

Security in the workplace of the Foundation Phase Educator: an Education Law perspective

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This study is dedicated to:

My parents, Ernest and Gerda Faver, my friend, the late Maggie Schmidt, and my late Ouma.

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ABSTRACT

Security in the workplace of the Foundation Phase educator: An education law perspective

The physical and psychological security of the Foundation Phase educator is currently a cause for concern. This situation is problematic, in that well-qualified and experienced educators will leave the profession if their security is compromised. In addition, prospective students will be reluctant to enter the profession as Foundation Phase educators if there is a possibility of insecurity in their future workplace. The aim of this research is therefore to investigate and establish the factors, both employment related as well as learner related, that contribute to this phenomenon. This inquiry was done from an Education Law perspective to establish what protection these educators are entitled to in terms of labour and education legislation.

Utilising a qualitative research design, a variety of findings and the related implications were established. The most important labour related findings are that, in spite of the well-developed legal framework in South African law, the rights of the educator are perceived to be of secondary importance compared to those of the learners and also that the constant changes, for example in education policies, lead to insecurity. In terms of learner and parent related findings, it is evident that the lack of learner discipline, which can be partly attributed to a lack of parental involvement, contributes to declining educator security. The workplace related findings reflect the teacher-learner ratio as being problematic. In addition, the lack of resources in some schools, as well as a classroom environment that is not conducive to effective teaching and the educators' workload all impact on educator insecurity.

It is imperative that the recommendations made should be attended to, in order to minimize Foundation Phase educator insecurity. This must be done to the benefit of both the educators and the learners, who are entitled to quality education.

(Key concepts/words: security, safety, discipline, employment law, labour law, fundamental rights, resources, Foundation Phase, Early Childhood Education, teachers, educators, environment)

OPSOMMING

Sekuriteit in die werkplek van die Grondslagfase-opvoeder: 'n Onderwysregtelike perspektief

Daar is tans rede tot besorgdheid oor die fisiese en psigologiese sekuriteit van die Grondslagfase-opvoeder. Hierdie situasie is problematies omdat goed-gekwalifiseerde en ervare opvoeders die professie sal verlaat as hul sekuriteit in die gedrang kom. Verder sal toekomstige studente huiwerig wees om as Grondslagfase opvoeders die professie te betree as daar onsekerheid oor hul werkplek sekuriteit bestaan. Die doel van hierdie navorsing is dus om ondersoek in te stel en om vas te stel watter faktore, verwant aan werknemers sowel as leerders, bydra tot hierdie verskynsel. Hierdie studie is gedoen vanuit 'n onderwys regtelike perspektief om te bepaal op watter beskerming hierdie opvoeders in terme van arbeids-en onderwyswetgewing geregtig is.

Deur middel van kwalitatiewe navorsing is daar 'n verskeidenheid bevindinge gemaak, en sekere implikasies is uitgespel. Die belangrikste arbeidsverwante bevinding is dat, ondanks 'n goedontwikkelde regsraamwerk in die Suid-Afrikaanse reg, die regte van opvoeders as van minder belang beskou word as dié van leerders, en dat die deurlopende veranderings in byvoorbeeld onderwysbeleid, tot 'n afname in sekuriteit lei. Bevindinge wat verband hou met leerders en ouers, toon dat 'n gebrek aan leerderdissipline, deels weens onvoldoende ouerbetrokkenheid, bydra tot die afbreek van opvoedersekuriteit. Werkplekverwante bevindinge toon dat die onderwyser-leerder-getalsverhouding problematies is. Verdere bydraende faktore tot verlaagde opvoedersekuriteit is die gebrek aan hulpmiddels, klasruimtes wat nie bevorderlik is vir effektiewe onderrig en leer nie, en die opvoeders se oormatige werkslading.

Dit is dus van belang dat die voorstelle uit hierdie studie aandag moet geniet om Grondslagfase-opvoeders se sekuriteit te bevorder. Dit is van belang vir die opvoeder, sowel as die leerder, wat geregtig is op kwaliteit-opvoeding.

(Sleutelbegrippe: sekuriteit, veiligheid, dissipline, arbeidswetgewing, fundamentele regte, hulpbronne, Grondslagfase, Vroeë Kinderontwikkeling, onderwysers, opvoeders, omgewing)

DECLARATION



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1

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CHAPTER 1:

INTRODUCTION, PROBLEM STATEMENT

AND RESEARCH DESIGN

1.1 Statement of the problem

Newspaper reports with headlines such as "We need protection, assaulted teacher pleads" (Laid, 2005:3), "Brave teacher risks her life to save pupils" (Andrew, 2006:3) and "Class vandals strike again in Cape Flats" (Keating, 2006:3) highlight the insecurity that teachers currently face in the workplace. Security means freedom from risk or danger, while safety can be defined as peace of mind (Answers Corporation, 2006). Security for educators in the Foundation Phase is based on the human element, relating to educators' needs, and is, therefore, an important consideration. According to Maslow's hierarchy of needs, safety and security are part of the basis that people need to be able to function well (Leibling & Prior, 2005:93-94). These needs, which can be found on the first of five levels of the hierarchy, should be regarded as non-negotiable in order for educator security to be obtained.

The idea behind the creation of a safe and secure environment conducive to learning and teaching is that it should be a secure environment for all participants – not only for learners, as is often emphasised, but also for the educators (Oosthuizen, Wolhuter & Du Toit, 2003:475). "We may agree that learners need to feel secure in school, but forget that adults, too, need to be relaxed if they are to achieve peak effectiveness in their work"(Hayes, 2004:26). Educators want, and more importantly need, a structured and orderly environment in the classroom as well as in the school (De Klerk & Rens, 2003:367). This has a direct impact on the behaviour and achievement of the learners and the security of the educator. The school should, therefore, offer a safe haven for educators and learners alike, a place where education and learning will flourish (Khoza, 2002:75; Holmes, 2005:5) to the benefit of all. If learners and staff do not feel safe, education often takes a back seat (Kennedy, 2004:61) and the benefits for the learners may, therefore, be minimised. In the light of the abovementioned, research must be done to determine the effect of certain elements typical of the Foundation Phase classroom on educator security.

In discussions of educators' well-being from an Education Law perspective it is of primary importance to firstly consider their fundamental rights. The Constitution of the Republic of South Africa (SA, 1996a) (hereafter the Constitution) is the supreme law of the country. Chapter two of the Constitution contains the Bill of Rights, which is aimed specifically at the protection of the rights of the individual (Oosthuizen (ed.), 2003:43). This includes the rights of educators, who are in the first place citizens of the country with a number of human rights that are enshrined by the Constitution.

Educators' rights are as important as the human rights of the learners. Moreover, as employees of the state they also have rights according to labour legislation (Rossouw, 2004:29). Section 23 (1) of the Constitution states that everyone has the right to fair labour practices, while educators also have, amongst others, the right to have their dignity respected and protected, as is stated in section 10 (SA, 1996a). In addition to this, section 24 of the Bill of Rights determines that educators, like all other citizens, have the right to an environment that is not harmful to their health or well-being (SA, 1996a). These legal aspects will be discussed in more detail in chapter 2.

In spite of these rights, various factors exist that adversely influence the security of the educator in the workplace. In the review of literature that follows, a selection of factors will be discussed, with special reference to Foundation Phase educators in South Africa.

1.2 Literature review

One prominent factor that has a detrimental effect on the security of the Foundation Phase educator, is learner discipline. A lack of learner discipline "may seriously hamper the teaching and learning process" (Rossouw, 2003:413). The majority of available research on learner discipline is aimed at the Intermediate and Senior Phases, clearly indicating the necessity of specifically investigating the Foundation Phase. According to Oosthuizen, Roux and Van der Walt (2003:387) there is a persistent lack of order and discipline in South African schools as a result of the period of civil disobedience associated with the political struggle for freedom and democracy.

A number of other internal as well as external causes of learner misconduct also exist. Internal causes within schools include large numbers in classes, educators being absent from class for various reasons and human dignity not being respected. External causes include a lack of discipline within the home, dysfunctional homes, lack of care in homes and problems within the community (Rossouw, 2003: 424-426). A reason for

these causes may in part be due to the fact that society, according to Hayes, has changed for various reasons. The changes include a lack of parental authority, a factor that needs serious consideration (Hayes, 2003:26). This means that disciplinary methods used a decade ago can no longer be used in the contemporary socio-political environment (Wolhuter & Steyn, 2003:522) and it is, therefore, imperative that effective new solutions to discipline problems must be found.

Over and above these elements of learner discipline, the specific environment in which an educator has to teach, also has a direct influence on his or her security. Beard (1990:113) contends that a pleasant work environment is conducive to productivity and not only includes the physical environment, for example facilities, resources and little disturbance, but also involves positive interpersonal relationships. In a study conducted by Olivier and Venter (2003:189-190) they found that many factors resulted in a number of negative physical and psychological symptoms shown by educators, including depression. These factors include inadequate salaries, considering the after-hours input of educators. Educators therefore have to embark on second jobs (to the detriment of both the school and learners). Learners' lack of discipline and motivation are blamed to a large extent on the abolishment of corporal punishment. Other factors include new learner-teacher ratios resulting in large classes, lack of space, infrastructure and resources and an increase in workload (Olivier & Venter, 2003:190).

The focus of this study is on the Foundation Phase, which along with pre-primary form part of Early Childhood Development (ECD). The Foundation Phase includes learners from the Reception year to grade three, more specifically learners "between five and ten years of age" (Department of Education, 2003:19). The Reception year can be catered for by either pre-primary or primary schools. It is the final year of pre-primary education and during this year learners are prepared for formal schooling, which starts in grade one. ECD learners that are given a healthy start and a solid foundation in the first months and years of their lives are less likely to suffer from illnesses, to repeat grades, to drop out or to need remedial services (Department of Education, 2001:5). ECD can, therefore, be regarded "as a fundamental pillar of the foundation for lifelong learning" (Department of Education, 1996:2). These learners are at a specific phase of development and therefore their needs are unique, which provides many challenges for Foundation Phase educators. In terms of cognitive development, for example, a transition period prevails in this phase: the way the learner thinks changes from the preoperational to the concrete operational period (Charlesworth, 2004:333). As the term concrete implies, the reasoning processes of these children are limited to those

that can be made up of concrete representations (Hughes, 2002:343) because these children are good at dealing with things they know or can see and physically manipulate; that is, they are good with concrete, or actual things (Bee & Boyd, 2004:163). Tangible, manipulative objects and resources have to be used to help learners draw conclusions more easily and for meaningful learning to take place. This means that educators in this phase have to be exceptionally well prepared for lessons, so that learners can “receive instruction that moves them ahead at a faster pace” (Charlesworth, 2004:334). In order to achieve this, educators have to constantly think of novel and creative ways in which to provide opportunities for learners to learn; these “children learn by constructing knowledge through acting on the environment, as a result of adult support at the right time” (Charlesworth, 2004:334). In addition to this, these learners have a limited concentration span - “they still cannot sit without moving for long periods at a time” (Du Toit & Kruger, 1994: 108) - and are “very active and seem to have endless energy and vitality” (Du Toit & Kruger, 1994: 126), so activities should constantly vary and the duration is an important consideration.

An estimated 83% of children under the age of six years do not benefit from a structured early learning programme in a positive learning environment (Atmore, 2006:14) and therefore have an abrupt introduction to formal learning which, as mentioned, starts in grade one. The implication for the Foundation Phase educator is that a number of learners are not yet school ready, in other words these learners may not be at the correct level to start formal schooling. In addition, the South African Schools Act (SA, 1996b) states in section 5(1), in relation to admission to public schools, that the governing body of a public school may not administer any test related to the admission of a learner to a public school, or direct or authorise the principal of the school or any other person to administer such a test. In effect this makes it very difficult for Foundation Phase educators to ascertain the level that the various learners are on at an early stage and to determine if learners are ready for formal schooling. Also, they may not be able to determine whether or not learners are proficient in the language of teaching and learning, if it is not their home language.

As previously mentioned, the focus of ECD is to provide learners with a solid foundation that can be used as a basis for all further learning. Foundation Phase educators, therefore, play a vital role in establishing this solid basis. The National Curriculum Statement envisions educators who are qualified, competent, dedicated and caring and who will be able to fulfil the seven roles as outlined in the Norms and Standards for Educators (Department of Education, 2002:9). The seven roles include

teachers as mediators of learning; interpreters and designers of Learning Programmes and materials; leaders, administrators and managers; scholars, researchers and lifelong learners; community members, citizens and pastors; assessors and learning area/phase specialists (Department of Education, 2002:9). In reality a number of other complex roles, responsibilities and duties that Foundation Phase educators must perform can be added. Jackson and Rothmann (2006:75) state that educators' work is becoming more complex and demanding. Job demands, such as lack of job security, work overload and demands resulting from either role ambiguity or conflict, may impact on employees' performance, attitudes and behaviour, and lead to withdrawal. This, in turn, may negatively affect the job satisfaction, morale and commitment of stressed employees (Hall, Altman, Nkomo, Peltzer & Zuma, 2005:2).

Foundation Phase educators are responsible for teaching three learning programmes (Department of Education, 2003:19). These programmes encompass all eight learning areas and "focus on primary skills, knowledge and values and in so doing lay the foundation for further learning" (Department of Education, 2003:19). In the report on Potential Attrition in Education (Hall *et al.*, 2005:14), most educators reported more than 40 learners per class, which proves that the learner-to-educator ratio is extremely high. These factors make it difficult for the Foundation Phase educator to lay a solid basis which will ensure that learners are able to progress academically through the following phases.

In addition, the educational process is at risk of being seriously hampered because learners' rights to education and educators' labour rights are at stake. Workplace security of Foundation Phase educators is, therefore, a vital consideration since possible dissatisfaction with the workplace can be an important inducement for educators to seek alternative opportunities (Hall *et al.*, 2005:1). Since there have been a number of media reports (Bloed, 2003:1; Andrew, 2006:3; Premdev, 2003:1) that imply that educators are experiencing low levels of job satisfaction and morale for various reasons, it is imperative that a study of this nature be undertaken.

1.3 Problem statement

The primary research question for this study is to make an inquiry regarding the workplace security of the Foundation Phase educator from an Education Law perspective.

Against the background of the primary research question, the following specific problems have been identified and will warrant research:

- how do legal aspects related to learner discipline influence and regulate the security of the Foundation Phase educator?
- what are the implications of the unique needs and the stage of development of the learners for the security of the Foundation Phase educator?
- in what way do infringements of the educators' rights to a healthy environment impact on the overall security of the Foundation Phase educator?
- what is the general perception of Foundation Phase educators regarding the recognition of their labour rights?

1.4 Research aims and objectives

The general research objective for this study is to determine the workplace security of the Foundation Phase educator from an Education Law perspective.

Against the background of this objective, four specific aims have been identified. These aims of the study are to determine:

- how current legal provisions influence and regulate the security of the Foundation Phase educator;
- the implications of the unique needs and stage of development of Foundation Phase learners for the security of the educator;
- the way infringements of the educators' rights to a healthy environment impact on the overall security of the Foundation Phase educator;
- the general perceptions of Foundation Phase educators regarding the recognition of their labour rights and their security.

1.5 Research design and methodology

The data which will be utilised and the empirical investigation which will be conducted, will be outlined in the following paragraphs.

1.5.1 Data sources for literature overview

Literature will be obtained by utilising primary as well as secondary literature sources. These will be analysed in the literature overview, and will include books, articles, legislation and Internet data related to the security of Foundation Phase educators and the impact that discipline has on this. Key words for data searches would include: *security, safety, discipline, employment law, labour law, resources, Foundation Phase, Early Childhood Education, teachers, educators, environment*. Internet searches will be done through the use of mainly Google Scholar and Ebsco Host.

1.5.2 Empirical investigation

The paradigm within which this study was conducted will be briefly discussed, after which the methodology of research will be explained. This discussion will incorporate the data collection strategies, the selection of the participants, the methodology of data analysis and the role of the researcher. Elements of the trustworthiness of the research and some ethical considerations will also be included.

1.5.2.1 Paradigm of the study

Kuhn as quoted in Dash (2005:1) characterizes a paradigm as “an integrated cluster of substantive concepts, variables and problems attached with corresponding methodological approaches and tools...” The selected paradigms for this study are interpretivism and phenomenology. Interpretivism, as proposed by Maree (2007:176), is rooted in hermeneutics, which is “the study of the theory and practice of interpretation.” In this process “researchers make an interpretation of what they see, hear and understand” (Creswell, 2009:176) in this instance, specifically in relation to social research. The data from interviews and photographic material that will be collected, as will be discussed, will be interpreted once it has been transcribed to establish the essential, deep-rooted, detailed and not always literal meanings thereof.

Phenomenology is often associated with interpretive approaches. Creswell (2009:13) states that “phenomenological research is a strategy of inquiry in which the researcher identifies the essence of human experiences about a phenomenon as described by participants.” The phenomenon, or particular topic of research in this study, is the security of the Foundation Phase educator. In short, a phenomenological-interpretivistic paradigm formed the basis for this research.

1.5.2.2 Qualitative research methodology

- **Selection of participants**

Purposive sampling, whereby “participants are selected because of some defining characteristic” (Maree, 2007:79), will be applied to enable the researcher to select participants who can provide relevant and valuable information. The most important characteristic for this study is that the participants must be Foundation Phase educators. Both advantaged and disadvantaged communities will be included. The design will incorporate a representation of different schools, such as ex-model C schools, schools in less affluent areas and township schools. In this way a full range of security factors should be revealed. Foundation Phase educators from nine primary schools in the Kenneth Kaunda District of the North-West Province will be selected according to convenience sampling. Participants will be selected from schools within a reasonable distance from the researcher, since the research will be conducted with a specific budget in mind.

In order to stay within the principles and methodology of qualitative research, not all the educators of the schools included in the sample will be interviewed. In total 18 participants will be selected, in accordance with the researcher’s directives that will be given to the principals. These will specify that they should nominate the two participants from their staff that may contribute the most relevant and valuable information for the study.

- **Data collection**

It must be borne in mind that “the selection of the methods, and their application, are always dependent on the aims and objectives of the study, the nature of the phenomenon being investigated and the underlying theory or expectations of the investigator” (Babbie & Mouton, 2001:49). In terms of this study, the security of the Foundation Phase educator is the phenomenon in question and the data collected was expected to provide an in-depth understanding and more knowledge of this phenomenon. The methods of data gathering for this study will include both semi-structured interviews and the collection of visual images, more specifically photographs of the various schools that will be visited when the participants are interviewed.

- **Data analysis**

After the empirical research has been conducted and the transcription process completed, the two sets of data that will have been collected will be carefully analysed and interpreted, in order to determine the in-depth essence and meaning of the phenomenon, that is, the security of the Foundation Phase educator. Content analysis will be used because Maree (2007:101) states that it is an appropriate way to “look at data from different angles with a view to identify keys in the text that will help us understand and interpret the raw data.” It is not a simple process, as Neuman (2000:71) emphasises that “true meaning is rarely simple or obvious on the surface; one reaches it only through a detailed study of the text, contemplating its many messages and seeking the connections among its parts.” The process will entail an attempt to reach an understanding of the data from the specific perspective of the participants who will be involved in the study.

- **Trustworthiness of the research**

The trustworthiness of the research will be ensured by engaging various methods of data collection (Maree, 2007:80) such as semi-structured interviews and the use of visual images. In addition, the validation of data will be carried out by means of member checking. According to the principle of convenience sampling, three individual participants will be selected and given the opportunity to check the transcription of their own interview for accuracy, to rectify mistakes, and to elaborate, reformulate and add aspects that may have been left out. In this way misinterpretations will be prevented. This will be done individually because according to Karnieli-Miller, Strier and Pessach (2009:284) “from practical and ethical points of view, member checking, especially in a group format, can create difficulties in preserving anonymity.” All of the above will contribute to the credibility of the research.

1.5.2.3 Ethical strategies

The semi-structured interviews will be conducted individually and in privacy, either in school classrooms or staff rooms, since these are familiar environments where participants will feel at ease. These interviews will take place after school hours to minimize the amount of distractions. The noise level can, however, not be accounted for and if it should impact on the audibility, the interview will be paused temporarily in order to ensure a proper quality of the voice recording.

At the start of the recruitment process the purpose of the research will be explained to all participants. In addition, at the start of the interview participants will be informed that their participation is voluntary and anonymous. They can withdraw from the interviews at any stage and all information will be treated with confidentiality. During contact with the participants, any threatening pressure or exposure will be avoided. Care will be taken that they do not feel threatened in any way and their rights to security, privacy and human dignity will not be infringed upon in any way.

The application for permission for the research, that was submitted to the office of Dr Mvula of the Kenneth Kaunda District, was approved (see Addendum A). Dr Mvula is the Chief Director (Kenneth Kaunda District) of the North-West Department of Education. On the grounds of this approval, school principals will be asked for their consent to approach the individual educators prior to appointments that will be made with the educators.

The interviews will be conducted in English. Educators at these schools either teach in English or conduct certain lessons in English and should, therefore, have a reasonable level of language proficiency in this language. If participants are unsure, questions will be repeated or where necessary rephrased to facilitate understanding.

The participants will fill in the attached consent form (see Addendum C). If they, at any stage, feel that they do not want to participate, they will have the choice to withdraw, in spite of the fact that they may previously have given their consent. No reasons for the withdrawal will be expected, and they will not be discriminated against afterwards.

At the conclusion of the project all participating educators will receive general feedback on the results of this study. This should contribute to a deeper understanding of the factors that may have an impact on the security of Foundation Phase educators and possible ways in which these can be rectified. This may encourage educators to remain in the profession, which means that their skills and expertise will be retained for the benefit of all learners. The results of this project may, therefore, eventually have a positive impact on educator security.

All voice recordings, as well as the transcriptions thereof in hard copy and in electronic format, will be safely stored for five years in the office of the researcher at the North-West University. Any person with a legitimate interest may apply to the project head, who will judge the merits of the request jointly with other stakeholders. Approval will not be unreasonably withheld.

Permission will be obtained from the various provincial departments of education and the principals for research in the selected schools. All participants will be assured in writing of the confidentiality of their participation. Their contributions will be acknowledged if they so prefer, but the analysis will be presented in such a way that no one will be associated with any specific contribution, opinion or perception.

1.6 Chapter division

Chapter 1

Introduction, problem statement and research design

Security in the workplace of the Foundation Phase educator: An education law perspective

The problem statement, aims of the research and description of the research methodology will be the focus of this chapter.

Chapter 2

Legal determinants for Foundation Phase educators

This chapter will include an analysis of the Constitution, general legislation and other education law determinants that impact on the rights and security of educators, with special reference to the Foundation Phase educator. This will include an analysis of a number of court cases to ascertain the implications for educator security.

Chapter 3

Employment related factors for security in the Foundation Phase

From the perspective of the changes that have taken place in society, such as declining parental involvement, the focus of this chapter will include a study of the factors that have an adverse impact on the overall well-being and security in the workplace of the Foundation Phase educator. This involves, for example, educator-learner ratios and educator roles, duties and workload.

Chapter 4

Learner related factors for security in the Foundation Phase

The specific needs and developmental stages of Foundation Phase learners that make particular demands on the educator will be described and analysed, to the extent that they impact on educators' security in the workplace. In addition, aspects of discipline, behaviour, rules and the code of conduct will be included.

Chapter 5

Empirical research design and findings

A description of the research paradigm and the qualitative research methodology that was utilised to determine the perceptions of the Foundation Phase participants will be the focus of this chapter. This description will be followed by an explanation of the specific empirical investigation that will be undertaken. The chapter concludes with the analysis of the empirical data, leading to a number of findings.

Chapter 6

Findings, recommendations and conclusions

This chapter includes the final findings and recommendations, based on the whole study, regarding the implications for the security of Foundation Phase educators, as well as suggestions for education practice and further research.

1.7 Contribution of the study

This study should contribute to a deeper understanding of the factors that may have an impact on the security of Foundation Phase educators and possible ways in which these can be rectified. It is envisaged that dedicated teachers, on the grounds of this research, may remain in the profession and their skills and expertise may be retained to the benefit of all learners.

The research forms part of the larger project on educator security and educator rights within a changing education environment. It is, therefore, aimed at making a contribution towards the existing body of knowledge in Education Law with relation to security in education, and more specifically educator security and rights.

The legal determinants for Foundation Phase educators are the basis for chapter two, which follows.

CHAPTER 2 :

LEGAL DETERMINANTS FOR FOUNDATION PHASE EDUCATORS

2.1 Introduction

In chapter one the problem of a possible lack of Foundation Phase educator security was highlighted. According to Rossouw (2008:1) “there is overwhelming evidence that a large number of educators are currently convinced that their rights are ignored, or, at best, put second to the rights of learners.” Machaisa (2008:3) states that “safety and security in South African schools have recently received much attention due to the mounting violence, ill-discipline and challenges to authority by learners and occasionally by outsiders”. In addition she emphasises that “most are of the view that ‘*too many rights*’ have been given to the learners and their rights as educators to be protected are not as recognised as they are for the learners.” Understandably this has a negative impact on teaching and learning. South Africa was one of forty countries and forty five education systems to participate in the Progress in International Reading Literacy Study in 2006. Other countries that participated include Austria, Denmark and Spain. In the summary report it is stated that “South Africa achieved the lowest score of all forty five education systems” (Venter & Howie, 2006:19) whilst the Russian Federation was the highest scoring country. According to Rademeyer (2007) only 36% of South African principals involved in the study indicated a high level of security in their schools, compared to the international average of 60%.

In this study the focus will specifically be on the Foundation Phase educator. As pointed out in the first chapter, these educators have particularly high demands made on them for a number of reasons which include the number of learners in the class and the stage of development of the learners. These issues will be discussed at length in chapter three. It is, however, important to note that many of these educators may not feel secure in their working environment, which will mean that young learners may be disadvantaged in terms of the education that they receive.

In this chapter the notion of security will first be defined in order to ascertain the correct context for this study. The need for Foundation Phase educators to feel secure within their work environment will also be elaborated on. In addition, an analysis of the

Constitution, general legislation and other education law determinants that impact on the rights and security of Foundation Phase educators will be clarified. In so doing, two aims of this study will be achieved. The first one is to determine how legal aspects influence the security of Foundation Phase educators and the other is to determine the way in which various infringements of the educator's rights impact on the overall security of the Foundation Phase educator.

2.2 Defining security

There are a number of definitions of security, but for the purpose of this study the following context is appropriate. According to the Collins Cobuild Essential English Dictionary (1989:716), security "is a feeling of being safe and not having worries." The Penguin Concise English Dictionary (2002:801) links well with this definition by indicating that "it is freedom from anxiety." Wikipedia (2007:1) states that security is synonymous with safety. In this study reference will, therefore, also be made to safety. Marotz, Cross and Rush (2005:9) state that "safety refers to the behaviours and practices that protect children and adults from risk or injury". A number of related terms are given in the Collins English Dictionary and Thesaurus (2006:684) that provide further clarification, which include assurance, certainty and sureness.

These definitions, as used in this particular study, relate to both the physical and psychological security of educators. In essence, educators should feel at ease within the environment in which they work, as this will enable them to perform optimally. This is essential, as it will impact significantly on the learners whom they teach in the various schools.

2.3 The need for security

The need for educator security cannot be disputed. "If students and staff don't feel safe, education often takes a back seat." (Kennedy, 2004:61)

Understandably there is a correlation between educator security and productivity. This view is supported by Hayes (2003:26), who states that "we may agree that children need to feel secure in school, but forget that adults, too, need to be relaxed if they are to achieve peak effectiveness in their work." He sees educators as the school's prime resources that must be safeguarded, since schools are not just for learners. Without secure and confident educators, he emphasises that children are unlikely to receive a fully effective education (Hayes, 2003:26). This may impact negatively on the children

in schools. In terms of Section 29(1)(a) of the Constitution (SA, 1996a), all learners have a right to basic education, meaning that learners therefore have a right to learn. This right should be protected by the provision of basic education by committed educators who have a right to teach in a secure work environment. According to section 24(a) of the Constitution (SA, 1996a) everyone also has the right to an environment that is not harmful to their health and well-being. This by implication includes all schools and classrooms. Educators therefore have a right to security within their work environment to enable them to educate learners effectively. This aspect will be elaborated on in the next section.

2.4 Statutory determinants and educator security

In order to establish whether the Foundation Phase educator's security is adequately protected by law, an analysis of the Constitution, general legislation and other law determinants that impact on the rights and security of these educators must be thoroughly investigated. This is essential, since "education is influenced by these founding provisions of the Constitution" (Oosthuizen & Rossouw, 2003:31).

2.4.1 Constitution of South Africa Act 108 of 1996

The final Constitution of the Republic of South Africa was adopted by the required two-thirds majority on 8 May 1996 (Rautenbach & Malherbe, 1998:3) and amended on 11 October by the Constitutional Assembly; and again by the Constitution of the Republic of South Africa Amendment Act 35 of 1997 (SA,1997b). "It was signed into law by President Nelson Mandela at Sharpeville on 10 December 1996. It came into effect on 4 February 1997" (Currie & De Waal, 2005:6-7). It is a reflection of the changing needs of our society and "regulates the relationship between the state and its citizens" (Bray, 2008:25).

Chapter 1 of the Constitution contains certain founding provisions regarding the country. These will be discussed later. Section 1 in this chapter provides that the Republic of South Africa is one sovereign democratic state. This sovereignty entails that nobody from outside may exercise authority in the country without consent (Rautenbach & Malherbe, 1998:6), an important means of safeguarding our country and its people against insecurity.

Section 2 contains the principle that the Constitution is the supreme law of the country. “All laws and actions are subordinate to it and any law or action inconsistent with the Constitution is invalid” (Rautenbach & Malherbe, 1998:6). The Constitution is therefore of higher authority than parliament. It offers us basic guidelines according to which all legislation must be developed (Rossouw, 2003:12). Constitutional supremacy would mean little, however, if the provisions of the Constitution were not justiciable. In essence it means that for a supreme Constitution to be effective, the judiciary must have the power to enforce it (Currie & De Waal, 2005:9).

Another important principle that must be highlighted is constitutionalism. “Constitutionalism is the idea that government should derive its powers from a written Constitution and that its powers should be limited to those set out in the Constitution” (Currie & De Waal, 2005:7). The importance and value of the Constitution cannot be overlooked and must be considered in any decision-making process to ensure the validity thereof and the protection of all citizens. Of particular importance, for this study, would be decisions regarding laws and various administrative decisions made by the Department of Education that pertain to education and have particular impact on the security of large numbers of educators in this country. These laws and decisions should provide educators with the necessary security to enable them to carry out their various roles effectively.

The Constitution contains the most important rules of law concerning the political system of a country. It provides the norm for everybody’s actions and must express the democratic values and sentiments of society. The values that must be mentioned, as being important for this study, are under the founding provisions and include in particular human dignity and the advancement of basic human rights, which are crucial aspects of this study. “These values summon all of us to take up the responsibility and challenge of building a humane and caring society, not for the few, but for all South Africans” (SA, 2001:11). All citizens are, as stated in section 3(2)a of the Constitution (SA, 1996a), equally entitled to the rights, privileges and benefits of citizenship. In effect, therefore, Foundation Phase educators are entitled to the same rights, privileges and benefits as the learners in the schools, which should impact positively on their security. In reality, however, the emphasis on human rights has been taken to the extreme and there is now an international debate on the perceived overemphasis on learners’ rights. An educator has been quoted as saying that “learners have too many rights”, both in homes and schools (Rossouw, 2003:424). Machaisa (2008:4) supported this view by stating that most educators are of the view that ‘*too many rights*’

have been given to the learners and their rights as educators to be protected are not as recognised as they are for the learners. In a newspaper article entitled “Onderwysers bekla hul lot” (“Educators complain about their fate”) another educator felt that everyone has rights – except the poor teacher (Anon., 2003:19). The scale, therefore, seems to be unbalanced and weigh more heavily in favour of the rights of the learners, unfortunately to the detriment of educators.

The influence of the Constitution of the Republic of South Africa should not be underemphasised (Oosthuizen (ed.), 2003:43) and is of paramount importance in this country. It has an impact on education for a variety of reasons. These reasons include the following:

- It informs all aspects of the legal system and applies to all law, including its interpretation and development by the courts and determining its validity (Currie and De Waal, 2005:72). This implies that it has a major impact on and determines or regulates anything that has to do with the law. It is, therefore, a very powerful instrument, never to be underestimated. Many of these laws relate to educators and ultimately impact on the security that they experience in the workplace. These laws will be discussed in detail under the Bill of Rights that follows.
- Labour legislation originates from the Constitution. “The Constitution offers us basic guidelines according to which all legislation must be developed” (Rossouw, 2003:12). The basis of labour legislation is, therefore, founded on, and should be consistent with, Constitutional stipulations to ensure that its application is valid and lawful. Most educators are employees of the state and these labour laws influence their daily working life. Educators are protected by these laws which provide them with the necessary security.
- The creation of a new system of education is based on the fundamental principles of democracy, unity, non-discrimination, equity and equality as specified in the Constitution (Lemmer, 2000:137). Educational reform means that all learners and educators should now benefit equally from the education system. Also, all stakeholders with an interest in education can now participate in decision-making, which makes the South African education system far more transparent and meaningful to all. This, in turn, should provide educators with a greater degree of security.

