen, E.I., Heckman, J.J., Cameron, J.L. & Shonkoff, J.P. 2006. Economic, neurobiological, and behavioral perspectives on building America's future workforce. *Proceedings of the National Academy of Sciences,* 103(27):10155-10162.

Krauss, S.E. 2005. Research paradigms and meaning making: a primer. *Qualitative report,* 10(4):758-770.

Krueger, R.A. 1998. Developing questions for focus groups: focus group kit 3. London: Sage.

Kruger, C. 2011. Noodsaaklike gr R nog lang pad weg: departement gaan nie eens mikpunt vir 2014 haal, sê kenner. *Rapport*: 13, 10 July.

Kvale, S. & Brinkmann, S. 2009. Interviews: learning the craft of qualitative research interviewing. London: Sage.

Latakgomo, J. 2012. Fragile human rights need all our citizens to defend them. *Sunday Times:* 4, 25 March.

Le Roux, C.S. & Mokhele, P.R. 2011. The persistence of violence in South Africa's schools: in search of solutions. *Africa education review*, 8(2):318-335.

Leedy, P.D. & Ormrod, J.E. 2005. Practical research: planning and design. 8th ed. Upper Saddle River, N.J.: Prentice Hall.

Leithwood, K. 2006. Teacher working conditions that matter: evidence for change. Toronto: Elementary Teachers' Federation of Ontario.

LexisNexis. s.a. Rule of law. http://www.lexisnexis.co.za/about-us/rule-of-law Date of access 12 Sept 2011

Liebenberg, S. 2005. The value of human dignity in interpreting socio-economic rights. *South African journal on human rights*, 2:1-31.

Lincoln, Y.S. & Guba, E.G. 1985. Naturalistic inquiry. Beverly Hills, Calif.: Sage.

Little, A.W. 2005. Learning and teaching in multigrade settings. (Background paper for UNESCO. EFA Global Monitoring Report 2005: The Quality Imperative.)

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 quality in state-funded pre-kindergarten programs and associations with teacher, program, and classroom characteristics. *Early childhood research quarterly*, 22:3-17.

Mac Naughton, G. 2003. Shaping childhood. Berkshire: Open University Press.

Malherbe, R. 2004. A constitutional perspective on the rights and duties of learners and educators. (*In* Beckmann, J., *ed*. Engaging the law and education in a transforming society: a critical chronicle of the South African Education Law and Policy Association. Pretoria: SAELPA. p. 875-907.)

Maree, K., *ed*. 2007. First steps in research. Pretoria: Van Schaik.

Marx, R. 2013. ’n Onderwysregtelike perspektief op regsaanspreeklikheid van onderwyser-afrigters in skolerugby. Potchefstroom: North-West University. (Dissertation - MEd.)

Maslow, A.H., Frager, R. & Cox, R., *eds*. 1970. Motivation and personality, v. 2 New York: Harper & Row.

McCain, M.N., Mustard, J.F. & Shanker, S. 2007. Early years study 2: putting science into action. Toronto: Council for Early Child Development.

McCowan, T. 2010. Reframing the universal right to education. *Comparative education*, 46(4):509-525.

McLaughlin, M.W. 1987. Learning from experience: lessons from policy implementation. *Education evaluation and policy analysis,* 9(2):171-178.

McMillan, J.H. & Schumacher, S. 2010. *Research in education: a conceptual introduction*. Seventh Edition. New York: Pearson.

McPhee, A.D. & Patrick, F. 2010. The pupils will suffer if we don’t work: teacher professionalism and reactions to policy change in Scotland. *Educational review,* 41:86-96.

Melhuish, E.C., Sylva, K., Sammons, P., Siraj-Blatchford, I., Taggard, B., Phan, M.B. & Malin, A. 2008. Preschool influences on mathematics achievement. *Science*, 321:112-123.

Merriam, S.B. 2002. Qualitative research in practice: examples for discussion and analysis. San Francisco, Calif.: Jossey-Bass.

Miller, E. & Almon, J. 2009. Crisis in kindergarten: why children need to play in school. College Park, Md.: Alliance for Childhood.

Milligan, C. 2012. Full-day kindergarten effects on later academic success. *SAGE open*, 2(1):11.

Mokgoro, J.Y. 1997. Ubuntu and the law in South Africa. (Paper delivered at the First Colloquium of Law at Potchefstroom on 31 October 1997.)

Moravcik, E. & Feeny, S. 2009. Curriculum in early childhood education: teaching the whole child. (*In* Feeny, S, Galper, A. & Seefeldt, C., *eds*. Continuing issues in early childhood education. Upper Saddle River, N.J.: Merrill. p. 219-237.)

Motala, S., Dieltiens, V. & Sayed, Y. 2009. Physical access to schooling in South Africa: mapping dropout, repetition and age-grade progression in two districts. *Comparative education*, 45(2):251-263.

Motala, S., Dieltiens, V., Carrim, N., Kgobe, P., Moyo, G. & Rembe, S. 2007. Educational access in South Africa: country analytic review. Project Report. Falmer, UK.: Consortium for Research on Educational Access, Transitions and Equity (CREATE).