- “The rules relating to the management of a school are to be found in the Constitution, legislation, common law and case law” (Oosthuizen (ed.), 2003:35). Legislation is commonly considered to be the most important source of the law of education because of the significant amount of legislation that governs the management of a school (Bray, 1988:44).

As stated previously, the significance of the Constitution is undeniable as it impacts on various aspects such as laws and decisions pertaining specifically to the security of the educator. The exact sections and the application thereof, that relate specifically to the security of the Foundation Phase educator as set out in the Bill of Rights will now be discussed.

The Bill of Rights forms the second chapter of the Constitution. “The adoption of the Bill of Rights marks the starting point for the development of a human-rights culture” (Dlamini in De Groof & Malherbe, 1997:41). Furthermore, “education is of fundamental importance to human rights because it creates a climate where democracy and human rights can flourish and it can be used as a vehicle for the transmission of values which favour the development of a human-rights culture” (Dlamini in De Groof & Malherbe, 2007:47).

Only the sections directly pertaining to the security of educators will be analysed in order to ascertain the impact and the extent of security the educators are entitled to.

The Bill of Rights instructs the State to use the power that the Constitution gives it in ways that do not violate fundamental rights and that promote and fulfil those rights. Should the State fail to comply with these provisions it will act unconstitutionally; in so doing, its acts or laws will be unlawful and invalid (Currie & De Waal, 2005:23). The state, therefore, has an obligation to protect the fundamental rights of the Foundation Phase educator at all times.

Section 7 states that the Bill of Rights is a cornerstone of democracy in South Africa, enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. All people in our country are, therefore, equally protected by the Bill of Rights. However, it must be borne in mind that “certain rights protect only particular people” (Rautenbach & Malherbe, 1998:10). For example, the rights of workers, specifically educators in this particular instance, should be protected according to section 22 and 23.

“One of the most important principles of our law is expressed by the maxim *ubi ius remedium* – where there is a right there is a remedy. This means that the existence of a legal rule implies the existence of an authority with the power to grant a remedy if that rule is infringed” (Currie & De Waal, 2005:23). The state is, therefore, obliged to ensure that Foundation Phase educators are treated with the necessary respect and that their fundamental rights are protected, promoted and fulfilled within the environment in which they operate. According to Currie and De Waal (2005:8) the State may not use its power in such a way as to violate any of the fundamental rights of its citizens and has a corresponding duty to use its power to protect and promote their rights. This is the traditional or vertical application that exists between the individual and the state. Our Constitution is unique in the sense that, in addition to the vertical application, there is also a horizontal application. Traditionally constitutions in most countries regulate the relation between the state and the citizens – a vertical relationship (Rossouw, 2010:20). “In certain circumstances the Bill of Rights protects individuals against abuses of their rights by other individuals by providing for their direct horizontal application of the Bill of Rights” (Currie & De Waal, 2005:43). In this instance, for example, it would apply to the protection of the employee by the employer.

An important consideration is that most fundamental rights are not absolute rights. “They are regulated and specified in detail in other statutes (laws) and they can also be limited if so needed, according to the limitation clause in section 36” (Rossouw, 2003:15). Rautenbach and Malherbe (1998:8) state that the Bill of Rights does not allow people to exercise their rights without any limits. These limitations, however, must be in accordance with the relevant rules.

The Bill of Rights is not written in any particular order of importance - that is, from the most important to least important right. For the purpose of this study, however, only the sections relevant to educator security will be discussed, roughly in relation to their relative order of importance regarding security.

2.4.1.1 Equality

Section 9 of the Constitution (SA, 1996a) stipulates that “Everyone is equal before the law and has the right to equal protection and benefit of the law.” According to Ntsoe, as quoted in Joubert and Bray (2007:71), this provides the equality framework on which all education laws and policies must be based. Foundation Phase educators are, therefore, equally entitled to the protection of the law, both as citizens and as educators. All aspects that relate to equality will, however, vary according to the

specific context. It is essential to distinguish between two different types of equality. According to Currie and De Waal (2005:232 – 233), formal equality means “sameness of treatment: the law must treat individuals in like circumstances alike.” Substantive equality on the other hand “requires the law to ensure equality of outcome and is prepared to tolerate disparity of treatment to achieve this goal.” Formal equality simply requires that all persons are equal bearers of rights. Substantive equality, on the other hand, requires an examination of the actual social and economic conditions of groups and individuals in order to determine whether the Constitution’s commitment to equality is being upheld. Educators may, therefore, not necessarily always be given exactly the same treatment; it may differ according to the particular context. In essence, therefore, “differentiation is permissible if it does not amount to unfair discrimination” (Currie & De Waal, 2005:239). These are important aspects that have bearing on labour relations, particularly those of the Foundation Phase educator.

As stated above, although educators may enjoy full and equal rights and freedoms, differentiation according to the various contexts is permissible, within reason and according to specified rules. This section clearly states that educators and learners are equally protected by the law. Learners therefore do not have more rights than their educators.

Section 9(4) of the Constitution (SA, 1996a) states that no person may unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender or disability. Educators, in this instance more specifically Foundation Phase educators, may, therefore, not be discriminated against. Section 28 of the Constitution (SA, 1996a), which will be discussed later, states that a child’s best interests are of paramount importance in every matter concerning the child. A disabled educator, depending on the particular disability and situation, may perhaps not be the most suitable choice for Foundation Phase learners since, for example, mobility may be restricted which may impact both on accessibility to learners and speed of movement. In this case it may be established that the discrimination may be fair since the best interests of the children may be at stake. The educator replaces the parents while the children are at school and must take over the duty of care. “This ‘duty of care’ means that educators have to accept responsibility for the safety and well-being of the learners as long as they are in their care” (Joubert & Prinsloo, 2001:97). A disabled educator may not be able to account for these learners at all times and could be liable if any harm came to a learner, hence the interests of the educator herself may be at stake. A particular disability may also impact on other aspects of the classroom

such as discipline and make it difficult for such an educator to keep up with the learners since these learners are particularly active and at times, impulsive. By implication, they require close and constant supervision. If, however, a qualified educator assistant worked with a disabled educator, the situation would be entirely different. In the current South African education system, however, this is unfortunately not a common occurrence as is the case overseas. By not providing assistants, the Department of Education may in essence be discriminating against disabled educators since they may be denied the opportunity of pursuing their career and making a contribution towards education.

Above argument points to the fact that it may be necessary to determine what the inherent requirements of Foundation Phase educators are. These requirements are difficult to specify exactly, since there are so many. This aspect will be discussed at length in the next chapter.

2.4.1.2 Freedom and security of the person

Section 12 of the Constitution (SA, 1996a) emphasises the fact that “Everyone has the right to freedom and security of the person.” Security forms the basis of this study and stems from the right to human dignity, which will be discussed next. These are vital aspects in terms of labour relations. “Section 12 combines the right to freedom and security of the person to a right to bodily and psychological integrity” (Currie & De Waal, 2005:292). It therefore goes beyond merely the protection of the physical body, that is, physical security. Psychological security is equally important. Educators are entitled to feel secure, both physically and psychologically, within their work environment and should receive ample protection in this regard. In reality, however, it may be difficult to provide educators with the necessary physical and psychological security. The reasons for this are varied and will be discussed at length in chapter three.

2.4.1.3 Human dignity

Human dignity “relates to a person’s inner human quality, self-worth and self-esteem” (Bray, 2004:37) and thus the importance of this right is emphasised. “Everyone has inherent dignity and the right to have their dignity respected and protected”, according to section 10 of the Constitution (SA, 1996a). The constitutional protection of dignity, as a fundamental right, requires us to acknowledge the value and worth of all individuals as members of society since it “is the source of a person’s innate rights to

freedom and to physical integrity, from which a number of other rights flow” (Currie & De Waal, 2005:273). “The section includes the right of persons to have their dignity respected by the state in its dealings with or treatment of them as well as to require of the state that it protects their dignity against attack by others” (Davis, Cheadle & Haysom, 1997:70). The state is, therefore, obliged to provide the necessary mechanisms to ensure that people’s dignity is not harmed by others.

Human dignity has particular significance for labour laws and relations pertaining to Foundation Phase educators. Carrim, as quoted by De Groof and Malherbe(1997:29) argues that educators as subjects of human rights have largely been ignored in the past and that they are more than just workers and professionals. In addition, “teachers cannot only be viewed as propagators of human rights, but need to be seen as subjects who are in need of human rights protection themselves.”

Whilst learners have a right to have their dignity respected and protected by their educators and others, the same right applies equally to educators. Learners are obliged to respect and protect the dignity of their educators at all times. Learners seem to be well informed regarding their own rights, but need to be informed and taught about the rights that their educators are entitled to, since they are equally worthy of respect from their learners. By means of this section, educators are protected and they have a non-negotiable right to feel secure within their work environment. It is, therefore, imperative that this right must be protected. A secure educator will experience a sense of well-being, which will be conducive to quality teaching and learning.

2.4.1.4 Labour relations

The major labour rights are stipulated in section 23 of the Constitution (SA, 1996a), and this section is, therefore, the primary determinant for labour relations in South Africa (Rossouw, 2007:104). It specifies that all workers, by implication including Foundation Phase educators, are protected by law in terms of fair labour practices. These labour practices include aspects such as fair working hours and a secure working environment as basic rights. Educators may join a trade union to ensure that these rights are protected. If educators feel that their rights have not been protected there is a specific grievance procedure that must be followed in order to avoid a grievance from turning into a dispute. This procedure can be found in chapter H in the Personnel Administration Measures (PAM) (SA, 1998b), an addendum to the Employment of Educators Act. If these basic rights are not met, educators may engage in collective

bargaining to ensure and even insist on the protection of these rights. As a last resort educators may strike, on condition that certain criteria are met before such strike action takes place. Educators therefore have the right, and mechanisms exist, to make their grievances known and to insist on their rights. The exercise of this right should, especially in the Foundation Phase, be done with circumspection. The right that learners have to education has major implications, especially in the Foundation Phase, since these learners have to be supervised by qualified educators at all times.

2.4.1.5 Environment

Section 24 (SA, 1996a) of the Constitution is critical to this study since it states that “everyone has a right to an environment that is not harmful to their health or well-being.” The term “environment” must be defined broadly “to mean the physical surroundings which sustain human life, whether in an urban or rural setting, a factory or a school” (Davis *et al.*, 1997:259). It would also specifically include the inter-relationships between humans and would incorporate both socio-economic and cultural dimensions of these inter-relationships (Currie & De Waal, 2005:525). Marotz *et al.* (2005:8) state that “in a simplified way, environment is made up of physical, social, economic, and cultural factors. These factors influence the way individuals perceive and respond to their surroundings.”

Educators have a Constitutional right to a healthy environment, in which their well-being is promoted and secured. The state must protect the environment within which educators must operate, since this has an impact on many factors, including the learners that they teach. “Conduct of the state or a private individual or institution violating that right may be challenged” (Currie & de Waal, 2005:522). In essence a reasonable expectation, but the application and implementation thereof may be difficult for the state, certain schools and educators to attain. Reasons for this are varied and include factors such as cost implications and number of learners in a class. This will be discussed in more detail in the next chapter.

2.4.1.6 Children

Section 28 (SA, 1996a) of the Constitution is critical for all educators since it states that “a child’s best interests are of paramount importance in every matter concerning the child.” In essence, the best interests of learners are always of extreme importance and must be taken very seriously. This is vital in the Foundation Phase because learners are at a particular stage of development and are demanding in terms of the expected

duty of care because they require constant supervision. The rights of these learners must, therefore, always be well protected. Especially in the Foundation Phase this places a tremendous amount of pressure on educators. Teaching in this phase is not a task to be taken lightly. These educators take on a tremendous responsibility. A secure educator will cope with this challenge more easily.

According to Rautenbach and Malherbe (1998:5), the Constitution “attempts to accommodate the diverse interests of South African society and ensures justice for all.” In this context, in particular, they assure the protection of different rights concerning workers by means of the establishment of offices such as the Public Protector and The Human Rights Commission. Their function is to promote, protect and develop human rights. Foundation Phase educators should, therefore, enjoy adequate protection by means of the Constitution. However, “despite these statutory forms of protection and regulation, reality has shown that various factors exist that adversely influence all educators’ security in the workplace” (Rossouw and Keating, 2009:131).

Foundation Phase educators must be well informed regarding their rights as specified in the Bill of Rights. They should take cognisance of the fact that the Bill of Rights is superior to all other forms of law and therefore takes preference. In the case of a dispute, the educator should, therefore, refer to the Bill of Rights for clarification and guidance.

Schools must not only comply with the Bill of Rights but must also actively promote the principles discussed. “The implications of this for schools are enormous. In any discussion of the rights of learners and educators the fundamental values cited above must be taken into account and applied” (Alston, Van Staden & Pretorius, 2005:150). In this particular instance, the rights of the Foundation Phase educator must be complied with and promoted at all times. If this is done, these educators would have the necessary security and protection to enable them to function effectively in the classroom.

An analysis of various other forms of original and education legislation pertaining to the rights and security of the educator will now be undertaken.

2.4.2 Employment of Educators Act 76 of 1998

The Employment of Educators Act 76 of 1998 (SA, 1998b) has been amended regularly since its promulgation a decade ago. This act provides specifically for the

employment of educators by the State; in particular, for the regulation of the conditions of service, appointments, promotions and transfers, termination of services, incapacity and misconduct and for matters connected therewith. It is “the main statute that regulates labour relations in education in conjunction with the general labour laws” (Rossouw, 2003:25).

It is important to establish what the exact employment relationship between the employer and employee is. According to section 1 of this Act, an educator as an employee can be defined as any person who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at any public school, further education and training institution, departmental office or adult basic education centre and who is appointed in a post on any educator establishment (SA, 1998). For the purpose of this study an educator will be defined as a person who teaches and educates (Foundation Phase) learners at a public school and is employed by the state, more specifically the Department of Education. Educators employed by the governing body of a public school are not bound by this act. “Due to a declining economy, the state would not be able to establish more posts in a school staff group, and this gap has to be filled by governing bodies” who appoint additional members of staff in order to keep educator-learner ratios more realistic (Rossouw, 2007:107). It is important to ascertain exactly how their conditions of service are regulated since this may impact significantly on the level of security that they may experience within their workplace. These educators are bound and protected by the Labour Relations Act (SA, 1995) which will be discussed later. There are also numerous provisions made for these educators in the South African Schools Act which will be elaborated on after the Labour Relations Act.

It is imperative for educators, as employees, to be well informed regarding their rights, the necessary duties that they must perform and the proper, professional conduct that is expected of them. This will ensure that there are no uncertainties and that expectations are not vague. In effect this will have a positive impact on the security of the educator.

The Personnel Administration Measures (PAM) form part of the Employment of Educators Act (SA, 1998b) and provide educators with clear parameters in terms of issues such as their conditions of service, workload, duties and responsibilities, appointments, service benefits and grievance procedures. Educator workload will be dealt with in the next chapter.

The Education Labour Relations Council (ELRC) is applicable to educators at public schools and is a bargaining council that has been established to promote peaceful labour relations, specifically for the education sector. The objectives of the Council include some of the following:

- To maintain and promote labour peace in education;
- To prevent and resolve labour disputes in education;
- To perform dispute resolution functions;
- To promote collective bargaining in relation to all matters of mutual interest.

A number of these powers and functions have been specified in order to give an indication of the degree of protection that educators are entitled to. This protection should help them to feel more secure.

2.4.3 South African Council for Educators Act 31 of 2000

Until 2000, chapter six of the Employment of Educators Act consisted of the provisions regulating the South African Council for Educators (SACE), but that part was taken out of the act when the above act was promulgated. In 2003 the Code of Conduct for educators was replaced by the Code of Professional Ethics. This code specifies the duties of educators as well as the non-negotiable professional and ethical conduct that educators in public and independent schools must abide by in order to promote basic human rights. This code aims to uphold the professionalism of educators since they should function as role models within their communities. This includes the expected conduct, for example, between the educator and the learner or the parent.

Once educators are qualified, their registration with SACE is compulsory and the proof of registration must be produced in order for them to be employed at any school. Since clear guidelines are stipulated regarding educator conduct, this code serves to provide educators with a measure of security. Expectations and benefits are clearly stated. The benefits which would have a positive impact on the security of educators include the promotion of in-service training for all educators so that they can keep abreast with new trends, the establishment of a professional assistance facility for educators to contact regarding issues that may cause uncertainty or insecurity and a fair hearing procedure.

2.4.4 Labour Relations Act 66 of 1995

The Labour Relations Act (hereafter referred to as the LRA) (SA, 1995) became operational on 11 November 1996 and is a form of general legislation that provides the necessary security for educators who are not employed by the state - for example, educators employed by governing bodies. The LRA is the most important act binding and protecting staff members appointed by school governing bodies (Rossouw, 2003:25). One of the aims of the Act was to align labour relations in accordance with the Bill of Rights in terms of relations between specific employers and employees, in this instance the Foundation Phase educator and the governing body of a specific school. It is, however, also applicable to other employers and employees and not exclusively to education.

The purpose of the Act includes the following: the regulation of the organisational rights of trade unions, the promotion and facilitation of collective bargaining, the regulation of the right to strike and the recourse to lock-out, the promotion of employee participation in decision making and the provision of procedures for the resolution of labour disputes (SA, 1995).

Certain agents of the state, such as the Department of Labour, the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court, have been established to guarantee that relationships develop positively within the parameters of labour legislation and that disputes and grievances are solved effectively (Rossouw, 2003:2). These would all impact positively on educator security since these educators are protected by the knowledge that efficient channels for problem solving are available, if necessary. The key principle is that employers and employees should treat one another with the necessary mutual respect (SA, 1995), vital to the promotion of human dignity.

Also included in this act is the Code of Good Practice: Dismissal to help those managers who are appointed to deal with various aspects of disciplinary actions by means of providing clear guidelines so that uncertainty is excluded. These guidelines will provide educators with a certain measure of security.

Of particular importance is section 187 (SA, 1995). Section 187 (1)(f) is based on automatically unfair dismissal of workers and section 187 (2)(a) is based on a dismissal that may be fair based on the inherent requirement of the particular job.

Section 187(1)(f) states that a dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 549, or if the reason for the dismissal is that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including disability. Section 187(2)(a) specifies that despite section (1)(f) a dismissal may be fair if the reason for dismissal is based on an inherent requirement of the particular job. To clarify, this would mean that the educator would no longer be able to satisfy the inherent requirement of being a Foundation Phase educator. The inherent requirements of a Foundation Phase educator are, however, not stipulated, which makes this difficult to implement effectively. As stated previously, this aspect will be discussed in the chapter that follows.

Based on incapacity: ill-health or injury in Schedule 8 of the Code of Good Practice: Dismissal in the Labour Relations Act, section 10 (SA, 1995) of this act states that in cases of permanent incapacity, the employer should ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee's disability. In the case of an educator, the type of disability would be a major consideration as the inherent requirement of being a Foundation Phase educator may no longer be met, which may be detrimental to the learners. As mentioned before, an educator assistant could be a solution to the problem.

There is a distinction between a disability that occurs once the educator is already employed and a disabled educator still applying for a position. Schools would have to guard against unfair discrimination when a disabled educator applies for a post at their school. The issue of the inherent requirements of a Foundation Phase educator therefore requires urgent attention to prevent unfair discrimination from taking place. As stated previously, this will be discussed in chapter three. The aspect of an educator becoming disabled once she is already employed has already been elaborated on.

2.4.5 South African Schools Act 84 of 1996

The South African Schools Act (hereafter referred to as SASA) (SA, 1996b) came into operation on 1 January 1997 and constitutes overall national legislation for school education in the Republic, particularly the organization, governance and funding of schools (De Groof & Malherbe, 1997:90). It provides for a uniform system for the organization, governance and funding of schools; to amend and repeal certain laws relating to schools; and to provide for matters connected therewith (SA, 1996b).

In an analysis of this Act, Bray as quoted by De Groof and Malherbe (1997:27) states that “the focus really is on the legal status of the school as the basic agent for providing education in accordance with the constitutional requirements, government policy as enunciated in the law, as well as the wishes of the parents, the pupils and other role players.”

Chapter two, based on learners, states that school attendance from seven years of age is compulsory. Section 5(1) (SA, 1996b), in terms of admission to public schools, clearly highlights the fact that learners may not be unfairly discriminated against on a number of grounds including age. In addition, section 5(2) says that the governing body of a public school may not administer any test related to the admission of a learner to a public school, or direct or authorize the principal of the school or any other person to administer such a test (SA, 1996b). Two issues regarding this arise. Firstly the issue of discriminating against a learner on the grounds of age. This will be elaborated on by means of case law that will be discussed later under 2.6. The second issue relates to the testing of learners to establish if they are ready for formal education. Since learners may not be tested, educators may not accurately be able to establish the learner’s school readiness. If a learner is not school ready and has to start formal schooling on grounds of his age, the educator’s task is made significantly more difficult because the learner is not at the correct level and will need additional individual attention. Since our educator-learner ratio is too high, educators find it difficult to succeed in fulfilling their various roles. Educators may, therefore, feel insecure because the best interests of some learners may not be met.

Section 8(1) (SA, 1996b) stipulates that the governing body of a public school must adopt a code of conduct (according to stipulated guidelines) for the learners after consultation with the learners, parents and educators of the school. According to section 8(2), it must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process (SA, 1996b). This is vital, since discipline at schools is declining. “Many principals and educators are finding it increasingly difficult to maintain discipline in schools” (Joubert, 2008:1). This lack of discipline impacts negatively on the security of the educator, since it is becoming more difficult to implement effective disciplinary measures. The lack of learner discipline is a major factor in relation to educator security. There is a perception that disciplinary problems only exist in the higher grades. In reality, however, “there is an acknowledgement that more young children than ever are being identified as exhibiting behaviour problems” (Papatheodorou,

2005:3). Early intervention is of paramount importance to ensure that the problem does not escalate. “Children who exhibit problems at an early age tend to exhibit more behaviour problems in later childhood” (Papatheodorou, 2005:4). Educators therefore need to identify and deal with behaviour problems quickly.

Section 10 (1) pertinently states that no person may administer corporal punishment at a school to a learner and section 10(2) specifies that any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a sentence which could be imposed for assault (SA, 1996b). This is in line with the protection of human dignity and according to the Bill of Rights 12(1)c (SA, 1996a) to be free from all forms of violence and 12(1)e not to be treated or punished in a cruel, inhuman or degrading way. Educators therefore have to use different and new ways of disciplining learners since there is a strong correlation between discipline and effective teaching and learning. Certain educators may still feel that the abolishment of corporal punishment impacts on their security since other strategies may not be as effective for them.

The Schools Act (SA, 1996b) does not directly refer to the liability for acts of governing body appointed educators in the performance of their duties, which may result in delictual claims related to injuries to learners. Section 60, however, provides for State liability in all cases of public schools’ liability where damage to learners occurs. It is stipulated that the State will pay the damages if the injury or damage was sustained during school activities. As determined in the case of *Louw en 'n Ander v LUR vir Onderwys en Kultuur, Vrystaat, en 'n Ander* 2006 4 All SA 282 O, this section covers both State and school employed educators. This provision therefore ensures security for all educators, because they will not be held liable in their personal capacity.

The Schools Act reflects a meaningful and ambitious attempt to involve parents in public school governance on a scale not previously known in South Africa (De Groof & Malherbe, 1997:143). Educators should see this in a positive light since parental involvement is so important for learners. If these parents, however, overstep the boundary and interfere, educator security may be influenced.

2.4.6 National Education Policy Act 27 of 1996

The National Education Policy Act provides for the determination of national policy for education; to amend the National Policy for General Education Affairs Act, 1984, so as to substitute certain definitions; to provide afresh for the determination of policy on

salaries and conditions of employment for educators; and to provide for matters connected therewith (SA, 1996c).

The required norms and standards for educators are specified in this policy. There are seven roles and associated competencies that competent educators should carry out. These are learning mediator; interpreter and designer of learning programmes and materials; leader, administrator and manager; scholar, researcher and lifelong learner; community, citizenship and pastoral role; assessor and learning area/subject/discipline/phase specialist. These roles are clearly defined but in addition to this, in reality, there are numerous other roles that educators are expected to carry out. This issue impacts severely on educator security since educators are not able to cope with the growing number of demands made on them. "The role of teachers in the classroom has shifted; and therefore, they are required to wear many hats during the course of the school day. Teachers continue to be responsible for more, as they are asked to fill roles that were once taken care of at home and elsewhere in the community" (DeBruyne, 2001:1). The role of the educator will be dealt with in more detail in the next chapter.

The criteria for the recognition and evaluation of qualifications for employment in education based on the norms and standards for educators form part of this act. In terms of the Foundation Phase, these educators must be qualified to teach the three learning programmes and to integrate the other learning areas. This act provides clear guidelines for the necessary qualifications and ensures that educators know what the expectations are and are able to provide quality education to the learners in their care.

2.4.7 Occupational Health & Safety Act 181 of 1993

This act provides for the health and safety of persons at work - in this instance, educators. Section 8(1), based on the general duties of employers to their employees, stipulates that every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his employees (SA, 1993). Educators are, therefore, assured of a safe working environment which should be conducive to effective teaching. In this sense educator security is ensured. However, reasonably practicable can be widely interpreted and no mention is made of what an acceptable standard is. A minimum norm or standard should be decided upon in order for the classroom environment to be acceptable for both educators and learners. Every employee shall at work, as stipulated in section

14(a), take reasonable care for the health and safety of himself and other persons who may be affected by his acts or omissions (SA, 1993). Educators are, therefore, responsible for the health and safety of learners in their care. This responsibility can only be exercised properly if the environment provided is safe and risk free. The employee can, therefore, only take responsibility if the employer has provided and maintained the agreed upon environment.

According to this act, each school is compelled to compile a written safety policy which serves to protect all stakeholders. All members of staff must be given a copy and it must be displayed in a prominent place at the school for easy reference. In addition, in larger schools a safety representative must be appointed. The function of this representative is to be alert regarding safety issues, especially in higher risk areas of the school, and to take the necessary precautions to avoid the risk of unnecessary injury. Educators should feel secure in the knowledge that the necessary precautions are being taken. Regular site visits must be undertaken by departmental officials as representatives of the employer. In addition, both educators and learners must be encouraged to report potentially dangerous places at schools.

In terms of the acts discussed above, educators do enjoy a great deal of protection which should impact positively on their security. As mentioned, however, the actual implementation thereof is where the problem lies. This would imply that there are many areas of concern and insecurity for many educators would be a result.

This concludes the discussion of the statutory provisions in the South African legal system in so far as it relates to educator security. The implications of the South African common law for educators will be discussed next. Aspects with particular reference to education law and the security of the Foundation Phase educator will be given preference.

2.5 Common law and educator security

Common law in South Africa is based on the principles of “legal tradition derived from Roman-Dutch and English law that have been developed and adapted to the South African legal background and culture” (Oosthuizen (ed.), 2003:49). It is, therefore, the original and oldest form of law that is constantly being updated to accommodate changing societal needs, such as issues relating to unfair labour practices. Common law thus provides an important basis for education law.

“Apart from the Constitution and labour legislation, the common law is an important source when it has to be determined what reciprocal obligations employees and employers have” (Rossouw, 2007:111). Rossouw (2008:24) points out that according to common law, the obligations of employers are to supply the necessary facilities and to provide a safe and healthy work environment. Grogan (2005:62) reiterates this by stating that it is a common law duty of the employer to ensure that working conditions are safe and healthy. According to Rossouw (2007:112) health and safety should never refer to the physical only, but also to psychological and emotional health and safety. This was clearly highlighted when security was defined earlier in this chapter. In terms of the above, employers therefore have a mammoth obligation to fulfil. If this obligation is not met, educators have difficulty in fulfilling their various roles, which is a major contributor to educator insecurity. As stated previously, the precise meaning of physical, psychological and emotional health and safety must be clearly specified in documentation and policies, as well as the minimum requirements, as currently these differ tremendously within the various schools. In the regulations for safety measures at public schools in the South African Schools Act 84 of 1996 (SA, 1996b) no mention is made of this. In terms of signposts for safe schools, the emphasis is on crime and violence and a programme or programmes to develop the capacity to deal with these issues. This issue is, therefore, not addressed adequately in this document either. The question arises whether educators are obliged to fulfil their obligations, such as their various roles, if employers do not fulfil their basic obligations. An important question since, according to Maslow’s hierarchy of needs, safety and security are part of the basis that people need to be able to function well (Liebling & Prior, 2005:93-94). These are, therefore, non-negotiable.

2.5.1 In loco parentis

Educators are specially trained and qualified to formally teach learners in the various phases of their choice. This is based on the norms and standards for educators in the National Education Policy Act 27 of 1996 (SA, 1996c). Included in this training is a thorough study of all the aspects of development, including cognitive and emotional. Most Foundation Phase educators are, therefore, well informed regarding the particular aspects of development, specific needs and characteristics of learners at this age, since their skills and abilities are unique. Most parents do not have this training and therefore have to rely on qualified educators to educate their children. “Emphasis has shifted towards formal education as an indispensable part of upbringing” (De Groof &

Malherbe, 1997:49). “Education programs serve more children now than at any other time in history” (Marotz, Cross & Rush, 2005:12).

As stated in the admission policy for ordinary public schools in the National Education Policy Act 27 of 1996 (SA, 1996c), parents have an obligation to support their children to attend school regularly. The South African Schools Act 84 of 1996 reiterates this in section 3(1) by stating that “subject to this Act and any applicable law, every parent must cause every learner for whom he or she is responsible to attend a school from the first school day of the year in which such learner reaches the age of seven years until the last school day of the year in which such learner reaches the age of fifteen years or the ninth grade, whichever occurs first” (SA, 1996b). Parents are, therefore, duty-bound to send their children to school and as such, educators take on the role of *in loco parentis*, which will be discussed next.

Learners spend a substantial amount of time in the care of their educator each day. In this time the responsibility for the child shifts from the parent to the educator. This is especially true in the case of the Foundation Phase, since these educators are bound to one class of learners for the duration of a year and teach all three learning programmes to these learners. The educator has to take over the role of the parent for that particular period of time. This is known as *in loco parentis*. According to Potgieter (2004:153) “the maxim denotes nothing more than that for a specific period of time during the school day, a child will be placed by the parent under the physical control of the school authorities.”

“An educator derives his *in loco parentis* position from the authority delegated by a parent” (Oosthuizen (ed.), 2003:61). At no point does the educator take over the role of the parent, instead they remain the secondary educators and “a substitute parent” (De Groof & Malherbe, 1997:296). The *in loco parentis* position is, however, unique and different to that of the parent; at no point does the educator have the same role as the parent. The basis for education is obtained in the child’s home from birth and therefore the parent is always the primary educator and disciplinarian. Since parents delegate their authority to the educators when their children are at school, educators have the right and responsibility to correctly discipline the learners. In many instances, however, the educator is the primary disciplinarian. Section 3.7 of the Guidelines For A Code Of Conduct For Learners in The South African Schools Act 84 of 1996 clearly states that an educator at the school shall have the same rights as a parent to control and discipline the learner according to the Code of Conduct during the time the learner is in attendance at the school, any classroom, school function or school related

activities (SA, 1996). “Educators have full authority and responsibility to correct the behaviour of learners whenever such correction is necessary at the school” (Rossouw, 2007:86). It may be necessary for educators to discipline learners in the classroom so that there is no disruption in the learning process. This provides the educator with a considerable amount of security. In reality, however, this is not an easy task.

As will be mentioned in chapter three, society has changed in the sense that parents are currently more critical and are not hesitant to carry out legal action against a school if, in their opinion, they deem this to be necessary. This happens especially when parents feel that the educator was negligent and their injured child was not adequately protected from danger. “The last decade witnessed a significant increase in litigations between parents of learners and the National Department of Education or a provincial department of education” (Oosthuizen, 2005:69). Although educators fulfil an *in loco parentis* position they can find themselves in this situation.

2.5.2 Duty of care

“Professionals have a moral and legal obligation to protect the children in their care” (Marotz, Cross & Rush, 2005:12). As a result of an educator being a professional person and having to be responsible for the learners in her class for the duration of the school day, the concept of “duty of care” comes into play. This means that the educator has a legal responsibility towards each learner, more specifically for the safety of the learner in the time that the learner is at school. This responsibility is serious and non-negotiable; the safety of learners is at stake. This includes not only the physical safety of the learners but more holistically speaking, the general well-being and welfare of each learner. It is based on and is an extension of the responsibility of *in loco parentis* and is also part of the educator’s professional responsibility. In essence this means that the educator is responsible for the safety of the learners in her care at all times. Marotz *et al.* (2005:10) state that “awareness and efforts to protect children’s safety are a continuous adult responsibility.” Since the educator is qualified and well informed regarding the development of the Foundation Phase learner, she has the necessary background to anticipate possible learner actions and behaviour. The educator can, therefore, anticipate and to an extent avoid potentially dangerous situations by taking the necessary precautions and care. “The correct standard of care of educators is that of the reasonable educator” (Potgieter, 2004:153). This goes further than the norm of the reasonable person since educators are qualified, professional people. This aspect will be elaborated on later.

In many instances educators are coping with unacceptably high numbers of learners in the classes. Where this is the case, educators bear unreasonable responsibility. As a result educators feel insecure. Foundation Phase educators may be expected to take on more responsibility since the learners in this phase may be considered to be more demanding. The developmental aspects of the Foundation Phase learner and the issue of educator and learner ratios will be elaborated on in the following chapters.

It is not uncommon for educators to be called out of their classes during the course of a school day. The reasons for this are numerous. The learners are, therefore, left without an educator for a certain period of time. In this time the safety of the learners is at stake, especially in the Foundation Phase because the learners are known to be more impulsive and in need of constant adult supervision. Since the use of educator assistants is not common practice in South Africa, they are not available to take over from the educator. If anything should happen, which is not unlikely if one takes these learners' stage of development into account, who will be held liable and responsible? The aspect of liability will be discussed next.

2.5.3 Delictual liability

“When damages are caused by the unlawful and negligent or intentional act of another the legal duty to bear the damages is referred to as liability” (Joubert & Prinsloo, 2001:98). Since educators are legally obliged to ensure the safety of the learners in their care at all times, liability may arise in cases of damage to learners that takes place during school activities. If this damage can be attributed to a negligent act of an educator, while performing his or her duty as employee, the school might be obliged to compensate for the damage. Damages can either be to property which is known as patrimonial or pecuniary loss, or it can be to the person, which is known as non-patrimonial loss or non-pecuniary loss. The claim for damages, if the incidence occurred during a school activity, will be made against the Department of Education on the grounds of section 60 of the South African Schools Act 84 of 1996 (SA, 1996b). The Department will pay the damages, but the Department might claim part of the money back from the educator by deducting an agreed upon amount each month if disciplinary action was deemed necessary. Educators are, therefore, aware of and concerned about the possibility of loss or damage that may be as a result of negligence on their part. Educator security regarding this matter is an issue. Given the pressures of teaching and the large classes that many educators have to cope with, there is always a possibility of injuries.

By taking their training and knowledge of learners into account, educators should be able, within reason, to anticipate possible danger. For example, educators should do a daily inspection and identify any foreseeable signs of danger. Once this is identified, the necessary preventative steps must be taken to remove this threat in order to prevent possible injury or dangerous situations from arising. In addition, educators are expected to plan developmentally appropriate activities to ensure that learners are able to perform them without any risk of injury. As mentioned before, in large classes this leads to a high degree of insecurity because the educator finds it difficult to take charge of the safety of so many learners. It may be more difficult to adequately and appropriately supervise so many learners, bearing in mind that the primary role is the education of the learners. The risk of injury may actually increase substantially when the number of learners in a Foundation Phase class is unreasonably high. A realistic educator-learner ratio is, therefore, imperative, especially in Foundation Phase classes. This ratio must be realistically established and implemented to ensure the security of these educators since these educators may unfairly be held accountable.

If damage or loss is caused by the unlawful or negligent conduct of an educator, the educator may be held delictually liable. In the law of delict there are, however, five elements or requirements that must be proved if this is to be the case. According to Oosthuizen (2003:88-89) these are as follows:

- an act in the form of wilful human conduct or an omission;
- damage in the form of either patrimonial loss or non-patrimonial loss as a result of the act;
- unlawfulness or wrongfulness in the sense that the act must infringe a legal interest and such infringement must be unreasonable according to the legal convictions of the community;
- the damage must be causally linked to the act;
- the act must be committed with fault (in the form of either intent or negligence) on the side of the wrongdoer.

As mentioned previously, the general test for negligence in South Africa is that of the reasonable person or *diligens paterfamilias* (taking the necessary care as the father in the family would). This means that in the case of damage or loss the conduct of a

reasonable person would be used as a basis to decide if the action was according to a reasonable person's actions. "You do not have to protect the learners against every possible risk, but in all situations you should act as a reasonable person would" (Joubert & Prinsloo, 2001:101). Since educators are professionally trained and experts in their field, their conduct cannot be judged according to the general reasonable person test for negligence. "In the school context educators are expected to supervise learners according to the standards required of reasonable educators, in other words, in terms of the standard of the reasonable person in the applicable educational circumstances" (Potgieter, 2004:153-154). Many Foundation Phase educators, however, are not operating in environments that are conducive to proper or effective teaching and learning. The argument, therefore, would be that this may prevent or hamper them from conduct as expected of a reasonable educator. Many educators are expected to function beyond the expectations of a reasonable educator which places them at risk of liability. In turn they experience high levels of insecurity.

A number of court cases that are of relevance to this study will be discussed next. These cases provide educators with binding judicial decisions and therefore the implications of these cases are of immense value.

2.6 Case law and educator security

"Case law comprises court decisions, the most important of which are recorded in law reports. Case law provides important information and guidelines on many educational issues" (Joubert & Squelch, 2005:7). A number of relevant cases will be discussed to stress some of the issues that have already been mentioned. Since the emphasis is on the Foundation Phase educator, mostly cases pertaining to these educators or learners will be discussed and valuable conclusions drawn. In some instances other relevant cases may be mentioned.

2.6.1 Doreen Harris v Minister of Education

In the case of *Doreen Harris v Minister of Education* (2001) CCT 13/01 30218/2000, Doreen Harris stood up for the constitutional right of her daughter, Tayla, not to be discriminated against on the grounds of her age. After three years at King David pre-school her parents decided to enrol her as a grade one learner at King David Primary school. At the start of that school year Tayla would still have been five years of age. The school therefore notified the parents that they would be unable to enrol Tayla.

Their decision was based on the Admission Policy for learners that stated that a learner must be six turning seven years of age in grade one. This policy regulates the admission of learners to schools and gives clear guidelines on the requirements and restrictions. In essence Tayla was only 11 days away from turning six. This would have meant that she would have had to wait for another year before being admitted to primary school.

Section 9(3) and (4) of the equality provision in the Bill of Rights (SA, 1996a) clearly states that neither the state nor any person may unfairly discriminate directly or indirectly against anyone on one or more grounds including, in this case, the age of the person. According to the above-mentioned policy, school governing bodies may not administer any test to determine whether a learner should be admitted or denied admission to a school. Mrs Harris, however, had her daughter privately tested to determine if she was school ready or not. The educational psychologist in question found that Tayla was school ready and that it would be in her best interests to start formal schooling in the year that the parents wanted to enrol her. As mentioned previously, section 28(2) of the Bill of Rights (SA, 1996a) states that a child's best interests are always of paramount importance in every matter concerning the child.

The court ruled in favour of Mrs Harris and various implications arise. In this instance enrolling this learner would be reasonable since she was so close to the stipulated age and as mentioned, it was in her best interests to start school since tests had revealed that she was school ready. Clearly, the individual learners and their unique needs always need to be taken into account, regardless of the various laws that are written to accommodate society as a whole. Judge Sachs made it clear that this case was based on an exemption to, rather than a scrapping of, the turning-seven rule. The contention was that the discrimination was unfair and against the best interests of the child because the requirement allowed for no exemptions for children who did not reach seven during the year, even if they were manifestly ready for school.

In section 5(1) of the South African Schools Act (SA, 1996b) it is clearly stated that a public school must admit learners and serve their educational requirements without unfairly discriminating in any way, including age. In addition, section (4)(b)(i) stipulates that the Head of Department may admit a learner who is under the specified age if good cause is shown, as was evident in this particular case. Section 5(5) states that the admission policy of a public school is determined by the governing body of such a school. It is essential that this should be done after thorough consultation with the

Foundation Phase educators, so that consensus is reached in terms of the admission policy of each school in accordance with its specific policies, needs and communities.

The fact that learners are not allowed to be tested prior to admission to a school impacts negatively on educator security. Educators are not able to ascertain if the learners, regardless of their chronological age, are actually school ready or not. Certain learners may, therefore, be admitted but may find it difficult to cope. This places the educators under further pressure since the educator-learner ratio is high. There is, therefore, little spare time to devote to these learners to give them additional assistance. This problem is further compacted since educator assistants are not common practice in South African schools.

2.6.2 Wynkwart v Minister of Education and Highlands Primary School

In the case of *Wynkwart v Minister of Education and Highlands Primary School* 2002 A1036/02, Randall Wynkwart was a grade three learner (aged 9 years and 7 months) at Highlands Primary School when he sustained serious injuries by falling off gate six, an unused and locked gate, after school. The gate was the closest one to his home and despite repeated warnings by the school not to use the gate because of the danger involved, on the day in question (9 April 1990) he acted impulsively, as can be expected from a learner in this phase, and decided to climb over the gate. He caught his trousers on the gate, lost his balance, and as a result fell on his neck and was permanently disabled. In a High Court case eleven years later, his father, the respondent, held the school and the Minister of Education liable for damages based on the fact that his son was injured because of their negligence. The final verdict was that the court ruled in favour of the respondent, Mr Wynkwart.

The school and the Minister of Education, however, appealed against this decision and ultimately won the case. This judgement taken was based on the fact that the educator in question had carried out her duty of care as well as can be expected for the 36 learners in her care at the time and in addition, roughly 900 other learners who were in the surrounding area and exiting the school property. Continuous supervision of each and every learner is not possible. Judge Desai stated that it would not be reasonable to expect the appellants to have taken such steps in this instance. The school rules were clearly stated and enforced and the learners had been warned repeatedly about the risks of climbing over the gate. In this case the general test for negligence would be that of the reasonable educator. This reasonable educator had so many learners to

take charge of and such a vast area to monitor that she would not have been able to anticipate the possibility of one learner attempting to climb over a locked gate on that particular day. She would certainly have reprimanded him, had she seen what he was doing. Despite the school rules that were taught and enforced and the regular warnings, Randall still got seriously injured. “Providing security, well cared school facilities and an appropriate standard of care do not guarantee that learners will be safe” (Joubert, 2007:115).

The implications for educators are that they must take their playground duties seriously and make sure that they are on duty, on time, as required, since accidents happen so quickly, especially with the Foundation Phase learners. Educators must be there to anticipate possible dangers and to react immediately to prevent them from taking place. Educators can be found negligent if an accident occurs and they are not carrying out their duty as expected. In addition, educators must ensure that they constantly teach the learners the rules of the school, for their own protection, and consistently enforce the rules. This impacts heavily on educator security, since educators are responsible for the safety of large numbers of learners on a daily basis as the educator-learner ratio is high. It is difficult for educators to keep up with the demands and pressures of this profession.

2.6.3 Knouwds v Administrateur, Kaap

In *Knouwds v Administrateur, Kaap* 1981 (1) SA 544 C, Esther Knouwds was eight years old when she seriously injured her finger before school one day. The injury was so serious that she lost her finger. She had been playing with a friend when she stumbled and got her finger caught in the lawn mower’s fan belt. The principal had instructed the janitor to mow the lawn on the day in question. He had switched on the lawn mower and left it unattended to fetch something in the administration office. It was at this point that the girls were playing near the lawn mower and the accident happened.

The judge ruled that the principal was responsible and therefore liable for the accident because he had instructed the janitor to carry out the task at a time that may not have been the most suitable. The janitor had been negligent in leaving the lawn mower switched on and unattended when the learners were playing outside. In addition, the person who was supposed to supervise the children at that time was not present. Judge Friedman argued as follows: “It is well known that children act impulsively,

unpredictably, and irresponsibly. It is also well known that children become so involved in their activities that they seem to be unaware of anything else. These characteristics should have been known to a principal of a primary school that busies itself with the education of young children, including those in Sub A. The principal should have foreseen the possibility of young children colliding with a machine such as the one under discussion if it were to be used at that specific time and place. Even the occurrence of their injuries should have been foreseen” (Oosthuizen, 2005:83). Judge Friedman held that under the given circumstances a reasonable person would have taken precautions in order to avoid or prevent the occurrence of the damaging incident. The defendant failed to foresee the reasonable possibility of his conduct injuring another person or causing damage to property that might result in patrimonial loss. He therefore did not take reasonable steps to prevent such occurrence.

Foundation Phase educators with their specialized training and understanding of Foundation Phase learners must be able to anticipate the possible actions and behaviour of their learners. In so doing they will be able to prevent accidents from occurring, since they know they should be particularly observant in order to react preventatively when needed. They should also guard against leaving their learners unattended in class and refuse to be called out of class unless another educator is assigned to taking care of their learners for that duration of time. The risks of leaving learners unattended in a class are just too great and unnecessary since educators will be held liable if an accident should take place in their absence. In many instances, however, educators are called out of their classes on a regular basis and this could have an effect on the security that the educator experiences in the workplace. This view is supported by Myburgh (2008:3) who is the chief Executive Officer of Naptosa. One of the non-negotiables of this union is that teachers should refuse to leave their classrooms for departmental meetings, cluster or otherwise, and training on a regular basis.

2.6.4 Transvaal Provincial Administration v Coley

In *Transvaal Provincial Administration v Coley* 1925 A 24, six year old Enid Coley, a grade one learner, remained after school once her class had been dismissed to wait for her older sister since the senior classes came out later. In this time she severely injured her eye by losing her balance while playing on a heap of sand. She fell onto a sharp edged wooden stake that had been used two years previously to support a small planted tree. In the decision taken in the Appeal court it was stated that since she was

still on the school property at the time of the accident, the school was responsible for her safety. The principal was found to be negligent, since, as a reasonable educator, he should have foreseen the danger and removed the wooden stakes as part of his duty of care to ensure that learners on the school grounds were safe and the risk of injury minimized at all times. Judge Wessels found that a reasonable prudent person would have foreseen that the stakes placed in the proximity to the mound, where the children liked to play, would be likely to be a source of danger. The appellant had been negligent in not taking steps to obviate the danger, and was therefore liable for damages.

The implications for educators are that they should be observant and anticipate the behaviour and actions of learners, especially those in the Foundation Phase who are inclined to be far more impulsive. This will encourage them to eliminate danger and in so doing prevent unnecessary accidents from taking place. All members of staff should be involved in monitoring the school grounds on a regular basis in order to identify possible dangers and immediately get rid of them. Even learners on the prefect body can be trained to be on the lookout for possible signs of danger and alert members of staff. In so doing, the school environment will be a safe place for learners. Learners in the Foundation Phase who have to wait for older siblings, should be kept in their classes or in one specific class once the school day has ended for them. Although no formal schooling will take place during this time, they can be kept under supervision, which will provide the educators with more security because they will know that these learners are safe. These learners should also be taught what is admissible in this period of time.

2.6.5 MEC of the Free State for Education and Culture v Louw

The case of *Member of the Executive Council (MEC) of the Free State for Education and Culture v Louw and another* (2005) JOL 15586 (SCA) is based on a young boy, who was a learner at Ficksburg Primary School. He nearly drowned at the school swimming pool and was left with brain damage. A court case ensued to establish who should be held liable. What makes this case unique is that the educator on duty was employed by the school governing body and not the Department of Education. The Department of Education maintained that it was not liable since the educator in question was not one of its employees because the appointment had been made by the governing body of this particular school.

Section 60 (1) of the South African Schools Act (SA, 1996b) clearly states that the State is liable for any damage caused as a result of any act or omission in connection with any school activity conducted by a public school. No mention is made of who the employer should be, so any school activity causing damage should be the liability of the State. Section 20 (10) of the same act, however, clearly stipulates that despite section 60, as just mentioned, 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 subsection (4). This subsection stipulates that a public school may establish posts for educators and employ additional educators. In essence, the judgment made stated the contractual responsibility related strictly to matters such as the payment of the salaries of governing body educators and that the state remained liable according to section 60 (1) as specified above. The school therefore could not be held liable.

The employment of additional educators has come about because the educator-learner ratio in public schools is too high, which hampers effective teaching and learning. In schools that have the available funding, Foundation Phase classes, for example, have been kept to a more manageable size because the governing body has appointed and paid for additional educators. In this way some schools attempt to make sure that the best possible foundation is laid for further education, because the basic and most essential skills are taught in this phase. A more favourable educator-learner ratio makes it much easier for educators to teach and consolidate the necessary skills. Educators feel far more secure when they can work with a smaller number of learners since they are able to give more individualised attention to the learners. For example, being able to listen to each learner read every day would be so much more advantageous for the development of literacy in our schools. It would also help the educator to identify and remediate problems more effectively.

2.7 Summary

This chapter strove to determine how current legal provisions influence and regulate the security of Foundation Phase educators, and the way infringements of educators' rights to a healthy environment impact on the overall security of the Foundation Phase educator. It was clearly shown that the educator is well protected in terms of the various forms of legislation that exist. In reality, however, the actual implementation thereof may prove to impact severely on the security of the educator.

The next chapter is based on the employment related factors for security for educators in the Foundation Phase.

CHAPTER 3:

EMPLOYMENT RELATED FACTORS FOR SECURITY IN THE FOUNDATION PHASE

3.1 Introduction

As with numerous systems of education across the world, the South African education system experiences various problems. Alston (2008:7) sums this up as follows: "Education is not in a healthy state in South Africa." Referring to the main concerns for education, Myburgh (2008:1) specifies that "these include a curriculum that few teachers have been able to implement effectively because of its complexity and sophistication, a lack of real training, large classes and an ever increasing burden of paperwork. Assessment appears to be poorly understood by teachers and district officials alike." Tiwari (2007:13) elaborates further by stating that "in addition to long working hours, factors such as students' lack of interest, conflicts with administrators, public criticism, overcrowded classrooms, lack of resources, and isolation from other adults cause teachers to experience high levels of stress. Unchecked, acute levels of stress can lead to job dissatisfaction, emotional and physical exhaustion, and an inability to cope effectively – all classic symptoms of teacher burnout." These and other problems which will be discussed later all impact severely on the security of the educator. This, in turn, has severe implications for the learners in their classes who should benefit by their input. Within a study of this nature it is only possible, however, to examine a limited selection of these problems.

In this chapter the focus will specifically be on Foundation Phase educators and the aspects that pertain to the security that they experience within their work environment. As pointed out in the first chapter, these educators have particularly high demands made on them for a number of reasons, some of which will be selected and analysed in this chapter. Certain aims of this study, as stipulated in chapter 1, will be dealt with. These include the impact of learner discipline and behaviour on the security of the Foundation Phase educator; the impact that a pleasant work environment and sufficient resources have on productivity and the overall well-being and security of the Foundation phase educator; as well as the implications of the unique needs and stage of development of Foundation Phase learners on the security of the educator. In

addition, the discussion in this chapter will seek to identify factors which lead to educator insecurity in the workplace. This will contribute to finding meaningful solutions so that the security of Foundation Phase educators can be promoted and maintained, as will eventually be discussed in the concluding chapter.

Security is the crux of educator well-being which ultimately impacts on the learners and the success of teaching and learning. “No amount of policy, strategy or cleverly designed managerial system will be effective if emotional wellbeing is neglected” (Hayes, 2008:viii). The importance of this prerequisite cannot be overemphasised, since a future generation is being formed. It is in the Foundation Phase that the essential skills as bases for effective further education are developed.

To commence with, certain changes that have taken place and continue to take place in society will be looked at, since these have a vital impact on educator security.

3.2 Changes

Our world and society have changed and it is evident that “today’s world is stressful, fast paced, and fragmented” (McEwan, 2005:7). While some of these changes are positive, many more changes are negative and therefore have a negative impact on society. Two negative changes that are cause for concern are changes in family structures and changes in values and attitudes. This is currently compounded by a great deal of economic instability and uncertainty. The impact that this has on educators, learners and parents is significant. Hayes (1999:26) states that “in such a fluid society, it is inevitable that teachers will see these changes reflected in the behaviour of the children they teach and in their own teaching.” It is the combination of negative changes that impact harmfully on the security that educators experience.

3.2.1 Underemphasis of educators’ rights

As stated in the previous chapter, the Constitution (SA, 1996a) promotes the establishment of a society based on democratic values, social justice and fundamental human rights. This is vital, since, as mentioned, society has changed and the promotion of these values and rights has become crucial. Educators therefore promote these values and rights at schools. Whilst it is educators who promote these rights and values at schools, they themselves are often not treated accordingly. De Groof and Malherbe (1997:157) support this by saying that “teachers as subjects of human rights,

i.e. as people who are entitled to legal and constitutional human rights protections, tend to be ignored.” Rossouw (2007:81) states that “an overemphasis of human rights is detectable in schools, at homes and in the community. For example, many learners are very aware of their rights, but show little responsibility to meet their obligations.” Educators therefore feel that their rights are secondary to those of the learners and this severely hampers their security. The reality, however, as mentioned, is that educators are entitled to equal protection by the Constitution (SA, 1996a).

3.2.2 Declining parental involvement

The attitude of parents, too, has changed. McEwan (2005:3) points out that “today’s parents are a different breed – less trusting of our educational platitudes and quick to point out what they perceive to be stupidity, inconsistency, stone-walling, or incompetence in both administrators and teachers. Lack of respect by parents shows up everywhere.” They are far more critical and are not hesitant to carry out legal action if, in their opinion, they deem this to be necessary. “The last decade witnessed a significant increase in litigation between parents of learners and the National Department of Education or a provincial department of education” (Oosthuizen, 2005:69). The majority of parents today are forced to work. Reasons for this may be varied and could include survival, career-orientation or even materialism. As a result, a significant number of parents have very little spare time at their disposal and may not be as involved in the education of their children. Many parents may not be fulfilling their roles as primary educators satisfactorily, seeing that some even work long distances away from their homes. In many instances children may not be disciplined adequately or be taught the necessary values in life. Many learners, therefore, find it very difficult to adapt to formal schooling and the stipulated codes of conduct that they are expected to adhere to. While above is true of all learners, there is a perception that young learners behave well at all times and are eager to please. There is, however, an acknowledgement “that more young children than ever are being identified as exhibiting behaviour problems” (Papatheodorou, 2005:3). This makes the educators’ role increasingly complex, thereby affecting the security that they experience.

The ongoing changes have understandably had a major impact on schools and, therefore, on educators. DeBruyne (2001:10) justly states that “schools mirror society; they do not operate in a vacuum.” This sentiment is echoed by Joubert and Bray (2007:xii) who say that “the school is a microcosm of society and reflects the characteristics of the community it serves.” Schools therefore constantly have to re-

think and re-strategise in order to make the necessary adjustments to enable them to cope with and stay ahead of change. Public schools are now “under the microscope and are threatened to be held accountable for what seems to be an ever increasing level of expectation” (DeBruyne, 2001:18). Unfortunately it is the educators who are thus put under additional pressure in this regard. They also have to cope with the learners in their classes who are affected by constant change. So often, especially in the Foundation Phase, it is the educator who must provide the much needed stability in the lives of the learners in her class. This impacts negatively on her security, since she has so many others roles to fulfil. These roles will be discussed in paragraph 3.4.7.1.

Whilst it is true that parents are the primary educators of their children, currently the majority of children are being primarily educated at schools. Joubert and Bray (2007:12) mention that “education was originally the responsibility of the immediate family and the clan or tribe in primitive places. With time, individuals were hired by a given parent or group of parents to fulfil the responsibility of teaching and educating their children.” De Groof and Malherbe (1997:49) point out that “the duty to provide education has shifted from parents to society.” Perhaps it will be more accurate to say that it has shifted primarily to the educators. Learners spend a significant amount of time at school each day and educators therefore play increasingly important roles in their lives. This is partly due to the fact that many parents simply are not involved enough and are too busy to fulfil their parental roles satisfactorily, as mentioned. DeBruyne (2001:10) further emphasises that “as schools create programs to address various problems, they inadvertently obtain a larger portion of responsibility for raising those children, clouding the division between parent responsibility and the schools’ responsibility.” Increasingly, it is the educators who are expected to take on more responsibility in relation to the learners in their classes. Educators today take over many traditional parental roles and responsibilities. This is in addition to the many other roles that they are responsible for, such as teaching. All of this takes place with very little support from the parents and within a limited time frame. As McEwan (2005:1) states, “parents aren’t as willing as they used to be to support the schools, either philosophically or financially, and educators in the trenches are becoming more vocal about parents’ shortcomings.” Many parents are not fulfilling their duties in terms of expected support, such as recognising the value of the partnership with the teacher. This impacts heavily on educator security, since fulfilling their primary roles as educators is no longer sufficient. Smith (2008:12) correctly emphasises that “there has never been a time where the partnership between the school and the home has been more important than it is today.” Educators simply cannot take on more responsibility,

since it hampers their security. Parents must work in partnership with the educators of their children in order for the children to benefit optimally and to give educators a chance to focus on education and not a myriad of other roles.

3.2.3 Statutory developments

On the education front, there are vast changes that have taken place and still continue to take place. As an indication of these changes, Bischoff (2007:2) refers to the statutory developments that manifest in the South African Schools Act, 1996 on school finance and governance; Curriculum 2005; Revised National Curriculum Statement; National Curriculum Statement; the Development Appraisal System; Whole School Evaluation; Whole School Development and the Integrated Quality Management System. In addition, the latest policy, the Curriculum and Assessment Policy Statement (CAPS), will be implemented in 2012. The changes are endless and frequent “as social and political pressure has driven education services towards providing for higher levels of achievement among our younger children and better quality of service provision” (Kay, 2002:139). The changes have been listed specifically to point out how numerous they are and how much educators have been expected to cope with within a short space of time. Educators are, therefore, never ahead with their work and constantly have to cater for these changes, despite the pressures that they have to cope with in the classes on a daily basis. Educators constantly have to make numerous paradigm shifts and think of new techniques and strategies that will be effective in the classroom. These changes have impacted on educator security because they are ongoing. Educators feel that they are not in control and regularly have to re-plan and reorganise. Although they are in favour of constructive and meaningful new ideas and plans, constant change and uncertainty do cause insecurity. In her research on creativity, Rutherford (2009:162) found that less creative people find it more difficult to cope with change.

In the light of all the changes that have been mentioned above, it seems, educator security has been severely impacted on. The reality is that “teachers need security” (Laid, 2005:3). The security of educators is non-negotiable and will enable them to work effectively to the benefit of all learners. Learners and their education are the top priority of educators. McEwan (2005:3) emphasises this change for educators by stating “gone are the ‘good old days’ when educators were revered and respected for their wisdom and position by parents. Now we have to earn our respect the old-fashioned way: Work for it.” In reality, however, educators are working harder and are

facing more challenges. As a result they are experiencing more frustrations than ever before. Educators are finding that their “work is becoming more complex and demanding” (Jackson & Rothmann, 2006:75), they are “working under considerable stress in the new dispensation” (Rossouw & De Waal, 2004:284) and they “find themselves under great pressure from all sides” (Joubert as quoted by Joubert & Bray, 2007:45). Some of the additional pressures that educators are exposed to include little appreciation for the teaching profession and limited financial rewards that further compound the problem. It is imperative that the rights of educators must receive the necessary attention. The unfortunate thing is that our educators “are feeling insecure, undervalued and stressed, and burn out can be the result” (DeBruyne, 2001:18). Hayes (1999:26) emphasises that “without secure and confident teachers children are unlikely to receive a fully effective education” and that our schools’ prime resources - “reflective and enthusiastic teachers – must be safeguarded.” This is of vital importance since it is only secure educators who will be able to achieve their potential, reach their goals and remain positive and motivated regardless of the numerous changes and challenges that they are constantly faced with.

Due in part to the constant changes that educators must endure and cope with, as discussed above, educator insecurity and frustration are rife. As a result there has been a severe reaction from educators. The recent teacher unrest will be discussed next.

3.3 Unrest in education

Many of the above mentioned issues and their impact on educators have given rise to unrest in education during the recent past. In June 2007 educators embarked on the biggest and most extended labour action in South African education history. This took place since there was a deadlock in salary negotiations and because of the feeling that employers had an unsympathetic attitude towards educators’ service conditions. Educators felt exploited and drastic action was taken because their grievances were not enjoying the required attention. This was necessary in the light of the fact that the quality of their work life had deteriorated and that this increasing unhappiness would eventually filter into schools and have a negative impact on learners. An unfavourable situation, since the learners are their clients. A statement was made by the SAOU (Suid-Afrikaanse Onderwysersunie) in May 2007 (Roux, 2007) in which many of the grievances were made public. Aspects that needed urgent attention included: unreasonable learner/educator ratios, overcrowded classes, various discipline issues,

disrespect of teachers' rights, a new curriculum that had to be implemented without thorough training, time-consuming and senseless administration, and weak departmental administration.

The strike in August 2010 was more extensive and more severe than in 2007. Grade 12 record exams had to be postponed in many schools and the security of many educators was threatened when some actions became violent. An Afriforum application to the court was granted against some of the most prominent teacher unions when an interdict was granted for the unions to stop all intimidation (*Afriforum vs SADTU and others* case 47585/2010 in the North Gauteng High Court Pretoria). Various of these issues have already been mentioned or will be mentioned in this study. Although educators eventually got an agreed upon increase in salary, this took place at a huge price, namely "the breaking down of an already fragile culture of teaching and learning at the majority of schools, as well as the further decline in the status of educators in the eyes of their learners and the public" (Rossouw, 2008:2). It was clear that this strike became inevitable, since the security of educators was under severe strain.

As mentioned in the introduction, the Foundation educator is the focus of this chapter and the position of these educators will therefore be discussed next, as elaborated on in the previous paragraphs against the background of the changes and resulting unrest.

3.4 Foundation Phase educators: terms and conditions

Foundation Phase educators and in particular their security, form the crux and central focus of this study, since particularly high demands are made on them. Thus the various aspects relating to this issue will be dealt with next.

3.4.1 The importance of the Foundation Phase educator

It is a known fact that the Bill of Rights is the cornerstone of our democracy in South Africa. In the same way it may be argued that the Foundation Phase educators are the cornerstones of our education system, since they build the strong and necessary foundation for all further education to take place. It is in this phase that educators teach the primary skills such as reading and writing. These skills serve as a basis for all further learning, and if the educational foundation is not strong in this phase, it will impact on effective learning at a later stage. These educators therefore need

continuous support to ensure their security to enable them to teach effectively. This will help them to guarantee that the foundation of skills required for life-long learning is indeed strong and solid. It is the foundation that must be strong and secure to allow further meaningful learning and growth in later years.

The importance of Foundation Phase educators cannot be disputed. These educators are unique, dedicated and valuable assets. They are indeed the greatest assets of our nation, since they provide the foundation for the next generation and for future leaders. Their worth must be emphasised and their well-being protected at all times. Without dedicated, caring and compassionate Foundation Phase educators, education in this country would be in dire straits. For most of these educators, their work is a calling, a service of the heart. In this phase these educators are a vital and significant factor in a child's learning. Mnguni (2008:13) rightly states that "without the role of our educators we would be a nation without a future." This statement is also relates to Foundation Phase educators. Cereseto (2008:2) backs this up by stating that "I believe teachers are the most important cohort of people in the country because it is they who are responsible for ensuring that our children are properly equipped to meet the challenges of the world in which they live and work." This is vital, since the challenges are numerous and stressful. Mohutsane (2008:14) quotes an educator as saying "doctors, lawyers, police officers, you name it, no profession is more important than teaching. As teachers, we are partners with all the stakeholders, both seen and unseen, and we need all the help we can get, because we fundamentally affect the lives of every child born in the country." These quotes are true of all educators. The majority of scholarly work in the Foundation Phase concentrates on teaching and learning, curriculum aspects and learner development. An extensive overview of available literature has revealed that thus far little has been written on the position of the Foundation Phase educator as such. Affecting the lives of all learners in the first phase of their learning is of vital importance and can only be adequately achieved if our Foundation Phase educators are secure.

In addition to Foundation Phase educators being important, they are unique as a group in that they are trained to work specifically with younger learners who have unique needs based on their specific stage of development. These "young children require special forms of care, protection, education, and sympathetic understanding from adults" (Jalongo & Isenberg, 2004:48). It is not any educator who can work meaningfully with learners of this age. These educators have a special understanding of and compassion for young learners. The job of teaching Foundation Phase learners

“is extremely complex and the act of teaching cannot be reduced to a formula” (Hayes, 2008:44). The importance of the early childhood years must be stressed, since “they are more important than any other eight-year period in the life of a human being in terms of the learning that occurs, the attitudes about learning and school that develop, and the social skills that are acquired that will enable the individual to succeed in today’s world” (Brewer, 2007:xvii). For educators in this phase it is not merely about teaching content to the learners; it is about putting the learners first and allowing them to develop holistically. As stated previously, it is about laying a solid foundation for future learning to take place. It is not an easy task for these educators, since it is challenging to work with learners in this phase. Regardless of this, “early childhood is one of the most delightful periods in life and we seek careers in early childhood education because we believe that we can exert powerful and positive influence on the lives of the very young” (Jalongo & Isenberg, 2004:v-vi). Foundation Phase educators do indeed strive and succeed in influencing the lives of young learners, but they find that this is becoming more challenging since their security is often threatened.