Nason, P. & Whitty, P. 2007. Bringing action research to the curriculum development process. *Education action research*, 15(2):271-281.

National Association for the Education of Young Children (NAEYC). 2005. Early childhood program standards and accreditation criteria: the mark of quality in early childhood education. Washington, D.C.: NAEYC.

Neethling, J., Potgieter, J.M. & Visser, P.J. 2010. Deliktereg. 6de uitg. Durban: LexisNexis.

Neumerski, C.M. 2013. Rethinking instructional leadership, a review: what should we know about principal, teacher and coach and instructional leadership, and where do we go from here? *Educational administration quarterly,* 49(2):310-347.

Nieuwenhuis, J. 2007. Introducing qualitative research. (*In* Maree, K., *ed*. First steps in research. Pretoria: Van Schaik. p. 47-66.)

Nores, M. & Barnett, W.S. 2010. Benefits of early childhood interventions across the world: (under) investing in the very young. *Economics of education review*, 29(2):271-282.

O'Donoghue, T. 2007. Planning your qualitative research project: an introduction to interpretivist research in education. London: Routledge.

Odendal, F.F. & Gouws, R.H. 2005. HAT: verklarende handwoordeboek van die Afrikaanse taal. Cape Town: Pearson Education South Africa.

Olivier, M.P. 2005. Impact of the Constitution on labour law and employment in South Africa. (*In* Slabbert, J. *et al*. Managing employment relations in South Africa. Durban: LexisNexis, Butterworths.)

Onnismaa, E-L. & Kalliala, M. 2010. Finnish ECE policy: interpretations, implementations and implications. *Early years*, 30(3):267-277.

Ontario. Ministry of Education. 2010. With our best future in mind. http://www. ontario.ca/en/initiatives/early_learning/ONT06_018876 Date of access: 15 May 2011.

Oosthuizen, I,J., Rossouw, J.P. & De Wet, A. 2011. Die onderwyser as sorgsame toesighouer. (*In* Oosthuizen, I.J., Rossouw, J.P & De Wet, A. Inleiding tot die ondewysreg. Pretoria: van Schaik. p. 93-114.)

Oosthuizen, I.J. 2003. Geborgenheid as 'n *sine qua non* vir die onderwys. (*In* Oosthuizen, I.J., Rossouw, J.P. & De Wet, A. Inleiding tot die onderwysreg. Pretoria: Van Schaik. p. 1-14.)

Oosthuizen, I.J. 2013. Die positivering van geborgenheid met die oog op 'n meer gedissiplineerde onderrig-leeromgewing. *Koers*, 78(3):1-7.

Oosthuizen. I.J., *ed.* 2009. Aspects of education law. 4th ed. Pretoria: Van Schaik.

Osgood, J. 2012. Narratives from the nursery: negotiating professional identities in early childhood. London: Routledge.

Pascal, C.E. 2009. With our best future in mind: Implementing early learning in Ontario. Toronto: Government of Ontario.

Patton, M.Q. 2002. Qualitative research and evaluation methods. Thousand Oaks, Calif.: Sage.

Penuel, W., Fishman, B.J., Gallagher, C.K. & Lopez-Prado, B. 2008. Is alignment enough? Investigating the effects of state policies and professional development on science curriculum implementation. *Science education*, 93(4):656-677.

Peyper, L. 2010. Peiling wys SA skoolstelsel is 4de swakste ter wêreld. *Beeld: 5,* 25 Aug.

Piaget, J. 1994. Piaget rediscovered. (*In* Ripple, R.E. & Rockcastle, V.N., *eds*. Development and learning. Ithaca, N.Y.: Cornell University Press. p. 7-20.)

Pianta, R.C., Laparo, K.M. & Hamre, B.K. 2007. Classroom assessment scoring system (CLASS). Baltimore, Md.: Paul H. Brookes.

Pieczka, M. & Escobar, O. 2010. Dialogue: innovation in policy making and the discourse of engagement. (60th Annual Conference of the Political Studies Association, Edinburgh, 29 March - 1 April.)

Pons, A. & Deale, P. 2001. Labour relations handbook. Kenwyn: Juta.

Potgieter, M. 2010. Wes-Kaapse kenners verwelkom nuwe onderwysplanne. http://afrikaans.news24.com/Suid-Afrika/Nuus/Wes-Kaapse-kenners-verwelkom-nuwe-onderwysplanne-20100707-2 Date of access: 21 April 2012.

Ransford, C.R., Greenberg, M.T., Domitrovich, C.E., Small, M. & Jacobson, L. 2009. The role of teachers' psychological experiences and perceptions of curriculum supports on the implementation of a school and emotional learning curriculum. *School psychology review*, 38(4):510-532.

Rau, N. & Li, H. 2009. Quality matters: early childhood education policy in Hong Kong. *Early childhood development and care*, 179(3):233-245.

Ray, K. & Smith, M.C. 2010. The kindergarten child: what teachers and administrators need to know to promote academic success in all children? *Early childhood education*, 38:5-18.

Reyneke, J.M. 2010. Dignity: the missing building block in South African schools? *Journal for juridical science, Special Issue* 1:71-105.