Based on the above, these educators must, therefore, be recognised as vital resources in our country. This can be done by providing the necessary and much needed support in order to help them optimise their potential for the benefit of all learners. Foundation Phase educator well-being therefore has to be promoted and made a priority in all schools so that educators have a positive sense of security. Well-being can be defined as good health, happiness, and comfort (The Mini Oxford School Dictionary, 1998:723). It therefore focuses on the welfare of educators and will enhance their feeling of security. “Well-being requires harmony between mind and body. It implies a sense of balance and ease with the myriad dimensions of life. We have a sense of control over work and even our destiny in life” (Holmes, 2005:6). In order for the necessary balance to be attained, a holistic approach should be taken so that the various sub-categories such as physical, emotional, mental and spiritual well-being are accommodated and catered for. Many educators find it difficult to juggle the demands of their profession with the demands of the home life in order to achieve a sense of well-being and security. “It would not be outrageous to recognise that the well-being of the teachers in our schools is intimately connected to pupil performance” (Holmes, 2005:5). Whilst Holmes writes from a British perspective, the comment made is just as relevant to South African educators. Hence, the importance thereof must be stressed and more importantly effectively enforced in order to have educators who are secure. The difficulties that they face are real and abundant. These difficulties will be discussed next.

3.4.2 Difficulties experienced by educators

Although various difficulties of Foundation Phase educators have already been highlighted in the discussion about changes in education (see par. 3.2), there are others that must be mentioned in order to get an accurate perspective on the realities and challenges that these educators have to face, since these all impact on their security.

A great deal of the work that educators do takes place outside the classroom, mostly after hours, and can be time consuming. This includes, for example, extramural activities such as sport or culture which often take place over weekends. Teaching in the classroom is thus only a part of their educational task. In addition, consultation with parents can usually only take place after normal working hours - that is, in the evenings - since the majority of parents work. "Many extremely competent teachers find the juggling act of chores and tasks beyond the classroom too difficult to reconcile with their own personal sense of well-being" (Holmes, 2005:43). All of these factors and the infinite time that has to be spent on preparation for lessons and marking, could contribute to stress, a lack of well-being and insecurity.

Educators admit how hard teaching can be on their families and family life. Dedicated educators take their work home on a daily basis. As mentioned above, for educators the school day does not end when the learners go home. A great deal of additional work must be done once the teaching day is over. "If this isn't literally in the form of marking, planning and assessment, it's in the form of mentally replaying scenes from the day, going over interactions with pupils and preparing for the challenges of the days ahead" (Holmes, 2005:4). After a day of teaching, adequate time must be spent on the preparation of lessons for the next day, since a lack of proper preparation could lead to discipline problems. Many educators say that "the pressures of work left them with no time to join in with any family activities during term time, which often led to arguments and resentment within the family (Bubb & Earley, 2004:8). This would inevitably lead to further loss of security and well-being. Marston, Brunetti and Courtney (2004:486-487) report startling comments by educators such as "I'm always doing school work", "My life outside of school right now is kind of non-existent", "It's constant", "It's like a whole family profession" and "I've said for years that teaching is not just a job; it's a kind of way of life."

An ever increasing amount of administrative work and assessment is also a cause for concern. Many educators feel that they are kept so busy with administrative work and

assessment that they are not able to focus on the main task, that of educating the learners. Once these tasks have been completed, they have little energy left for their primary task. According to Alston (2008:7) increased administrative tasks and an obsession with assessment is resulting in many committed teachers saying “I’m out of here. I didn’t train to be a teacher to spend so much time on paper work that I wouldn’t have time for preparation and quality teaching.” This view is supported by Rutherford (2009:2000). It is possible that many of these tasks can be carried out by other adults and this would leave educators free to focus on their learners and teaching.

Teaching in the Foundation Phase is intense, demanding and tiring and all educators are certainly not fit for these demands. “As a job it has many similarities to acting, but no one would expect an actor to be on stage for five hours a day, five days a week and 39 weeks a year” (Bubb & Earley, 2004:6). A further challenge is that learners today are constantly being exposed to various forms of stimulating technology. This means that educators have to be more and more resourceful to keep the learner’s attention in class, which is both time consuming and stressful. Holmes (2005:20) compares educator stress with electricity by stating that “a certain amount is needed in order for things to work, but too much and you’ll blow them up.” Alston (2008:7) supports this by saying that “even the best teachers cannot provide such teaching when burnt out by such excessive demands.” These demands create insecurity and as a result educators simply cannot work effectively. The Basic Education Minister, Angie Motshekga, announced a new education plan to replace Outcomes Based Education and Training, titled Schooling 2005 which “comes after years of criticism by teachers and education experts, who said it was destroying the education system” (Mahlangu, 2010:3). Therefore, the purpose of this study is to identify the various aspects that lead to educator insecurity in the workplace and to find meaningful solutions so that the security of Foundation Phase educators can be promoted and maintained.

3.4.3 Inherent requirements for Foundation Phase education

Legal provision for unfair discrimination regarding inherent requirements of educators is made in the Labour Relations Act 66 of 1995 in section 187(1)(2)(1)(f) which states that a dismissal may be fair if the reason for dismissal is based on an inherent requirement of the particular job (SA, 1995). In addition, the Employment Equity Act 55 of 1998 emphasises in section 6(2) that it is not unfair discrimination to distinguish, exclude or prefer any person on the basis of an inherent requirement for a job (SA, 1998).

It has been mentioned that Foundation Phase educators are important and in a unique position, partly because of the developmental stage of the learners that they work with. As envisaged in chapter two (par. 2.4.2.1), the aspect of the inherent requirements of Foundation Phase educators will enjoy attention. Indications of inherent requirements are limited to The National Curriculum Statement (2002:9) which “envisions teachers who are qualified, competent, dedicated and caring and who will be able to fulfil the various roles outlined in the Norms and Standards for Educators of 2000.” Limited sources on this element are available and will need special attention in the empirical study.

Educators with certain disabilities should, however, not be ruled out entirely, as will be discussed in more detail in the paragraph that follows. Of importance here is the particular type of disability and whether or not these educators will cope with a large class of active young learners.

Writing from the perspective of an experienced principal, Smith (2008:11 -12) specifies numerous key qualities of educators. These link to inherent requirements for Foundation Phase education and are, therefore, worth mentioning. Smith has thirty years of experience and was the 2008 winner of the Excellence in Lifetime Achievement Award from of the Gauteng Department of Education. These qualities include “love, compassion, care, empathy, commitment to the job, tact and diplomacy, a desire to be of service, an academic drive, the ability to look critically at self, and then, most importantly, a sense of humour.”

The issue of disability is pertinent and some clarification in this regard will be discussed next.

3.4.4 Disabled educators

Regarding the issue of disabled educators, certain sections in the Bill of Rights of our Constitution are important. As discussed in paragraph 2.4.2.1, section 9(4) (SA, 1996a) states that no person may unfairly discriminate directly or indirectly against anyone on grounds of disability, while section 22 emphasises that all people, including the disabled, have a right to choose their profession freely. Section 23 (SA, 1996a) stresses that everyone has the right to fair labour practices. The Employment of Educators Act 76 of 1998 (SA, 1998) states that misconduct refers to a breakdown in the employment relationship. An educator commits misconduct if she or he unfairly discriminates against other persons on the ground of disability (section 18(k) (SA,

1998). In section 6(1) of the Employment Equity Act 55 of 1998 under the prohibition of unfair discrimination, no person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including disability (SA, 1998). In addition, in relation to unfair dismissals the Labour Relations Act 66 of 1995, in section 187(1)(f) states that a dismissal is automatically unfair if the employer, in dismissing the employee, acts contrary to section 549 or, if the reason for the dismissal is that the employer unfairly discriminated against an employee, directly or indirectly, on any arbitrary ground, including but not limited to disability (SA, 1995). In the light of abovementioned legislative provisions, disabled people have adequate legal protection and a well-established right not to be discriminated against. Subject to certain limitations, they (similar to all other prospective employees) must decide on their own career or profession of choice. If their choice is education, they must, however, realistically consider the inherent requirements for Foundation Phase education and whether or not they will cope in a busy classroom with a large number of active young learners. In addition, they must enjoy the same fair labour practices. These rights of educators must, however, be weighed against section 28(2) (SA, 1996a), which pertinently states that a child's best interests are of paramount importance in every matter concerning the child. If the best interests of the child are protected at all times, there is no reason why disabled persons should not become educators if they meet the inherent requirements, as stipulated in paragraph 3.4.3, and have a capable assistant, where necessary. Depending on the nature and extent of the impairment, a number of disabled people may decide against education as a career since they realise that they will experience high levels of insecurity and frustration. The necessary support is currently not generally available in South African schools and they may consequently opt for other career options or another level of education.

In South Africa, unlike a number of other countries like the United Kingdom, educator assistants are not employed in public schools, mainly because of a lack of funding. The implications for disabled educators are that the necessary support in classrooms is not available for them. In reality, therefore, they may be dynamic and qualified educators, but they may not be able to cope with a class of learners without an assistant. In a certain sense they might argue that their rights are being limited.

3.4.5 Educator-learner ratios

Based on the Progress in International Reading Literacy Study, Rademeyer (2007) reports that on average there are 42 learners in classes in South Africa. Hall *et al.*

(2005:14) backs this up by stating that “for the year 2003, most educators in the survey (62%) reported more than 40 learners per class.” This is almost double the international average of 24 learners in a class. Understandably, therefore, educators experience high levels of insecurity because they realise the scale of their academic responsibility towards the learners. In such large classes educators find it difficult to deliver quality education and therefore feel frustrated because they know what the expectations are for the learners’ higher grades. Educators find it difficult to cope with such large numbers of learners, let alone teach the vital skills and allow opportunities for these skills to be practised and developed. It also accounts, in part, for the poor performance of South African children. Our learners perform well below the international level. Besides the impact on educator security, in the long run it is the learners who pay the price for the high educator-learner ratio.

In addition, if the class groups are too large, learners are denied the necessary amount of space that will be required for effective learning to take place and learners then have to compete for physical space. In most cases classrooms are too small and were not designed to cater for such large numbers of learners. Educators therefore cannot move around easily to meet the individual needs of learners or give special attention to learners who are experiencing difficulties. Learners do not have the necessary space to take part in basic activities such as group work and reading in the reading corner once their work has been completed. This creates educator insecurity, high frustration levels and discipline problems. Tiwari (2007:11) emphasises that these high ratios “can make classroom management more difficult.” The Human Rights Council (2008:33) supports this by stating that “large classes make the maintenance of order and security a far more difficult task for educators.”

The benefits of smaller classes cannot be denied. In smaller classes “it is clear that both students and teachers have more opportunity for interactions and options for learning and teaching” (Lemlech, 2004:133). There are numerous other advantages which could include greater educator-learner interaction, more personalised attention for learners, earlier identification and intervention for learning difficulties, less discipline problems and a more manageable workload for educators. All of the above will go a long way to improve the security that the educator experiences.

This topic will form part of the empirical investigation. Another topic that causes great educator insecurity is the hours that educators work. This aspect will be highlighted next.

3.4.6 Educator work hours

For people outside the teaching profession, educator work hours seem ideal. In addition, many educators are attracted to the profession because the work hours seem manageable. Nothing could be further from the truth. “The official working hours for teachers are attractive, but the real working hours are another matter.” (Tiwari, 2007:12.) Alston (2008:7) clarifies that “all teachers are required to be at school for a minimum of seven hours a day.” This implies that the regular school hours, that merely involve teaching and contact time with the learners, add up to thirty-five hours per week. Not included in this time are extra-mural activities, contact with parents, various school events, preparation, marking, assessment, planning and several other administrative duties which take up a great deal of time. The Basic Conditions of Employment Act 75 of 1997 stipulates in section 9(1) that the ordinary hours of work may not be more than 45 hours in any week. (SA, 1997a) This means nine hours per day for five or fewer days a week, or eight hours per day for more than five days a week. If thirty-five hours a week are spent exclusively in the classroom, ten hours are left for the remainder of the work such as extra-mural activities and preparation and marking. This time frame is inadequate and unrealistic. The Basic Conditions of Employment Act 75 of 1997 (SA, 1997a) states in section 10(1)(a) and (b) that all work beyond the 45 hours in a week is overtime and can be worked only with the employee’s consent, which must be given annually. Overtime may not exceed 10 hours in any week, and total working hours (including overtime), may not exceed 12 hours per day. For educators the reality of this is an entirely different scenario. Educators regularly work longer than the stipulated hours but are not entitled to be paid for overtime work. This work is usually done after hours, at home, and would, therefore, be very difficult to control and monitor. The long hours, which are in excess of the stipulated 45 hours per week, give rise to insecurity.

The various roles, duties and the workload that educators are expected to cope with will be dealt with next.

3.4.7 Educator roles, duties and workload

Educator roles, duties and workload are closely linked, but will be separated for the sake of clarity.

High demands are made on educators in terms of the roles and duties that they are expected to fulfil; in addition, the ever increasing workload also impacts negatively on educator security. “Educators are already working hard and find themselves under great pressure from all sides” (Joubert, 2007:45). Whilst De Groof and Malherbe (1997:158) state that educators are known “to consistently feel un-/under-appreciated, caught within bureaucratic forms of accountability, over-worked and underpaid.” It is evident that this will have a negative impact on educators at some point. “These increased expectations, along with the negative public perceptions of schools, have contributed to an erosion of teacher morale” (DeBruyne, 2001:1). Many educators do not feel that these roles, duties and the workload actually support the learning process. In fact they take up a great deal of their valuable time which could have been far better utilised. Hence, an intense feeling of insecurity is the result.

3.4.7.1 Educator roles

Educators are confronted with an ever increasing number of roles that they are expected to fulfil. These are over and above the more traditional roles that educators are expected to fulfil. According to Smith (2008:12), educators are “expected to be all things to all people; teacher, social worker, sports coach, parent, therapist, nurse, councillor, policeman and detective, and so on.” The role of merely being an educator is now only part of a number of other roles that must be performed. According to Hayes (2008:36) “your role is one of guardian, guide and guru: as guardian to protect pupils from harm; as guide to point them in the right direction; and as guru to use your superior understanding and knowledge to help shape their thinking.” All of these roles are time consuming and difficult to achieve properly for numerous reasons. Foundation Phase educators have to fit more and more into each day and still provide a sound educational basis of skills that are necessary for further learning. It is not possible to specify all the roles, since they continuously change. As Kay (2002:139) states, “these roles are not static or ‘set in concrete’, but they grow and change over time, and staff must grow and change with them.” In the Foundation Phase the roles are more complex and demanding because of the age and stage of development of the learners. Educator roles are constantly changing and, as mentioned, becoming more of a challenge. The high educator-learner ratios make it increasingly difficult for educators to fulfil these roles to their satisfaction. The direct result is insecurity, since educators feel they are not able to cope and do a satisfactory job.

The Revised National Curriculum Statement (2002,9) stipulates that there are seven roles and associated competencies that competent educators should carry out. These are learning mediator; interpreter and designer of learning programmes and materials; leader, administrator and manager; scholar, researcher and lifelong learner; community, citizenship and pastoral role; assessor and learning area/subject/discipline/phase specialist. These roles are clearly defined, but in addition to this, in reality, there are numerous other roles that educators are expected to carry out on a daily basis. This issue impacts severely on educator security, since educators are not able to cope with the growing number of demands made on them. “The role of teachers in the classroom has shifted; and therefore they are required to wear many hats during the course of the school day. Teachers continue to be responsible for more, as they are asked to fill roles that were once taken care of at home and elsewhere in the community” (DeBruyne, 2001:1).

As discussed previously, our society has undergone a tremendous amount of change. This has had a remarkable effect on the roles that educators are expected to carry out. Many parental roles are now becoming the responsibility of the educator, since these roles are no longer fulfilled in many homes. This view is supported by Hayes (1999:4) who states that “part of the teacher’s role is to provide reassurance for children, giving a clear message to them that everything is under control and that adults can be relied upon to be fair, supportive and firm. This may not be every child’s experience of adults outside school; some may have good reason to be wary of promises and uncertain about accepting statements at their face value.” Besides the roles that educators must fulfil they are expected to be role models for their learners “since children learn first and foremost through the example of, *inter alia*, those who have authority over them” (De Villiers, Wethmar & Van der Bank, 2000:13). Again this situation arises because of a lack of good adult role models in many homes. Educators are expected to behave professionally at all times. This is no small task for educators to achieve and their security is, therefore, at risk.

3.4.7.2 Educator workload

Educator workload seems to escalate constantly, partly because there are regular changes that must be implemented. The most recent change is the development of the Curriculum and Assessment Policy Statement (CAPS) which is to be implemented in 2012. The implication is that educators are never up-to-date. Educators find this very frustrating because with change comes additional administrative work to get everything

ready for successful implementation. This leaves educators feeling frustrated and insecure, since their main task, which is teaching the learners, is not the focus of their attention.

The workload that educators is expected to cope with, includes many aspects such as teaching, planning, preparation, marking, extra-mural activities, and many more. According to Thomas, as quoted in Bubb and Earley (2004:8-9) there are five main reasons for excessive workload. The first one is the time consuming non-teaching tasks such as collecting money and doing photostatting. As stated above, these are the tasks that other adults could do just as well. "Linked to these concerns was the volume of work that had to be taken home and the culture of high expectations in some schools." Secondly, monitoring, assessment, recording, reporting and accountability, all of which are extremely time consuming. The third reason was covering lessons for absent colleagues and the loss of non-class contact time. Next are the number of government and school initiatives that are constantly changing, poorly co-ordinated and time-consuming, all of which create overload. The last reason was planning and the difficulty of achieving a balance between teaching and administration, meaning that educators cannot finish their work or focus properly on the most important aspect which is the actual teaching.

Smith (2008:11), an educator and principal with numerous years of experience, sums it up by saying "my one reservation is that we seem to be expected evermore to devote to administration and bureaucracy a larger and larger amount of the time that should go to compassion for and care for our staff and our pupils. When such choices occur, the people come first. But all this really means is that other work is done late at night, to the detriment of one's private life and equilibrium." For educators, their learners usually come first, often to the detriment of their own security and well-being. This is very much the case in the Foundation Phase, where the educators are known for their extreme dedication.

Bubb and Earley (2004:10) emphasise that "unless the wellbeing of individual teachers and the profession as a whole is improved, the standards of education and the educational experience of young people will suffer." The workload of educators therefore needs to be seriously considered so that their security and well-being, which is under threat, can be improved.

3.4.7.3 Educator duties

Closely linked to educator workload, as discussed above, is the issue of educator duties. “Teachers are expected to perform many duties in order to meet the needs of students that may have little if anything to do with teaching the curriculum. These extra duties often cause feelings of frustration for teachers, or a feeling of being overwhelmed as they attempt to ‘do it all’” (DeBruyne, 2001:10). It is, however, impossible to do it all well since these duties are only part of what they have to do and achieve. These duties place high demands on educators and affect their overall well-being and security.

Based on the above, “it is not surprising, therefore, that some teachers do not cope with the demands made on them, with the result that their performance begins to deteriorate” (Jones, Jenkin & Lord, 2006:2). Since Foundation Phase educators provide the foundation of future generations, their security and the maintenance thereof is of utmost importance.

The recruitment and retention of educators is a vital issue that will be looked at next.

3.4.8 Recruitment and retention of educators

In the context of this study, recruitment means getting school leavers interested in education as a profession and retention means keeping educators in the profession once they have qualified and started teaching. Attrition is also referred to later on in this section and this relates to educators leaving the profession, by means of resignation, for various reasons, before retirement age. In a news flash sent out by the SAOU (Suid-Afrikaanse Onderwysersunie) (2009:1) it is evident that a crisis is looming regarding the provision of educators, since it is getting more difficult to attract the necessary number of students to study education. This indeed is a crisis in the light of the importance of educators, which has already been emphasised. According to Holmes (2005:16) “only about a third remain in teaching as a full-time career. In addition, about 49 per cent of applications for ill-health retirement from education cite psychiatric reasons.”

In a South African Study carried out by Hall *et al.* (2005:26) they found that more than half of the educators involved in their study “stated that they had the intention of leaving education voluntarily because of a lack of job satisfaction.” These are disturbing facts and clearly show that a lack of security is a cause for concern and solutions to this

problem must be found quickly. “Loss of educators due to early retirements and resignations may become a costly exercise to the provincial education department” (Jackson & Rothmann, 2006:76). In addition, we are losing highly competent, dedicated and trained educators. This is a situation that we can ill afford in our country.

Recruitment and retention are affected by a large number of factors. These factors must be identified in order for solutions to educator security to be found. In terms of recruitment, Park (2006:153) cites the following five reasons school learners offered for not wanting to follow teaching as a profession. In order of importance, these are: “pupils no longer respect teachers (53.8%); teachers earn too little money (41.5%); poor discipline in schools creates unpleasant working conditions (22.7%); teachers do not look very happy in their jobs (19.7%); and the violence in schools makes the teaching environment unsafe to work in (15.9%).” This view is supported by the SAOU (Suid-Afrikaanse Onderwysersunie) (SAOU, 2009:1) which states that two of the problems in terms of attracting new students to the profession are the negative perceptions regarding education as a sector in crisis and the negative perceptions regarding the teaching profession as a career. Clearly the lack of respect for teachers is the strongest reason why teaching as a career is not an attractive career choice. The others are important reasons that have either already been mentioned in this study or will still be mentioned. In essence these factors all have a strong link to educator security which again emphasises the importance thereof.

The newly qualified educators are very different to what they were in previous years. Bubb and Earley (2004:130) support this by saying that “young people now joining the profession have a different attitude to work and are less willing to put up with poor management and unenlightened employers who can only see them as ‘human resources’.” Following teaching as a profession is seemingly becoming a less attractive career option. This is understandable in the light of the various issues that have already been discussed. Matriculants are well aware of the problems in schools and opt to follow other careers that may be more lucrative and offer more security. According to Van Staden and Howie (2006:6) there are currently enough students studying education, but “the incidence of high teacher attrition rates is problematic.” This is partly because many young educators opt to work overseas to gain experience and earn better salaries. In addition, many of them teach for a short period of time before leaving the profession. As stated earlier, society has changed dramatically, which means that educators are expected to deal with more challenges. This hampers

their security. These reasons must be given urgent attention, since educators lay the foundations of future generations and are thus vital to the future of our country.

The numerous and ever increasing demands made on Foundation Phase educators could give rise to their leaving the profession well before they reach retirement age since their security is not adequately protected. In a study on Potential Attrition in Education done by Hall *et al.* (2005:25) the main causes of educator dissatisfaction that would lead to their leaving education included “remuneration, challenging working conditions, poor relationships with the education department, a lack of respect for the profession, and stress due to transformation in education (such as the system of OBE and the implementation of new curricula). Potential leavers experienced increased workload as well as job overload and a lack of career advancement in teaching.” Other causes include the need for promotion, career development and a lack of job security. Again, a strong link to educator security cannot be disputed.

In addition, they report that literature shows that a “relationship exists between morale and attrition” (Hall *et al.*, 2005:3). That is, poor morale would be a strong contributing factor that would make educators leave the profession before reaching retirement age. Morale can be defined as “a moral or mental condition in regard to courage, confidence, or enthusiasm” (World Book Dictionary, 2003:1359). Morale can have a considerable impact on educator output, well-being and inevitably on security. As James (2005:485) puts it: “Low teacher morale leads to high rates of teacher absenteeism and attrition. Teacher absenteeism reduces student learning time, while teacher attrition increases the costs of teacher training. The causes of lack of motivation are low salaries, poor working conditions, insufficient career advancement opportunities and/or weak support services.” These all contribute significantly to a lack of security that many educators are challenged with.

Many educators experience high levels of stress. This results in some educators opting to find alternative forms of employment, thus leaving the teaching profession prematurely. Schools can ill afford to lose experienced and dedicated educators. According to Jackson and Rothmann (2006:91), there are numerous stressors which include “job security, overload, job characteristics, work relationships, pay and benefits and work-life balance.” Stress affects many aspects of the educator’s life. These include job satisfaction, morale and ultimately educator security.

It is essential that the focus should be placed on the long term retention of educators. In essence, the factors that would make educators want to stay in education until

retirement must be looked at. These include educator security; comfortable, well equipped classrooms; fewer learners in the class; adequate resources; and educator support. Bubb and Earley (2004:13) emphasise that “unless teaching is perceived to be a rewarding and less stressful career, there can be little doubt that recruitment in the future will continue to be a major challenge.” This can become a serious problem. Urgent attention must, therefore, be given to this matter. It can be addressed in part by paying attention to ways in which long term educator security can be assured.

3.5 Summary

Employment related factors for security in the Foundation Phase were investigated in this chapter in order to establish the specific impact that they have on educator security. It is evident from this investigation that educator security is under threat and warrants urgent attention to ensure that professional educators who are specially trained to work with young learners are not lost to education. These factors will be further investigation in the empirical research. The specifics related to Foundation Phase learners and the impact on educator security will be discussed next.

CHAPTER 4:

LEARNER RELATED FACTORS FOR SECURITY IN THE FOUNDATION PHASE

4.1 Introduction

For educators in the Foundation Phase, learners and their needs normally stand central to their calling for the teaching profession. It can, therefore, be expected that matters pertaining to the learners would have a prominent influence upon their security. In par. 1.4 one of the aims of this study was stated as follows: to determine the implications of the unique needs and stage of development of Foundation Phase learners for the security of the Foundation Phase educator. This aim will now be met by examining these implications and the related challenges for these educators.

4.2 A profile of the Foundation Phase learner

Educating learners in the Foundation Phase is a unique challenge, since these learners are at a specific stage of development which makes them more dependent on the educator. They require more guidance and specialised instruction, since basic skills such as reading and writing must be taught, gradually mastered and refined. Kay (2002:28) states that "young children need to develop attachments to those who care for them and educate them. It is through those secure foundations that children gain a sense of confidence on which to base their exploration of the world." Hence, these learners form a special, close bond with their educators. Elementary teaching is characterized by "physical and professional closeness which creates greater emotional intensity" (Marston *et al.*, 2004:470). This closeness and attachment is made possible by the fact that Foundation Phase educators teach all the learning programmes and spend a whole year with their learners. In some schools these educators even start teaching a specific group of learners in grade one and move up to grade three with them. This approach is a rather controversial issue, since a clash in personality with a particular learner over a long period can have negative consequences, but it is a reality in some schools nevertheless.

One of the aspects that may cause insecurity for Foundation Phase educators is the fact that the learner-educator ratio is too high. Because of time constraints due to the large number of learners this special, individual bond with all the learners cannot be forged. In addition, the necessary skills cannot be properly taught to and mastered by so many learners, leaving these educators feeling frustrated and inadequate. Hence the understandably vital impact on their security.

As mentioned previously, educating Foundation Phase learners goes beyond just covering a curriculum. Learners must be sufficiently and constantly supervised. Alston (2008:7) reminds us that "the law requires adequate supervision of learners at all times." This general rule applies even more so to Foundation Phase learners. The *in loco parentis* role that is expected of educators may, therefore, be even more of a challenge for Foundation Phase educators since constant, thorough supervision is required. This aspect will be clarified in the discussions that follow.

4.2.1 Developmental stages of the Foundation Phase learner

As mentioned, Foundation Phase learners are at a particular stage of development which can be discussed from various theoretical points of view. This stage of development includes physical, social, emotional and cognitive aspects. These aspects are inextricably linked, but will be discussed separately for the sake of clarity. Kay (2002:15) states "it is important to recognise that many complex factors may influence the rate and range of a child's development and that children do not develop evenly or at the same rate as others." This view is supported by Brewer (2007:29) who stresses that "although approximate ages have been attached to these stages, the rate at which individuals pass through them is variable; the sequence of stages, however, is invariant." This means that all learners must go through each stage but that this will take place at different ages for all individuals. "The transition stage between ages is lengthy. Children do not move suddenly from one stage of thinking to another - changes may take months or years, as the child constructs and integrates knowledge" (Brewer, 2007:29). Only the average age will, therefore, be mentioned. In addition, only the most important aspects of specific relevance to this study will enjoy attention, since a study of this nature cannot make provision for an in depth discussion on this point.

4.2.1.1 *Structure of Foundation Phase*

The Foundation Phase starts with the Reception year, which is the year before formal schooling starts, and is followed by grades one, two and three. As yet, the Reception year is not compulsory. Yet the Government Gazette (2010:17) regarding the Action Plan for 2015, towards the realisation of schooling 2025, states that “between 2003 and 2008 the percentage of Grade 1 learners who had received some pre-primary schooling increased from 60% to 80%. But we want that figure to be 100%, and government’s target is in fact that all children who will be starting Grade I in 2015 should be in Grade R during 2014.” This is the eleventh goal of this new plan. Reception year learners start school at the age of five and turn six in that same year. Grade one learners start formal schooling at the age of six and turn seven within that year. By the end of grade three, the final year of the Foundation phase, learners are usually nine years of age.

4.2.1.2 *Developmental stages of the Foundation Phase learner*

According to Kay (2002:15), "Piaget theorised that children progress through a series of stages in their learning, which are linked but not tied to different age groups." The stages of relevance to the Foundation Phase learner, as proposed by Piaget, are the pre-operational stage from the age of two to seven, followed by the concrete-operational stage from the age of seven to eleven years. Learners in the Foundation Phase therefore start in the pre-operational stage and gradually move to the concrete-operational stage. As mentioned, some learners take longer than others to get to the concrete-operational stage. Foundation Phase educators, therefore, have to cope with learners who are in one stage of development at the start of their schooling and gradually move to the next phase of development, probably before the end of the phase. It must be borne in mind, however, that learners within a particular grade or class may be at different stages since, as stated, these stages are not necessarily age related. This makes the teaching of these learners very complex for educators and may to a large extent hamper educators’ security, especially because there are so many learners in the classes. Brewer (2007:4) uses the term “developmentally appropriate practice” which means "practice that is age and individually appropriate for each child in the program. Planning a developmentally appropriate curriculum means that teachers have to know each child - where he is developmentally and what his individual talents and interests are." In reality this is challenging, since in addition to the above, there are proposed outcomes and assessment standards that must be

reached by the end of the phase. This creates expectations regarding the level of learner achievement and therefore hampers the security for educators since there are so many factors that make these achievements extremely taxing.

As mentioned, learners up to the age of seven are in the pre-operational stage. This would, therefore, include learners in the Reception year, in grade one and in some instances beyond. Learners in the pre-operational stage differ vastly from learners in the concrete-operational phase. In the pre-operational stage "children are learning about the world around them and are making connections, but do not yet think logically" (Kay, 2002:16). "Logic-based reasoning, both inductive and deductive, is typically absent from their thinking processes" (Hughes, 2002:274). Educators can, therefore, not expect these learners to think logically, but can continue to provide opportunities for them to gradually acquire these thought processes. In addition, these learners are egocentric. Egocentrism means that the learners are inclined to focus on themselves and assume that others have the same opinions, thoughts and experiences. Brewer (2007:30) states that they "cannot easily take the points of view of others. A pre-operational child believes that everyone thinks as she does and that everyone thinks the same things she does. Egocentrism is not exclusive to the thinking of pre-operational children but is most prominent then." This would mean that these learners focus virtually exclusively on their own needs with little consideration for others. However, "the child is not being selfish; rather, she simply thinks (assumes) that everyone sees the world as she does" (Bee & Boyd, 2004:155). This learner "centers perception on the most obvious and is bound by what he or she sees. The child also tends to feel that seeing is believing" (Charlesworth, 2004:347). Thus, what they see is what they believe.

Grade one learners will gradually start the transition into the concrete operational stage and most learners should have reached this stage by the end of the phase, that is, by the end of grade three. As implied by this term, although the reasoning processes have developed greatly in comparison to the pre-operational stage learners, concrete representations are vital in order for meaningful learning to take place. That is, the child is "good at dealing with things he knows or can see and physically manipulate" (Bee & Boyd, 2004: 163). Logical thought can increasingly be expected when dealing with concrete problems and situations. In other words, learners must be able to see and experience things in order to make sense of them. This means that they become able to reason, to make correct conclusions and to start focusing on what they are able to see and do. "The child relies less on the most obvious aspects of a problem and can

retain several variables at the same time" (Charlesworth, 2004:347). This is a clear indication that their thought processes are developing, since all these new abilities help learners to be more flexible in the ways that they think and organize their thoughts. However, at this stage abstract thinking is not fully developed and learners find this difficult. They are "not yet good at deductive logic, which requires starting with a general principle and then predicting some outcome or observation, like going from a theory to a hypothesis" (Bee & Boyd, 2004:163). Learning and gradually consolidating fundamental skills such as reading, writing and maths are important developments of this stage.

In terms of motor development, these learners gradually "become stronger and faster, as well as more coordinated, agile and flexible" (Hughes, 2002:336). These learners are particularly energetic and Brewer (2007:19) stresses that "all young children need vigorous physical activity every day." Reasons for this include the gradual development of motor skills that are linked to and important for the development of cognitive skills, but also as an outlet for their energy. Learners will find it difficult to focus on their work if they have too much energy.

Affective development is another important aspect of learners' development. According to Charlesworth (2004:15), from about the age of seven, learners' affective development is at crisis stage four, which, as proposed by the theorist Erikson, is known as Industry versus Inferiority, whereby "the child needs to be productive and successful, failure results in feelings of inferiority." Brewer (2007:21) states that the dangers associated with this inferiority are that it may "prevent her from trying", the child may feel "inadequate" and "in extreme cases, this sense of inferiority can affect the child's attitude towards work for life." The educator, therefore, has to provide numerous opportunities for the learners to experience success so that they gradually develop a positive self-esteem which is vital to their overall well-being. Other social and emotional characteristics include that learners "believe in rules for others but not self, enjoy routines and have difficulty with transitions and crave for acceptance from peers and adults" (Jalongo & Isenberg, 2004:83). These learners aim to please their educators, whom they hold in high regard.

The various developmental aspects that relate to Foundation Phase learners have numerous, specific implications for Foundation Phase educators and may contribute significantly to educator security. These implications will be considered next.

4.2.2 Implications for Foundation Phase educator security

Most Foundation Phase educators are well informed regarding the above-mentioned developmental aspects, since this is part of their training. They are required to be constantly mindful of the above and to constantly take these aspects into consideration in order for their teaching to be meaningful and effective. Educators must know where each individual learner is, so that the particular learning experiences can link with his or her level of development. With large classes this is no small undertaking. Alfrey (2003:7) states that "by knowing something about the quality of children's thinking we can do as Bruner suggests and present the curriculum in ways which are appropriate to the stage of development they have reached." In addition, "learning should be child centered. Adults need to remember that children see things differently" (Charlesworth, 2004:356). This takes careful planning and reflection on the part of these educators. It is a constant process of trial and error to see what is successful and what should be adapted. Indeed, adaptation has to take place all the time since no two classes of learners are the same and change is constantly taking place.

4.2.2.1 Implications related to learners' social development

Educators need to create various opportunities for meaningful social interaction, since egocentrism is a major factor. "Social interaction assists the child in modifying his egocentric point of view" (Charlesworth, 2004:356). According to Kay (2002:16), "Vygotsky emphasised the social nature of learning" and "believed that the basis of learning lay in the interactions that children have with others." Group work should be used extensively, as is required in the Revised National Curriculum Statement, to help learners to realise that other learners have their own points of view, which are probably different, but not less important. In order to solve problems effectively in groups, learners must be taught to consider the various points of view and to take a joint decision regarding the best solution. Educators must plan group work carefully, so that meaningful interaction takes place and the various outcomes are reached. Learners will gradually learn to be more considerate towards others and will start reflecting on other points of view. Besides teaching the curriculum Foundation Phase, educators therefore have to spend a great deal of time teaching learners about social interaction and acceptable norms and values. As mentioned, this specific demand is due in part to the changes that have taken place in society, an addition to the workload which impacts on educator security.

4.2.2.2 *Implications related to learners' learning needs*

Brewer (2007:8) states that "Piaget believed that children create knowledge through interactions with the environment. Children are not passive receivers of knowledge; rather, they actively work at organising their experience into more and more complex mental structures." By means of active engagement, learners are able to make sense of their world and make constant changes to the way that they perceive it. Alfrey (2003:7) confirms this by saying that "children can only understand the world through active involvement and participation in their own learning." This entails that learners must be actively and constantly involved in their learning in order for it to be meaningful. Educators, therefore, have to create numerous opportunities to enable this to take place. "Children from babyhood onwards interact with their environment using their senses and growing physical skills to learn about their world" (Kay, 2002:15). Since learners learn by using their senses, educators must plan educational activities which provide numerous sensory experiences in order for learning to be meaningful and lasting. Foundation Phase educators must consider that learners "need to be able to use what they already know in learning new information" (Brewer, 2007:30). This implies that Foundation Phase educators must base everything that they teach on what the learners already know, that is, work from the known to the unknown. These educators, therefore, have to establish what the learners know and use that as the point of departure. Lesson preparation, therefore, entails a great deal of thought and planning which is time consuming. In addition to the growing number of demands made on the Foundation Phase educator, this may contribute to their insecurity in the long term.

In line with the paragraph above, "young children learn best through manipulating objects and being reflective about those manipulations, not through passive experiences in which they listen to someone tell them how something works" (Brewer, 2007:33). The implications for Foundation Phase educators are that they must plan various activities that will encourage learners to manipulate objects, thereby being actively involved in their learning and helping learners to reach their own conclusions. These educators will, therefore, have to ensure that numerous resources are available in the classroom "as a bridge to representational thought" (Jalongo & Isenberg, 2004:98). In many schools, however, these resources are not available or may be inadequate, since there are too many learners in the classes. In addition, there may not always be adequate space for all learners to work with these resources. Many educators, therefore, find it a huge challenge to teach effectively. A great deal of time

usually goes into making and preparing resources to ensure that learning will be meaningful. This would be another factor that would impact greatly on educator security because it is so time consuming and merely adds to the demands that are made on these educators.

Bentzen (2005:403) clearly states that "much of the concrete operational child's thinking has to occur in the presence of the actual object of thought, and she cannot deal easily with issues or events that are far from her experiences, that are hypothetical, or that are far in the future." Alfrey (2003:7) supports this view by saying that "experiences, materials, apparatus help children see the problem in terms they can understand and with which they can identify." In essence this entails that Foundation Phase educators have to plan lessons well and include numerous suitable resources, so that learners can learn through first hand experiences. Educators must bear in mind that "as always, children are most likely to attend when the relevant stimuli are clear and comprehensible" (Hughes, 2002:345). This means that resources must be the correct size and be functional. Where possible, the real object should be used, but since this may be a challenge at times, visual and other resources can be used. A lot of time and planning, therefore, goes into every lesson to ensure that the learners will benefit optimally.

According to Kay (2002:16), "Vygotsky particularly emphasised the importance of support for learning, and argued that children reached higher levels of achievement when supported by adults." Foundation Phase educators, therefore, have to provide exactly the correct amount of scaffolding, which is "the support given the learner in the social context, which changes with the ability of the child or situation. At each stage, the teacher offers the assistance that the child needs at the time" (Brewer, 2007:30). It is a challenge for these educators to know exactly what support and what amount of support each individual learner needs. "When new ideas are needed, the teacher models ideas that flow naturally into what the children have been doing. The adult picks up on the children's interests and follows their lead rather than imposing ideas on them" (Charlesworth, 2004:72). The correct support is vital since it will allow learners to be productive and achieve success, thereby eliminating feelings of inferiority and frustration. However, when the necessary support must be given, it is difficult to provide it effectively for such large numbers of learners. Foundation Phase educators find this difficult, since they do not have assistants in their classes. It is virtually impossible to give each individual learner the required attention in such large classes.

These educators are, therefore, pushed to the limit and simply cannot cope with these demands, hence their security is impacted on.

Learners all learn differently and have various learning styles. These include visual, auditory and kinaesthetic learners. In order for learning to be meaningful to each learner in the class, the educator has to cater for these different learning styles. Educators also have to consider their own learning style and make sure that they cater for other styles of learning. In addition, Lemlech (2004:60) clarifies by saying that "it is clear that the individual who needs to move around may prefer hands-on activities and involvement in learning experiences. The student who prefers to work with an adult may need more teacher monitoring than the student who likes to interact with peers." It is obvious that each learner has his or her own preferences in terms of the way that he or she learns. Catering for all these different learning styles effectively is yet another demand that is made on these educators and will inevitably have an effect on educator security in the long run.

A vital aspect is that learners in this phase have limited concentration spans. They "cannot focus on the myriad of new information which they experience all the time. Children cannot remember everything and many things are not stored in their long term memories" (Kay, 2002:17). By implication these educators have to be patient and consider the length of activities and plan for variety, flexibility and constant stimulation.

In addition to the above, it is essential that the educator must create the correct atmosphere in the classroom. The atmosphere must be conducive to effective learning and allow each learner to develop holistically and positively with the aim of encouraging independence and the use of initiative to enable learners to develop confidence. In this way they will be secure enough to speak their minds, to ask questions, to experiment and to explore.

According to their age, Foundation Phase learners have a specific legal status. This aspect will be clarified next.

4.2.3 Learners' legal status

Foundation Phase learners, regardless of their age, are also entitled to legal status. According to Davel and Jordaan (1995:6), status can be defined "as the sum total of a legal subject's capacities" and "refers to the subject's standing in the legal world." Joubert and Prinsloo (2001:56) state that "the ability of children to judge, to make

decisions, to realise the consequences of their decisions and to accept responsibility for their actions, determines their legal status." The age of the Foundation Phase learner is an important factor in influencing and determining her or his status and capacities. "The actions of a person are linked to the manifestations of his will. A person must, therefore, be able to realise the consequences and nature of his actions before he can be held liable for them. Quite clearly, age greatly influences a person's powers of judgement" (Hoston as quoted in Oosthuizen, 2003). As mentioned previously, learners in this phase range from about five to nine years of age. Up to the age of seven these learners' status is known as *infans*. They have "limited legal capacity and cannot be accountable" (Davel & Jordaan, 1995:45) "Accountability refers to the capacity of a person to be held legally responsible for his actions" (Oosthuizen, 2003:75). Due to their developmental level, these learners cannot be held accountable for their actions since they are still learning about acceptable behaviour and the difference between right and wrong. From the age of seven to twenty-one years of age learners are known as minors or "so-called *pupillus*. A minor has limited legal capacity" and "between the ages of 7 and 14 years such a minor cannot be held criminally or delictually liable for his actions" (Oosthuizen, 2003:75 & 76). Initially, therefore, learners in this phase are known as *infans* and from the age of seven they become minors. Once they are minors they slowly begin to start realising the consequences and nature of their actions. Once this is evident, they will gradually start to be accountable for their actions and thus be held liable for them. As mentioned, however, it is only after the age of 14 that they can, under certain circumstances, be held criminally or delictually liable for their actions.

The issue of learner discipline and other related problems that impact on Foundation Phase educator security will be discussed next.

4.3 Learner discipline, behaviour, rules and the Code of Conduct

Section 10 of the Bill of Rights (SA, 199a) states that "everyone has inherent dignity and the right to have their dignity respected and protected" and section 12(1)(e) states that "everyone has the right to freedom and security of the person, which includes the right not to be treated or punished in a cruel, inhuman or degrading way." In the light of this, The South African Schools Act, section 10 (1) stipulates that "no person may administer corporal punishment at a school to a learner." In addition, section 10 (2) mentions that "any person who contravenes subsection (1) is guilty of an offence and

liable on conviction to a sentence which could be imposed for assault." According to Brewer (2007:198), corporal punishment "means any kind of physical punishment." Corporal punishment as a means of discipline is, therefore, clearly no longer an option and educators have been compelled to find other effective disciplinary alternatives. Regardless of this, however, Zwane (2008:16) states that "corporal punishment/assault has more than quadrupled between 2005/6 and 2007/8 financial years. This form of misconduct is the second most prevalent form of offence." Finding effective alternatives to corporal punishment, however, remains a challenge for many educators, which is perhaps why some educators resort to corporal punishment. "After the abolishment of corporal punishment, an urgent need arose to deal with behavioural issues in innovative ways" (Ka Nzapheza, 2007:6). Many educators in the Foundation Phase, regardless of the age of the learners, are finding the maintenance of discipline a serious issue and it is becoming a great cause for concern. It must be stated pertinently that it is one of the main causes of educator insecurity.

It is clear that discipline is a growing problem in South African schools. "Sadly there has been a distressing decline in discipline and a loss of respect for authority at school" (Pandor, 2006).

The reasons for this are varied and include the abolishment of corporal punishment, as mentioned above, and a change in society, with an emphasis on human rights. Learners today, even in the Foundation Phase, know exactly what their rights are and insist on the protection of their rights. Regardless of this, however, these rights "can never justify any misconduct by such a learner" (Joubert & Prinsloo, 2001:120). In order for educator security to be maintained and promoted, it is imperative that the rights of educators must be promoted and maintained.

4.3.1 Learner discipline

One of the aims of this study will now be highlighted. This is to establish the impact that learner discipline and behaviour have on the security of the Foundation Phase educator. This will be discussed at length, as promised in the previous chapter. It must be stressed at this point that learner discipline should be an extension of the discipline that the parents enforce at home. Educators cannot be solely responsible for this task.

A clear distinction must be made between discipline and behaviour since both aspects will be dealt with. "The word 'behaviour' tends to be used with respect to the child's

actions and 'control' and 'discipline' with respect to the teacher's actions" (Hayes, 2008:312). According to The Pocket Oxford Dictionary (1978:238), discipline is "a branch of instruction or learning; mental or moral training; system of rules for conduct; behaviour according to established rules; order maintained among schoolchildren" whereas behaviour relates to "manners, way of behaving" (The Pocket Oxford Dictionary, 1978:67). It entails more than learners being good or naughty; "it also includes other manifestations such as exhibiting shyness, withdrawal from mainstream activities and idleness" (Hayes, 2008:313). "The term discipline usually means the way in which the teacher manages children's behaviour" (Brewer, 2007:198). This management can either be uplifting or it can break learners down completely. According to Joubert and Prinsloo (2001:119), it should "mean that educators exercise their authority in the interest and to the benefit of the learner with the emphasis on self-discipline, independence and adulthood." Discipline can have both positive and negative connotations. When the motivation is internal and is self-imposed, it has a positive connotation but when behaviour cannot be controlled as would be expected, it has a negative connotation. According to Joubert (2008:5), "discipline is about positive behaviour management aimed at promoting appropriate behaviour and developing learners' self-discipline and self-control." The emphasis should, therefore, be on positive techniques that will promote self-discipline and self-control. It is clear from the above that discipline and behaviour are closely linked. However, for the sake of clarity they will be discussed separately.

All too often discipline and punishment are linked. Charlesworth (2004:521), however, points out that "discipline is a much broader concept of which punishment is only one part. The term discipline has lost much of its original meaning and has become a rather negative term." It must be clearly stated that punishment and discipline are not synonyms. In addition, "today the term guidance is used to distinguish positive techniques from the negative connotation of the term discipline" (Charlesworth, 2004:522) By means of clarification, Brewer (2007:198) states that "guidance means the way the teacher plans to teach children how to control their own behaviour, not simply to obey the person in authority. Punishment is the term for anything the teacher does to achieve children's compliance that does not help children learn to control their own behaviour." Guidance and punishment can almost be seen as antonyms. The high educator-learner ratio that has been mentioned previously often makes guidance difficult to achieve, since it is a time-consuming process for the educator. It is only one of the numerous roles that have to be fulfilled in the classroom.

Discipline is a key component in every classroom since it impacts on so many aspects of teaching and learning, not least of which is educator security. It must be emphasised that "dealing with discipline can be a disturbing, emotionally draining aspect of teaching" (Tiwari, 2007:10). The importance thereof must, however, be stressed since effective teaching and learning is not possible without discipline. "Research reveals that, due to a lack of order, educators in many schools, due to this disruptive nature of learner conduct, are not free to teach and all learners are not free to learn" (Rossouw, 2007:79). The maintenance of discipline at school is, therefore, vital and non-negotiable. "Educators not only have the authority but also the duty to maintain discipline in public schools" (Cambron-McCabe & McCarthy 2004:226). This authority is elaborated on as follows. "Educators have both original and delegated authority to discipline and punish learners: original authority in terms of their status as educators; delegated authority in terms of their position *in loco parentis*, that is, to act in the place of the parent" (Joubert & Squelch, 2005:8). In addition educators, therefore, have the right to act as a reasonable parent would during the maintenance of discipline. It must be borne in mind, however, that this may only take place within the context of the current laws, which, as mentioned previously, exclude corporal punishment, that is, physical punishment. The educator has "the autonomous right to maintain authority" (Oosthuizen (ed.), 2003:61) so that an orderly environment is created in order for effective teaching and learning to take place. The importance of this has already been mentioned. The reality, however, is that this is a difficult task to accomplish and educator security is greatly influenced by the lack of discipline that is common in our classrooms at present. As mentioned, regardless of their age, Foundation Phase learners are not excluded. The maintenance of discipline in this phase is a constant and growing challenge for these educators. This view is supported by Joubert (2008:1), who states that "creating and maintaining a safe, disciplined environment is one of the many challenges facing principals and educators in schools today."

Schools must take a firm stand regarding discipline. Learners need to be fully aware of the consequences of their actions and these consequences must be carried out consistently and fairly at all times. It is unquestionable that "the standard of discipline applied at school could have a strong influence on the learners' behaviour" (Oosthuizen & de Waal, 2008:6). Clearly, therefore, the correct standard of discipline must be established and maintained consistently from the start of the Foundation Phase. These aspects will be elaborated on further under the discussion of the code of conduct.

What is important for schools to realise is that the way that discipline is approached will make a big difference. Schools should opt to focus on the enhancement of and support for good behaviour by giving positive feedback. Nelsen, Lott and Glenn (1997:xi) stress that "when the underlying motivation of discipline is control and punishment rather than opportunity for learning, little will be accomplished." Brewer (2007:176) suggests that "the best discipline consists of guiding children in developmentally appropriate ways to achieve self-control and eventually become self-disciplined individuals." Cognisance must, therefore, be taken of Foundation Phase learners in schools. Hayes (2008:312) stresses that "the imposition of external constraints has limited value in as much as children ultimately need to exercise self-control rather than have it imposed on them." According to Sears and Sears (2005:185), "experiencing the consequences of their choices is one of the best ways children can learn self-discipline." Learners must be taught to bear the consequences of their actions. In this way they will start to think about their actions. In addition, "one of your jobs as a disciplinarian is to help your child develop an internal guidance system that steers him in the right direction when you're not there to help him make the best choice" (Sears & Sears, 2005:245). This is important, because learners have to learn to make their own best choices.

Dugmore as quoted in Ka Nzapheza (2007:6) pertinently and correctly states that "very often in situations involving learner disciplinary issues, we tend to focus our solution seeking efforts on the child and neglect the needs of the parents and educators." It is clear that educators' needs and rights have been neglected, they are in need of meaningful support to enable them to focus on teaching and not discipline. It must be borne in mind that the rights of educators and learners are the same as the rights of learners who misbehave. Prinsloo (2001:120 & 121) stresses that "any encroachment on the rights of another is unfair and a person doing this must be called to account." In the light of the problems that educators are experiencing, Kassiem (2008:6) states that "the department was considering making amendments to its misconduct definition in the provincial gazette, officials wanted to 'inculcate a culture of respect and discipline' at schools." "An overall disregard for teachers as well as a lack of discipline could soon be considered "serious misconduct", according to Witbooi" as quoted in Kassiem (2008:6). This may help educators to restore their sense of security, which presently is under threat.

It is evident from the information discussed above that discipline impacts heavily on educator security. As mentioned, behaviour is closely linked to discipline. This aspect will be discussed next.

4.3.2 Learner behaviour

Learner behaviour has a major impact on Foundation Phase educator security. According to Holmes (2005:53), it is "one of the biggest obstacles to widespread well-being among teachers in schools." Despite the age of the learners in this phase, "there is increasing concern about the rising numbers of behaviour problems reported among young children. Any behaviour that has an effect on the child's own and other children's well-being and on the teaching and learning processes should receive due attention to eliminate future difficulties" (Papatheodorou, 2005:13). It is evident that immediate attention must be paid to this problem.

Foundation Phase learners exhibit numerous behaviours during the course of each school day. Learners' behaviour is influenced by their family and their culture and "they may be used to different codes of behaviour outside school" (Hayes, 2008:17). Hence, for learners, acceptable and appropriate behaviour varies considerably. In the light of this educators "must consider carefully how to guide children's behaviour" (Brewer, 2007:177). As mentioned, this must start in the Foundation Phase where learners must be taught to take responsibility for their behaviour and accept the stipulated consequences. This takes a considerable amount of planning and energy from educators, especially in the light of the fact that classes are so big. Guiding learner behaviour effectively is becoming an extremely taxing and major task for Foundation Phase educators, since it is neglected in many homes. The fact that learners come from a variety of different cultures means that "acceptable and appropriate" behaviour varies greatly and there is no "standard" behaviour. This makes the educators' task even more difficult, since they need to try to understand the reasons for the behaviour in order to establish if the behaviour is acceptable or not. This is not a simple process, since educators strive to be consistent and fair at all times. Hence, an impact on their security is experienced.

"Developing good standards of behaviour is part of children's learning, and how effectively this learning takes place depends on how behaviour is managed across the whole school" (Kay, 2002:119). Careful consideration therefore, has to be given to effective behaviour management and the implementation thereof. "Teachers can

establish clear expectations for behaviour in two ways: by establishing clear rules and procedures, and by providing consequences for student behaviour (Marzano & Marzano, 2003:164). This may seem like a simple process, but in many schools and classrooms behaviour management remains a problem. It is in the Foundation Phase that this basis of clear boundaries for behaviour must be established, so that future problems are eradicated or minimised and the educators feel secure in the knowledge that learners know what is expected of them and know how to behave in an appropriate and acceptable manner. "The overall argument is that although some problem behaviours may disappear with time, there is convincing evidence that in many cases the early onset of problem behaviour poses a threat to future well-being and adjustment" (Papatheodorou, 2005:25). In addition, effective teaching cannot take place, which means that the rights of some learners and the educator are jeopardised, again impacting on educators' security.

The establishment and maintenance of a positive learning environment by the educator is essential for good learner behaviour. This may, however, not always be effective since "it is true that despite a teacher's efforts to make lessons relevant and interesting and to create a positive environment, there will be some children who persist in inappropriate behaviour" (Hayes, 1999:5). It remains essential, nevertheless, that "before trying to associate the problem with the children, teachers need to examine the program or activities presented for the children, the materials and room arrangement, the classroom routines, and the daily schedule, not until all these factors have been examined is it appropriate to look at the behaviours of the children" (Brewer, 2007:180). In essence, introspection on the part of the educator is often necessary to establish the root of the problem. The learner may not necessarily always be at fault. In many schools in South Africa, however, creating a positive environment remains a challenge. Reasons for this may vary but could include a lack of classroom space in relation to the number of learners and a lack of the necessary resources. In effect, classroom discipline will continue to be a problem in schools where, through no fault of the educator, creating a positive environment is difficult to achieve. As stated by Kay (2002:132), "it is important to recognise the role of adults in shaping children's behaviour and how this can be achieved most effectively", since educators' impact may be limited if the above cannot be achieved. Jones, Jenkin and Lord (2006:45) also focus on the role of the educator by saying that "experience shows that it is the teacher's own performance, personal and professional skills, expectations and relationships in the classroom that are the key factors in influencing pupils' behaviour, attitudes and subsequent progress." Hence the vital role of the educator cannot be

disputed. "When children believe they do not belong and are not significant, they adopt survival (defensive) behaviour. Survival behaviour is often called misbehaviour" (Nelsen *et al.*, 1997:72). A learner's self-image is closely linked to the way he behaves. Poor self-image often results in misbehaviour. Usova (2001:420) supports this view by stating that "a child's behaviour is determined a great deal by the perceptions he has of himself and his abilities." Educators can play a vital role in helping to develop a positive self-concept by means of the provision of the necessary support and positive reinforcement rather than negative feedback in the form of criticism and the like. The emphasis should be on the positive, that is, "a positive consequence must follow each positive behaviour" and educators must "follow desired behaviour with positive consequences and thus increase the frequency of desirable behaviours" (Charlesworth, 2004:73). "Usually learners who misbehave are part of the minority, the vast majority of children are desperate for the security that comes through effective teacher control" (Hayes, 2008:17). Educators must take heart and remember that "behaviour can be changed. Behaviour is not totally static and fixed" (Rogers as quoted in Jones, Jenkin and Lord, 2006:53). Whilst this is possible, it is, however, a slow process that will require the educator to be patient and consistent. This involves time and commitment which is difficult in terms of the numbers of learners in most classes.

Section 6.1 of the South African Schools Act 84 of 1996 (SA, 1996b) clearly states that the ultimate responsibility for learners' behaviour rests with their parents or guardians. The educator is required merely to extend or continue the behaviour management at school. This is the ideal situation. However, many educators are finding that they have to take responsibility for teaching their learners to behave correctly since, in many instances, this is no longer happening in the homes. This is a major reason for educator insecurity in the Foundation Phase. Educators simply do not have the time to take sole responsibility for learner behaviour.

Educators establish rules in order to give learners clear boundaries for their behaviour. This aspect will be discussed next.

4.3.3 Rules

Rules for learners must be established promptly since "one of the major concerns of teachers is the maintaining of classroom order" (Usova 2001:419). Rules can be defined "as formal agreements among teachers and children" (De Vries & Zan,

2003:156). More specifically "school rules can be defined as a code of discipline in a school or classroom, or a principle to which an action or actions in a school or classroom conform(s) or is/are required to conform" (Joubert & Prinsloo, 2001:119). In terms of these definitions learners are expected to conform to an agreement that is made between the educators and learners. There is also a distinction to be made between classroom rules and school rules. According to section 5.1(a) of the South African Schools Act 84 of 1996. "classroom rules are designed to give effect specifically to the relationship between educators and learners in the classroom, and may include classroom interactions and management" (SA, 1996b) On the other hand, "school rules are designed to regulate the general organisation of the school, and relationships between the principal, educators and learners" as stipulated by the South African Schools Act 84 of 1996 (SA, 1996b). Classroom rules pertain to a specific educator and her learners whilst school rules apply to the entire school. Both are equally important for the management of behaviour. "Since school rules can be considered to be subordinate legislation, the Bill of Rights and administrative law are applicable" (Oosthuizen (ed.), 2003:42) In order for teaching and learning to be effective, both class and school rules must be established at the start of each year. Once the rules are established, they must be enforced consistently and fairly by all educators. Hayes (2008:154) clearly states that "learning has more chance to be effective when everyone understands the rules of the game." In addition, "it is important for teachers to establish basic classroom rules so that every pupil is clear about what is acceptable and appropriate" (Hayes, 2008:46). Learners should have no doubts in this regard. Oosthuizen *ed.* (2003:38 & 39) state that "clearly defined rules also promote greater conformity in dealing with the various types of violations" and "greater coordination can be introduced into the daily running of a school by means of carefully planned school rules." The majority of learners feel more secure if they know what the expectations and boundaries are within schools and in the classroom. This will also greatly enhance educator security; however, the establishment of rules is not the difficult part. In reality, learners keeping to the rules is the challenge.

In terms of school rules there are a number of important issues that must be highlighted. "School rules may not conflict with existing law. This includes the Constitution, applicable legislation, instructions, policies and directives of the head of education" (Oosthuizen (ed.), 2003:39). In addition, the South African Schools Act 84 of 1996 (SA, 1996b) in section 5.1 c states that all rules are to be consistent with the overall Code of Conduct and be clear and understandable. Considerable time and effort, therefore, goes into devising suitable rules for each school. Educators involved

in this process are, therefore, compelled to have substantial background knowledge in this regard. "A clearly defined set of school rules serves as a reciprocal code of conduct between learners themselves and learners and educators" (Oosthuizen (ed.), 2003:38). This aspect will be elaborated on in the code of conduct which will be discussed shortly.

Educators must be realistic when rules are established in the Foundation Phase classroom. These rules must be kept simple, clear and to a minimum. "Rules stated in simple terms are easy for children to understand and provide the type of positive guidance that encourages mastery of personal safety skills" (Marotz, Cross & Rush, 2005:10). Educators should take time to teach and clarify rules and also the consequences that apply when rules are broken. In this way learners have no doubt about the required expectations. "Being well-behaved in a classroom where there are long lists of rules is difficult for children because too many things are against the rules" (Brewer, 2007:197). A few well defined rules will be far more effective than a long list of rules that the Foundation Phase learners do not understand. In addition, Lemlech (2004:page) states that "there needs to be a balance between rules and regulations that control children and rules and regulations that facilitate and motivate learning. Respectful, caring teachers recognise this balance and strive to provide as much freedom and individuality as possible" (Lemlech, 2004:132). As mentioned previously, once established it is, however, the consistent enforcement of these rules that educators find taxing and hence the effect on their security.

Rules must be compatible with the age of the learner. Oosthuizen (1992:91) stresses that "rules applicable to a matric learner will differ from rules applicable to a grade one learner." This may be a particular problem with school rules, since they are written for the entire school and often do not consider and cater for the unique developmental stage of the Foundation Phase learner. Marotz *et al.* (2005:10) remind us that these "children's spontaneity often takes precedence over their learned behaviours." Educators are expected to familiarise their learners with these rules and then to enforce them regularly. Parents are also expected to explain these rules to their children. Kay (2002:121) reminds us that "for young children just entering school, there is a need to explain rules patiently and repeatedly until they start to understand what is expected." This should be done verbally initially, since these learners are still learning to read. This can be a big challenge for these educators since it is time consuming, especially in such large classes. In addition, "to enable educators to carry out their professional duties and avoid legal repercussions, they should be fully conversant with

such rules" (Oosthuizen (ed.), 2003:42). This is yet another challenge for Foundation Phase educators. The possibility of legal action is a reality and this adds to educator insecurity.

Rules are easier to enforce and more meaningful to the learners if they have been involved in making the rules. This is partly because these rules will be well suited to that specific class and the learners will take ownership of them more easily because they have been involved in the decision making. "As soon as children are old enough, they can begin to help teachers decide on rules that the group will follow" (Brewer, 2007:197). This can be effectively implemented at the start of the Foundation Phase. In addition to the rules, the consequences for breaking the rules also have to be established so that the learners know exactly what to expect if they break a rule.

Nelsen *et al.* (1997:32) found that "what is surprising is that the rules are the same as, or stricter than, the rules teachers try to force on students." They may, however, be more effective because the learners have taken ownership of them. Yet it is the constant and fair implementation of these rules in the schools and classrooms that remain a daunting task for educators since the behaviour of learners, even in the Foundation Phase, is deteriorating. This must take place over and above all the other roles that these educators have to perform. Understandably, therefore, these educators feel pressured and insecure.

Closely linked to the rules that have just been discussed is the code of conduct which will be discussed next.

4.3.4 Code of Conduct

Section 8(1) of the South African Schools Act (SA,1996b) specifies that "subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school." It is, therefore, compulsory for each school to have a code of conduct. It is imperative that it must be a transparent process involving all the necessary stakeholders. Section 8(2) states that "a code of conduct referred to in subsection (1) must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process." In essence, it is aimed at the protection of the rights of all stakeholders to enable effective teaching and learning to take place. In addition, section 10(4) clearly specifies that "nothing contained in this Act exempts a learner from the obligation to comply with

the code of conduct of the school attended by such learner." Learners are, therefore, compelled to adhere to the code of conduct of their particular school. Parents and learners must be made fully aware of this at the outset. It also stipulates that "an educator shall have the same rights as a parent to control and discipline the learner while the learner attends school, school functions or school related activities such as excursions" (Rossouw, 2007:81). The *in loco parentis* role of the educator is, therefore, clearly emphasised. In effect this should enhance educator security, but it is in the actual implementation thereof that educator security is impacted on.

In essence a code of conduct is a "standard of behaviour" (Joubert & Prinsloo, 2001:119). The focus should be on behaviour that is appropriate and the promotion of positive discipline and in the long run also self-discipline. "School behaviour policies are important in terms of creating a common standard which can be worked towards by all sectors of the school community. However, like all policies, the value of a behaviour policy can only be measured by the extent to which it is implemented" (Kay, 2002:119) Hence, although a code of conduct is compulsory and may be very well formulated, it is the implementation thereof, by all members of staff, that will make it successful and effective. The role of the educator in this regard is imperative. Kay (2002:120) states that "policies on behaviour tend to give an outline of expectations of children's behaviour and when and how disciplinary measures will be taken" (Kay, 2002:120) The provision of boundaries for the learners is essential but, as stated, keeping the learners within these boundaries is the difficult part.

It is essential that the codes of conduct must be consistent with existing laws. Alston, Van Staden and Pretorius (2005:156) specify that "if the Bill of Rights is not accessible to an ordinary citizen, or school-going learner, or if it is not understood and promoted, the constitutional guarantee of fundamental rights will remain merely a piece of paper with little or no meaning in the school context." The code of conduct is a form of subordinate legislation. Whilst these rules must be in line with existing laws, "teachers retain substantial latitude in establishing and enforcing conduct codes that are necessary for instructional activities to take place" (Cambron-McCabe & McCarthy 2004:226). This is essential, since teaching and learning must be enhanced.

Foundation Phase learners must be taken into consideration when a code of conduct is drafted, since they are at specific stage of development. Rossouw (2007:80) supports this statement by saying that "the developmental level of learners should be kept in mind, and the language used must be easily comprehensible to make the content

accessible.” In this way it will be meaningful to these learners and they will have no difficulty in adhering to the stipulated rules of the school.

4.4 Summary

An examination of the implications of the unique needs and stage of development of the Foundation Phase learner on the security of the Foundation Phase educator was the focus of this chapter. These educators opted to work with and trained to teach learners of this age, yet it is clear that the profile of the learners, their developmental stages and their legal status will impact on educator security. The demands of working with these learners are not to be underestimated and are becoming more challenging due to the numerous changes taking place.