Reynolds, A.J., Temple, J.A., Ou, S-R., Arteaga, I.A. & White, B.A.B. 2011. School-based early childhood education and age-28 well-being: effects by timing, dosage and subgroups. *Science,* 333(6040):360-364.

Richardson, L. 2000. Writing: a method of inquiry. (*In* Denzin, N.K. & Lincoln, Y.S., *eds*. Handbook of qualitative research. 2nd ed. Thousand Oaks, Calif.: Sage. p. 920-934.)

Rodd, J. 2006. Leadership in early childhood. 3rd ed. New York: Open University Press.

Roos, M.C., Oosthuizen, I.J. & Smit, M.H. 2009. Legislation. (*In* Oosthuizen, I.J., Roos, M.C., Rossouw, J.P. & Smit, M.H. Aspects of education law. Pretoria: Van Schaik. p. 58-103.)

Rosekrans, K. 2006. Using participatory research and informed dialogue to influence education policy: lessons from El Salvador. *Journal of education for international development*, 2(2):1-14.

Rossouw, J.P. 2004. Labour relations in education: a South African perspective. Pretoria: Van Schaik.

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

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

Rossouw, M.C. 2011. 'n Arbeidsregtelike perspektief op die werksvervulling van die graad R-opvoeder. Potchefstroom: North-West University. (Dissertation - MEd.)

Royalty, A.B. 2008. Estimating workers' marginal valuation of employer health benefits: would insured workers prefer more health insurance or higher wages? *Journal of health economics*, 27:89-108.

Rutherford, R.M. 2007. The role of brain dominance in the maintenance of learner discipline. Potchefstroom: North-West University. (Dissertation - MEd.)

Rutherford, R.M. 2009. A creative developmental model to enhance educator security: a labour law perspective. Potchefstroom: North-West University. (Thesis - PhD.)

SA **see** South Africa

Sargent, T. & Hannum, E. 2005. Keeping teachers happy: job satisfaction among primary school teachers in rural Northwest China. *Comparative education review*, 49(2):173-204.

Save the Children. 2012. Laying the foundations: early childhood care and development. London: Save the Children International.

Sayed, Y. & Ahmed, R. 2011. Education quality in post-apartheid South African policy: balancing equity, diversity, rights and participation. *Comparative education*, 47(1):103-118.

Schneider, B., Macey, W.H., Barbera, K.M. & Young, S.A. 2010. The role of trust in understanding employee engagement. (*In* Albrecht, S.L., ed. Handbook of employee engagement: perspectives, issues, research and practice. Cheltenham: Edward Elgar Publishing, Inc. p. 159-173.)

Schonkhoff, J.P. 2010. Building a new biodevelopmental framework to guide the future of early childhood policy. *Child development*, 81(1):357-367.

Schweinhart, L.J. 2005. Lifetime effects: the High-Scope Perry Preschool Study through age 40. Ypsilanti, Mich.: High/Scope Press.

Scott-Little, C., Kagan, S.L. & Frelow, V.S. 2006. Conceptualisation of readiness and the content early learning standards: the intersection of policy and research? *Early childhood research quarterly*, 21(2):153-173.

Sergiovanni, T.J., Burlingame, M., Coombs, F.S. & Thurston, P.W. 1999. Educational governance and administration. 4th ed. Needham Heights, Mass.: Allyn & Bacon.

Sheridan, M., Edwards, C.P., Marvin, C.A. & Knoche, L.L. 2009. Professional development in early childhood programs: process issues and research needs. *Early educational development,* 20(3):377-401.

Shipley, D. 2008. Empowering children: play-based curriculum for lifelong learning. 4th ed. Toronto: Nelson.

Singh, P. 2013. Fear abounds in the educational environment: teachers' professional competencies in the management of knowledge. *International business & economics research journal*, 12(6):687-700.

Skaalvik, E.M. & Skaalvik, S. 2009. Does school context matter? Relations with teacher burnout and job satisfaction. *Teaching and teacher education*, 25:518-524.

Smidt, S. 2009. Key issues in early years education: a guide for students and practitioners. New York: Routledge.

Smit, M.H., Rossouw, J.P. & Malherbe, R. 2009. South Africa. (*In* Russo, C.J. & De Groof, J. The employment rights of teachers: exploring education law worldwide. Plymouth: Rowman & Littlefield. p. 189-212.)

Smit, M.H. 2009. A model for the improvement of democratic school governance in South Africa: an education law perspective. Potchefstroom: North-West University. (Thesis - PhD.)

Smit, M.H. 2013. Is that tail wagging the dog? Accountability of educators and unions. (Paper read at the International Conference of the South African Education Law Association. Muldersdrift, 9-11 September 2013.)

Smit, M.H., *ed*. 2011. Fundamentals of human rights and democracy in education: a South African perspective. Potchefstroom: COLMAR Publishers.

Sofou, E. & Tsafos, V. 2010. Preschool teachers' understandings of the national preschool curriculum in Greece. *Early childhood education journal,* 37:411-420.

South Africa. 1993a. The Occupational Health and Safety Act 85 of 1993. Pretoria: Government Printer.