CHAPTER 5 :
EMPIRICAL RESEARCH DESIGN AND DATA
ANALYSIS

5.1 Introduction

The focus of this chapter is on the empirical research of the study. The discussion of the research design includes aspects such as the research paradigm, qualitative research as the preferred research methodology and the methods of data gathering and analysis. By illuminating the above, the research process will unfold, after which the findings of the empirical research will be reported.

It is, however, imperative at this point to first clarify the ontological perspective of education law as a specific and unique phenomenon. According to Maree (2007:53), ontology can be defined as “the study of the nature and form of reality (that which is or can be known).” This reality is not static and varies according to the researcher and the research being conducted. Van der Westhuizen and Oosthuizen (1989:746) maintain that the essence of education law is embedded in the German concept of *geborgenheit*. An adequate or precise definition of *geborgenheit* in English is complex, because the meaning seems to go beyond safety and security. Clearly, however, security is the basis or essence thereof. “Educational law functions to bring about an equilibrium in the mutual rights and obligations of the respective participants in education in order to procure a tranquil and harmonious environment of *geborgenheit* conducive to optimal education and training” (Oosthuizen, 2009:18). In this study, it is the *geborgenheit* of the Foundation Phase educator that is of importance. This will be elaborated on under the data analysis which takes place later in this chapter.

The particular aim of this empirical phase of the research was to determine the perceptions of the participants regarding educator security in the Foundation Phase. In paragraph 1.4 this aim was formulated as being “the general perceptions of Foundation Phase educators regarding infringements of their labour rights and their security”, which was the fourth aim of the study.

The other aims for the study cannot, however, be totally isolated from the empirical research, seeing that they are linked to certain parts thereof. These aims of the study were to determine:

- how current legal provisions influence and regulate the security of the Foundation Phase educator;
- the implications of the unique characteristics of aspects of Foundation Phase education that impact on the security of the educator;
- the implications of the unique needs and stage of development of Foundation Phase learners for the security of the educator.

It was mainly the fourth aim, as stipulated above, that guided the empirical research. Reaching this aim must be done in relation to the appropriate paradigm. This will be clarified and elaborated on next. Although the literature analysis, as discussed in the previous chapters, has primarily catered for the first three aims, certain aspects thereof will again be highlighted and referred to in the data analysis of this chapter, due to the integrated nature of the study.

5.2 The research paradigm

A paradigm is “something serving as an example or model of how things should be done” (Hawkins, 1979:458). As further clarification, Oosthuizen (2009:10) specifies that “research design entails the blueprint to a particular research project.” In essence, therefore, it is the plan that must be carefully followed when research is conducted, since it cannot take place in a haphazard fashion. Kuhn as quoted in Dash (2005:1) characterizes a paradigm as “an integrated cluster of substantive concepts, variables and problems attached with corresponding methodological approaches and tools...” This chapter serves to explain and clarify these aspects of relevance to this study. Only the paradigms that are of particular importance to this study will be elaborated on. These are interpretivism and phenomenology, since they link closely to the aims of the study, as supported by Babbie and Mouton (2001:49). Qualitative research is in turn the most appropriate methodology for this particular research and this will be discussed once interpretivism and phenomenology have been clarified.

In short, the design of this study is a phenomenological-interpretivistic qualitative research design, which was found most suitable for reaching the overarching aim – the

proper understanding of selected elements in connection with the workplace security of the Foundation Phase educator.

5.2.1 Interpretivism

The first theoretical paradigm that will be clarified and that is applicable to this study is interpretivism. To interpret means to “make out or bring out meaning of or explain or understand in a specified way” (Sykes, 1978:452) That is, to make sense of and to establish the underlying meaning of. According to Maree (2007:58), it is rooted in hermeneutics, which is “the study of the theory and practice of interpretation.” Interpretive inquiry means that “researchers make an interpretation of what they see, hear and understand” (Creswell, 2009:176), specifically in relation to social research. Mostly, it is written data, which is data that has been transcribed after interviews, and data that is accumulated by means of observation. In this study, in particular, photographs have been used as additional qualitative data regarding those elements where visual images help to gain insight into the educators’ work lives. In essence, researchers strive to objectively analyse collected research data, excluding statistics and figures, as precisely as possible in order to establish the essential, deep rooted, detailed and not always literal meanings thereof. This is supported by Neuman (2000,71) who states that “the interpretive approach is the systematic analysis of socially meaningful action through the direct detailed observation of people in natural settings in order to arrive at understandings and interpretations of how people create and maintain their social worlds.”

This study includes the interpretation of interviews and photographic material which was gathered during the school visits. This yields more clarity and, insight and a deeper understanding regarding the phenomenon that is being studied.

Phenomenology is often associated with interpretive approaches and will be highlighted next.

5.2.2 Phenomenology

Phenomena are “observable, can be empirically studied and are simplistic / reducible to essential aspects” (Maree, 2007:57). They are particular topics of research and in this study the phenomenon is the security of the Foundation Phase educator. This particular focus was selected because insecurity is a typical phenomenon experienced

by Foundation Phase educators and, thus far, very little research from a legal perspective has been conducted on this topic. It therefore warrants research, so that a better understanding can be gained.

Leedy and Ormrod (2001:153) define a phenomenological study as “a study that attempts to understand people’s perceptions, perspectives, and understanding of a particular situation.” Creswell (2009:13) states that “phenomenological research is a strategy of inquiry in which the researcher identifies the essence of human experiences about a phenomenon as described by participants.” He stresses that phenomenology is both a philosophy and a method. Mahlomaholo and Nkoane (2002:73) remind us that human experiences are “dynamic, multiple and fluid.” It is, therefore, important to note that Leedy and Ormrod as well as Maree stress that multiple perspectives of the same phenomena must be considered in order to arrive at a worthwhile deduction. Multiple perspectives of the phenomenon in this study, as respectively provided by the interview transcriptions and the photographic data, will be considered when the data is analysed later in this chapter.

A clarification of the qualitative research methodology for this study follows.

5.3 Qualitative research

As mentioned, qualitative research is the appropriate methodology for this research due to its specific characteristics and advantages. A clarification of the nature of qualitative research will first be given and this will be followed by an explanation of the selected methodology. “Qualitative research is a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem” (Creswell, 2009:4). It is “research which is sensitive to the plight of all human beings,” as is stressed by Mahlomaholo and Nkoane (2002:69). It is “best viewed as strategies that combine an interpretive theoretical framework with the use of qualitative research techniques such as participant observation and in-depth interviewing” (Vulliamy, 2004:266). In addition, Creswell (2009:18, 19) emphasises that it is both exploratory and innovative.

There are several key aspects or characteristics of qualitative research, as proposed by various authors (Babbie & Mouton, 2001; Creswell, 2009; Leedy & Ormrod, 2001; Maree, 2007). Each of the relevant aspects or characteristics will be mentioned and then the application to this study will be specified. It is important to understand and perceive the numerous intricate dimensions and experiences through the eyes of the

participants so that their perspectives become clear. This study involves understanding and perceiving the dimensions of the various Foundation Phase educators' perspectives of how they experience their security and the factors that may promote, threaten or hamper this.

According to Creswell (2009:175), one of the characteristics of qualitative research is that it must take place in the natural setting which means that "researchers tend to collect data in the field at the site where participants experience the issue or problem under study." In this study the school environment was the natural setting and in order to minimise disruptions the interviews were conducted at the schools once the learners had gone home in the afternoons. The photographs were also taken in the natural setting, but only after the learners had gone home, again so that disruptions were kept to a minimum.

Data that is collected must be described in detail, using everyday terminology, in order to reach a clear understanding of the perspectives of the participants. This is supported by Babbie and Mouton (2001:270) who state that "the primary aim is in-depth ("thick") descriptions and understanding" of the data. Photographs were therefore taken and analysed to allow for in-depth understanding of the perceptions of the educators, and to complement the data collected in interviews.

In this study, once permission had been attained from the participants, the interviews were recorded and then transcribed verbatim in order to maintain the detailed information that had been shared. Everyday terminology is used in the data analysis to ensure a clear understanding of what was said. The analysed data of this study has been written in everyday, understandable language for the sake of clarity. According to Davis and Klopper (2003:76), the use of verbatim quotes provide richness of meaning. Numerous verbatim quotes have been included in the data analysis both for clarification and emphasis. As Maree (2007:60) states, "one of the greatest strengths of the qualitative approach is the richness and depth of explorations and descriptions it yields." In addition, everything must be understood against the background of the entire context of the participants. The approach is inductive since the various categories, based on the identified themes for the questions that were asked, gradually emerge when the data is analysed. These categories can be clearly seen in the data analysis of this study.

The researcher worked within a phenomenological–interpretivistic paradigm. The qualitative research methodology will therefore be applicable. Methodology “provides justification for the methods” (Carter & Little, 2007:1317). Within the qualitative research methodology, interviews and the use of photographs as visual images were selected. These methods of data gathering will be discussed next.

5.3.1 Methods of data gathering

“Methods can be thought of as research action”; these are the “practical activities of research” (Carter & Little, 2007:1317 & 1318) and “involve the forms of data collection, analysis, and interpretation that researchers propose for their studies” (Creswell, 2009:15). It is important to note that “the selection of the methods, and their application, are always dependent on the aims and objectives of the study, the nature of the phenomenon being investigated and the underlying theory or expectations of the investigator” (Babbie & Mouton, 2001:49). In relation to this study the security of the Foundation Phase educator is the phenomenon in question and an in-depth understanding and more knowledge of this phenomenon is what is required. “Qualitative data collection methods include observation, interviews, focus groups, collection of extant texts (such as organizational records), elicitation of texts (such as participant diaries), and the creation or collection of images (such as photos and video)” (Carter & Little, 2007: 1318 and 1319). The methods of data gathering for this study include both interviews and the collection of images, more specifically photographs of the various schools that were visited when the participants were interviewed.

5.3.1.1 *Semi-structured interviews*

A semi-structured interview “usually requires the participant to answer a set of predetermined questions” and “does allow for the probing and clarification of answers” (Maree, 2007:5). These interviews were conducted with eighteen Foundation Phase educators who were selected in the Kenneth Kaunda District of the North-West Province. They were interviewed individually, after school hours, at the nine specific schools. A semi-structured interview emerged from the literature analysis and consisted of questions from six themes, namely educator security, inherent requirements of a Foundation Phase educator, workload, code of conduct and behaviour/discipline. Labour law aspects and support and assistance were included (see Addendum D) These themes and associated questions that were asked covered

the full range of issues of importance for this study, as described and discussed in chapters 2 and 3.

The interview schedule, with all the questions included, were faxed to the relevant schools well ahead of the interview date to enable the educators to think about the questions and prepare their responses. This was done because many educators are not well informed about many of these aspects. The questions were used as a guide and participants could add further information that they felt was important. Probing strategies were used to get as much data as possible from participants and to verify certain information. All the interviews were audio recorded once the participants had given their permission (see Addendum D).

The procedure that was followed during the interviews

During the individual interviews, the following procedure was followed:

1. The researcher introduces herself.
2. The researcher explains the research study and mentions that security includes both the physical and psychological aspect thereof.
3. The confidentiality of the interview and the anonymity of the participant are stressed.
4. Permission is obtained to make a voice recording.
5. Participants are informed about the possible duration of the interview.
6. Participants are asked to fill in two forms, one to provide their contact details and the other to give their informed consent for the interview to take place.
7. Participants are asked to pinpoint the most important aspects relating specifically to the Foundation Phase.
8. The researcher motivates why so many questions will be asked; that is, to cover the full range of the research.
9. The interview proceeds by using the interview schedule to guide the interview.

The procedure, as stipulated above, is vital to ensure that the researcher keeps to a specific sequence of events for each interview so that consistency is applied. This contributes to the trustworthiness of the research, which is an important consideration.

5.3.1.2 Visual images

Image data in the form of photographs was collected at the various schools. The advantage of this type of material is that “it may be an unobtrusive method of data collection, it provides an opportunity for participants to directly share their reality and it is creative in that it captures attention visually” (Creswell, 2009:180). Photographs provide a unique visual narrative and rich visual information. Once permission was obtained, photographs were taken that would provide important visual data to be included in the analysis to support the perceptions of the educators. Since the anonymity of the participants was ensured, no photographs that included the participants were taken. As mentioned, the interviews took place directly after school. In most cases the focus was on the environment that the participants worked in and the resources that they used. That is, the natural setting was used as the venue for the interviews, and the insights drawn from these school visits could therefore form part of the final analysis.

5.3.2 Identification of participants

The identification of the best suited participants who can provide relevant and valuable information is an important consideration. For this reason purposive sampling was applied. It means that “participants are selected because of some defining characteristic” (Maree,2007:79). In this case the most important obvious characteristic was that the participants had to be Foundation Phase educators, and participants from advantaged as well as disadvantaged communities were included. The design included a representation of different schools, such as ex-model C schools, schools in less affluent areas and township schools. By including different schools, a full range of security factors could be revealed. Foundation Phase educators from nine primary schools in the Kenneth Kaunda District of the North-West province were selected according to convenience sampling. That is, from schools within a reasonable distance from the researcher since the research was conducted with a specific budget in mind.

In accordance with the principles and methodology of qualitative research, not all the educators of the schools included in the sample were interviewed. In total 18

participants were included, in accordance with the researcher's directives given to the principals, which specified that they should nominate the two participants from their staff that might contribute the most relevant and valuable information for the study.

5.3.3 Methods of data analysis

Once the empirical research has been conducted, the text and image data collected must be carefully analysed and interpreted to establish the in-depth essence and meaning of the phenomenon. In this study it is the security of the Foundation Phase educator that is in question. The researcher, therefore, endeavours to get to a deeper understanding of the phenomenon from the specific view-point of the participants according to the principles of content analysis (Maree, 2007:101) which is an appropriate approach to "look at data from different angles with a view to identify keys in the text that will help us understand and interpret the raw data." According to Neuman (2000:71), "true meaning is rarely simple or obvious on the surface; one reaches it only through a detailed study of the text, contemplating its many messages and seeking the connections among its parts." It is a complex and time consuming process because the gist of the data, from the participant's perspective, must be reached and clarified.

As mentioned in paragraph 5.2.1, hermeneutics is a research paradigm that is concerned with the theory and the practice of interpretation. In addition to being a research paradigm, it also provides an angle for data analysis. "As a mode of analysis, it suggests a way of understanding (or making meaning of) textual data" (Maree, 2007:101). In essence understanding is always an interpretation, initially of the text as a whole, then the parts of the text and then the core meaning of the whole text. It is a process of reading between the lines in order to establish an understanding that goes beyond the mere elementary literal meaning.

The questions were asked according to certain themes that emerged from the literature study, namely: educator security, inherent requirements of a Foundation Phase educator, workload, code of conduct and behaviour/discipline, labour law aspects, and finally, support and assistance. These formed the basic structure during the analysis process where the categories, based on the themes of the questions, emerged. The final categories therefore developed during the data analysis process in accordance with the participants' perceptions. It was therefore an inductive process because the categories, based on the themes of the questions, emerged from the data..

Coding or categorisation can only occur once the researcher has read and re-read the texts numerous times in an attempt to make sense of the data and to begin to establish the possible patterns that develop into categories. Creswell (2009:186) describes this process as follows: “It involves taking text data or pictures gathered during data collection, segmenting sentences (or paragraphs) or images into categories, and labelling those categories with a term, often a term based on the actual language of the participant (called an *in vivo* term).” According to Babbie and Mouton (2001:493), it “involves a process whereby certain segments of your text are attached to certain meaningful key labels or codes.” This is often done by means of colour coding, whereby a specific colour is allocated to a particular code or category. The benefit is that these codes are clearly visible and much easier to identify the respective categories. According to Maree (2007:107), coding is a fluid process that takes time to finalise. It is a continuous process of refining and revision until the ultimate codes or categories have been decided upon.

Inductive codes or categories were used in this study. That is, categories were gradually decided upon as they emerged from the data and were not initially determined. “The data obtained from the respondents were analysed and reconfigured by working inductively from particulars to certain themes and categories” (Davis & Klopper, 2003:75). It is through the process of data analysis that the categories gradually started to become apparent (see Addendum E). As Creswell (2009:175) states, it is by “working back and forth between the themes and the database until the researchers have established a comprehensive set of themes.” In essence, by utilising colour coding, categories gradually developed and served as the basis for the report on the perceptions that the Foundation Phase educators expressed regarding their security.

5.3.4 The researcher as an instrument

The researcher is “an instrument of data collection that gathers words, analyses them inductively, while focusing on the views, definitions, perceptions and experiences of informants” (Davis & Klopper, 2003:74). According to Karnieli-Miller *et al.* (2009: 283 and 285), “the researcher becomes the ‘storyteller’ who recasts the story” and “the researcher’s task is to collect the informants’ stories and use skills, experience, and ethical commitment in a way that best serves the research goals” (Karnieli-Miller *et al.*, 2009:285). Maree (2007:54) stresses that “truth is therefore not an objective phenomenon that exists independently of the researcher” (Maree, 2007: 54). As can be

seen, the researcher is therefore an important instrument in the research process and has numerous roles to fulfil. These roles will be discussed next.

Seeing that the researcher is the primary data collection instrument, he or she should personally conduct the interviews with all the participants in order to obtain information in relation to the specific phenomenon. The researcher's role in this process is to create a pleasant and relaxed atmosphere for the participants so that they feel at ease. "Clearly if the respondent is at ease, the interview will be more fruitful" (Babbie & Mouton, 2001:252). The researcher has the opportunity during the interviews to clarify matters and to probe for answers when necessary. Once the data has been transcribed, "patterns, trends and themes should, therefore, emerge from the research process, and the role of the researcher should be to understand real-life situations from the point of view of the insider, rather than from the point of view of the outsider" (Maree, 2007:56).

The researcher of this study has more than twenty years of experience as a Foundation Phase educator and lecturer. After six years of lecturing at a teachers' training college in the then Bophuthatswana, I was appointed as a lecturer in Potchefstroom. My current lecturing position is in the Faculty of Education Sciences at the Potchefstroom campus of the North-West University. Although I lecture mainly in literacy, I identified and was concerned about the lack of research in relation to Foundation Phase educators and education law. Lecturers regularly have contact with various schools since we evaluate student lessons. During this contact it became more and more evident to me that the educator's role was becoming more complex. Since I am involved in the training of future educators, it is essential gather and analyse the perceptions regarding the security in the workplace of the Foundation Phase educator. In this way the most important factors that impact on the security of the Foundation educator can be identified.

5.3.5 The trustworthiness of the research

In order to ensure the trustworthiness of this research, various methods of data collection were engaged in (Maree, 2007:80). These included the use of semi-structured interviews and the use of visual images as sources of data.

Validation of the data was carried out in the form of member checking. A selection of three persons from the individual participants, according to the principles of convenience sampling, were given the opportunity to check the transcription of their

own interviews for accuracy and to ensure that it was actually what they had said. Member checking was done individually because according to Karnieli-Miller *et al.*, (2009:284), “from practical and ethical points of view, member checking, especially in a group format, can create difficulties in preserving anonymity.” In addition to checking the transcription of the interview, participants had the opportunity to rectify any mistakes, elaborate on what they actually meant, reformulate if necessary or add aspects that they did not think of initially. This was done to prevent any misinterpretations. As Davis and Klopper (2003:75) state, it allows the participants to “judge the accuracy and credibility of the data.” Karnieli-Miller *et al.* (2009:285) emphasise that “it is the researchers’ critical adherence to methodological thoroughness and transparency that endows the research process with credibility. Partnership with the informants cannot replace scientific rigor.”

5.3.6 Ethical considerations

The interviews were conducted individually, in privacy, either in school classrooms or staff rooms, since these are familiar environments where participants would feel at ease. These interviews took place after school hours. Although the interviews were conducted in the afternoons once the majority of the children had gone home, the noise level at the schools could not be accounted for, since there are usually extra-murals after school. When the noise level impacted severely on the audibility, the interview was paused temporarily in order to ensure a proper quality of the voice recording.

At the start of the recruitment process the purpose of the research was explained to all participants who were selected. In addition, they were informed that all participation was voluntary and anonymous. They could withdraw from the interviews at any stage and all information was treated with confidentiality. At the start of the interviews all of the above aspects were discussed and confirmed.

When contact with the participants was made, any pressure or exposure that may have been experienced as threatening was avoided. All participants remained anonymous in the reports that arose from the research. During the initial interviews participants were made aware of the fact that their participation was optional and they were informed beforehand that they might withdraw at any stage during the discussions. Care was taken that they did not feel threatened in any way and that their rights to security, privacy and human dignity were not to be infringed upon.

The enquiry did not include any experimental element, and no intervention of any kind by the researcher was part of the research design. No questions were included that could create any experience of humiliation or discomfort.

The application for permission for the research, that was submitted to the office of Dr Mvula of the Kenneth Kaunda District, was approved (see Addendum A). Dr Mvula is the Chief Director (Kenneth Kaunda District) of the North-West Department of Education. On the grounds of this approval, school principals were asked for their consent to approach the individual educators prior to appointments that were made with the educators.

The interviews were conducted in English. Educators at these schools either teach in English or conduct certain lessons in English and should, therefore, have a reasonable level of language proficiency in this language. If participants were unsure, questions were repeated or where necessary they were rephrased to facilitate understanding.

The participants filled in a form of informed consent, as attached (see Addendum C). If they, at any stage, felt that they did not want to participate, they had the choice to withdraw, in spite of the fact that they had previously given their consent. No reasons for the withdrawal were expected, and they were not discriminated against afterwards.

At the conclusion of the project all participating educators will receive feedback on the results of this study. This should contribute to a deeper understanding of the factors that may have an impact on the security of Foundation Phase educators and possible ways in which these can be rectified. This may encourage educators to remain in the profession, which means that their skills and expertise will be maintained for the benefit of all learners. The results of this project may, therefore, eventually have a positive impact on educator security.

All voice recordings, as well as the transcriptions thereof in hard copy and in electronic format, will be safely stored for five years in the office of the researcher at the North-West University. Any person with a legitimate interest may apply to the project head, who will judge the merits of the request jointly with other stakeholders. Approval will not be unreasonably withheld.

5.4 Data analysis of this research

The interviews were transcribed and analysed in order to ascertain what the perceptions of the participants were regarding the various questions (see Addendum D

and E) that relate particularly to the fourth aim of the study, that is, the general perceptions of educators regarding infringements on their rights and the security of the Foundation Phase educator.

The analysis of information given below is structured and presented under the respective themes and categories. Although some of these elements of the study have been discussed in previous chapters, no attempt has been made to discuss them in the same order. Ryan-Nicholls and Wills (2009:72) state that “after analysis, data derived from qualitative inquiry are used to clarify an experience, improve understanding of a complex phenomenon or cast light on a participant’s thoughts or relationships.” It is at this stage that an understanding of the data, from the view-point of the participants, is attempted (see Addendum E).

A general finding was that although a representation of different schools was selected, in some of the selected schools certain demographic changes had taken place. The feeder area of some schools in affluent areas had changed due to the taxi and bus system that transported learners from the townships. The parents of these learners want them to be educated in these schools for numerous reasons, including the fact that English may be the medium of instruction. Many of these schools, regardless of the fact that they have good resources and are well equipped, have become less functional to an extent. This is, in part, because many learners are not available after school hours - their transport leaves directly after school. In addition, the parent community is no longer consistent with the type of school and parental involvement is lacking, which puts pressure on the educators. The feedback from the participants from these schools was therefore mostly negative as a result of the changed demographics.

5.4.1 General statements on security

During the interviews both psychological and physical aspects of security were mentioned. This is in line with the definitions given in paragraph 2.2, which relate to both the physical and psychological security of educators. More participants were, however, concerned about the psychological aspects of their security. Aspects of importance relating to physical security that were revealed, include a secure environment at school with fencing and locked gates, safety and parents who are not allowed to go to the classes uninvited. In most schools this is not always enforced. Aspects of psychological security that were disclosed include support, protection, communication, working effectively with parents, redeployment, confidentiality and

frustration. One participant stated that “the biggest problem was emotional security” whilst another said, “the emotional security is not always great.” An additional comment was that “you feel insecure, because you are under stress all the time.” Only one positive aspect of security was mentioned and that is that “the only thing that makes me secure as a government employee is that I know I won’t lose my job easily.” More than half of the participants, however, stated that they did not feel a hundred percent secure in their work environment. A variety of the issues pertaining to this lack of security will be dealt with in the following paragraphs.

It was pertinently stated that educators who are employed by a school experience less security than those employed by the Department of Education. Educators who are employed by the governing body of a school are often even more overloaded with work than their colleagues, yet they receive much less remuneration because they are paid by the governing body of their schools and not the Department of Education. An educator stated that “I cannot support my family with that few monies.” These educators therefore find it difficult to maintain a reasonable standard of living, despite the number of the hours that they work. They often do not know when their contracts are going to end and they can more easily lose their jobs or get fired, so “the emotional security is not always as great.” In addition, these educators do not have the benefits of a pension, a housing allowance or medical aid subsidy. These educators are said to be less settled because there is less help available for them and they are not fully covered if something unforeseen should happen. Regardless of this, these educators are expected to give their best at all times.

5.4.2 Labour relations related factors impacting on educator security

There are a variety of labour relations related factors that have a direct impact on educator security. These factors will be discussed next.

5.4.2.1 Roles and inherent requirements

The first role that the educator takes on is that of *in loco parentis* whereby the responsibility of the learner is shifted from the parent to the educator for the duration of the school day. In essence, the educator therefore takes on the role of being the parent to all the learners in her class when they are at school. Taking into account the number of learners in a class and all that this entails, including discipline, it is not an easy role to fulfil.

In addition, according to the National Education Policy Act of 1996 (SA, 1996c) there are seven roles and associated competencies that competent educators should carry out. The participants, however, all emphasised that they are far more than educators to their learners - probably because, more than ever before, there are so many learners who are vulnerable and need support. Teaching the learners is only one of the numerous roles that they are expected to perform. One participant stated that “one is becoming more than a teacher.” These additional roles include those associated with a social worker, doctor and nurse, provider of clothing and food, a substitute parent, repairing school uniforms, providing transport, disciplinarian and being a care giver. The Foundation Phase educator has to be there for the learners and provide, for example, emotional support. She also has to discipline the learners. In addition, educators have to educate learners about simple things that they do not know about, such as using the toilet correctly. A participant said “you have to touch all aspects. It’s not teaching anymore.”

The inherent requirements, as discussed in paragraph 3.4.3 of the literature overview, prove that Foundation Phase educators are unique in that they have to cater specifically for the developmental stage of the Foundation Phase learner. These participants included a love for learners of this age, a passion for education, being able to get down to the learner’s level, being willing to go the extra mile, understanding learners’ unique needs and meeting these specific needs. In addition, being a first class manager with excellent communication skills and having a listening ear and empathy, as well as being sensitive, adaptable, humble, tolerant and a mother figure to the learners. One participant mentioned that they had to be able to “close the gap for learners in difficult circumstances and give love and tender care.” Having good people skills, and being patient and not short-tempered, are also essential. Educators must give learners extra reassurance and compassion. It was also mentioned by a participant that “once you are a mother, then it makes you a better Foundation Phase teacher because you know that every learner is special.”

One participant pertinently stated that “teaching little kids and teaching the Senior Intermediate Phase is different, that I’ve experienced, so I would know” and “you get to know the Foundation Phase learner better.” Foundation Phase educators are “on your feet the whole day”, “you can’t just leave them, you have to be in the class all the time” and these educators have to “think up all these bright things that are going to overcome whatever difficulties you come across.” Lastly “there are so many other things that you have to teach first before you can actually teach them to read and write.” In summary, it

is clear that the roles and inherent requirements of Foundation Phase educators are becoming more complex and that these have an impact on their security.

5.4.2.2 Educator rights

The general consensus on this fundamental right is that the participants feel that “learners’ rights are always thrown first”, that “learners’ rights are always thrown at you” and that the “educator’s rights are hidden.” This is supported by the statement that “in education there’s only one party that’s ever correct and that’s the child. Irrespective of what the teacher has done, she will always be wrong.” It was felt that “a lot still has to be done about educator’s rights” and that “educator’s rights do not actually work in practice.” One participant stated that “as far as our learners are concerned we have no rights, only the learners have rights.” She was quick to add that “I drill into them that I also have rights.” Another participant told a learner “I don’t have to be terrorised by you as a seven year old.” Additional statements that were made by the participants include “they tell us that the law protects us but I wonder”, “educators don’t have rights, learners have rights” and “we’re the victims here.” Some participants pondered that “maybe we are more aware of the learner’s rights than we are of our own”. This is supported by the statement “I’m not really aware what are my rights as an educator, I think it’s kept back from us” and “I don’t think I’ve ever seen something that says rights for teachers.” It is clear from these comments that were made by the participants that their perception is that the rights of the learners are more important than their own rights. This makes them feel insecure. It must be borne in mind, however, that, as stated in section 3(2)a of the Constitution (SA. 1996a), all citizens are equally entitled to the rights, privileges and benefits of citizenship. In effect, therefore, Foundation Phase educators are entitled to the same rights, privileges and benefits as the learners in the schools, which should impact positively on their security. In addition, the Bill of Rights instructs the State to use the power that the Constitution gives it in ways that do not violate fundamental rights and that promote and fulfil those rights. Should the State fail to comply with these provisions, it will act unconstitutionally; in so doing its acts or laws will be unlawful and invalid (Currie & De Waal, 2005:23). The state, therefore, has an obligation to protect the fundamental rights of the Foundation Phase educator at all times. As can be seen from the above, the reality is that these participants have a different perception regarding this issue and do not seem to feel protected by their Constitution.

5.4.2.3 *Redeployment*

Most of the black participants were insecure about and feared the issue of redeployment. This issue should be covered by the Employment of Educators Act of 1998 (SA, 1998b), as it provides specifically for the employment of educators by the State - in particular, for the regulation of the conditions of service, appointments, promotions and transfers, termination of services, incapacity and misconduct and for matters connected therewith. The participants described it as a “big monster that makes us torn (sic) apart” and they stress that “it touches many schools.” It involves educators being told by the Department of Education to go and teach at another school if the enrolment at their current schools decreases. This has a number of implications for these educators. Depending on where the new school is, they may have to leave their families and make alternative arrangements for accommodation and transport. This impacts on their psychological security because they have to work at a school where they may not have chosen to work and have to adapt to a new work environment and possibly home environment as well. The largest amount of insecurity arises from not being able to establish the criteria that are used to decide which educators should be told to go to another school. One participant mentioned that she was redeployed and that she is “still not settled in a new school.” The participants clearly feel that this is an issue that infringes on their rights.

5.4.2.4 *Striking*

The majority of the participants are aware of their right to strike in terms of section 23 of the Constitution, but are against striking. This is primarily because they believe that the needs of their learners always take priority. They know that section 28 (SA, 1996a) of the Constitution states that “a child’s best interests are of paramount importance in every matter concerning the child.” In essence, the best interests of learners are always of extreme importance and must be taken very seriously.

A participant said “I won’t strike, if I strike what example do I set for these learners.” Many of the black educators want to go to school to teach, but know that it would be too risky and dangerous to do so because they know that everybody is being watched. They know that they cannot take the risk of going to school at this time because “you can’t be safe”, “you can’t deal with the situation so you decide it is better to stay” and “you stay home for your own safety.” They thus feel insecure.

5.4.2.5 Support structures

The importance of having the necessary support from the principal was stressed as this has a direct impact on educator security. Very few educators mentioned their principals having an open door policy or providing them with the necessary support. One participant pertinently stated, “I am actually alone.” Having the support of the Department of Education, the Head of Department and governing body, was also regarded as being important but in reality the perception is that the educators feel as if they do not have enough support. One educator mentioned that the new governing bodies were not experienced enough and that they “seem to see it as a status symbol” more than anything else. “We get the feeling that the Department of Education still gives the child the benefit of the doubt, instead of listening to the educator’s side of the story” and “we are not protected by the Education Department.” Another participant stated that “irrespective of what the teacher’s done; she will always be wrong. That’s how I feel about it.” This clearly shows a lack of support by the department and reinforces the perception that the rights of learners take preference.

5.4.3 Learner related factors impacting on educator security

The focus on learners’ needs and interests is what education is all about. In this light, section 28 (SA, 1996a) of the Constitution is critical for all educators since it states that “a child’s best interests are of paramount importance in every matter concerning the child.” In essence, the best interests of learners are always of extreme importance and must be taken very seriously. In chapter 4, in the literature overview, an analysis of the Foundation Phase learner was made. This included aspects such as the developmental stages of the Foundation Phase learner, the implications of these for the Foundation Phase educator, learners’ legal status, as well as learner discipline, behaviour, rules and the Code of Conduct. The various learner related factors that impact directly on educator security, as specified by the participants, will be clarified next.