South Africa. 1993b. The Compensation for Occupational Injuries and Diseases Act 130 of 1993. Pretoria: Government Printer.

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

South Africa. 1996a. The Constitution of South Africa Act 108 of 1996. Pretoria: Government Printer.

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

South Africa. 1996c. The South African Schools Act 84 of 1996. Pretoria: Government Press.

South Africa. 1996d. Regulations for safety measures at public schools. Government notice 1128 (*Government Gazette* 22754) of 12 October 2001, as amended by *Government Gazette* 29376 of November 2006.

South Africa. 1997. The Basic Conditions of Employment Act 75 of 1997. Pretoria: Government Printer.

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

South Africa. 1998b. The Domestic Violence Act 116 of 1998. Pretoria: Government Printer.

South Africa. 1998c. The Employment Equity Act 55 of 1998. Pretoria: Government Printer.

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

South Africa. 2000b. Higher Education Act 63 of 2002. Pretoria: Government Printer.

South Africa. 2000c. The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000. Pretoria: Government Printer.

South Africa. 2000d. The Promotion of Administrative Justice Act 3 of 2000. Pretoria: Government Printer.

South Africa. 2002. Higher Education Amendment Act 63 of 2002. Pretoria: Government Printer.

South Africa. 2005a. Children's Act 35 of 2005. Pretoria: Government Printer.

South Africa. 2005b. National Integrated Plan for Early Childhood in South Africa 2005-2010. Pretoria: Government Printer.

South Africa. 2011. Basic Education Laws Amendment Act 15 of 2011.

South Africa. 2010a. Department of Basic Education. Curriculum and Assessment Policy Statement. Pretoria: Department of Basic Education.

South Africa. Department of Basic Education. 2010b. Education for all (EFA) 2009 Country report: South Africa. Pretoria: Department of Basic Education.

South Africa. Department of Basic Education. 2010c. Action Plan to 2014: towards the realisation of schooling 2025. Government notice 752 of 2010. *Government Gazette*, 2 August, No. 33434.

South Africa. Department of Higher Education. 2010d. Draft policy on minimum requirements for teacher education qualifications selected from the Higher Education Qualifications Framework (HEQF). Pretoria: Department of Higher Education and Training.

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

South Africa. Department of Education. 2008. Guidelines for costing basic minimum package of Grade R inputs. Pretoria: Government Printer.

South Africa. Department of Basic Education. 2011. Draft policy on policy framework for universal access to Grade R. Pretoria: Department of Basic Education.

Spillane, P. 2004. Standard deviation: how schools misunderstand education policy. Cambridge: Mass.: Harvard University Press.

Spreen, C.A. & Vally, S. 2010. Prospects and pitfalls: a review of post-apartheid education policy research and analysis in South Africa. *Comparative education*, 46(4):429-448.

Squelch, J. 1999. An educator's guide to labour law. Pretoria: Centre for Education Law and Education Policy (CELP).

Starr, K. 2011. Principals and the politics of resistance to change. *Educational management administration & leadership*, 39(6):646-660.

Stum, D.L. 2001. Maslow revisited: building the employee commitment pyramid. Strategy and Leadership, 29:4-9.

Taole, M.J. & Mncube 2012. Learning through play: a daunting challenge for reception year teachers. (*In* Beauty and the Beast. Towards turning the tide in education. Conference Proceedings 2011. Education Association of South Africa. Cape Town: Digital Print Solution.)

Teh, M.-K. 2008. Educational malpractice: legal cases and educators' views. *Education journal*, 36(1):137-152.

Theron, A. 2006. Motivation and emotion. (*In* Berg, Z. & Theron, A. Psychology in the work context. 3rd ed. Cape Town: Oxford University Press. p. 156-207.)

Thomson, S. 2002. Harmless fun can kill someone. *Entertainment law*, 1(1):95-103.

Tozer, C.C. 2011. The development of team relationships in teacher and early childhood educator (ECE). Integrated staff teaching teams in full day every day kindergarten. Toronto: University of Toronto. (Thesis - PhD.)

Van der Berg, S., Burger, C., Burger, R., De Vos, M., du Rand, G., Gustafsson, M., Shepherd, D., Spaull, N., Taylor, S., Van Broekhuizen, H., & Von Fintel, D. (2011). Low quality education as a poverty trap. Stellenbosch: University of Stellenbosch, Department of Economics, research paper.

Van der Merwe, S., Van Huyssteen, L.F., Reinecke, M.F.B. & Lubbe, G.F. 2004. Kontraktereg: algemene beginsels. Lansdowne: Juta.

Van der Vyver, J.D. 1997. Constitutional protection of children and young persons. (*In* Robinson, J.A., *ed*. The law of children and young persons in South Africa. Durban: Butterworths. p. 265-320.)

Van Jaarsveld, S.R. & Van Eck, B.P.S. 2006. Kompendium van die Suid-Afrikaanse arbeidsreg. Durban: LexisNexis Butterworths.

Van Staden, C.J.S., Clasquin-Johnson, M. & Marais, P. 2007. Managing staff in the education of young children. (*In* Meier, C. & Marais, P., *eds*. Education management in early childhood development. Pretoria: Van Schaik. p. 72-106.)

Van Wyk, A. 2012. Grondwet is die vesting. *Beeld*: 24, 28 March.

Venter, F. 2001. Human dignity as a constitutional value: a South African perspective. Potchefstroom: North-West University. (Study guide - LLB325.)

Viljoen, T. s.a. Transparency of the legal system: there can be no rule of law unless there is access to the basic sources of law. Executive Director, LexisNexis South Africa. http://www.lexisnexis.co.za/about-us/rule-of-law/transparency.aspx Date of access: 12 September 2011.

Visser, P.J. 2005. Some thoughts on aspects of delictual liability in relation to public schools in South Africa. *Journal of education law and policy,* 217:217-224.

Warnick, B.R. & Silverman, S.K. 2011. A framework for professional ethics courses in teacher education. *Journal of teacher education,* 62(3):273-285.

Webb, P.T. & Gulsen, K.N. 2013. Policy intensions and the folds of the self. *Educational theory*, 63(1):51-67.

Webb, V. 2006. Perspektiewe op moedertaalonderrig. *Tydskrif vir geesteswetenskappe*, 46:37-50.

Wolgemuth, J., Cobb, B., Winokur, M., Leech, N. & Ellerby, D. 2006. Comparing longitudinal academic achievement of full-day and half-day kindergarten students. *Journal of education research*, 99(5):260-269.

Wolhuter, C.C. 2011. Comparative education: significance of the field. (*In* Likando, G., Wolhuter, C.C., Matengu, K. & Mushaandja, J., *eds*. Comparative education: an introduction. Noordbrug: Keurkopie. p. 35-48.)

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

Zalenski, R.J. & Raspa, R. 2006. Maslow's hierarchy of needs: a framework for achieving human potential in hospice. *Journal of palliative medicine*, 9(5):1120-1127.

Court cases

Alum-Phos (Proprietary) Limited v Spatz and Another [1997] 1 All SA 616 (W)

Association of Professional Teachers v Minister of Education [1995] 9 BLLR 29 (IC)

De Reuck v Director of Public Prosecutions (Witwatersrand Local Division) 2003 (3) SA 389 (W)

Douglas High School and another v Premier, Northern Cape, and others 1999 (4) SA 1131 (NC)

Fraser v Children's Court, Pretoria North 1997 (2) BCLR153 (CC)

Governing Body, Mikro Primary School, and another v Minister of Education, Western Cape, and others. 2005 (3) SA 504 (C)

Harksen v Lane NO 1998 (1) SA 300 (CC)

Head of Western Cape Education Dept. v Governing Body, Point High School [2008] JOL 21606 (SCA)

High School Ermelo and Another v Head of Department, Mpumalanga Department of Education and others. Unreported Case no. 30627/07 (TPD)

Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others (219/2008) [2009] ZASCA 22

In re S v M 2008 (3) 232 (CC)

Jooste v Botha 2000 (2) SA 199 (T)

Kimberley Junior School and Another v Head, Northern Cape Education Department and Others 2010 (1) SA 217 (SCA)

Klein v Dainfern College 2006 (3) SA 73 (T)

Law v Canada (Minister of Employment and Immigration) [1999] 1 SCR 479; 170 DLR (4th)

Le Roux and others v Dey (2010), Case CCT 45/10

Minister of Welfare and Population Development v Fitzpatrick and Others 2000 (3) SA 422 (CC)

Mthembu/Trans Caledon Tunnel Authority (2009) 18 CCMA

National Education Health and Allied Workers Union v University of Cape Town 2003 (3) SA 1 (CC) (NEHAWU)

Nettleship v Weston [1971] 2 Q B 691

President of the Republic of South Africa v Hugo 1997 (4) SA 1 (CC)

Prinsloo v Van der Linde, 1997 (3) SA 1012 (CC)

R v Big M Drug Mart Ltd. [1985] 1 S.C.R. 295

S v Blom 1977 (3) SA 513 A

S v Makwanyane 1995 (3) SA 391 (CC)

Settlers Agricultural High School & Another v Head of Department: Department of Education, Limpopo Province & others [2002] JOL 10167 (T)

Simela v MEC for Education, Eastern Cape. 2001(9) BLLR 1085 (LC)

Addenda

10.1 Addendum A: Interview schedule: Individual interviews, South African educators.

Interview: Individual interviews with educators

I would like to get an overall picture of Grade R teachers' work-life in general and talk about how you experience changes in policy, such as the new curriculum (CAPS). My research is on the professional security of Grade R teachers. Professional security refers to physical and psychological safety in the workplace.

1. How long have you been a Grade R teacher?
2. Where did you first teach?
3. How did it happen that you were appointed in this position?
4. Tell me about the children in your class: From which areas are the children?
3. Grade R is not yet compulsory education. Why do parents send their children to Grade R in this school? Tell me more please.
6. How do parents' aims or expectations regarding Grade R influence as you as teacher?
7. Grade R started using a new curriculum, CAPS. What is it really about? Could you elaborate?
9. The Curriculum for Grade R is now part of the curriculum of the Foundation Stage and the National Curriculum. How did this inclusion affect the professional image of the teacher, if at all?
10. Why do you think did the curriculum change? What purpose does the department / employer have with the change (CAPS)?
11. Which opportunity did educators like you have to make a contribution towards the new curriculum?
12. The curriculum has been developed nationally. Can you tell which procedure was followed to introduce it to you as teacher? (What levels of implementation was involved?)
13. Tell me about the support of the employer that you received when the curriculum changed. Tell me about the information meetings / training / discussions you attended. How did it help you?