Working with Foundation Phase learners has very specific demands that are made on the educators. This is supported by statements such as “with Foundation Phase learners you have to be there all the time”, “learners expect everything from the Foundation Phase teacher, you must be careful how you handle them”, “in grade one the learners are very dependent on you” and “you have to do everything for learners from the black area.”

5.4.3.1 Cultural differences

There are various problems that the participants are expected to cope with on a daily basis. Many learners are not at the correct level when they start school because they lack a solid educational basis. In essence they are not school ready and as a result “some learners need an extra year to bridge” this gap. This could be attributed partly to a lack of pre-school education that is so prevalent, especially in poorer areas. That is, “these children from the townships that haven’t been in a crèche or in a pre-school” which means “they haven’t got the foundation” that is necessary. Many participants are teaching learners of different cultures and they find this very challenging: “it’s not easy at our school anymore, you know, with all the cultural groups in it, it’s different.” They mentioned that it is “a culture shock for a white educator to work with black learners” since “my culture and their culture are different.” In addition, for learners who are not educated in their mother tongue the new language of learning is a challenge, both for the learner and the educator. One participant said “these children coming into our English schools, it’s difficult for them. Because it’s not their first language, it’s their second language.” Issues of concern that are linked to this include a lack of confidence and understanding, a limited vocabulary, little knowledge of the sound structure of the language and the inability to express themselves clearly. A participant stated, “it took these children a year to just overcome the language barrier.” To a large extent this hampers their progress and makes it difficult for the educators because they have to “explain things often” simply “because they don’t understand” or “you explain it using their own language.” Many educators, however, are not able to speak to their learner’s home language and so cannot code switch to facilitate understanding. Learner diversity and differentiation, often because of cultural issues, are a reality and therefore there are many learners who require additional support and assistance in the classes. There seem to be many learners who are struggling and unfortunately “we don’t have someone to take the weaker learners and help them”, since there are no educator assistants in our public schools. Most of these learners “had a barrier in life” and “there’s no-one at home helping them.”

5.4.3.2 Learner’s home circumstances

Learners come from a variety of homes and circumstances. Many learners do not have parents - “we’ve got lots of orphans around here” - and stay with their grandparents or relatives, either part-time or full-time. Many parents do not work, some work far away from home, many are illiterate and in some instances the parents are extremely ill and

the learners “care for their parents”, as well as their siblings. These learners have to rush home during breaks - not to eat, but to check that things at home are still in order. Certain learners are abused at home, either by their own fathers or by other family members. In addition, many are put at risk because they are neglected - “sometimes they have not eaten a thing.” One participant mentioned a little boy who had to sleep outside in the middle of winter: “he wasn’t allowed in the house, he had to sleep outside.” Learners are also prematurely exposed to a number of things by means of the media, particularly television.

Absenteeism is another problem, because many learners live far from their schools. They either have to walk a long distance or go by taxi. At times parents do not have the money to pay for a taxi or bad weather prevents the learners from walking to school. In the afternoons learners have to rush or they will miss their transport. Often educators therefore cannot give them the much needed extra help.

5.4.3.3 *Discipline and behaviour*

This is seen as a “big problem” and a “great challenge.” All the participants were united in stating that there is a decline in discipline. They feel discouraged by this and state that they “can’t do too much” because corporal punishment has been abolished. This is in accordance with the South African Schools Act 84 of 1996 (1996b), section 10 (1), which pertinently states that no person may administer corporal punishment at a school to a learner. Participants stressed that discipline in the school is important because “if discipline in the school isn’t right, it can’t be right in your class.” Hence, the importance of the school principal cannot be underestimated. Statements like “if it carries on like this, where there’s no discipline in the children, where they don’t have self-discipline, it could eventually impact on my decision to stay” and “the naughty learners will make me leave education” stress the seriousness of the matter. The various issues of importance relating to this matter will be discussed next.

- *Home environment and parental influences*

For most participants the link between discipline and the home is evident. Comments such as “it starts in the home”, “no orderliness at home”, “children aren’t raised correctly at home” and learners are “not used to being disciplined”, substantiate this view.

The statements “parents are the problem, not the children” and “our parents need to be educated more than our children”, highlight the perception that parents are largely to blame for the way that their children behave. The values of the parents impact on the way they discipline their children and this determines their behaviour. In many instances it is a case of “spare the rod and spoil the child.” Learners are no longer being taught the necessary morals by their parents. As a result learners have “no basis” which “help us know how people love one another, how to care, and then help others.” Parents must be made aware of and understand the implications of home rules not corresponding with school rules. Some parents allow certain things at home which are not allowed at school; learners are “doing something at home that they’re not allowed to do in my class.” Parental cooperation in this regard is essential, to the benefit of the learners and the educators.

Many parents “don’t have time to be selective or to monitor” what their children watch on television. As a result learners are exposed to undesirable behaviours which they then imitate. This can make learners “defiant”, “over-confident” and “rude.”

Many learners live with their grandparents; the “parents dump them there.” These grandparents feel sorry for their grandchildren and simply “don’t have the energy to discipline them.”

- *A different generation (of learners)*

The times we live in have brought about numerous changes, as was mentioned in paragraph 3.2. The participants found that the learners have changed and that “things happen now that educators never thought was possible.” One educator simply stated that “learners are out of control” and “it’s scary what some kids get up to and it’s becoming the norm.”

Participants feel that “learners don’t care, a generation that doesn’t care” and that the learners “have lost respect for each other and for us.” It seems that “disrespect goes with discipline, learners don’t have respect for themselves, not for the teacher, for nobody.” One participant described her grade one learners as “the class from hell” because “they don’t care, they don’t listen.” Learners are well aware of the fact that “your hands are tied” and “they know how far they can push you. They know they can do this and this because they know the teacher can do nothing.” The use of foul and abusive language is a common problem. “It’s normal, it’s like a language” and when they come to school they just make “use of that abusive language, as if maybe it’s

right.” Naughty learners seem to have an impact on the whole class. In one instance an educator mentioned that she had to have three of her grade one boys suspended for three days and that “there is no hope for them.” As a result, she says, “I fear for my own safety in my class.” Unfortunately it is getting to the point that “learners know they are getting control, we have to obey the learners, they don’t obey us anymore.”

- *Code of conduct*

As mentioned, Section 8(1) of The South African Schools Act 84 of 1996 stipulates that the governing body of a public school must adopt a code of conduct (according to stipulated guidelines) for the learners after consultation with the learners, parents and educators of the school. According to section 8(2) it must be aimed at establishing a disciplined and purposeful school environment, dedicated to the improvement and maintenance of the quality of the learning process (SA, 1996b).

Although a code of conduct is implemented in most schools, participants had mixed feelings in this regard. Typical comments that were made include “it doesn’t mean anything to the Foundation Phase learners”, “learners can’t read it themselves”, “Foundation Phase learners don’t understand it”, “it is more related to the Senior Intermediate Phase” and “you cannot punish a seven year old the same way you do a ten year old or twelve year old.” These comments show that the code of conduct does not seem to be effective for Foundation Phase learners. Educators are therefore required to “read it to their learners so that they can understand it” and to get the learners to “say the rules every morning until they know them”. Suggestions are that “you have to take it on the child’s level”, “simplify it” and “explain it using their own language.” Some participants felt that it is “useless if everybody in the school is not following it” whilst others said “I am not familiar with our code of conduct” and “I don’t even know if we have one.”

- *Advice given by the participants*

A great deal of advice regarding effective discipline strategies was shared by the participants, only some of which will be mentioned. Many of them felt that educators “must be active and not sit on a chair all day” while they teach so that they have more control over the learners. Being “consistent”, that is, the educator must always apply the same rules in the same way to all the learners. Educators should give “positive feedback” and point at the learner’s behaviour and not the child. It is vital that there should be effective communication between the learners and the educator and that the

educator should be a good listener. There should constantly be new ideas for discipline since educators “can’t apply one” idea all the time. Another suggestion is to “take away privileges” – learners have to stay in for break or cannot go to the tuckshop. The discipline process should also not be protracted; immediate action must be taken. It is vital for educators to be well-organised and well-prepared and to be in their classroom with the learners all the time.

5.4.4 Parent-related factors impacting on educator security

Educators are expected to deliver according to the expectations of a number of stakeholders, especially the parents. Regardless of the many challenges, these educators are expected to lay a solid educational foundation for each of their learners. This often puts pressure on the educators because parents have high expectations, regardless of the fact that parental involvement and support are often lacking. These factors will be discussed next.

5.4.4.1 Parental involvement

As mentioned in paragraph 3.2.2, it is clear that in most instances parental involvement in relation to both the learners and educators is a problem. There is “a great hole” or void in this regard because “young parents don’t realize their role anymore.” Many parents simply do not care about their children and neglect them. Sending learners to school when they are ill is a common occurrence.

An educator stated that parents simply “don’t have time for their children.” In certain instances this may be because most parents work very hard to survive and to earn a living. Some parents feel that when the learners are at school, they are the educator’s problem and that they do not want to be informed if there is any trouble. The educator must simply cope and deal with any difficulties herself. Some parents are illiterate and “don’t understand anything” and are therefore not able to help their children with certain things, such as homework. Participants say that some parents feel it is the educators’ job to get their children through school. They seem to think that it is the educator’s responsibility, regardless of the fact that the parents actually spend more time with their children.

The importance of proper communication with parents was stressed. Communication is hampered because many parents never come to school and therefore make no contact with the educator. The only means of communication in such instances is in the form of

letters, which is obviously very ineffective for illiterate parents. These days more modern technology is also used. For example, SMSs are sent to keep the parents informed. Parents are, however, quick to react if something bad happens to the child and the educator can be blamed. An educator said that “if I’m alone during the foundation, I don’t have proper cement.” This emphasises the importance of parental involvement, both for the learners and the educators, to ensure that learners have a proper educational foundation, which is essential in the Foundation Phase. If parents are not involved, it makes it difficult for the educators because it puts extra pressure on them. Parental involvement has a positive impact on the learners and they tend to do better. One educator stated that “less than 50% of our parents are involved in their children’s upbringing and half the parents disrupt classes or education.” In essence, in that particular area of this specified province, fewer than half of the parents are actively involved in raising their children. Another important comment is that “our parents need to be educated more than our children.” This makes involvement with parents crucial. Parental involvement is clearly lacking and not only are children paying the price but also educators who are placed under greater pressure. The result is insecurity.

5.4.4.2 Parental support

A large variety of responses were divulged by the participants, clearly indicating that parents do have a significant influence on educator security. Unfortunately it seems that “the parents who make you feel secure that you are doing the right thing are really in the minority.” Parental support is seen as being vital and few educators could testify that they have adequate, if any, support from their parents. An educator stated that “emotionally the parents say they support you but the first problem that arises they turn on you” and “you’re fighting a losing battle.” Comments such as “educators need more support” and “we really love our job, but there’s no support” clearly indicate a lack of support for educators from parents, which consequently results in a lack of security.

5.4.5 Workplace related factors impacting on educator security

The Bill of Rights, in chapter 2 of the Constitution, stipulates in section 23 (SA, 1996a) that all workers, by implication including Foundation Phase educators, are protected by law in terms of fair labour practices. These labour practices include aspects such as fair working hours and a secure working environment as basic rights. In addition, Grogan (2005:62) states that it is a common law duty of the employer to ensure that working conditions are safe and healthy. According to Rossouw (2007:112), health

and safety should never refer to the physical only, but also to psychological and emotional health and safety.

The various factors within the workplace that impact on educator security will be discussed next. Part of the cause for concern is the constant change in terms of assessment, policies and the curriculum, as was mentioned in paragraph 3.2.3 under statutory developments. Comments such as “I am not in control because of all the changes”, “just when we think we’ve mastered it, it’s a new thing again”, “it’s never stopped in all the years I’ve been in teaching” and “it affects us all negatively” confirm this sentiment. Only one participant stated that she could absorb and implement the changes with ease and added that it was her outgoing personality that made this possible. Another participant maintained that part of the problem lay in the lack of help that is received, for example, from subject advisors because educators are often uncertain of what to do.

5.4.5.1 *Educators’ commitment*

It is evident that the majority of these participants are dedicated to their profession and they clearly state that “the most important thing is to help the learners,” “it’s a life you have in your hands, that’s very important to me” and to “set a grounding for life” for their learners. It is important to the participants to “always find more information on how to deal with young learners” and to constantly improve because “if I don’t improve, they won’t.” They regard hard work as being essential since “if I don’t work hard I am setting a bad example.”

Some participants mentioned, as a cause for concern, that there are some educators who do not really care about their learners. One participant mentioned that “some educators relax and do not do their work properly.” Since the parents are ill-informed they seem to think “it’s okay.” They find this difficult to handle. They say “if you want to expose something, some educators keep quiet and they suppress you.” As a result, “for the smooth running of things you just keep quiet” and in the end nothing is resolved.

One participant shared her personal experience about her son. He experienced learning difficulties and really found school challenging. She said it made her “realise there are those learners with difficulties.” She now understands the learners in her class that have problems better and tries to give them the necessary attention and support. She says she is “trying to do her best because she now knows that there is

hope for every learner.” In contrast to this another participant stated, “I don’t have time for the special needs learners, I can’t cut myself in pieces.” Her appeal was that “we need to get some people in to help us with those learners.”

Despite their commitment and hard work, many participants feel that they are not appreciated. Statements such as “you’re basically like a rat in that wheel,” “I think you feel not appreciated” and “you feel like the donkey lying down already and everybody is kicking you” are an indication of educators’ morale. Some of the older participants were grateful that they no longer had children to take care of at home. They wondered how their younger colleagues cope with raising children and having a demanding job. The perception that teaching is a half day job is untrue.

5.4.5.2 Time factor

As indicated in paragraph 3.4.6, a lack of time was mentioned by most participants. This was supported by comments such as “I don’t have enough time”, “time is limited”, “it is difficult to help learners in the time allocated” and “I’m not in control, I lack a lot of time.” With the high educator-learner ratio “you haven’t got time to help each child in your class.” Thus it is not only the educator who is battling with time constraints but the learners who are not benefiting by quality time spent with the educator. One participant stated that when she marks books at night you “remember you didn’t speak a single word to a learner” during the course of that specific day because the day went so quickly.

The participants stated that they were constantly involved in a balancing act and were struggling to manage because of time constraints and the volume of work that has to be done. They mentioned that they have no spare time. This means that they have come to regard things such as hobbies and a social life as luxuries since they do not have the time for them. When they have a lot to do they simply resort to sleeping less. Many educators brought up emotions such as having guilt feelings or “feeling emotionally drained” and a number of them experienced stress. The impact of their work has a definite effect on their personal life, that is, their home life, because a great deal of their work is done after hours at home, either in the evenings or over weekends. This is supported by the statement “I don’t have a social life and I don’t think I’ve got a home life either. Definitely, it’s got a big impact on it, a huge impact.” This minimised the time they could spend with their families. A particular participant stated that the impact on their families is getting worse and others said, “I think not all our spouses understand that”, “the family think you use it as an excuse not to be with the family” and

“it puts pressure on you at home, sometimes your family do get upset.” This was stated in paragraph 3.4.2 in the literature overview. These participants therefore confirm this sentiment.

In addition, after dealing with learners’ problems the whole day they are tired and irritable when they get home. One participant mentioned that she is inclined to shout at her own children at home, although this is unintentional. Another said that it bothered her that when her learners had been very naughty on a particular day she tended to be aggressive towards her own child at home if she didn’t listen. Since many afternoons are taken up with extra-murals it means that “the nights are getting longer.” As a result, more and more work has to be done at home, at night. Comments such as “you must be prepared to work till 12 in the evening if you want to be in control of it,” “it’s school work from morning till night” and “you never stop till eleven or twelve at night”, were made. Having a “heavy workload” was pointed out repeatedly since this takes up the majority of their time. Many pointed out that they are working an eighteen hour day. They stated that “you have to sacrifice.” When they get home after a day of working with the Foundation Phase learners they are exhausted, they get home tired and feel that they don’t want to do anything.

5.4.5.3 *Learner numbers*

Paragraph 3.4.5 deals specifically with educator-learner ratios that are too high and that place unreasonable responsibility and demands on the educators. Foundation Phase educators are expected to lay the foundation of the vital basic skills that form the basis of children’s education. Besides this being a challenge in terms of the number of learners who have to be taught, classroom management is also an obstacle.

These participants are frustrated because in many instances their classes are overcrowded - the educator-learner ratio is too high. Comments that were made include, “we need less children in a class” and “it is difficult to work with a large number.” This impacts on the educator’s “duty of care” in that the educator has a legal responsibility for the learners in her class for the duration of the school day. The more learners in the class, the more responsibility the educator has.

One of the biggest causes for concern is that because the educator-learner ratio is too high, certain learners are neglected. “In large classes you are not going to have enough time to spend with learners with special needs” and “there is seldom time for strong or weak learners because you are busy with the middle group.” Some of these

learners therefore get further and further behind with their work or are not adequately stimulated and as a result struggle with certain aspects of work such as reading, or get bored. Another cause for concern is the impact on the development of literacy. "I'm lucky if I get through them once a week," meaning that this participant may only get to listen to each learner read individually once a week. This is far from adequate, especially in homes where the parents are not involved with helping their children with their homework. In addition, learner diversity makes it more difficult for the educators. Another participant substantiated these comments by saying she couldn't work with thirty-seven learners. She said a certain learner might need extra reading or language help. This learner, however, was not even noticed because "you were screaming at the naughty ones, the good ones were finished and they were bored."

An issue that came out with the black participants is that in the past they had to cope with much higher numbers of learners so they now find it easier to cope with "less" learners in their classes. One participant stated that in the past she had sixty learners in her class but now "only has thirty-four which is wonderful".

5.4.5.4 Educators' accountability for learner safety

A major challenge for many of the participants was the fact that they get called out of their classes during teaching time for various reasons. This means that they are expected to leave their learners unattended. This is problematic because the educators are in the role of *in loco parentis*, meaning that they are the substitute parents for the learners for the duration of the school day. In addition, the concept of "duty of care" comes into play. This means that the educator has a legal responsibility towards each learner, more specifically for the safety of the learner in the time that the learner is at school. Participants know that "as soon as you leave them for a minute, then you've lost it." They feel that they do not have the authority to refuse this command and worry about the safety of their young learners and who will be held accountable and liable if something should happen. Most participants were aware that they are legally obliged to ensure the safety of their learners in their care at all times, which makes them liable for their actions. Learners of this age are impulsive and do not consider the consequences of their actions. Two of the participants mentioned that a learner in their class had been injured while they were called out of class to see parents. In the one instance a learner put his fist through a window and in the other incident a learner fell against the corner of a desk and had to have stitches.

The other aspect of concern is that participants are all expected to do playground duty. They say they have no control since there are too many learners for one staff member to monitor successfully. They simply cannot control such big areas effectively on their own.

5.4.5.5 *Administrative duties*

In paragraph 3.4.2 it was mentioned that the ever increasing amount of administrative work and assessment that must be done is a cause for concern. The participants confirmed this in the discussion below.

Participants are concerned that “they are not getting to teaching” and they are “neglecting the important stuff.” Few of these participants seem to have adequate, if any, support with their administrative duties: “we have to do all the work by ourselves.” They say “we are doing more administration than teaching,” “we need to get back to teaching, not administration,” “administrative work is a burden” and “it has a negative impact on teaching time.” These comments clearly highlight that administrative work is a problem for educators and it is taking their focus away from where it should be and that is on teaching. It was stated that 80% of the administrative work that is done is unnecessary and thus a waste of valuable teaching time. Statements like “It can be done by others” and “there is so much the secretaries can do” accentuate the fact that educators should be concentrating on what they are qualified to do and that is to teach. The Department of Education is greatly to blame in this regard since it sends out forms at the last minute and expects them to be completed and returned immediately. Most participants try to do as much administrative work as possible after hours so that it does not have an impact on their learners, but in such instances they have no option but to halt teaching and to complete the form as required. An educator stated that “unless it is an emergency then I have a problem with it.” Most participants spend about half an hour in their classes each morning on administrative work, which includes doing the register and taking in money. This is teaching time that is lost and could be used far more effectively. One participant stated that “we should start at the top. People who put the system in place were in the classroom years ago and don’t understand what is happening in our schools now.” Unfortunately it seems that the amount of paper work is escalating and that “there are increasing demands” that are being made. It is a serious issue since it was mentioned as a reason why some participants would consider leaving teaching and it seems that it may have an impact on discipline problems.

Assessment can be seen as another form of administration that has to be done. It is another major frustration for the participants. Not only is it time consuming, especially in such large classes, but the real concern is that participants are often unsure about how it should be done. One participant stated “I’m doing it the way I feel it’s fit.”

Although the Code of Professional Ethics (par. 2.4.4) specifies the duties of educators, no specific mention is made of the particular administrative duties that educators are required to carry out.

Image data in the form of photographs was collected at the various schools after the interviews had been conducted and permission had been granted for the researcher to take the necessary photographs. This is an important form of data gathering since photographs provide a unique visual narrative and rich visual information. This visual data was analysed as a means of supporting the perceptions of the participants. The focus was on the environment that the participants work in and the resources that they use. This visual data will be integrated with the interview data.

5.4.5.6 Classroom environment

This is an important consideration that links to the educators’ need for security. As stipulated in paragraph 2.3, section 24(a) of the Constitution (SA, 1996a), everyone has the right to an environment that is not harmful to their health and well-being (see photograph 5 as opposed to photograph 6). In essence educators therefore have a right to security within their work environment to enable them to educate learners effectively.

The findings, as supported by the photographs that are shown next, however, reveal that in many instances the participants’ classrooms did not promote a positive sense of well-being (see photograph 4). Many participants say that “space is really a problem.” Most classes are too small in relation to the number of learners that have to be accommodated (see photograph 1). What happens is that the “size of the class stays the same but the number of learners grows.” Many participants complained about a lack of space and storage space (see photograph 2 as compared to photograph 3). The number of desks and chairs needed for all the learners makes movement in the class difficult (see photograph 1). It means that “learners sit where they sit and you stand where you stand” and “you can’t even move in the rows to help the learners.” These issues hamper the management of the classes which clearly impacts on discipline. In many instances space for a carpet, a reading corner, group work and

displays was out of the question, yet these are important elements of a well functioning Foundation Phase classroom (see photograph 1).

Some educators do not have their own classrooms and are expected to teach in the school hall. The hall is used for a variety of purposes and may be dilapidated and not clean. Clearly it is not an environment that is conducive to effective teaching and learning. In most instances more than one group of learners at a time are taught there. This could mean that there are a number of distractions and disruptions that take place throughout the day. Educators have no place to safely store their resources (see photograph 2) or to display the work that their learners do. This would influence the educators' security.

It is clear from this photograph that the educator-learner ratio is very high because all the available space in this classroom has been utilised to fit in as many desks and chairs as possible. The furniture is not well suited to the size of the Foundation Phase learners. This does not conform to common law obligations in terms of employers who must supply the necessary suitable facilities.

Section 23 of the Constitution (SA, 1996a) stipulates that all workers are protected by law in terms of fair labour practices; this includes a secure working environment. This environment and educator-learner ratio can be an indication of unfair labour practice, because the educator is expected to manage and educate a large number of Foundation Phase learners effectively. In addition, section 24 (SA, 1996a) of the Constitution states that “everyone has a right to an environment that is not harmful to their health or well-being.”

The educator, as a professional person, is aware that it is her duty to provide quality education and should take pride in doing so. This includes giving learners individual attention, working with groups of learners with different abilities and varying activities to cater for their limited concentration span. Due to this environment, however, she is not able to do so, which leads to frustration. This impacts on her security.

The available space places a restriction on the educator in that, for example, group work and reading activities cannot take place as successfully as they should. The educator will probably have to spend a great deal of time on planning to get everything done.



Photo 1

Diligent and highly qualified educators will be more affected by this type of insecurity and frustration, because they know what is expected and that it should be done better. Less diligent educators and those who lack training may regard this as normal and acceptable and it may therefore have little or no impact on their security.



Photo 2

In this classroom the only storage space are two steel cabinets. Various reasons can be given for this. It can be as a result of a lack of space or because this storage is adequate in that only a limited number of resources are available to this educator.

As pointed out earlier, the teaching environment must be conducive to effective teaching to ensure the well-being of the educator. A lack of resources will imply that the educator will have difficulty in teaching and consolidating the necessary basic skills. As a result the educator will experience insecurity because she is not able to deliver education of a high standard to her learners.

Another possible negative effect of such a dull, uninspiring environment is that it may lead to boredom amongst learners, which will probably result in ill-discipline. As was clear from the literature, learner misconduct impacts negatively on educator security.



Photo 3

This storage space is in total contrast to what was available in the classroom depicted in photo 2. In this classroom there is a large store room to accommodate the variety of resources that should be used on a daily basis in a Foundation Phase classroom. This educator is therefore able to stimulate, motivate and empower her learners by exposing them to a variety of resources. If learners are stimulated and actively engaged in the learning process, they learn more effectively and discipline problems should be minimised. This educator is able to provide quality education and will therefore be less frustrated because she will be able to cater for the needs of her learners. She will experience a greater degree of security in terms of the above. This educator mentioned that they generate funds to buy their own resources by having various fund raisers throughout the year. In this way they are able to purchase new, up to date resources on a regular basis.

In this classroom there are numerous broken chairs and table tops. The broken furniture shows that there is probably a lack of maintenance and accountability in this classroom. In terms of her duty of care the educator has a legal responsibility towards each learner, more specifically for their safety during the time that they are at school. The educator could be held delictually liable if a learner is injured because she is obliged to ensure the safety of her learners at all times. Injuries in this classroom are both foreseeable and preventable. A reasonable educator should meet the level of *diligens paterfamilias*, therefore this educator should take the necessary care to prevent injuries. Educators should, therefore, check their classes on a daily basis and remove anything that can be dangerous for the learners in order to prevent injuries from taking place.

This situation may, however, be due to the fact that no other furniture is available to replace the broken ones. The principal and the Department of Education may jointly be held liable in such a case.



Photo 4



Photo 5

Section 12 of the Constitution (SA, 1996a) emphasises the fact that everyone has the right to security of the person. In this environment, however, the educators' psychological security will be impacted on because it is not an environment that a professionally trained person would be motivated to work in. It does not cater for the needs and stage of development of the Foundation Phase learner. Section 28 (SA, 1996a) states that a child's best interests are of paramount importance in every matter concerning the child, but here it is clear it has not been taken into account.

Section 24 (SA, 1996a) of the Constitution clearly states that everyone has a right to an environment that is not harmful to their well-being. This environment is not directly harmful, but dull, uninviting and unstimulating and will not promote the well-being of this educator or the Foundation Phase learners. This educator will probably not be motivated to go to work, because the environment might have a negative impact on her well-being. It is therefore clear that her security will be affected.



Photo 6

In contrast to what was depicted in photo 5, this environment is inviting and colourful for the learners. There are apparatus such as jungle gyms to develop gross motor skills. This participant mentioned that these learners are proud of their school and that it is their safe haven. As a result many of the learners want to stay after school to play. On the negative side, the educators are held accountable for some of the learners for longer periods of time, hence a possible impact on their security. In spite of these extended duties, these educators found it satisfying to know that their learners feel safe in their school environment. It is clear that these educators put in a lot of personal effort to maintain this environment for their learners.

5.4.5.7 Resources

Many participants indicated that they lacked the necessary resources. Photograph 8 and 9 illustrate the difference between a poorly and a well-resourced classroom. A lack of resources makes it difficult for them to teach effectively. A lack of reading books is a common problem. In the African languages there are not many readers available. Many of these schools only have books that are written in English, which means that the educators have to translate the text into their learners' home language. It seems that publishers are starting to come on board and are now selling books that are written in the African languages. In a number of instances the relevant materials had not been delivered to the schools and educators have had to resort to making photocopies of stories. In certain schools, however, the educators are not allowed to make their own photocopies. It takes two to three weeks for the photocopying to be done for them since it has to be done by the principal, when he is at school. Some participants pointed out that they make their own resources. One educator stated that "I would be a failure as a teacher if not all my resources are ready." Another comment was "I'm scared to use the stuff from the department, at the end of the year they want to know where it is." At one school the participants mentioned that they have an entrepreneur's day to raise funds to purchase the necessary resources. It seems that this takes place in schools where the parents are more financially stable. In these schools there is no lack of resources and the task of effectively teaching the learners is made easier. This also holds numerous advantages for the learners.



Photo 8

In this classroom, though neat and spacious, there is a clear lack of resources, such as electronic equipment - for example, an overhead projector and a CD player. Learners therefore do not benefit from any visual or auditory stimulation, which is so vital in the Foundation Phase.

This situation prevails in areas which have a high theft rate. At such schools all resources are locked up in a safe after school hours. In many instances the educators would simply feel that it is too much of an effort to fetch and return the resources on a daily basis. As such there is probably an over reliance on the use of the blackboard which has limited value if used exclusively.



Photo 9

This classroom is well resourced with a number of graded supplementary readers that are neatly stored and displayed. These books are available to the learners to select from and read independently in addition to the class readers that they read every day. Learners are encouraged to read and in this way their reading skills can advance. In addition, there is an interest table which can be used to display items of interest related to the theme/topic that is being focused on. Learners are involved in this process by being encouraged to bring items of interest from home. Flashcards with the relevant vocabulary are made and displayed for regular reference, hence vocabulary is developed. In an environment such as this, the best interests of the learner is catered for in terms of section 28 of the Constitution (SA, 1996a). This will therefore impact positively on the security of this educator because the needs of her learners are catered for and she is able to deliver education of a high standard.

5.5 Summary

In summary, the various aspects of the empirical research have been clarified in this chapter. These include interpretivism and phenomenology as the research paradigm and qualitative research as the appropriate methodology. Semi-structured interviews and visual images, in the form of photographs, were used as the two methods of data gathering. The data was analysed and discussed at length. The findings, implications and recommendations will be discussed in the following chapter.

CHAPTER 6 :

FINDINGS, IMPLICATIONS AND RECOMMENDATIONS

6.1 Introduction

The purpose of this chapter is to present the final findings, their associated implications, and recommendations regarding the security of the Foundation Phase educator. An overview of the research that has been conducted will be the starting point by means of a chapter by chapter account. The findings of the research study and their implications for policy-makers and practitioners will then be summarised and discussed. Finally recommendations will be made to the various stakeholders, such as the Department of Education. Subjects for possible further research will be proposed.

6.2 Overview of the research

In chapter one the statement of the problem - the security of the Foundation Phase educator from an education law perspective - was introduced. This highlights the possible lack of Foundation Phase educator security. In order to confirm the necessity of this study, a review of the literature was carried out. In addition, the research aims were determined and the research design, including the chosen methodology, such as data collection and ethical strategies, were established.

Chapter two focused on the legal determinants for Foundation Phase educators. The meaning of security was, however, first defined to establish the appropriate context for this study. In order to establish whether the Foundation Phase educators' security is adequately protected by law, the Constitution, general legislation and other law determinants that impact on the rights and security of these educators were analysed and thoroughly investigated. Mention was also made of case law to establish the link with actual case studies and the implications thereof for educators.

Employment related factors for security in the Foundation Phase were the basis for chapter three. These comprise various aspects relating to the importance of the educators and the factors that pertain to the security that they experience within their

work environment, such as educator-learner ratios and working hours. This was done against the background of the numerous changes and incidences of industrial unrest.

Chapter four highlighted the learner related factors for security in the Foundation Phase. This was imperative, since one of the aims of the study was to ascertain what implications the unique needs and stage of development the Foundation Phase learner have for the security of the Foundation Phase educator. By examining these implications and the related challenges for these educators, such as learner discipline and behaviour, this need was met.

A comprehensive discussion of the empirical research design was the aim of chapter five. The ontological perspective of education law was first clarified. In short, the design of this study was a phenomenological-interpretivistic qualitative research design, which was found most suitable for reaching the overarching aim – the proper understanding of selected elements in connection with the workplace security of the Foundation Phase educator. The methods of data gathering included semi-structured interviews and visual images, in the form of photographs.

The most important findings of this study will be discussed next.

6.3 Findings and implications

6.3.1 Labour relations related findings and implications

6.3.1.1 Security

The most pertinent finding was the confirmation that the majority of participants who were interviewed for this research feel insecure. This is evident even in schools that are well resourced and in more affluent areas. Although physical insecurity is an issue, psychological insecurity is more prevalent. Factors that give rise to this vary from lack of parental involvement to the high teacher-learner ratio. These findings will be discussed shortly.

In reality the reported lack of security should not prevail because, as citizens of this country, educators are protected by the Constitution. Section 7 of the Bill of Rights (SA, 1996a) affirms the democratic value of human dignity, that is, the right to having their dignity respected and protected. In addition, section 12 of the Constitution (SA, 1996a) stresses that “everyone has the right to freedom and security of the person.” Security

stems from the right to human dignity and includes psychological integrity. Regardless of the protection that educators are entitled to by law, the issue of insecurity is a reality among our educators.

The implications are numerous. Many educators feel discouraged, lack morale and may consider leaving the profession. For these reasons it is imperative that this issue must be addressed.