14. Which guidance on the curriculum did you receive in the school? Tell me about the role of your head of department. What role did the principal play?

15. In which way did your trade union offer you professional support?

16. Which aspect related to the curriculum change has the greatest influence on your work-life?

17. Every profession has laws and regulations that are important for the person doing the work. SASA provides for example that children as young as four and a half years can be in Grade R. How does this provision affect you as teacher or your professional role?

18. How does the policy on employment / appointments / Grade R posts at a primary school affect you?

19. The Constitution is our country's supreme law. Tell me how rights in the Constitution influence you in your work task. (for example human dignity, equality, etc.)

21. How does the law protect the teacher?

22. How do you see professional security?

10.2 Addendum B: Interview schedule: Individual interviews, South African principals.

Interview: School principal

I would like to get an overall picture of Grade R teachers' work-life in general and will appreciate your perspective on how legislation and policy, such as the new curriculum, influence her work-life. My research is on the professional security of the Grade R educator. Professional security entails physical and psychological safety.

1. Grade R is not yet phased in at all primary schools. How did it happen that Grade R became part of this school?
2. Tell me more about the children in Grade R who come to your school: from which neighbourhoods are the children?
3. Grade R is not yet compulsory education. Why do parents send their children to Grade R in this school?
4. Is this a Section 21 school? What implications do this have for Grade R? (provision of learning and teaching support materials, equipment, extra help for cleaning work, etc.)
5. If not a Section 21 school: What implications do the fact that you are not a Section 21 school, have for Grade R? (provision of learning and teaching support materials, equipment, extra help for cleaning work, etc.)
6. I would also like to talk about the appointment of the Grade R teacher. How does it work at your school?
7. Tell me more about the Grade R teacher/s appointed under section 20 (4) of the Schools Act (so-called "governing body appointments").
8. Could you tell me more of these teachers' service contracts: how are their service conditions determined, such as salary, working hours and extra-mural duties?
9. How do educators experience the appointment process and employment conditions?
10. Departmental appointments:
    - What requirements must a Grade R teacher meet to be appointed? Why is it important to you?
    - What other teaching duties do the Grade R teacher have, over and above class instruction for Grade R?
11. Let's talk about the new curriculum. What is CAPS really about?
12. Tell me about the training you as principal received on the implementation of the new curriculum.
13. How does CAPS influence the Grade R teacher's daily work, for example her workload, administrative tasks and preparation.
14. How do you support the Grade R teacher for quality education?
15. If we consider professional security, what do you regard as the biggest challenges?
16. How does the law protect the Grade R teacher in her working life?
17. How do you see the Grade R teacher's professional security?

10.3 Addendum C: Interview schedule: Individual interviews, South African members of School Governing Bodies.

Interview: Member of Governing Body (SGB)

I would like to get an overall picture of the working life of the Grade R teacher and talk to you to get the perspective of the SGB member, who is also a parent. My research is about the professional security of the Grade R teacher. Professional security refers to physical and psychological safety.

1. How long have you been in the SGB of this school? How many members are in the SGB?
2. Does the SGB belong to an association for governing bodies? Which advantages are there for the school?
3. What are your responsibilities in the SGB? Tell me about the training you had when you were elected.
4. How often do you meet as SGB? And the committee in which you are involved?
5. How do you communicate the SGB's activities to parents, staff and children? Tell me more about it, please.
6. Is this school a section 21 school? What implications (benefits and challenges) does it have for the school? How does this affect the Grade R class(es)? (e.g. purchasing learning and teaching support materials and equipment)
7. If not a Section 21 school: What does this mean for the SGB? And for Grade R? (provision of learning and teaching support materials and equipment)
8. I would like to talk about the appointment of Grade R educators. Please tell me how you handle this at your school.
9. Tell me about teachers appointed under section 20 (4) of the South African Schools Act, i.e. SGB appointments. How do you handle their contracts?
10. Could you please elaborate: how do you determine their salaries, working hours and extracurricular obligations? How do educators experience the employment process? What do their service conditions entail?
11. Departmental appointments:

- What requirements must the Grade R teacher(s) meet to be appointed to your school? Why is it important to you?
- What other obligations do the Grade R teachers have over and above class instruction for Grade R?

- If the SGB member has not been involved in appointments: What would you consider as important regarding qualifications, experience if you need to recommend a teacher for appointment in a Grade R post?

12. Let's talk about the new curriculum. What is CAPS really about? What do you as a parent know about it?
13. Which information did you as governing body members receive from the principal regarding CAPS?
14. How did the department support you as SGB regarding the new curriculum? (briefing / training)
15. How does the new curriculum influence the Grade R teacher's daily work?
16. How does the SGB support the Grade R teacher in her professional duty to promote quality education in the school? Tell me about the challenges the SGB has.
17. In which ways do you hear about the Grade R teachers' needs, with which you can help?
18. How do you see professional security? What would the ideal be?
19. How does the law protect the Grade R teacher?

10.4 Addendum D: Interview schedule: Canadian teachers and ECEs

Interview schedule: Early childhood educator/teacher

Ontario, Canada

I am interested in the Full-Day Early Learning Kindergarten Program (FDELKP) at your school. Firstly, I want to discuss the program itself and how you experience it. Then, I would like to talk about your work-life as a teacher/ECE in the FDELKP.

1. Let us begin with the program. Can you tell me how it is going? What went well, what did not go so well? Why?
2. What is your role in the program? What are your responsibilities?
3. Who assigns tasks to you?
4. Did you have training for the new role you have to play?
5. How did the training contribute to the fulfilment of your tasks?
6. Tell me more about other role players who are involved in the program. How do you plan the daily activities? How do you assess learning? How do you report to parents? How would you describe the relationship between teacher and educator in your school?
7. What is done to adapt the program to local conditions?
8. How do you think the FDKP will contribute to early learning for 4-5 year olds? How is it different to what they experienced before?
9. I am going over to the topic of your work-life as a teacher/ECE. You are not only a teacher/ ECE but also an employee. Can you tell me about the support the employer has given you in the implementation of the FDKP?
10. Is there anything more that you expect regarding the support that you are experiencing? What else would be appreciated?
11. Tell me about your contract with the employer. Is it a permanent contract, etc.?
12. Are you a member of a teacher association or union? What are the benefits of membership?
13. Can you tell me more about the rights you have as a teacher/ ECE in the school?
14. What impact does the FDKP policy have on your work-life? (workload, morale, status, etc.)
15. How do you understand professional security? What would the ideal be?

As I am closing our talk, is there anything else that you want to add, ask or mention?

Thank you for your contribution to this project.

10.5 Addendum E: Observation schedule, South Africa and Canada

Observation Schedule: Physical Work Environment

Evaluation of the following aspects in terms of their possible effect on professional security.

A. Inside area

- Size, in terms of number of learners
- Layout (access to and distance from toilets, sinks, principal's office, other classes, etc.)
- Furniture: appropriate, safe
- Space for storage (teacher)
- Teaching and support material (LSM)

B. Outside area

- Space in terms of number of learners
- Outdoor equipment (supply, placement, maintenance)
- Layout (access to class, distance from other classes, street, parking lot, etc.)

C. General

- Security (fencing, gates, surfaces such as grass, cement, security, etc.)
- Socio-economic environment
- How Grade R is managed in the school (time, curriculum, general understanding for teacher's needs in the workplace)

D. Other impressions

- How does the educator utilize the physical work environment? (impact on professional security)
- Professional relationships (principal, other colleagues, parents) and general atmosphere in workplace.

10.6 Addendum F: Letter for informed consent

May 2013

Student

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ATTENTION: GRADE R EDUCATOR

REGARDING: CONSENT FOR PARTICIPATION IN RESEARCH

Dear Grade R teacher

I am currently enrolled as student for the PhD degree in Education Law at the North-West University. My research is one subproject within the NRF funded project under the title of *Educator Rights and Educator Security in a changing educational environment*, of which Prof. JP Rossouw is the project leader. Prof Willie van Vollenhoven and Dr Audrey Klopper are my promoters. Ethics clearance for the overarching project has been granted by the North-West University under the number NWU-00044-13-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 this research project.

The topic of my research is: *The role of law and policy in the professional security of Grade R educators.* The main objective of my research is to determine which role law and policy play regarding the professional security of Grade R teachers.

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

- To determine the nature of the legal framework which influences the work-life of the Grade R teacher;
- To determine which role the content and implementation of policy play regarding the professional security of Grade R teachers;
- To determine how Grade R teachers perceive professional security in the work context;
- To determine how Grade R teachers interpret legal guidelines and early childhood policy in terms of its impact and demands on their work-life; and
- To determine how Grade R teachers experience the role of their employers.

I will appreciate it if I can conduct part of the empirical research at your school. I would like to involve the principal, the Head of Department in the Foundation Phase, you as Grade R teacher, and a school governing body member in the research. I also would like to observe in your physical work environment for two hours. I shall conduct interviews of maximum 30 minutes per person after regular school hours, and undertake not to disrupt the programmes or interfere with the regular duties of any staff members.

I undertake to give you feedback of the result of the studies. Simultaneously with this request, I am also in the process of gaining the official permission of the North West Department of Education.

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 or 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 for 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.

Yours sincerely

Mrs MC Rossouw

10.7 Addendum G: Permission for research: Department of Basic Education, South Africa

education
Lefapha la Thuto la Bokone Bophirima
Noord-Wes Departement van Onderwys
North West Department of Education
NORTH WEST PROVINCE

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DR KENNETH KAUNDA DISTRICT

SENIOR PROFESSIONAL SUPPORT MANAGER

24 May 2013

Mrs M C Rossouw
Faculty of Education Sciences
North West University
Potchefstroom Campus

PERMISSION TO CONDUCT RESEARCH AT SCHOOLS - MATLOSANA AND TLOKWE AREA OFFICES – DR KENNETH KAUNDA DISTRICT

The above matter refers.