6.3.1.2 Educator rights

In section 9 of the Constitution (SA, 1996a) the provision is made that “everyone is equal before the law and has the right to equal protection and benefit of the law.” Foundation Phase educators are therefore equally entitled to the protection of the law, both as citizens and as educators. Learners are not entitled to and do not possess more rights than educators.

The majority of educators are not fully aware of their rights and few could speak with authority on this issue. This may give rise, in part, to the perception that learners have more rights. As authority figures, however, educators are often not given the necessary protection when issues pertaining to learners are in question. Educators do not always have the security of knowing that the Department of Education will necessarily protect their best interests. This may be because section 28 of the Constitution (SA, 1996a) clearly states that “a child’s best interests are of paramount importance in every matter concerning the child.” Maintaining the balance between the rights of the educator and the learner seems to be problematic and does impact negatively on educator security.

6.3.1.3 Redeployment

For certain participants the issue of redeployment was problematic and gave rise to insecurity. The root of the problem, according to these participants, seems to be the lack of available criteria used to determine who will be redeployed. The Employment of Educators Act 76 of 1998 (SA, 1998b) provides specifically for the employment of educators by the State, and in particular, in this instance, for the transfer of educators. Section 6(3)(a) (SA, 1998b) stipulates that any transfer to any post on the educator establishment of a public school may only be made on the recommendation of the governing body of the public school. If there are educators in the provincial department of education concerned who are in excess of the educator establishment of a public school due to operational requirements, that recommendation may only be made from

candidates identified by the Head of Department, who are in excess and suitable for the post concerned. Section 8(2) (SA, 1998b) specifies that no transfer can take place without the recommendation of the public school and that (1)(a) the prior approval of the educator must be obtained and the consent of the educator must be given. Legal provision is therefore made for this process, but it seems that, at times, the law may be incorrectly applied and implemented. This may result in an infringement of the rights for certain educators.

6.3.1.4 Support

The majority of educators felt that they lack support from various stakeholders such as the Department of Education, subject advisors, principals and parents. This is a vital aspect of their psychological security. Most educators seem willing to go the extra mile for their learners, but without the necessary support they feel discouraged and resentful. In addition, their morale is affected.

Section 7 of the Bill of Rights (SA, 1996a) affirms the democratic value of human dignity. This can be achieved, in part, by providing the necessary support for the educators. By not ensuring that Foundation Phase educators have the necessary support to help them feel secure, the Department of Education, as a state department, is violating the fundamental rights of these educators. The Department of Education has a non-negotiable obligation as employer to treat these educators with the necessary dignity and respect by providing them with the necessary support so that their fundamental rights are protected, promoted and fulfilled.

6.3.1.5 Changes

The ongoing changes - for example, in policy - that educators have to implement, often without adequate training or support, is a major contributor to insecurity. With the recent regular change in Ministers of Education there have been, and still will be, numerous changes in policy. The latest is the Curriculum and Assessment Policy Statement (CAPS) policy which must be implemented in 2012. This implies additional administrative work for educators because they have to align all their work with the new policies. This is time and energy that could be put into teaching which would be more beneficial to the learners than endless updating of files and paper work. Although the best possible system of education should be found and implemented to the benefit of the learners, the constant change in policy results in insecurity for the educators and could be a form of unfair labour practice.

6.3.2 Learner and parent related findings and implications

6.3.2.1 Educator roles

Teaching the learners has become merely one of the multitude of ever increasing roles that educators are expected to perform on a daily basis. This is due, in part, to the lack of parental support and involvement, as well as the unrealistic expectations that they have. Many of these roles are unrelated to, and do not support, learning. The implication is that it puts additional pressure on the educator who has the duty to lay a solid educational foundation for an ever increasing number of learners. The result is that educator security is hampered.

6.3.2.2 School readiness

The finding in this regard is that a number of grade one learners are not school ready. This can be attributed, in part, to the fact that many learners have not had the opportunity to attend pre-school. Educators have no concrete way of establishing whether learners are school ready, regardless of their age, because section 5(2) of the South African Schools Act (SA, 1996b) clearly states that the governing body of a public school may not administer any test related to the admission of a learner to a public school, or direct or authorize the principal of the school or any other person to administer such a test. Educators are, therefore, not able to establish which learners are not school ready. As a result of the high numbers of learners in the classes, educators are under additional pressure if learners are not school ready. The reality is that educators do not have adequate time to pay the necessary attention to learners who are not school ready. This amounts to insecurity and unfair labour practice as stipulated by section 23 of the Constitution (SA, 1996a), which specifies that all workers, by implication including Foundation Phase educators, are protected by law in terms of fair labour practices.

6.3.2.3 Educators leaving their learners unattended

Many educators were concerned about leaving their learners unattended when they get called out of the class for various reasons. This causes a dilemma because they have to comply with the directive, but on the other hand they know that they can be held delictually liable and accountable because they are responsible for the safety of the learners in their care. According to common law, the educator takes over the role of *in loco parentis* when the learners are at school. This means that the responsibility for the

child shifts from the parents to the educator for the duration of the school day. In addition, the concept of duty of care comes into play in that the educator has a legal responsibility towards each learner. This relates specifically to the safety of the learners in the time that they are at school. Since the safety of learners is at stake, this responsibility is serious and non-negotiable. It must be remembered that Foundation Phase learners are impulsive and active and therefore need constant supervision.

6.3.2.4 Discipline

Educators are expected to take on the role of *in loco parentis* for the duration of the school day. This means that they take over the role of the parent in this time and this inevitably includes disciplining the learners. This is not an easy task because many parents do not take responsibility for disciplining their children at home. The home-school discipline link is clearly lacking and many learners are not taught acceptable behaviour at home. The onus is now placed on the educator. This compounds the educators' insecurity since the discipline of such a large number of learners on a daily basis, in addition to teaching, is a growing challenge.

6.3.2.5 Parental involvement

A large percentage of parents are not involved in the schooling of their children. They do not realise how beneficial their involvement could be, both for their children and for the educators. Some parents regard the educator as having the primary responsibility for the education of their children. Successfully teaching the vital basic skills to a large class of learners without the involvement of the parents is a challenging task for the educators and leads to insecurity because inevitably there will be learners who do not make the expected progress.

6.3.3 Workplace related findings and implications

6.3.3.1 Code of conduct

Although the majority of schools did have a code of conduct, it seems that there are still schools which do not have a code of conduct. This contravenes the South African Schools Act 84 of 1996 section 8(1) which stipulates the adoption of such a code in all public schools in order to establish a disciplined school environment, as specified in section 8(2) (SA, 1996b). In most cases, however, the code of conduct was found not to be "user friendly" for Foundation Phase learners. The implication is that educators

therefore have to spend a great deal of time on familiarising learners with the code, because they are expected to know their code of conduct. This increases the amount of responsibility that the educator has and makes demands on the limited time that is available for teaching, hence the resulting insecurity. In addition, it seems that although schools have a code of conduct, in many instances the implementation thereof is not consistent or effective and therefore it becomes an ineffective instrument for discipline.

6.3.3.2 *Culture and language*

A major source of insecurity for educators from the ex model C schools is that many of the learners in their classes come from different cultural groups and speak a different home language to that which is used as the medium of instruction in the class. To compound the problem, many of these learners have had limited exposure to the language prior to starting school. This gives rise to a lack of understanding between the learners and the educator and puts additional pressure on the educator. The educator often has to spend additional time, firstly getting these learners to understand what she is saying and then to get these learners at the correct level linguistically so that they are able to cope with the scholastic demands of being educated in an additional language. This is further complicated by the fact that the educator-learner ratio is high and the educators are expected to lay a solid educational basis despite this diversity. These are all factors that promote insecurity.

6.3.3.3 *Resources*

It is evident, both from the photographs that were taken and from what the participants said in the interviews, that many schools still lack the necessary resources which are so vital and non-negotiable in a Foundation Phase classroom. This makes the task of effective teaching very challenging for the educators and is not conducive to quality education. The further frustration for some of the participants is that sufficient reading books are not available in the African languages. They are, therefore, compelled to write, photocopy and make their own books. The provision of reading resources for learners is not the task of the educator; her task is the teaching of reading skills and the development of literacy. This leads to insecurity because educators are not able to achieve this without adequate resources and hence they feel that they have failed.

6.3.3.4 Teacher -learner ratio

The teacher learner ratio is unacceptably high in most Foundation Phase classes. In larger classes it can almost be said the educators have an increased responsibility regarding their duty of care in that they are held accountable for a larger number of learners and by implication their *in loco parentis* role becomes more complicated and demanding. The educator is therefore placed under a great deal of pressure to ensure the safety of such large numbers of learners. This has clear implications for labour law practice. In terms of section 23 of the Constitution (SA, 1996a), all workers are protected in terms of fair labour practices. Such large classes may amount to unfair labour practice, because educators experience higher levels of accountability.

In the Foundation Phase the educator is expected to teach and refine a variety of essential skills which serve as a foundation for further education. This becomes a complex task when a large number of learners have to be catered for. In such large classes thorough consolidation of these skills is challenging and learners may therefore experience problems in future grades. Educators thus experience insecurity because they feel that they are not performing their basic duties well enough.

6.3.3.5 Educator workload

The perception amongst uninformed persons that educators “only have a half day job” is far from the truth and the majority of the participants were unhappy about their workload because they feel that it impacts very negatively on their family life. Many educators commented that if they did not work at home in the evenings or over weekends they would not be able to cope in the classroom. In many instances this has to take place once extra-mural activities have been completed in the afternoons.

Part of the problem is the amount of time that is spent on seemingly never-ending administrative duties. Participants are convinced that this directly hampers effective teaching. This leads not only to frustration but also to insecurity. It may amount to unfair labour practice in that many educators are working more than the prescribed 40 hours per week. The excessive workload related to administration may discourage the diligent educator from providing quality education. In the process, some have lost their enthusiasm for the profession.

6.3.3.6 Classroom environment

In many instances the environment that the educators are expected to work in, is not conducive to quality teaching and learning. It must be borne in mind that the term environment goes beyond just the physical surroundings and includes the inter-relationship between humans. In this regard educators have the protection of the Constitution (SA, 1996a) because section 24 states that “everyone has a right to an environment that is not harmful to their health or well-being.” Educators therefore have a Constitutional right to a healthy environment, in which their well-being is promoted and secured. In many instances this basic right is clearly violated and this has an impact not only on educator security but also on the learners as they are denied quality education. When educators are not secure, they also lose the ability to help create such an environment for the learners in their care.

The recommendations that follow are two-fold. Firstly, recommendations regarding education practice for the various stakeholders and secondly recommendations regarding further research

6.4 Recommendations regarding education practice

6.4.1 Labour relations related recommendations

6.4.1.1 Security

The issue of insecurity amongst educators must be addressed urgently by the State as employer of educators in public schools because it has numerous negative implications, especially for educators but indirectly also for learners. Recommendations regarding the various specific factors that give rise to insecurity will be discussed next in an attempt to find solutions to this pertinent problem.

6.4.1.2 Educator rights

Since the majority of educators are not fully aware of their rights and few could speak with authority on this issue, the Department of Education should provide workshops in this regard, or publish a document that can be given to all educators that can easily be referred to if any uncertainties arise. During initial training all student educators must be well informed in this regard.

In addition, the Department of Education must protect the rights and best interests of educators at all times and not regard the rights of the learners as being more important. Educators must be safe in the knowledge that they enjoy the necessary protection from the Department of Education as their employer and from their principals. Through formal and informal tuition on fundamental rights, learners must be made aware that this is the case, so that they do not try to exploit the protection that they enjoy.

6.4.1.3 *Redeployment*

The legal provisions that are made in this regard must be correctly applied and implemented at all times so that there is no infringement of educators' rights. Clear criteria must be made available in this regard, so that objective implementation is carried out. The cultural background and other aspects relating to educators must be considered to find the best possible match for the school in question. It should by no means be an impulsive decision.

6.4.1.4 *Support*

A task team should be appointed to investigate ways in which educators can be given much needed support. A programme must be developed that can promote educator security by making provision for workshops for regular in-service training, for counselling, and for both on-line and telephonic advice. This should be accessible to all educators so that they are able to voice their opinions and problems and get immediate practical solutions.

School managers should be carefully appointed and well-trained to provide educators with the necessary support, as this will have a positive impact on morale and hence educator security. They should constantly think of ways that educators can be given the necessary support.

6.4.1.5 *School readiness*

All learners in this country must be given the opportunity to attend a pre-school. The value of this cannot be stressed enough since it will impact positively on school readiness. This will not only simplify the task of the educator but will empower all learners and give them an educational advantage. In the long term the benefit for literacy and numeracy will be noticeable.

6.4.1.6 Changes

The Curriculum and Assessment Policy Statement (CAPS) will be implemented in 2012. The subject advisors must be experienced educators who are familiar with the current challenges of Foundation Phase education and have the ability to empower educators, by providing them with practical knowledge and the necessary skills to successfully implement The Curriculum and Assessment Policy Statement. They must receive thorough training regarding the new policy and iron out any initial problems. Precise planning, over an acceptable period of time, must take place in this regard so that all educators, at all schools, can receive proper training and the necessary support once the policy is implemented. After the implementation of the policy, skilled and knowledgeable subject advisors must visit schools on a regular basis to ascertain what the problem areas are and to find practical solutions to these problems. In this way the new policy can gradually be refined and improved on.

6.4.1.7 Educators leaving their learners unattended

As a matter of urgency, the Department of Education must circulate a document to all schools stating that no educator may be called out of a class during school hours and leave learners unattended. The school will be held liable in the event of a learner injury if this is not adhered to. Schools should make arrangements for an adult replacement, such as assistants, in the event that an educator urgently has to leave her class.

6.4.2 Learner and parent related recommendations

Parents must be educated on the importance of home discipline and the responsibility that they have in this regard. They must be made aware that discipline at school is an extension of discipline at home. The home-school link must be emphasised. Parents' evenings can be used as a forum to exchange problems related to home discipline and educators and parents can provide suggestions for effective solutions. Whilst it is difficult to consult with all parents in this regard, a start must be made.

6.4.3 Workplace related recommendations

6.4.3.1 Code of conduct

The code of conduct for each school should be adapted and made more "user friendly" in order for it to be suitable for use by Foundation Phase learners. The Department of

Education, after consultation with the schools, can make practical recommendations in this regard. Parents must be involved in the process of familiarising their children with this code. Schools should regularly discuss the consistent application of the code of conduct to make sure that it is effectively enforced by all educators.

6.4.3.2 *Culture and language*

Persons speaking African languages, who are also proficient in English and literate, should be thoroughly trained to become teacher assistants in Foundation Phase classrooms in those schools where learners who have such a language as their mother tongue, are to be taught. This will provide educators with peace of mind in that they have the necessary support regarding different cultures and languages. These assistants can also help the educator in many other ways during the course of the day. This can include listening to learners reading, facilitating group work, and assisting with administrative tasks.

The Department of Education must plan workshops for educators where they can learn about different cultural groups and the basics of the African language in question. Students should be compelled to learn the basics of an African language during the course of their training.

6.4.3.3 *Resources*

The exact resources that will be required for the successful implementation of The Curriculum and Assessment Policy Statement in 2012 must be established. The resources that each school lacks must be ordered and delivered before The Curriculum and Assessment Policy Statement is implemented. Since there is a scarcity of books in the classes where African languages are the medium of instruction, authors for books in these languages must be identified by publishers and asked to write suitable readers for Foundation Phase learners. Workshops for the writing of reading books can be organised for interested educators. These educators best understand the needs and interests of their learners. Many of these educators may already have written books which may be suitable to use.

6.4.3.4 *Teacher-learner ratio and workload*

As suggested in paragraph 6.4.3.2, assistants should be trained to become teacher assistants in Foundation Phase classrooms. This will not only provide educators with

the necessary support regarding the different cultures and languages, as mentioned, but also help the educator to cope with the large educator-learner ratio. Another possible solution could be to make use of volunteers from the community. Schools should be encouraged to make use of parents, grandparents, or retired people who have time on their hands and will be willing to help. Student teachers can also make a contribution in this regard and this should be a consideration.

In terms of workload, all tasks that are not directly related to teaching but increase the educators' workload should be carried out by other adults, so that the focus of the educator can be on what is important - that is, effective teaching.

6.4.3.5 Classroom environment

Certain minimum, non-negotiable requirements need to be clearly stipulated and adhered to in all schools. These should include adequate space for the proper arrangement of suitable furniture, for storage and movement and for easy accessibility to the various resources. The availability and adequate quantity of useful, quality resources that challenge and encourage learner participation and meaningful learning are also important. This must be in accordance with the stipulated curriculum, the number of learners in the classroom and the age and needs of learners. In this way, meaningful and purposeful interaction between learners and educators can take place at all times. This will greatly improve educator security and productivity.

In conclusion, there are a number of recommendations that have been made and that warrant careful consideration in order to improve educator security. These recommendations will require a significant amount of input from the various stakeholders such as the State as employer, the school governing bodies, principals and parents. Educators are required to try and take ownership of their own security.

6.5 Recommendations for further research

The results of this research indicate that there are numerous factors which impact on the security of the Foundation Phase educator. Many of the factors that have been identified can give rise to further research that will be meaningful and beneficial. For further research, the following topics or foci can be considered:

- The identification, incorporation and training of educator assistants in Foundation Phase classrooms.

- New methods of discipline for a new generation of learners in the Foundation Phase.
- Maximising parental involvement as a means of support to both educators and their children.
- Methods of minimising educator insecurity.
- Understanding the new generation of learners and training student teachers to educate them effectively.

6.6 Conclusion

It is clear from this research and from interaction with various Foundation Phase educators that in spite of a well developed legal framework for education, educator insecurity is a cause for concern. Discipline problems in the classroom, in addition to the specific high demands of Foundation Phase education, do not contribute towards effective teaching, which impacts on educator insecurity. If left unchecked, the prevailing situation will cause more educators to leave the profession. Owing to the numerous ongoing changes in the education system, indications currently are that working conditions for educators may even get worse in due course. It is therefore imperative that the issue of educator security, especially in the all-important Foundation Phase, be treated with urgency.

As a fundamental right in South Africa, the best interests of the children are at stake.

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ADDENDUM A :

APPROVAL FOR RESEARCH

Ms Keating

I am granting permission, on behalf of the North West Department of Education, Dr Kenneth Kaunda District, to you in order that you continue with the Research work as requested. Thank you for committing yourself to donating the copy of the study to the District.

Further, please take note that your study should not interfere with teaching time and participants should not be coerced to be included in the study.

I am hopeful that God will give you strength in your Research work and that you will add to the pool of knowledge in the District.

Thanking you

Dr Shadrack H Mvula
Executive District Manager
Dr Kenneth Kaunda District
North West Province
Teemane Building
8 OR Tambo Street
Potchefstroom, 2520

Tel. 018-299 8146

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Cell: 082 921 6507

>>> "Jeannine Keating" <Jeannine.Keating@nwu.ac.za> 09/25/08 12:59 PM >>>

ADDENDUM B :

ETHICS APPROVAL OF PROJECT



Private Bag X6001, Potchefstroom
South Africa 2520

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

Prof J.P. Rossouw

Ethics Committee
Tel +27 18 299 4850
Fax +27 18 293 5329
Email Ethics@nwu.ac.za

ETHICS APPROVAL OF PROJECT

The North-West University Ethics Committee (NWU-EC) hereby approves your project as indicated below. This implies that the NWU-EC grants its permission that, provided the special conditions specified below are met and pending any other authorisation that may be necessary, the project may be initiated, using the ethics number below.

Project title: Security in the workplace of the Foundation Phase Educator: An Education Law perspective	Student working on project: Me J Keating															
Ethics number:	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">N</td> <td style="padding: 2px;">W</td> <td style="padding: 2px;">U</td> <td style="padding: 2px;">-</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">9</td> <td style="padding: 2px;">-</td> <td style="padding: 2px;">1</td> <td style="padding: 2px;">0</td> <td style="padding: 2px;">-</td> <td style="padding: 2px;">S</td> <td style="padding: 2px;">2</td> </tr> </table>	N	W	U	-	0	0	0	0	9	-	1	0	-	S	2
N	W	U	-	0	0	0	0	9	-	1	0	-	S	2		
Approval date: 2010-02-18	Expiry date: 2015-02-17															

Special conditions of the approval (if any): None

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

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

Yours sincerely

Prof MMJ Lowes
(chair NWU Ethics Committee)

ADDENDUM C :

FORM FOR INFORMED CONSENT

NWU Ethics number:

Every human participant in any project for the purpose of research or education (and, where applicable, the authorised parent / guardian) must be fully informed about the project and must sign a form for informed consent, before any participation may take place.

General Project Information

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

1. Title of the Project:

Security in the workplace of the Foundation Phase Educator: An Education Law perspective

2. Institution / School / Subject group / Institute:

North-West University, Potchefstroom

3. Names & contact details of project leaders:

Project leader	Research supervisor
Mrs JB Keating	Prof JP Rossouw
North-West University	North-West University
Tel: 018 299 4337	Tel: 018-2991851

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

4.1 What is the purpose of this project?

The project is undertaken as part of a MEd study at the North-West University, Potchefstroom. The purpose of the study is to establish the extent to which Foundation Phase educators experience security in their workplace. The possible causes of insecurity will be investigated. The research will also seek to determine whether these educators are sufficiently protected by legislation.

4.2 What will be expected of me as participant? In which interventions / procedures will I have to take part? What exactly will it involve?

1. During the visit to your school, you will be asked to participate in individual interviews on a voluntary basis in order to gain your opinions on the following:

the level of security / insecurity that you experience in your workplace,

the possible causes of these insecurities,

how you experience the protection of the Bill of Rights and other legislation

2. Follow-up telephonic contact may be made at a later stage to verify information as part of the triangulation process.

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

A summary of the general findings will be presented to your school. The full thesis will be available at the North-West University library.

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

All data is for scientific purposes only. Confidentiality is guaranteed for individual participants and their respective schools – no person or school will be disclosed in the final report. Voice recordings will be handled with confidentiality.

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

Signature of Project Leader

Date

Signed at

PART 2: General Principles

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

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

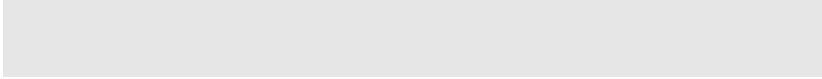
1. Participation in the project is completely voluntary and no pressure, however subtle, may be placed on you to take part.
2. It is possible that you may not derive any benefit personally from your participation in the project, although the knowledge that may be gained by means of the project, may benefit other persons or communities.
3. You are free to withdraw from the project at any time, without stating reasons, and you will in no way be harmed by so doing. You may also request that your data no longer be used in the project.
4. By agreeing to take part in the project, you are also giving consent for the data that will be generated to be used by the researchers for scientific purposes as they see fit, with the caveat that it will be confidential and that your name will not be linked to any of the data without your consent.
5. You will be given access to your own data upon request, unless the Ethics Committee has approved temporary non-disclosure (in the latter case, the reasons in Part 1 will be explained to you).
6. A summary of the nature of the project, the potential risks, factors that may cause you possible inconvenience or discomfort, the benefits that can be expected and the known and/or probable permanent consequences that your participation in the project may have for you as participant, are set out for you in Part 1 hereof.
7. You are encouraged to ask the project leader or co-workers any questions you may have regarding the project and the related procedures at any stage. They will gladly answer your queries. They will also discuss the project with you in detail.
8. The project objectives are always secondary to your well-being and actions taken will always place your interests above those of the project.
9. No project may be commenced before it is approved by the Ethics Committee. Furthermore, the project leader must report any detrimental effects experienced during the implementation of the project in full and without delay to the chairman of the Ethics Committee. If any unforeseen serious detrimental effects are observed during the project, it may be necessary to terminate the project immediately.

PART 3: Consent

Title of the Project:

Security in the workplace of the Foundation Phase Educator: An Education Law perspective

I, the undersigned



Full names & Surname

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

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



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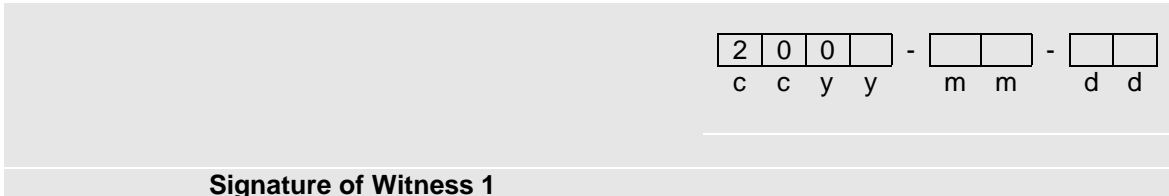
Signature of Participant

Signed at



Place of Signature

WITNESSES

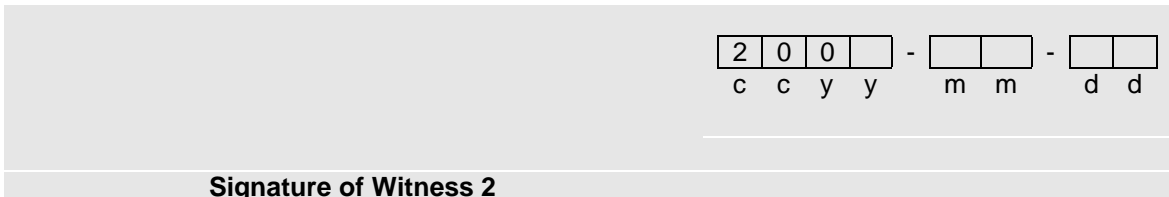


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Signature of Witness 1

Signed at

Place of Signature



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Signature of Witness 2

Signed at

Place of Signature

ADDENDUM D :

THE INTERVIEW SCHEDULE

EDUCATOR SECURITY

How would you define a feeling of security within your work environment?

Based on this definition how do you experience security within your work environment?

What other factors make you feel secure / insecure? Elaborate.

INHERENT REQUIREMENTS OF A FOUNDATION PHASE EDUCATOR

What do you consider to be the inherent requirements of a Foundation Phase educator?

WORKLOAD

In terms of the learner's stage of development, Foundation Phase educators have more responsibility and a greater duty of care. What is your opinion regarding this statement?

Do you think your roles and responsibilities as a Foundation Phase educator are escalating? Why, mention possible reasons for this.

Tell me about how you experience your workload. Do you manage and feel in control? Elaborate.

Administrative work

Elaborate on the impact that the amount of administrative work has on your teaching time?

Give suggestions of ways in which administration can be dealt with more effectively?

Extra-murals

What is expected of you in terms of extra-murals?

Explain the effect that this has on your work life.

Preparation

How much time do you spend on school work in the evenings and over the weekends?

How does it influence your security?

Educator-learner ratio

How many learners do you have in your class?

Explain why this may not be a manageable number in terms of having to lay the foundation for reading and writing?

What would you say would be the ideal ratio?

CODE OF CONDUCT AND BEHAVIOUR/DISCIPLINE

Are you familiar with the Code of Conduct of your school and would you say that it is effective for the Foundation Phase learners?

How do you familiarise the Foundation Phase learners with this code of conduct?

Elaborate on the behaviour / discipline of the learners in your class.

Which three factors do you think may impact on this situation?

Some people talk about the gradual decline in discipline. How do you experience it?

Which two or three effective discipline strategies have the Foundation Phase educators in your school developed?

LABOUR LAW ASPECTS

Do you ever get called out of the class and leave your learners unattended? Tell me more.

What kind of risk is attached to leaving a class of learners unattended?

To what extent are you aware of your rights as an educator?

What forms of legislation give you the necessary protection in terms of your rights and duties?

It has been said that learners have more rights than educators. What is your opinion regarding this?

If you have a grievance or a dispute, who will you contact to give you the necessary advice and support?

You have the right to strike. How does this balance with the child's best interest being of paramount importance in every matter concerning the child, especially in the Foundation Phase?

If educators are employed by governing bodies of a school do you think that they experience less security? Elaborate and give me an example.

SUPPORT AND ASSISTANCE

Educator assistants

How beneficial would an assistant in your class be?

Parental involvement

Tell me about the lack of parental involvement regarding your security as an educator.

Mentorship

How do you approach the mentorship of new teachers in your school?

Classroom environment and resources

Elaborate on your classroom environment such as the size in relation to the number of learners that you have.

Which frustrations do you experience in terms of your classroom environment?

In terms of your resources, would you say that you have adequate resources to cater effectively for the number of learners in your class? Which resources are lacking?

Personal life

Elaborate on the possible impact that your job may have on your social and home life? Please elaborate.

Recruitment and retention

Explain the possible reasons that may give rise to you leaving education.

ADDENDUM E :

EXAMPLE OF AN INTERVIEW

Yellow highlight: roles and inherent requirements

Bright green highlight: educator rights

Turquoise highlight: discipline and behaviour

Pink highlight: learner's home circumstances

Grey highlight: home environment and parental influences

Violet highlight: a different generation (of learners)

Red highlight: parental involvement

Green highlight: parental support

Dark yellow highlight: educator's commitment

Dark red highlight: time factor

Teal highlight: classroom environment

OK. Do you think that your roles and responsibilities as a Foundation Phase educator are escalating, in other words becoming more? Why, mention possible reasons for this.

Yes. They are **escalating**, because a lot of the..., in **our environment here**, **parents just don't care**. I've had parents, numerous parents, tell me; from half past seven to half past two, **he's your problem**. What you do with him, **I don't care**. And that's basically the bottom line. Whether I beat him half to death because he doesn't listen, which obviously you're not allowed to do, but this is how they see it; **if you need to beat him, do it, I don't care**. But **during school hours – your problem**, you **sort it out, I don't want to hear about it**. **They don't even attend their child's first day at school**. So they're really...

Mmm

Very uninvolved.

Any other..., we're gonna get back to the parental involvement just now. Are there any other aspects that you think where the roles and responsibilities are becoming more?

With the new courses and everything they've now just started chucking in, I've had **three courses already this term**, next one's Thursday and Friday, you have so much more work to do, **so much less time to do it in**, and with our children not understanding the language all the time, your workload is so much more, because you have to explain everything six hundred times before everybody is with you.

Elaborate on the behaviour or the discipline of the learners in your class.

(Sighs) **Non-existent** in some extreme cases

Really

I came back with a class that was, literally, the **class from hell**. Six boys, broken. **They don't care, they don't listen.**

And this is in Grade 1

I've had three of them **suspended** for three days. But that's a small majority. Like I say, six boys. By pulling them out of my class, my class is...

Mmm

And they were **having an impact on the whole year group.**

So, you had them suspended for three days

Three of them.

All right.

It's not easy to do.

No. No it couldn't be

Not easy to do for a Grade 1 child. One is a failure, he's repeated the year, so his problems are just compounding.

Escalating

Uh, with the other two I had some improvement, but it goes up and down; today he'll behave, tomorrow he'll go down again, the next three days things are fine...

Then....

With some of the, the,... Out of the six boys I've now managed to get three of them in line. And it's taken me six months. The other three, there's no hope for them, because one stays with his grandmother, the grandmother says I can't do anything. The other one stays with his grandmother, his sister is in Grade 7, she says: your problem from eight til one, not mine. She, herself, is an educator. The other one, his dad is in the police and he laughs at you when you tell him your son is a problem – you need to do something.

Doesn't believe you?

He says but boys are like that. I said no, this is beyond...

Beyond.....What's acceptable?

And it's because of those boys that I fear for my own safety in my class some days. They broke into a fist fight that there was blood everywhere. So, I stood back in my door and just waited for them to finish. Right, you're finished, there's the door, help yourself: out. I won't teach you. I still haven't had his dad come and see me because I chucked him out for three weeks. They, like, sit in the doorway, they can hear me, they can see everything that's going on...

But they're not allowed to get involved

No involvement whatsoever.

Goodness

Emotionally I just switch myself off. I've got three weeks, ok, I'm two weeks down. Tick, tick, tick, good bye.

Not expected of a Grade 1 child, hey?

It's scary what some kids get up to, and, it's becoming the norm. That kids just, they don't care.

No....

And it affects the security. Not just my own security, personal security,....

But.....

...but the other kids. Because they all stood there and looked at this stuff. You can't allow that in your class.

No.....

The minority to rule the class.

...to influence the majority. Mm.

Which three factors do you think may impact on this situation?

With two of the boys there's no father figure at home. And I can't...

Yes...

I can't play mother and father. Two of those boys who don't have a father figure at home also sit with the problem that they're living with the grandmother. So they're walking over her, getting away with it...

At home?

...they come and try it at school. The third one, his dad is a SAP and he tells him straight: your teacher can do nothing to you, do what you feel like.

Mm.

Children are right. But what they don't realize is that along with your rights, you have a responsibility. And when you explain that to the parents and they say: I don't care.

LIST OF COURT CASES

Afriforum v SADTU and others 2010 47585/10

Doreen Harris v Minister of Education (2001) CCT 13/01 30218/2000

Knouws v Administrateur, Kaap 1981 (1) SA 544 C

Member of the Executive Council (MEC) of the Free State for Education and Culture v Louw and another (2005) JOL 15586 (SCA)

Transvaal Provincial Administration v Coley 1925 A 24

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