Permission is hereby granted to you to conduct your research at schools at Matlosana and Tlokwe Area Offices (schools on attached list), Dr Kenneth Kaunda District under the following provisions:

- **the activity you undertake at the school should not tamper with the normal process of learning and teaching;**
- **you inform the principal of your identified school of your impending visit and activity;**
- **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

cc *Mr S S Mogotsi – Area Manager: Matlosana*
Ms S S Yssel – Area Manager: Tlokwe

10.8 Addendum H: Example of interview transcription: South Africa

Interview 7: principal primary school (township)

R: How do you see the educational goals of grade R?

P: We started with Grade R last year. Fortunately the deputy principal, HOD for Foundation Phase, who is specializing in Grade R, she did ECD. ..she is helping those two who are… (huiwer opvallend lank)…. not so… equipped for grade R. They taught temporarily and left and so on. But she (HOD) is supporting them.

R: They told me that Mrs. D is helping them… the workbooks for the second term did not come and she helped them with alternative material.

Principal calls in staff member to sign as witness.

R: Can you tell me more about the support that you receive from the department, please.

P: Ja…The circuit advisors, they really do come. They spent nearly 3 hours with them, because they really needed… they went to workshops. Last year they had a series of workshops. This year they came for Maths, they came for…languages.. for Life Skills. That was for the Foundation Phase. But because Mrs. D was complaining about them (Grade R teachers) … they … she asked for assistance for them. Earlier on they did not follow the daily program. They were doing things haphazardly. Looking into the condition of the kids… how they are …how learners are…But after the meeting with them, capacitating them…it was better.

R: So your HOD was of great assistance to them.

P: Yes, she is my anchor. She walked the extra mile.

R: My focus is on the work-life of the teacher and on factors which influence it.

P: Yes, the teacher… the teacher is important. When one is sick, it affects not only the class, but the whole phase. Then the school is affected, then further out. It starts so small, but it has a very big impact.

R: I also look at the teacher as an employee. Does the teacher have rights?

P: Her rights are …to be respected, to be treated with dignity… it is not different to other teachers' rights. But… because they are starting there (wys na onder)…I think they need more. But because the law says we are equal… When I look at them, they are doing more than the teachers in the high schools. I am sorry, we are all equal, but the work itself… starting down there, teaching them every little thing. That when they receive them in grade one, there is something done. They don't start from the scratch. So, I don't know… the grade one and the grade R teachers.. they should be paid more. Look at them… a learner from this area… he needs .. attention, individual attention. OK, it is a calling, it might be a calling. But you have to eat! And it is a lot of stress, né. Especially those who were not trained for grade R. They were trained to be at Foundation Phase. But because we do not have enough educators who are trained for ECD, we had to take them. They came in the middle of the year… last year. We did not have an alternative. So they (learners) were taught by this one,

then the other one … These two… at least they lasted. There was time that we had to call the parents… we did not have anybody

R: Oh?

P: Yes, we had to call them to look after the children. So some parents took their children out to other ECD sites… crèches and so forth. We lost about 7 learners. It's a lot. We looked all over for a teacher. The other one is from Hammanskraal, the other one is from Rustenburg. You see, around here… nothing. We could not take people who are not trained for teaching. Because they have to be registered at SACE. So that was the best we could do. At least it is something… But they are prepared to learn and they are busy learning. Yesterday the other one was absent… I had to go there… to the other one.. at least I have training as a teacher. If you are trained, you can manage.

R: Tell me how the new classes and area for grade R came about.

P: The department put up the structures… we are proud of them. There is a difference between those grade R classes and these other ones. If you can go into one of them… prefab rooms… very hot in summer and very cold in winter… extremes. And … no space. So we are happy with the new Grade R classrooms. Because for a young learner space is so important… movement. If you don't move around them, you won't see.

R: Seeing that those Grade R classes are quite far away from the rest of the classrooms, how are they part of the rest of the staff/school?

P: Yes.. yes they are part. It is only the isolation of the building. This school was supposed to be having a phase two. This is phase one (prefab) The grade R, we can call it a phase three. Phase two was supposed to be allocated there where the grade R classes are now. So when everything is completed, the school will be one. But with our assemblies, they come to our assembly. We all join together on Mondays and Fridays. The other three days is a "Drop everything and read" period. For 15 minutes they read the national anthem or a prayer from half past seven to a quarter to eight. Also, meetings are… we are all together. When I write a circular, I start with them.

P: At first, when CAPS came, we all resisted it. Will this work, will that work? But we slept over it and later we sat together and decided: let's try it. Everywhere, where there is change, there is resistance. But finally, we are all in there. No two teachers are alike. So…they will always differ. But if two people have to work together, there is always one that wants to dominate the other. (She refers to one Grade R teacher who wants to dominate the other one) We handle it internally. Sometimes I handle it alone with them, without the HOD knowing about it. Then it is better.

R: Is it a challenge for you to manage the situation?

P: If there are no challenges, then there is no life.